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FOREWORD

This manual implements the policy set forth in SECNAVINST 1640.9D *Department of the Navy Corrections Program* of May 2019.

This manual does not apply to requests for records under the Freedom of Information Act (FOIA), (Title 5, United States Code (U.S.C.) §552) nor requests under the Privacy Act (5 U.S.C. §552a).

This manual is effective immediately and is applicable to the Offices of the Secretary of the Navy (SECNAV), the Chief of Naval Operations, the Commandant of the Marine Corps, and all Navy and Marine Corps activities, installations, commands, ships, and stations.

This manual may be accessed through the DON Issuances Web site: https://www.secnav.navy.mil/doni/default.aspx.

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Department of the Navy
Corrections Manual

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(a) 10 U.S.C., Chapter 48
(b) DoD Directive 1325.04 of 17 August 2001
(c) 32 C.F.R. 700
(d) 10 U.S.C., Chapter 47
(e) SECNAVINST 5815.3J
(f) DoD Instruction 4000.19 of 25 April 2013
(g) MCO 1640.3F
(h) American Correctional Association Corrections Standards for Adult Correctional Institutions 4th Edition and Current Year Supplement
(i) American Correctional Association Planning and Design Guide for Secure Adult and Juvenile Facilities (Witke/ISBN 1569911169)
(j) Unified Facilities Criteria Facility Planning for Navy and Marine Corps Shore Installations (UFC 2-000-05N)
(k) NAVFACINST 11010.45
(l) Mil-Hdbk-1013/1A, Military Handbook Design Guidelines for Physical Security of Facilities of 15 December 1993
(m) NAVMED P-117, Manual of the Medical Department
(n) National Fire Protection Code 101 Life Safety Code
(o) Department of Justice 2010 ADA Standards for Accessible Design, of 15 September 2010
(p) Unified Facilities Criteria, General Maintenance Facilities (UFC 4-229-01N)
(q) 5 U.S.C.
(r) OPNAVINST 6110.1J
(s) NAVMC 1200.1A
(t) DoD 7000.14-R, Financial Management Regulation
(u) OPNAVINST 1000.16L
(v) NAVSO P-6064, Manual for Courts-Martial, 2019
(w) SECNAVINST 5300.26D
(x) OPNAVINST 5350.4D
(y) MCO P1700.24B
(z) DoD Instruction 1325.07 of 11 March 2013
(aa) NAVMEDCOMINST 6320.16
(ab) BUMEDINST 6520.2
(ab) U.S. Department of Justice Report and Recommendations Concerning the Use of Restrictive Housing, January 2016
(ac) SECNAVINST 5211.5E
(ad) DoD 5500.7-R, Joint Ethics Regulations (JER) of 30 August 1993
(ae) OPNAVINST 6000.1C

(af) MCO 5000.12E
(ag) JAGINST 5800.7F
(ah) DoD Instruction 5525.11 of 3 March 2005
(ai) SECDEF Memo, UCMJ Jurisdiction Over DoD Civilian Employees, DoD Contractor Personnel, and other Persons Serving With or Accompanying the Armed Forces Overseas During Declared War and in Contingency Operations of 10 March 2008
(aj) NAVPERS 15560D
(ak) BUPERSINST 1900.8D
(al) MCO 1900.16
(am) SECNAVINST 5800.11B
(an) SECNAVINST 5800.14A
(ao) NAVSO P-1000
(ap) DoD Instruction 5525.14 of 22 March 2011
(aq) JAGINST 5830.1A
(ar) SECNAV M-5210.1
(as) SECNAVINST 5720.42G
(at) OPNAVINST F3100.6J (NOTAL)
(av) MCO 3000.2J
(aw) JAGINST 5803.1E
(ax) SECNAVINST 1730.9A
(ay) SECNAV M-5510.30
(az) SECNAVINST 5720.44C
(ba) BUPERSINST 5800.3A
(bb) MCO 5800.14
(bc) DoD Instruction 1030.2 of 4 June 2004
(bd) DoD Instruction 5505.14 of 22 December 2015
(be) DOD 1325.7-M, DoD Sentence Computation Manual of 27 July 2004
(bf) SECNAVINST 5300.30F
(bg) ACA Core Jail Standards, 1st Edition
(bh) NAVMED P-5010-1

CHAPTER 1
Authority and General Policy

Section 1. Authority

1101. United States Code (U.S.C.). Basic authority to establish and operate Military Correctional Facilities (MCFs); Section 951 of reference (a) states:

1. The Secretaries concerned may provide for the establishment of such MCFs as are necessary for the confinement of offenders against chapter 47 of this title.

2. The Secretary concerned will:

a. Designate an officer for each armed force under his or her jurisdiction to administer MCFs established under this chapter;

b. Provide for the education, training, rehabilitation, and welfare of offenders confined in a MCF of his or her department;

c. Provide for the organization and equipping of offenders selected for training with a view to their honorable restoration to duty or possible reenlistment.

3. There must be an officer in command of each major MCF. Under regulations to be prescribed by the secretary concerned, the officers in command will have custody and control of offenders confined within the MCFs which they command, and will usefully employ those offenders as they consider best for their health and reformation, with a view to the offender's restoration to duty, enlistment for future service, or return to civilian life as useful citizens.

4. There may be made or repaired at each MCF such supplies for the Military Services or other agencies of the United States as can properly and economically be made or repaired at such facilities.

1102. Department of Defense Directive (DoDD) 1325.04. Reference (b) implements provisions of reference (a) and provides policy and responsibilities to Secretaries of the

Military Services for administration and operation of military corrections programs and facilities under their cognizance.

1103. United States Navy Regulations. Reference (c) sets the following parameters:

1. Prisoners must be confined only in MCFs or other facilities designated as naval places of confinement by the SECNAV. However, in cases of necessity, the senior officer present may authorize temporary confinement in spaces that provide sufficient security features, safety for both the prisoner and correctional personnel, and adequate living conditions.

2. Intoxicated persons or persons under the influence of drugs, legal or illegal, must not be confined in any place or manner that may be dangerous to them in their condition.

1104. Accreditation. For determining corrections policies and administering MCFs and functions for MCFs, national accreditation standards issued by the American Correctional Association and Department of Justice (DOJ) National Standards will be followed to the greatest extent possible to ensure the use of nationally recognized best practices in corrections. To prevent, detect, and respond to prison rape under the Prison Rape Elimination Act (PREA), DOJ PREA standards must be followed in MCFs in the continental United States, including Hawaii.

Section 2. General Policy

1201. SECNAV Policy

1. General

a. The term “naval” in this manual applies to both the Navy and Marine Corps unless specifically delineated.

b. Discipline is to be administered on a corrective rather than a punitive basis, and MCFs are to be administered on a uniform basis. Persons under sentence of courts-martial or military tribunal are to be accorded uniform treatment in furtherance of equality within the DON and in justice to the individuals concerned.

c. The term “prisoner,” as used hereafter in this manual, refers to any pretrial or post-trial person in naval confinement, unless otherwise specifically noted. The term “MCF commanding officer” used hereafter in this manual refers to the senior staff member in charge of the MCF, unless otherwise specifically noted.

d. Unless otherwise noted, as used throughout this manual the term “direct supervision” is defined as the constant presence of a correctional staff member who is in observance of prisoners within a defined space.

e. Unless otherwise noted, as used throughout this manual the term “continuous observation” is defined as the physical presence of a duly qualified person(s) constantly watching a prisoner at all times.

2. Corrections Manual. This manual is the primary policy of SECNAV applicable to confinement and correction of offenders confined in MCFs. Treatment of persons in naval confinement will be uniform and per the provisions of reference (d). The major purpose of all awarded confinement is correction of members confined. Confined personnel in MCFs retain all rights and responsibilities of other Service personnel in a duty status except those, which are expressly, or by implication, taken away under provisions of reference (d) and such regulations as may be issued by cognizant authority. Local instructions, directives, and standard operating procedures may supplement, but not supplant, policies and procedures set forth in this manual.

3. Parole of Sentenced Prisoners. SECNAV is authorized by reference (a) to provide a system of parole for offenders who are confined in MCFs and who were at the time of commission of their offenses, subject to their authority. Policy and procedures for naval clemency and parole systems are provided in reference (e).

4. Correctional Custody. This manual is also the primary policy statement of SECNAV applicable to the administration of Correctional Custody Units (CCU). Policy and procedures for administering CCU within the naval service are set forth in chapter 11.

5. Delegation of Authority. The Chief of Naval Personnel (CHNAVPERS) and Commandant of the Marine Corps are designated to establish and administer naval MCFs and CCUs per this manual, Navy Regulations, Department of Defense (DoD) orders and instructions, and reference (a)

a. The Deputy Chief of Naval Personnel, as administered by the Bureau of Naval Personnel Corrections and Programs Office (BUPERS-00D), will exercise primary and final responsibility for developing and issuing corrections and CCU policy and procedures within the Naval Service and the U.S. Navy in all matters not particular to the U.S. Marine Corps (USMC) and is responsible for the operation of Navy MCFs and Navy CCUs.

b. BUPERS-00D is responsible for inspection of Navy corrections and CCU programs and facilities in order to evaluate performance and to provide guidance on all corrections and CCU matters. Responsibilities will include, but not be limited to the following:

(1) Maintaining cognizance over this manual;

(2) Maintaining cognizance over related or supplemental directives and coordinating content of directives issued by other naval activities that impact confinement;

(3) Developing standardized inspection formats for corrections command inspections. Conducting periodic inspections of MCFs, Detention Facilities (DETFACs), and CCUs to ensure this manual is implemented and actions are taken to correct deficiencies. Assign rated capacities, functional adequacy classifications, and programs adequacy classifications;

(4) Conducting on-site visits and providing technical assistance to all Navy commands operating ship’s brigs, MCFs, DETFACs, and CCUs;

(5) Providing commands with assistance and training in connection with the operation of ship’s brig, MCFs, DETFACs, and CCUs and appropriate direction as needed;

(6) Evaluating functional adequacy of ship’s brigs, MCFs, DETFACs, and CCUs, reviewing planned alterations and new construction projects, and making appropriate recommendations

for action by SECNAV to designate authorized places of naval confinement;

(7) Developing and managing a system governing transfer of Navy prisoners between MCFs. Acting as the final authority for designating the place of confinement for Navy MCFs for all Navy prisoners. Developing inter-Service support agreements with other Services for confinement of Navy prisoners. Developing procedures to effect transfer of Navy prisoners to civilian confinement facilities and approving all such transfers;

(8) Establishing and maintaining a system to evaluate and provide statistical confinement and correctional custody data and an evaluation of corrections and correctional custody program(s) and management, and disseminating the information developed;

(9) Developing, evaluating, and monitoring correctional and correctional custody training programs for corrections personnel and prisoners;

(10) Providing technical assistance when requested in all areas of confinement, detention, and correctional custody to Deputy Commandant of the Marine Corps (Plans, Policies and Operations (DC PPO))

(11) Acting as primary agent for SECNAV in all correctional matters relative to DoD and inter-agency activities; and,

(l2) Representing Navy on the DoD Corrections Council.

c. DC PPO will support BUPERS-00D in developing and issuing corrections, detention, and CCU policy and procedures and manage operations of all USMC MCFs, DETFACs, and CCUs. This responsibility will include, but is not limited, to the following:

(1) Developing and staffing appropriate changes to this manual and related USMC directives;

(2) Developing and coordinating a system governing transfer and transport of USMC prisoners among DoD and Federal confinement facilities;

(3) Establishing, maintaining, and providing USMC statistical corrections and correctional custody data, providing an evaluation of corrections and CCU program(s), and disseminating information developed;

(4) Serving as the USMC point of contact for all correctional matters. Maintain liaison with Federal and State corrections agencies, as well as other Military Services concerning USMC prisoners;

(5) Conducting on-site inspections of USMC MCFs, DETFACs, and CCUs. Assigning rated capacities and functional adequacy classifications, and program adequacy classifications;

(6) Representing USMC on the DoD Corrections Council; and,

(7) Serving as the occupational field sponsor for the USMC corrections-related military occupational specialties.

d. Navy and Marine Corps commanders or commanding officers with operational control over MCFs, DETFACS, and CCUs through the chain of command, are directly responsible for operations of MCFs, DETFACS, and CCUs within their bases or installations. Involvement of the chain of command in the operation of MCFs, DETFACS, and CCUs is essential. This responsibility must include the following:

(1) Maintaining cognizance of MCFs, DETFACS, and CCUs under their command, ensuring their compliance with this manual and all other applicable directives;

(2) Maintaining cognizance over locally published supplemental instructions concerning corrections policy and procedures;

(3) Ensuring periodic on-site inspections of MCFs, DETFACs, and CCUs per inspection formats provided by BUPERS-00D or DC PPO. Persons conducting inspections must be qualified corrections specialists as deemed by BUPERS-00D or DC PPO. A

copy of all such inspection reports must be forwarded to BUPERS-00D or DC PPO if not conducted by BUPERS-00D or DC PPO;

(4) Ensuring MCFs, DETFACs, and CCUs conform to functional and programs adequacy standards as issued by BUPERS-00D or DC PPO. When not possible to meet functional or programs adequacy standards due to facility configuration or construction, or due to funding constraints, submit a waiver request or a military construction project for renovation or replacement of the facility to BUPERS-00D or DC PPO;

(5) Planning and designing for construction or alteration of MCFs, DETFACs, and CCUs and detention facilities must be submitted to BUPERS-00D or DC PPO, as appropriate, for approval;

(6) Ensuring staffing for MCFs within their responsibility is per staffing requirements of each Service.

1202. Correctional Philosophy

1. The philosophy of naval corrections is based on recognition of the fact that, whether it is confinement or in some other form, punishment, alone, is seldom corrective. Confinement is punishment because it denies members their liberty and separates them from their families, friends, and most normal activities. Confinement sharply limits prisoners’ privileges, freedom of action, and opportunities for personal satisfaction.

2. Members are sentenced to confinement as punishment; they are not confined for punishment by any member of the staff of a MCF. Hazing, harassment, unauthorized exercises, unnecessary restrictions or deprivations, and demeaning treatment serve no useful purpose and are prohibited.

3. The length of time a person spends in confinement does not automatically bring a change in the individual's life; however, the staff members' intelligent and professional performance of their correctional duties can provide the environment in which prisoners can more readily see and incorporate responsibility into their own lives.

4. This manual sets forth procedures which ensure fair, impartial, and humane treatment of prisoners and members under

custody in compliance with law, regulation, and naval policy. It provides for a correctional program that includes counseling and a systematic evaluation of prisoners that is a prerequisite for intelligent decisions on custody, work, training, offense-related programming, and disposition (clemency/parole/mandatory supervised release). The correctional program also includes work, an opportunity for self-improvement, recreation, incentives, and religious participation. The goal is to restore the maximum number of prisoners to productive, offense-free civilian life as part of the naval service's obligation to the greater community-at-large or return the prisoner to duty better prepared to perform useful, offense-free service.

Section 3. Applicability and Exceptions

1301. Applicability

1. This manual is the basic directive of SECNAV governing naval corrections and takes precedence in all matters thereto.

2. BUPERS-00D and DC PPO will issue instructions and procedures to ensure uniform application of this manual within their Services.

3. Commanding officers may issue local instructions to implement these procedures. Copies of local instructions must be provided to BUPERS-00D or DC PPO, as appropriate.

4. Departmental bureaus and offices exercising primary command or support over a field activity having an approved MCF, DETFACS, or CCUs must include the task of operating that facility in the tasks and mission of the appropriate echelon within the command structure to which the facility belongs. Staff personnel provided by other Military Services will be under operational control of the organization tasked with command of the MCF, unless otherwise stipulated by inter-Service support agreements.

1302. Exceptions

1. Exceptions to the provisions of this manual must be forwarded, via the chain of command, to BUPERS-00D or DC PPO, as appropriate. Such waiver requests must provide justification

and, where applicable, indicate any measures considered necessary to compensate for the waived requirement(s).

2. Permanent waivers must not be granted for fire, life, or safety issues; however, a temporary waiver may be granted for a maximum of 18 months under the same procedures as subparagraph 1302.1. If waivers are requested for fire, life, or safety issues, such requests must be coordinated with the installation fire and safety departments. If approved after further coordination with cognizant headquarters-level fire or safety agencies, BUPERS-00D or DC PPO must provide or approve any operational guidance required to reduce possibilities of injury or loss of life.

3. Requests for extensions of waivers involving fire, life, or safety issues must be forwarded to Assistant Secretary of the Navy (Manpower and Reserve Affairs) with endorsement of each echelon and must provide justification for the extension, to include circumstances preventing resolution of the discrepancy during the waiver period. If waivers are not approved, spaces affected must be closed until discrepancies are resolved. Parent commands will determine when the discrepancy has been resolved and must notify all concerned.

4. Older facilities are not expected to immediately comply with new requirements, except for fire, life, and safety issues. Needed waivers for physical plant features not easily renovated must be continuously monitored by parent commands and reviewed during on-site inspections. Inspection reports will comment on waiver status.

CHAPTER 2
Physical Plants and Major Equipment

Section 1. Classifications - Physical Plants

2101. Functional Types Classification

1. Military Correctional Facility (MCF)

a. A MCF is a place of confinement established as an activity or at a local command and designated by the SECNAV as a naval place of confinement. MCFs will not be used to support a detention capability; a DD form 2707 Confinement Order shall serve as the legal basis for placement of a service member in a MCF. MCFs are further classified as follows:

(1) Level I MCF. Authorized for pretrial and post-trial confinement. The maximum period of post-trial confinement provided by any level I MCF may not exceed adjudged sentences greater than one year.

(2) Level II MCF. Authorized for pretrial and post-trial confinement. The maximum period of post-trial confinement provided by any level II MCF may not exceed adjudged sentences greater than 10 years.

(3) Level III MCF. Authorized for post-trial confinement of members serving adjudged sentences of greater than 10 years.

b. BUPERS-00D) and Deputy Commandant of the Marine Corps (Plans, Policies and Operations (DC PPO)) may further limit the confinement capabilities of their MCFs as they deem necessary.

2. Detention Facility. Personnel may be detained in a detention space or a holding cell, per chapter 12 of this manual. Any request for establishment or disestablishment of a detention facility must be routed via the chain of command and approved in advance by BUPERS-00D or DC PPO

a. Detention Space. Detention spaces are authorized for use by installation security or law enforcement agencies requiring the capability to temporarily detain individuals suspected of military or civil offenses while awaiting transfer

of custody to appropriate authorities. A detention space is any secure enclosure (e.g.; space, room, or other berthing area used for short-term detention). Detention spaces may be identified and operated independently of a holding cell for a period of time generally not exceeding 8 hours. This space cannot be located in a MCF.

b. Holding Cells. Holding cells, while normally not designated places of confinement, are used for short-term detention, defined to mean no more than 24 hours during the workweek, not more than 72 hours over a weekend, and not more than an additional 24 hours over an official holiday weekend. This limitation may be extended on a case-by-case basis for up to 30 days by BUPERS-00D or DC PPO.

c. Status of Forces Agreement (SOFA). Personnel being held for foreign court jurisdiction at remote overseas activities may also be confined in approved detention facilities for periods specified by the SOFA.

d. Exceptions. Exceptions to these limitations must be approved in advance by BUPERS-00D or DC PPO per article 1302 of this manual. While provisions of this manual are generally applicable, specific instructions for detention facility operations will be issued by BUPERS-00D and DC PPO. See chapter 12.

3. Correctional Custody Unit (CCU). CCUs shall be governed by the provisions of chapter 11. Any request for establishment or disestablishment of a CCU must be routed via the chain of command and approved in advance by BUPERS-00D or DC PPO.

4. MCFs of other Military Services

a. Where economy and more efficient military administration will result, and where determined to be feasible and practicable, Secretary of Defense has authorized and directed the joint use of MCFs of the Military Services. Agreements concerning post-trial confinement of other Service prisoners will be coordinated through BUPERS-00D or DC PPO. Such agreements must provide for appropriate personnel and health and comfort support from the other Service to the installation

operating the MCF. Reference (f) provides policy and procedures for inter-Service, inter-departmental, and inter-agency support agreements.

b. The following provisions will govern confinement of prisoners confined under these agreements:

(1) Prisoners are subject to rules and regulations governing the MCF in which they are confined, regardless of Service;

(2) Mitigation, remission, or suspension of sentence, and transfer of any prisoner confined will be the responsibility of the prisoner's command and branch of Service;

(3) Direct communication is authorized between or among appropriate corrections headquarters in effecting inter-Service confinement;

(4) If a prisoner is unsuitable for confinement in a designated MCF, the commanding officer (CO) of the MCF will notify the applicable Service corrections headquarters. The service corrections headquarters will then coordinate to determine the appropriate place of confinement.".

5. Civilian Confinement Facilities. Local detention and correctional facilities operated by civilian agencies are not to be used to confinee naval service court-martial prisoners except in accordance with article 7104.6. If civilian confinement facilities are used, all expenses will be paid by the command of the member confined and must be paid at the rate approved by the U.S. Marshals Service. For USMC prisoners, all expenses will be forwarded to DC PPO for payment per reference (g).

6. Foreign Confinement Facilities

a. Where no U.S. MCF or detention facility is available, foreign confinement facilities may be used for pretrial confinement of naval personnel who are charged with serious offenses under reference (d). Such confinement must preclude immediate association of U.S. Service members with foreign nationals. A serious offense includes all offenses under reference (d) for which 1 year or more of confinement is authorized.

b. Prior to using such a facility, the senior officer present must approve the facility based upon adequacy of its security features, its ability to ensure safety of prisoners, and adequacy of its living conditions.

c. Each such case of pretrial confinement must be reported by phone call to BUPERS-00D or DC PPO as appropriate, furnishing the following information:

(1) The prisoner's full name;

(2) Department of Defense identification (DoD ID) number;

(3) Rate or grade;

(4) Offense alleged;

(5) Date confined;

(6) Place confined;

(7) Command ordering confinement;

(8) Senior officer approving use of facility.

d. A message (or email where authorized) is required, with the information listed in subparagraph 2101.6c above, to be sent after the phone call is accomplished.

e. All expenses must be paid by the command of the member confined.

f. If post-trial confinement is ordered, prisoners must be transferred from foreign confinement facilities to an appropriate U.S. MCF as expeditiously as possible.

7. Hereafter, the term "military correctional facility" refers to shore confinement facilities (i.e., levels I, II, and III), unless specifically noted. The term "detention facility" refers to detention spaces and holding cells, unless specifically noted.

8. Any changes in the classification of a MCF must be staffed by Service headquarters for comment to the DoD Corrections Council and the Under Secretary of Defense (Personnel and Readiness) prior to implementation.

2102. Space Configuration Classification

1. Cells or Secure Rooms. These are separate spaces for confining one person. Two or more persons will not be confined in a cell or secure room designed for single occupancy, except in an emergency. Cells or secure rooms designated for two or more persons must have prior approval of BUPERS-00D or DC PPO. Padded cells, dark cells, and cells that do not permit visual observation are prohibited.

2. Dormitories. This type of berthing space may be of either open-bay or pod-type and requires direct supervision.

3. Restrictive Housing Unit (RHU). An RHU is a group of cells or secure rooms used to house those prisoners who have administrative processes to complete (e.g., orientation), present serious adjustment problems, create disruption among other prisoners in general population, need protection from other prisoners, or require segregation from general population for cause. Assignment to a RHU is a preventive management tool that must not be used as punishment, except as allowed under article 5202 of this manual. Programs, movements, and privileges will be limited only to the minimum degree necessary for maintenance of good order and discipline. Habitability and space requirements are identical with other cells. Direct supervision with frequent visual checks is required in RHU, the frequency of checks shall not exceed 15 minutes.

4. Disciplinary Segregation (DS). DS spaces consists of single occupancy cell(s) located in the RHU, isolated from the remainder of prisoner living quarters, and are used for segregating those prisoners awarded DS under provisions of article 5202.5 of this manual. Single occupancy of DS cells is mandatory.

5. Installation Custody (IC) Quarters. IC quarters require minimal security equipment and may be a normal berthing space located inside or outside the security perimeter of the MCF.

Prior approval from Service headquarters is required if berthing will be outside of the MCF's security perimeter.

2103. Functional Adequacy Classification - New and Existing Facilities

1. Reference (a) provides authority for SECNAV to designate authorized naval places of confinement. Classifications will be assigned to each MCF by BUPERS-00D or DC PPO, as appropriate, after an on-site assessment by qualified inspectors in conformance with Service guidelines.

2. The following physical plant conditions must be considered in determining functional adequacy classifications:

a. Conditions affecting safety and health of staff and prisoners, and space utilization including berthing capacity, structure, and utility systems.

b. Condition and effectiveness of security features and equipment.

c. Configuration as it affects separation of categories of prisoners and conserves staff required to supervise the operation.

d. Adequacy of program and administrative support spaces.

3. Classifications assigned to each MCF is approximately equivalent to the general construction standards of Naval Facilities Engineering Command (NAVFACENGCOM) base representative ratings, but takes into account other prisoner-specific security requirements in determining the following classification:

a. C1/Alpha: The MCF has fully met all demands placed upon it in a mission category through the reporting period. Operation of the MCF is not hindered by any inadequacies that may exist.

b. C2/Bravo: The MCF has substantially met all demands of the mission category through the reporting period with only minor deficiencies. Inadequacies exist but do not seriously

hinder operations. These inadequacies will be corrected when practicable.

c. C3/Charlie: The MCF has only marginally met the mission category throughout the reporting period, but with major deficiencies. Serious inadequacies exist that hinder the operation and must be corrected. This is a naval place of confinement authorized for use as a matter of expediency because no other MCF is available.

d. C4/Delta: The MCF has not met vital demands of the mission category. Serious inadequacies exist that preclude successful support of the confinement mission. These are naval places of confinement authorized for use only as a necessity because no other MCF is available and must be replaced or undergo major renovations as soon as possible. Parent commands must pay particular attention to the continued existence of MCFs classified in this category.

4. Functional adequacy classifications for MCFs will be issued at least triennially by BUPERS-00D or DC PPO, as appropriate, following on-site inspections by qualified corrections specialists.

5. Future construction and renovation to designated MCFs must meet physical construction requirements of this manual, references (h) through (o), and all other pertinent regulations for such facilities. To the largest extent possible, PREA standards must also be accommodated. Any request for an exception to these regulations must be addressed to BUPERS-00D or DC PPO as appropriate.

2104. Rated Capacity

1. Rated capacity of a MCF will be determined by on-site application of berthing spaces criteria imposed by local considerations, special needs, manning, and references (j), (l), and (m). Rated capacities for MCFs, by gender, where applicable, will be determined by BUPERS-00D or DC PPO, following on-site inspections by qualified corrections specialists. These will be reviewed and, if needed, adjusted at least every 3 years by on-site reviews conducted by Service corrections headquarters. Rated capacities may be temporarily adjusted to meet current needs by BUPERS-00D or DC PPO.

2. MCFs are not designed, equipped, or staffed to handle significant overloads without creating problems that have potentially serious consequences. Parent commands and BUPERS-00D or DC PPO must be notified whenever a MCF's rated capacity is expected to be exceeded by more than 10 percent. Notification will be made by the most expeditious means available and will request permission to transfer a sufficient number of post-trial prisoners to reduce loading to within rated capacity. MCFs must not exceed their rated capacity by more than 10 percent without prior notice to BUPERS-00D or DC PPO. Telephone requests will be followed by official message, letter or e-mail, and identify numbers of other Service personnel confined.

Section 2. Construction and Alteration Criteria - New and Existing Facilities

2201. Designation and Authority to Use

1. Requests for Designations. Requests for designation of a shore facility as an authorized naval place of confinement must be submitted in advance via the chain of command and BUPERS-00D or DC PPO to SECNAV. Such requests will include full justification, copies of floor plans, site plans, a description of the space utilization, and security and safety equipment to be used. Approval will be based on demonstrated need and ability to meet criteria for functional adequacy defined in article 2103 and NAVFACENGCOM publications.

2. Requests for Closure. A request for permanent closure of a facility must be submitted via the chain of command to BUPERS-00D or DC PPO, as appropriate. All requests will include full justification for closure, tentative date for ceasing operation, and contain endorsements from all echelons of the chain of command. If closing of the facility is approved, the CO operating the facility will transmit the actual closing date by message or letter to BUPERS-00D or DC PPO as appropriate.

3. Construction and Alteration Approval. Guidance for development of facility requirements and submission procedures for construction projects are contained in reference (k). Advance approval of proposed construction or alteration projects must be obtained from BUPERS-00D or DC PPO.

2202. Planning Factors

1. Responsibility for Planning. Determination as to whether a command needs a MCF rests with that command and the regional commander and must be initiated at local command level through the normal military construction chain of command. BUPERS-00D and DC PPO must be involved at all stages to establish, construct, or alter existing MCFs and will provide final approval in conjunction with NAVFACENGCOM.

2. General Planning Information. References (h) through (o) provide general planning information for MCFs.

3. Specific Planning Information. For new construction the American Correctional Association (ACA) Planning and Design Guide, and applicable ACA standards (Core Jail for level I MCFs and Adult Correctional Institutions for levels II and III MCFs) will be utilized when developing plans. For renovation, references (h), (i), and (j) are applicable. Where conflict between standards and criteria exist, the more stringent standard must be followed. The following factors must be included in the planning process:

a. Capacity. Prisoner capacity of a MCF is determined by BUPERS-00D or DC PPO per reference (j). Figures may be adjusted to compensate for surge factors and other local variations.

b. Site and Size

(1) Facilities must be sited where they will be free from adjacent safety hazards due to having an extended evacuation time. Among other factors to be considered is distance from ammunition or fuel storage facilities, armories, and close proximity to aircraft runways, schools, or daycare centers.

(2) Size of the site and its location in relation to other activity facilities must be agreed upon by the using activity, NAVFACENGCOM, and BUPERS-00D or DC PPO. The site must be determined to be habitable and in conformity with sanitation requirements by NAVFACENGCOM.

c. Design

(1) The degree of security required will reflect type of prisoners the command routinely confines. Although some facilities need maximum security spaces, not every facility needs to be constructed with maximum security features. Current advancements in jail and prison design and equipment will be considered in order to reduce construction costs and accommodate national standards.

(2) Facilities must be designed so future expansion may be accommodated without impairing the efficient and secure working plan of the building.

d. Alteration. Besides the criteria already set forth, any alteration, modernization, or renovation of an existing facilities must meet the following additional requirements:

(1) Proposed change conforms to criteria set forth in this manual and pertinent NAVFACENGCOM regulations.

(2) Unaltered portions of the facility would not be adversely affected in areas of security, safety, comfort, or operational efficiency by the changes.

(3) Costs incurred would not exceed projected costs for a new facility of comparable size.

e. Female Population. Providing for female prisoner population will be considered when evaluating facility requirements.

2203. Technical Assistance. Due to the infrequency of local opportunities to design a MCF and in order to make use of current advancements in jail and prison construction, BUPERS-00D or DC PPO must be involved at all stages of planning, design, and the construction process. In addition to reducing the amount of research necessary, using these resources will ensure acceptability of the project proposal when reviewed for functional adequacy.

2204. Berthing Area

1. Cells or Secure Rooms

a. Space Requirements

(1) DS cells will not be counted against total capacity and will not normally exceed five percent of the MCF's capacity. Cell size will be per references (h) and (i). For new construction or renovation, comply with article 2103.5 of this manual. Cells or secure rooms must be constructed for single occupancy.

(2) In small MCFs or facilities where a separate control point exists for housing units, cells or secure rooms will be located as close as possible to the control center.

b. Construction Requirements

(1) Walls, ceilings, windows, doors, and floors must be constructed of hardened materials sufficiently secure to prevent escape of prisoners.

(2) Entrances must be of security material, design, and construction, including view ports and security locks.

(3) Follow construction for cells per reference (l).

c. Equipment Requirements

(1) Furniture and Bedding. All quarters in MCFs will normally be equipped with the following: a security-type bunk (approximately 30" X 78") at least 12 inches off the floor; a writing surface or desk and proximate area to sit with chair or stool; and adequate storage for clothes and personal belongings. Suitable clean bedding and linen, including two sheets, pillow and pillow case, one mattress, not to exclude a mattress with integrated pillow, and sufficient blankets to provide comfort under existing temperature controls. Cells utilized for RHU (administrative or disciplinary) will have furniture and fixtures of security-type and be permanently mounted. Furniture may be removed from cells only if the prisoner's conduct warrants and then only upon specific order of the MCF commanding

officer or designee. All furnishings must meet fire safety performance requirements.

(2) Gang Release System

(a) Five or fewer contiguous cells do not require a gang release system. All manual locks securing such cells or rooms must be keyed to a single key to permit the supervising staff member to release all occupants in a minimum amount of time in event of a fire or other emergency. This key must be a different key from that which operates the exterior entry to cells or housing units.

(b) Six or more contiguous cells must have a gang release system (manual, pneumatic, or electric with manual back-up) to permit the supervising staff member to simultaneously release all cell doors in event of fire or emergency. Each individual mechanical gang release device must not operate more than 15 cells. Pneumatic or electronic gang releases have the capability to open all cells simultaneously, but must have a "failsafe" feature requiring a conscious override or acknowledgement of the intent to open all cells simultaneously. All pneumatic or electronic locks must have remote release capability.

(3) Plumbing. A prison-type toilet and washbasin must be provided in each cell. Prisoners must have access to the following:

(a) Continuous access to metal combination-plumbing fixtures (jail-type) which include toilet, sink, and drinking fountain;

(b) Operable showers with temperature-controlled hot and cold running water will be maintained per reference (l); and

(c) Showers will be adjacent to the living quarters. Showerheads must be flush-mounted security-type, unless precluded by reference (l).

2. Habitability Requirements

a. Lighting. Living quarters must be provided with security light fixtures with candlepower equivalent to criteria

requirements per reference (h) at desk level and in personal grooming areas, as documented by an independent, qualified source. Quarters will be painted in light, neutral colors. Windows will be arranged to provide access to natural light.

b. Night Lights. Night-lights will be provided in all living quarters and must not be any brighter than the absolute minimum needed for visual control and supervision. Staff members will carry flashlights for use between taps and reveille.

c. Temperature and Ventilation. Temperature and ventilation in living quarters will be maintained per reference (h).

d. Noise Levels. Noise levels throughout the facility will meet reference (h) requirements.

3. Open-Bay or Single-Cell Quarters

a. Space Requirements. Space and cell requirements will comply with reference (h) based on requirements for existing structures or new construction.

b. Equipment Requirements

(1) Furniture. Each prisoner will be provided a locker, security-type bunk (which will normally be secured to the floor or wall), mattress, pillow, sheets, blanket(s), and pillowcase. Bunks must not be double-decked if they interfere with visual supervision. All furnishing maintained and purchased must meet applicable fire safety codes per reference (n).

(2) Plumbing. Each open-bay quarters will have its own drinking fountain, heads, and washing and shower facilities adjacent to living quarters. Plumbing facilities will meet reference (h) requirements. Interior panels or partitions, if provided for privacy, must not obstruct security.

(3) Dayrooms with space for varied prisoner activities should be situated immediately adjacent to the prisoner sleeping areas. These areas should be equipped with television, tables, chairs, and recreation equipment. Dayroom sizes will meet reference (h) requirements.

4. Tests. Lighting, temperature, sound, and ventilation tests must be conducted triennially, documented by a qualified source or technician, with results locally maintained on file for 3 years.

2205. Security Areas

1. Master Control Center

a. Space Requirements. The control center will be located within the MCF's inner security perimeter and must be large enough to contain required equipment listed below and to provide reasonable working conditions for control center personnel.

b. Design. Space must be provided for a 24-hour, continuously staffed, secure control center for monitoring and coordinating the MCF's security, life, safety, and communications systems. Staff assigned to the control center should have access to a toilet and wash basin. For new construction, access to a toilet and wash basin is required. There must be a communication system between the control center and prisoner living areas. The control center will allow assigned staff to operate controls and communication devices and perform necessary administrative work at a location that provides a clear view of the main corridor and entrance to the MCF. The control center must not be combined with any other office or administrative space. It must have only one entrance, which is located outside of the security area. Security features of the control center must be sufficient to prevent unauthorized persons from entering forcibly. Riot conditions will be considered as an integral part of a control center's plan, design, and construction. The control center must be constructed and ventilated such that if chemical agents are used within the MCF they will not be inducted into the control center. The control center will have windows that are glazed with security glass as specified in references (h), (i), and (l) and contain security openings through which keys, badges, papers, etc., can be issued and received. A secondary control center may be authorized ; where employed, local policy will account for function, staffing, and equipment.

c. Equipment

(1) Security. The control center will be equipped to control movement of all traffic through the inner security perimeter. It must contain controls and monitoring units for all communication and alarm devices within the MCF.

(2) Storage. The control center will be equipped to store keys, security equipment, life support systems, prisoner movement and accountability records, and dangerous tools when deemed appropriate. Emergency breathing devices must be maintained in the control center for use by selected staff in case of fire or smoke in areas where prisoners or staff will need assistance.

(3) Plumbing. For new construction, the control center must provide internal access to a permanent toilet and wash basin for use by control center staff.

2. Sally Ports. Points of ingress and egress to and from the main building of the MCF must be controlled by a sally port gate with two independently keyed or electrically controlled interlocking grilles or gates with manual override. Points of ingress and egress through the perimeter fence must be controlled by sally port gates and monitored by remote control cameras from the control center.

3. Fences. Construction will be per reference (l), as applicable. Some basic requirements follow:

a. Perimeter. Where perimeter fencing constitutes the security perimeter of the MCF, it must be at least 12 feet high and designed to prevent prisoners from escaping over or under it. If double fencing is utilized, the outer fence must be spaced to prevent the inner fence from leaning on the outer fence if knocked down.

b. Interior. Fences may be constructed within the security perimeter if needed to enclose or separate certain areas.

c. Concertina or Razor Wire. Use of concertina or razor wire to lace fences is authorized where blade length does not exceed 2 1/2 inches. Use of concertina or razor wire with blade length that exceeds 2 1/2 inches is authorized only with prior

approval of BUPERS-00D or DC PPO. When using concertina wire to lace the top of fencing or to lace along the top of a MCF's buildings that are integral to the security perimeter, the coil of concertina wire must not be stretched to allow large gaps (vulnerability points) that can be used by prisoners as an escape route. In corner areas, along fence gate hinge points and any other area that provides a vulnerability point between the ground and the top of the fence, adequate concertina wire must be installed to prevent human penetration.

4. Gates. Openings through the perimeter fence will be constructed of at least same-grade, if not enhanced, material as the fence and must not exceed 14 feet in width per single gate. Single and double gates (both permitted for vehicle entrances) must be secured with an electric or manual prison lock. Gates must be the sliding-type on a positive top and bottom track and controlled by gate sentry or control center staff. Perimeter gates, when part of the MCF's security perimeter, will normally be limited to one front entrance and one rear service entrance, both secured with a sally port large enough to enclose anticipated traffic. Additional gates may be needed to meet fire, life, and safety requirements. Division fences will have sufficient gates to handle normal traffic and must be equipped with a positive position latch secured by a heavy-duty locking device. Division gates should be monitored by closed circuit television.

5. Patrol Roads. A roadway (paved or unpaved) suitable for both vehicle and foot traffic may be constructed outside the perimeter fence and not closer than 5 feet from the fence to the inside edge of such road. This roadway must be restricted for use to only MCF staff in the performance of their duties, security patrols, emergency vehicles, and maintenance.

6. Gatehouses. Gatehouses, where used, will be located at the side of a sally port with access only from within the sally port. Windows will be the same as prescribed for prisoner quarters. Gatehouses must be furnished with internal-communications devices.

7. Communications Equipment (Emergency) Criteria. There must be a communications system within the MCF and between the MCF and community in the event of urgent, special, or unusual incidents or emergencies. All communication equipment installed

in MCFs must be of the kind, type, and specification required by applicable regulations, except as specified herein. These exceptions are necessitated by security and control factors endemic to confinement. Internal communications, duress alarms, and a direct means of communication (voice or electronic) to fire and security departments constitute minimum requirements for communication systems.

a. Internal Communications and Alarms

(1) Internal communication systems (telephone, radio, or two-way intercom units) must be established at each post and living quarters to permit staff members to communicate on post and conduct normal business.

(2) A body alarm, duress system, or radio is required for staff (including unescorted volunteers) within the secured perimeter of the MCF. MCFs with a rated capacity of 50 or more prisoners must be equipped with a duress alarm system that pinpoints troubled areas until switched off in the control center.

b. External Communications and Alarm. Sufficient outside telephone and computer infrastructure (e.g., trunk lines, broadband access, wireless network, etc.) must be available to permit efficient conduct of business and to alert other station offices in event of emergencies. Outside communication capability must be restricted from prisoner access except as provided for in article 8302 of this manual. Alarms must be installed as required for life safety (e.g., fire or other emergencies). There must be at least one direct means of communication (telephone, radio, intercom, or alarm) between the MCF’s control center and the installation’s security police, fire dispatcher's office, and the destructive weather operations center.

c. Monitoring. All alarm devices in the MCF will be controlled and monitored from within the control center.

8. Fire Construction and Equipment

a. Emergency Exits. Emergency doors with view ports will be provided in addition to regular point of ingress and egress. Door locations must permit prisoners to be evacuated from living

quarters in the event the regular entrance is inaccessible. Doors also provide an alternate entrance for staff members during a disturbance. Emergency doors must be hinged to swing outward to avoid barricading. If exterior fire exit stairs are provided, they must be open-type allowing visual control of fire exit doors. Locks on fire doors will be controlled from the control center and have a manual back-up capability. A weekly testing of emergency doors must be included in security inspections.

b. Fire Equipment

(1) Fire Extinguishers. The fire department will prescribe the kind and number of fire extinguishers and overhead sprinkler systems and conduct regular (at least quarterly) on-site fire drills and checks of fire equipment. It is essential that extinguishers, especially chemical type, be closely controlled when required in areas that prisoners have access. Air or water extinguishers are preferable for prisoner access areas when fire codes permit, but these must be checked frequently (at least monthly by qualified fire and safety officers) to ensure they are operable, readily accessible, and in compliance with safety and fire prevention standards. Soda or acid extinguishers should not be used unless required by the fire department. If possible, fire extinguishers will not be placed within reach of prisoners in their living quarters.

(2) Fire Hydrants and Hoses. Access by prisoners to fire hydrants located within the security perimeter must be strictly controlled. Fire hose connections and hoses (fire stations) within the MCF require strict control. Fire hoses, nozzles, and valves, should be installed in areas where prisoners do not have easy access. Nozzles must be small enough to pass freely between any grille-work in the area they service. Sprinkler systems installed in prisoner living quarters must be inaccessible to prisoners.

(3) Other Fire Equipment. Fire protection equipment must be available at appropriate locations throughout the MCF. When fire protection equipment is inside the security perimeter, it must be under constant staff supervision.

9. Restricted Areas. General areas (e.g., roadways, parking lots, etc.) within the immediate proximity and surrounding the

MCF must be posted as restricted areas. Additionally, warnings will be posted that photography, drones, and video and digital recording are prohibited.

2206. Program Areas. Whenever feasible, multi-purpose rooms will be constructed to supplement program spaces (e.g., classrooms, visiting, or messing). In addition, multi-purpose rooms should be built adjacent to living quarters to support program spaces.

1. Classrooms. Classrooms will be located within the MCF, preferably within the same building as prisoner living quarters (grouped together where more than one classroom is justified). Windows will be security-type. Doors will be security-type with view ports, equipped with institutional locks, and designed to swing outward, unless code regulations require otherwise.

2. Shops. Workshops and industry shops will meet the criteria established in reference (p). Additionally:

a. Functional types of shops will be separated by at least an interior wall from each other and from prisoner spaces. Generally, all shops will be located in an area designed for industrial or vocational programs and should be located near the service entrance or delivery platform.

b. All shops must ensure compliance with the MCF’s tool control plan per article 4304.

3. Chapel. Space will be provided for religious activities. This space may be designed for multiple uses.

4. Visiting Facilities

a. Space. There must be an area for personal, command, legal, and official visits. The size and number of these rooms should allow adequate space to accommodate projected needs of the MCF. Occupancy rates must follow fire-safety criteria.

(1) Personal. Each MCF will have a furnished room or area for visiting. Informal or lounge-type furnishings are desirable. Visiting rooms must be inside the security perimeter. Areas presenting obviously harsh security features such as steel bars and security mesh should be avoided. Dining

facility, offices, or other areas may be used when a more suitable place cannot be provided.

(2) Legal Visits and Official Visits. Private interview rooms for legal and official visits must be constructed in such a way as to ensure acoustical privacy in conducting business. These rooms will be furnished with chairs, desks or tables, and light fixtures. Windows will be security-type. These rooms will be equipped with a security door complete with view port. Two-way intercoms or other listening equipment must not be installed in these areas. Whenever feasible, access to a telephone will be available for initial review officer or magistrate hearings, defense counsel, and, where requested, by command visits.

(3) Non-Contact Booths. Prisoners requiring special handling and security concerns may be required to visit in non-contact visitation booths.

b. Furnishings. Visiting room furnishings will be informal and casual to create a relaxed atmosphere. Use of outside areas with appropriate furniture is encouraged. Visitor lockers will be available to secure personal belongings and other personal items not authorized within the visiting area. Visitors may be temporarily issued a locker key.

c. Security Features. Windows will be of security-type. Entrances will have swinging grille or security doors (with view port) equipped with prison-grade locks or an electro-mechanical or pneumatic operation controlled by the control center.

5. Recreation

a. Both outdoor and covered, or enclosed exercise areas for general population prisoners, must be provided in sufficient number to ensure that each prisoner is offered at least 1 hour of access daily. Use of outdoor areas is preferred, but covered or enclosed areas must be available for use in inclement weather. Covered or enclosed areas can be designed for multiple uses as long as the design and furnishings do not interfere with scheduled exercise activities. The minimum space requirements for exercise areas will be per reference (h).

b. The RHU must have covered or uncovered outside exercise areas. In cases where cover is not provided, to mitigate the inclement weather, appropriate weather-related equipment and attire should be made available to the prisoners who desire to take advantage of their authorized exercise time. The minimum space requirements for outdoor exercise areas for RHU will be per reference (h).

2207. Storage Areas

1. Property or General Storage. General storage rooms must be secured and, where practical, provided with a heat-sensitive automatic sprinkler system and adequate ventilation to prevent mildew in wet climates. Storage rooms must be inaccessible to prisoners and constantly supervised when open.

2. Volatile Liquid Storage. Space must be provided for storage of all volatile liquids in an area approved per local safety regulations. All MCFs must have a hazardous material (HAZMAT) program governing the control and use of all flammable, toxic, and caustic materials that comply with Federal, local and installation HAZMAT regulations. Additionally, ACA guidelines for the control and use of flammable, toxic, and caustic substances will be incorporated into the MCF’s HAZMAT program.

3. Vehicle Storage. Storage buildings for powered, self-propelled vehicles must be outside the perimeter fence. Garages should be located near the rear sally port and accessible to the service road.

4. Armory or Firearms Vault. Firearms, chemical agents, and related security items must be stored in a secure but readily accessible location outside of the security perimeter. In smaller facilities, the base or station armory or security office may serve as a storage place for firearms, chemical agents, and related security items. If necessary (because suitable storage is not provided by the station), a secure vault or lockable steel locker for firearm storage must be installed outside the security perimeter of the MCF.

2208. Support Areas. Support areas include, but are not limited to:

1. Administrative Offices

a. Offices outside the security perimeter will be provided for key MCF staff as determined by the MCF CO. Additional administrative areas may be provided for administrative staff and records.

b. Offices inside the security perimeter will accommodate the manning configuration of the MCF. Security features are required for areas where medications, mail, prisoner records and sensitive personal identifying information, funds and valuables, and personal effects are stored.

2. Dining. MCFs should utilize the most economical method of feeding prisoners, taking into consideration the local messing resources available. MCFs may cater food from existing installation facilities where practical.

a. If dining facilities cater food, general mess requirements must be met per applicable Service-related policy. In addition, the following security measures are required in the dining facility:

(1) The facility will have at least two doorways..

(2) Windows will be security-type.

b. If a dining facility is required within the MCF, it must be constructed and equipped per criteria specified in reference (j) and NAVFACENGCOM and Service-related policy as applicable. In addition, the following security measures are required:

(1) All coolers, refrigerators, and storage rooms must be equipped with cylinder door locks or hasps secured with padlocks;

(2) A lockable shadow-board storage for knives, cleavers, blades, and tools must be permanently mounted in a secured area (room or cage); and,

(3) Service doors used for delivery of supplies and removal of garbage must have a sally port arrangement.

3. Medical and Dental. Medical and dental spaces will be provided per local MCF needs. The size of these spaces will be in proportion to rated capacity of the MCF. At a minimum, medical space will be furnished with an examination table, instrument cabinet, writing desk, and adequate examination lighting. A securable container must be permanently installed in the medical space (dispensary) for storage of all controlled substances. In addition to its own locking device, the container will be installed in a lockable closet or cabinet that is permanently attached to the floor or wall. Normal or routine non-controlled substance prescription medications should be secured in a secure room (dispensary) and in a lockable medication cart or cabinet.

4. Receiving and Release (R&R). R&R will be located within the security perimeter of the MCF. This space will have sufficient storage to store an adequate supply of health and comfort items, issue clothing, and authorized gear. R&R will have an administrative office and a private area for strip searches. There may also be a holding cell with head facilities and drinking water and a receiving and release room with shower and lavatory facilities.

5. Elevators. Elevators or other lift devices used within the security perimeter must be operated by key only.

6. Laundry

a. Prisoner Laundry. Space will normally be provided within the security perimeter for prisoner laundry. The size of the laundry space, equipment, and storage areas will be proportionate to the volume of work performed. Doors will be security-type with view port and equipped with institutional locks and hinged to swing outward. Lockable storage space must be provided for cleaning supplies (e.g., soaps, detergents, bleaches) and for completed work storage prior to delivery.

b. Commercial Laundry. If work is performed for other organizations on the base or station, laundry space will be designed per established criteria for larger laundry operations.

2209. Miscellaneous Areas

1. Lighting

a. General Rule. Adequate lighting will be provided and comply with reference (h) in all areas of the MCF in order to ensure security and determined by the tasks to be performed, interior surface finishes and colors, type and spacing of light sources, outside lighting, and shadows and glare. Permanent posts will be provided with additional illumination when necessary for accomplishment of assigned functions (e.g., searches, administrative tasks).

b. Compound Lighting. Perimeter fences will be lighted with outdoor fixtures generally mounted on poles installed outside of the perimeter fences, out of the reach of prisoners, and of sufficient height to illuminate the designated area. Instead of poles, the area may be lighted with fixtures mounted on the exterior of the building. All wiring to these lights must be buried underground, built into building structures, or protected by metal conduit. Compound lights will be positioned to eliminate dark areas in doorways, walkways, and between buildings but not interfere with prisoners sleeping within living quarters.

c. Emergency Lighting Equipment

(1) Emergency Power Generators. Each MCF must have service of an emergency generator, with automatic transfer switch, capable of maintaining minimal lighting in prisoner living quarters and of operating perimeter lighting, electrical locks, security devices, alarms, and emergency circuits. Generators must be inspected weekly and load-tested quarterly or per manufacturer’s recommendations and instruction manuals, whichever is more frequent. Appropriate documentation must be maintained by the MCF to record all testing and maintenance. Load testing must be conducted only by authorized personnel.

(2) Constant-Charge Battery. Each MCF will have constant-charge, battery-operated lights, necessary to maintain essential emergency lighting. At a minimum, these lights must be placed within the common areas of prisoner living quarters at strategic places in passageways and administrative spaces.

d. Lighting Fixtures

(1) Lighting fixtures in living quarters will be security-type.

(2) All electric wall plates in living quarters will be security-type and mounted with spanner or security screws.

2. Electrical Systems

a. Dormitory light switches must be installed outside the dormitory area.

b. Electric lines will be in metal conduits with fixtures individually and collectively switched. These switches must be located behind locked panels controlled by staff. Uninterrupted power source equipment may be employed to support electronically controlled equipment.

c. Electrical power substations will be located outside the security perimeter. If circumstances require the power substation to be located within the security perimeter, adequate security devices must be in place to control and preclude prisoner access.

3. Temperature and Ventilation

a. Policy. Temperature and ventilation in all areas of the MCF will be maintained per prescribed requirements in reference (h). Temperatures will be appropriate to the summer and winter comfort zones. Control centers will be well ventilated and air-conditioned.

b. Fixtures. Heat and ventilation fixtures in living quarters will be security-type and fastened with spanner or security screws.

c. Heat and Ventilation Systems

(1) Source (power plant) of heat, hot water, and steam should be located outside the security perimeter of the MCF. If circumstances require the power plant to be located within the security perimeter, it must be constructed as a maximum-security

building and the main electrical and water supply cutoff controls will be located in this building.

(2) All ductwork, pipes, and conduits within the security perimeter must be buried underground, contained in locked tunnels and spaces, or concealed within structural walls, ceilings, roofs, or floors. These conduits and tunnels must have hardened grille partitions at appropriate locations to preclude their use as an escape route.

4. Windows

a. Windows in exterior walls of buildings within the security perimeter will be security-type.

b. Buildings housing prisoners will be constructed with above ground windows. Windows in living quarters will be arranged to provide maximum natural light commensurate with safety and security requirements (existing only).

c. All living quarters will provide prisoners with access to natural light per reference (h).

d. Each dayroom will provide prisoners with access to natural light by means of transparent glazing in the dayroom, per reference (h).

5. Plumbing

a. Fixtures

(1) Each single-cell quarters, with exception of "bare" cells, will be equipped with a combination drinking fountain, wash basin, and toilet. RHU cells will use the metal jail security-type combination drinking fountain, wash basin, and toilet.

(2) Shower heads will be non-adjustable, flush-mounted security-type, unless otherwise supported by requirements in reference (o).

(3) Faucets, valves, mixing valves, shower heads, etc. will be heavy-duty-type designed for institutional use. Toilets

will be floor or wall-mounted only. Wash basins will be flush-mounted or the metal jail security-type.

(4) Operating valves for toilets, wash basins, urinals, and showers will be of the push-button-type or non-removable. All floor drains will be secured with spanner or security screws.

(5) Open-bay or dorm facilities housing male prisoners must provide 1 electric water cooler and 1 lavatory per 6 prisoners, 1 commode per 7 prisoners, and 1 shower and urinal per 10 prisoners.

b. Water and Sewage System

(1) All cutoff valves for water and sewage systems must be installed behind lockable doors or panels accessible only to staff members.

(2) Water, steam, or drain mains must not be exposed in any building within the security perimeter to which prisoner(s) have regular or unrestricted access.

6. Utilities Control. All major utilities must be secured to prevent prisoners from gaining control of these units. Each MCF will maintain blueprints identifying locations of all utility controls. The blueprints must be accessible to designated staff members, but not prisoners. Orientation of utility control locations and their operation will be included in pre-service and training and annually thereafter for key personnel.

7. Passageways

a. Passageways designed for prisoner or personnel traffic must not contain exposed utility pipes, conduit, or ductwork.

b. All interior doors leading from passageways will be of the security-type equipped with view port, security-type hardware and locks, and hinged to swing outward. Where extra security is needed, a grille door will be installed to form a more secure entrance.

8. Stairwells

a. Interior stairwells will not contain windows, doors, or compartments other than doors to the floors that they service. Doors will be of the security-type equipped with view ports.

b. Interior stairwells will be well-lit and have sufficient fixtures to preclude any area being in total darkness if a single fixture fails.

9. Signs

a. Signs will be of uniform color, size, and configuration except where safety and fire codes dictate to the contrary. Signs will be kept to a minimum. Magnetic signs and signs affixed with magnets are prohibited within the security perimeter as they may cause problems with locks and electronic components and pose other security concerns.

b. Exterior signs will either be painted on roadways and curbs, attached flush with buildings or fences, or pole-mounted outside the security perimeter. Those mounted on fences must not interfere with the vision of staff in the surveillance of their post.

c. Labeling within living quarters should be stenciled. If label plates are used, they must be flush-mounted, secured with security screws, and not present a security risk.

d. Emergency exit signs must be installed per reference (n).

10. Prisoner Lockers

a. Every locker will be secured by a combination lock, operable by a key to facilitate inspection at any time by a staff member. The MCF will provide combination locks for prisoners. Master keys are to be kept in a safe place and available only to authorized personnel. Any lock that has been altered so it may no longer be opened by the master key must be removed and replaced with a properly functioning lock.

b. General population prisoners will have access to their assigned lockers. Prisoner lockers within the RHU are design-contingent. Local policy will determine access to personal effects for prisoners housed in the RHU.

11. Additional Security Equipment

a. Perimeter Detection Systems. These serve to identify the point at which a perimeter breach occurs. Where such systems are used, they will not perform any function other than to trigger alarms.

b. Building Intrusion Detection Systems. These serve to identify the point at which a breach occurs within the security perimeter. These security systems may be employed and serve to identify breach points within critical areas of the MCF and sound alarm.

c. Closed-Circuit Television. These security systems must be employed and serve to monitor strategic areas internal and external of the MCF and to augment and bolster security. Closed-circuit television must not be used to replace staff members for observing and monitoring living quarters.

d. Electronic devices may be used in screening for contraband.

12. Construction Materials. Non-combustible, fire-resistant materials must be used in all construction or alterations.

Section 3. Public Works or Maintenance Department Support

2301. NAVFACENGCOM or Maintenance Department Support

1. Normal Maintenance. NAVFACENGCOM or the maintenance officer will furnish the MCF materials required to accomplish self-help maintenance functions. When persons from outside the MCF are used, they must be informed of security requirements and be required to cooperate with their assigned escort in all security matters.

2. Security Equipment Maintenance. Damaged security doors, gates, locks, alarms, lighting, and keys are examples of the kinds of equipment that must receive immediate attention by the

NAVFAC or maintenance department to prevent security, health, and safety hazards. Until repairs are made, MCF staff may install temporary barriers to reduce the chance of escape or prevent danger to the staff or prisoners.

3. Equipment defects or physical plant deficiencies that present a danger to personnel must be repaired on an emergency basis and special precautions must be exercised until necessary repairs are completed.

4. Water Supply. The MCF's potable water source and supply must be certified by an independent, outside source, to comply with jurisdictional laws and regulations. Test results must be locally maintained for 3 years.

2302. Inspections and Oversight

1. Inspections by MCF staff as they go about daily duties will be made of all locks, bars, windows, doors, and other security equipment to ensure the security equipment has not been tampered with and is operating satisfactorily. All personnel must be trained to observe and report any unusual conditions, defective security equipment, or violation of security procedures. Written reports of discrepancies will be provided to designated MCF staff. The command duty officer or duty brig supervisor will report daily to the brig officer or designee on the status of the physical plant. The brig officer or designee will visit the MCF's living and activity areas at least weekly to encourage informal contact with staff and prisoners and to informally observe living and working conditions.

2. All required inspections must be recorded in the brig log. Included will be the time, name of the inspector, summary of results, and any immediate action taken. A complete record of all inspections must be maintained in conjunction with the brig log.

3. Required Inspections

a. Daily

(1) Supervisory staff will conduct a daily inspection, including holidays and weekends, of all areas occupied by prisoners for fire, life, safety, and sanitation requirements

and submit a daily written report to the brig officer or designee; and

(2) Where applicable, refrigerator and water temperatures (food service equipment) will be checked and documented daily by qualified assigned staff.

b. Weekly

(1) Inspection of all food service areas, including dining and food preparation areas and equipment, by administrative, medical, or dietary personnel; these may include the person supervising food service operations or their designee;

(2) A comprehensive fire and safety inspection of the MCF by a qualified staff member;

(3) A comprehensive sanitation inspection of the MCF by qualified medical staff or qualified staff trained by medical personnel to ensure that cleaning and maintenance procedures are being carried out and that a vermin eradication program, if required, has been implemented and that pest control professionals conduct monthly inspections;

(4) A comprehensive inspection of security devices (bars, locks, windows, doors, etc.), emergency equipment (to include generators and constant-charge, battery-operated emergency lights), and fire-fighting equipment will be conducted by qualified staff members; and

(5) Supervisory staff must conduct a weekly inspection of all unoccupied areas.

c. Monthly

(1) A comprehensive and thorough inspection of the MCF by a qualified fire and safety officer for compliance with safety and fire prevention standards;

(2) A comprehensive and thorough sanitation inspection by qualified medical staff or qualified safety personnel trained by medical personnel (not applicable to level I MCFs); and

(3) Key control system functionality.

d. Quarterly

(1) Sanitation and habitability inspection of MCFs conducted by preventive medical personnel;

(2) Load test of power generators; and

(3) Key inventory.

e. Other. Other inspections statutorily mandated or mandated by the Service Secretary.

4. Qualified staff members conducting required daily, weekly, and monthly inspections must have received training in and must be familiar with the applicable fire prevention, safety, and sanitation requirements of the applicable references. At a minimum, a qualified command safety officer and medical personnel will provide on-the-job training regarding applicable regulations and inspections, including the use of checklists and methods of documentation.

2303. Safety Program

1. General. The brig officer will ensure a safety program is effectively carried out for staff and prisoners. Accident prevention and elimination of safety hazards requires continuous efforts by staff members and cannot be successful without their cooperation. Faulty equipment must be repaired, replaced, or removed. Prisoners must be instructed in the proper use of tools and be required to observe all safety precautions. Safety regulations must be posted at each machine. Wearing of appropriate personal protective equipment (e.g., hard hats, eye and hearing protection, etc.) is mandatory.

2. Standards. Facilities must comply with Naval Occupational Safety and Health (NAVOSH) standards, fire, life, and safety requirements, and with those requirements prescribed by higher headquarters and other appropriate authorities.

2304. Sanitation, Maintenance, and Housekeeping. A written housekeeping plan for all areas of the MCF's physical plant will provide for daily housekeeping and regular maintenance by

assigning specific duties and responsibilities to staff and prisoners. Facilities must comply with health and sanitation regulations, all applicable health codes, and frequency of inspections prescribed in this manual. Records will be maintained to document that any past deficiencies noted during previous inspections have been corrected.

Chapter 3: Staff

Section 1. Staff Criteria

3101. Policy. The specialized nature of duty in a Military Correctional Facility (MCF) or Correctional Custody Unit (CCU) requires that assigned personnel be screened and selected per standardized criteria and specifically trained in control, management, and correction of prisoners and awardees. Personnel assigned to MCFs or CCUs will be assigned a specific Navy enlisted classification (NEC) or military occupational specialty (MOS) upon successful completion of a formal corrections school or per procedures of their Service. Civilians may be hired to augment military staff and will be trained per requirements established by Bureau of Naval Personnel Corrections and Programs Office (BUPERS-00D) or Deputy Commandant of the Marine Corps (Plans, Policies and Operations (DC PPO)).

3102. Selection Criteria

1. General

a. “Staff”, for the purpose of this manual, includes MCF military Service members, government service employees, volunteers, contractors, and other governmental employees assigned or attached to the MCF.

b. Permanently assigned MCF staff must, unless specifically exempt by BUPERS-00D or DC PPO, meet and maintain the following general criteria:

(1) Staff must be mature and emotionally stable;

(2) Members who have a psychiatric disorder or excessive use or dependence upon alcohol, which is not treated, must not be assigned to duty in a MCF;

(3) There must be no documented in-Service drug use;

(4) Members must demonstrate positive and sound leadership qualities;

(5) Military staff must have no record of a civil court conviction, except for misdemeanor traffic violations;

(6) Civilian staff convicted of a felony are ineligible for employment in a MCF, per section 7371 of reference (q).

c. Reasonable accommodations for a qualified individual with a disability, whether an applicant or an employee, will be granted unless it would impose an undue hardship or cause a direct threat to the MCF's mission.

d. Persons under investigation or being considered for administrative separation must not be assigned to duty at a MCF.

2. Navy Personnel Requirements

a. Must have completed at least 24 months of active service following completion of recruit training.

b. Must be in paygrade E-4 or above.

c. Must have no record of conviction by court-martial or non-judicial punishment during past 36 months and must maintain a clear record of positive conduct and work performance during their assigned tour of MCF duty.

d. Must be within body fat standards, per reference (r).

e. Must possess a high school diploma or equivalent.

f. Must have no mark below 3.0 for Navy members, E-7 through E-9, on NAVPERS 1616/27 Evaluation & Counseling Record in any trait and must reflect a steady or improving trend for the past 36 months. Must have no mark below 3.0 for Navy members, E-4 through E-6, in any trait on NAVPERS 1616/26, Evaluation Report & Counseling Record for the past 36 months. Recommendation for waiver of eligibility criteria will be considered on a case-by-case basis when the overall evaluation trend is improving and the filling of a high-priority MCF billet dictates.

3. Marine Corps Personnel. Marine Corps personnel who successfully complete the basic corrections course directed by DC PPO and meet the requirements contained in reference (s), will be awarded MOS 5831. Members who successfully complete a formal correctional counselor course may be assigned the secondary MOS 5832.

4. Supervisory Positions. Personnel assigned to key positions (i.e.; commanding officer (CO), executive officer (XO), officer in charge (OIC), brig officer, brig supervisor, chief petty officer in charge, command duty officer (CDO), or duty brig supervisor (DBS)) must have served a minimum of 2 years of active service, or have attained a level of qualification by reason of civilian experience or academic background to warrant such an assignment.

5. Correctional Counselor. In addition to the general selection criteria described above, personnel assigned as a correctional counselor must meet the following criteria:

a. Be paygrade E-5 or above and possess a strong desire to perform correctional counselor duties.

b. Possess an ability to communicate effectively, both orally and in writing.

c. Display interest in providing guidance and emotional support to others.

d. Successfully complete specialized training designed for correctional counselors.

e. Exceptions must be approved by BUPERS-00D or DC PPO.

6. Mixed-Gender Supervision. Male or female Service members may be assigned to MCFs authorized for prisoners of both genders; however, they must not be assigned duties that require supervision of prisoners of the opposite sex at times when routine nudity occurs. See article 4207 of this manual.

7. Personnel from Other Military Services. In locations where MCFs regularly confine members of other Service components, inter-Service support agreements may be established at the corrections headquarters-level governing confinement services support between parties of the agreement.

8. Civilians. Civilians may be employed in selected positions at MCFs only when specifically approved by BUPERS-00D or DC PPO. As a condition of employment, civilian personnel must successfully complete required training courses appropriate to their position and will be subject to a background check, a

urinalysis, or both. Healthcare and mental health providers must be licensed, meet Service credentialing requirements prior to hiring, and must maintain requirements during employment. All civilian position descriptions are to be standardized with any changes to be coordinated and approved by BUPERS-00D or DC PPO as appropriate.

9. Hiring, Staffing, and Promotion Decisions

a. The MCF must not hire, retain, or promote a staff member, nor enlist the services of any contractor, who may have contact with prisoners who:

(1) Has engaged in sexual abuse in a prison, jail, lock-up, community MCF, juvenile facility, or other institution (as defined in 42 U.S.C. § 1997);

(2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or

(3) Has been civilly or administratively adjudicated to have engaged in the activity described above.

b. The MCF will consider any incidents of sexual harassment when determining whether to hire, retain, promote, or to enlist the services of any contractor, who may have contact with prisoners.

c. Before hiring new employees who may have contact with prisoners, the MCF must:

(1) Conduct a National Crime Information Center (NCIC) criminal background records check. All staff (active service and civilian) must complete a staff background check per Service requirements. Results will be considered in the hiring process and remain on file for 3 years for audit purposes.

(2) Consistent with Federal, State, and local laws, the MCF must make best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

d. The MCF must conduct an NCIC check before the MCF enlists the services of any contractor who may have contact with prisoners.

e. The MCF must conduct an NCIC check, at a minimum of every 5 years, of current staff, contractors, and volunteers who may have contact with prisoners, or have in place a system for otherwise capturing such information for current staff.

f. The MCF must directly ask all applicants and staff who may have contact with prisoners, about previous misconduct described in subparagraph 3102.9a of this manual, in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted, as part of reviews of current employees. The MCF CO must also impose upon staff a continuing affirmative duty to disclose any such misconduct. The MCF must ensure all prospective and newly appointed personnel (active service and civilian) read and sign a Prison Rape Elimination Act (PREA) acknowledgement and maintain the acknowledgement per current directives. The MCF CO must also ensure all employee performance evaluations document their continued compliance with 28 C.F.R. §115.17.

(1) Material omissions regarding such misconduct, or the provision of materially false information, will be grounds for termination for civilians or revocation of NEC or MOS for service members. Appropriate administrative or disciplinary actions will be referred to the applicable civilian or military activity for action.

(2) Unless determined prohibited by law, BUPERS-00D or DC PPO will provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work. Applicable human resource and legal agencies will review and notify BUPERS-00D or DC PPO of any laws prohibiting disclosure of the information on all cases. The MCF CO must forward any requests related to this section to BUPERS-00D or DC PPO, via human resources and legal entities.

3103. Assignment

1. Personnel must be assigned to MCFs for normal tours of duty. Transient personnel must not be assigned to duty at a MCF.

2. Personnel ordered to duty in a MCF will not be utilized by the parent command, if not the MCF, for other parent command functions in any manner that may degrade or compromise the MCF security and public safety mission. MCF personnel must not be assigned to watch bills (except at the MCF) or to collateral assignments that involve law enforcement or legal functions or any other duties that may conflict with the ability to respond to a crisis at the MCF or present a significant conflict of interest. Command personnel who possess NEC 826A may be assigned collateral duties within the MCF with approval of the MCF CO.

3. Insofar as possible, USMC personnel with MOS 5831 or 5804 will be assigned to billets at the MCF within the USMC command to which assigned. Substitution of non-5831 or 5804 (augmented) personnel in correctional billets, when a sufficient number of qualified 5831 or 5804 personnel are assigned to that command, is not authorized unless specifically approved in each case by DC PPO.

4. Personnel external to the command who possess NEC 826A or 810A (Correctional Custody Specialist Ashore or Correctional Counselor) or USMC MOS 5831 or 5832 (Corrections Specialist or Correctional Counselor) may be assigned collateral duties at a MCF in cases of necessity and with approval of the MCF CO.

5. Navy enlisted staff must possess NEC 810A or 826A prior to assignment to duties at a MCF.

6. With the exception of formal lateral move assignments (Marine Corps-specific), naval military staff must possess formal school training prior to assignment to duties at a MCF. Substitution of staff without formal school training is not authorized. Personnel must be closely screened for suitability for correctional duty per applicable Service policy and article 3102 of this manual.

7. Contract Staff. Contractors may be used on a temporary basis in support positions when approved by BUPERS-00D or DC PPO.

3104. Performance Criteria

1. General. Confinement work is unique and demanding. Assignment of sound leaders is vital to the corrections mission.

2. Awarding the Correction NEC or MOS

a. Navy Personnel. Personnel who are assigned to MCF duties must successfully complete formal training en route and be assigned NEC 826A. Correctional counselors must, in addition, successfully complete the appropriate correctional counselor course and be assigned NEC 810A. Navy personnel selected for correctional counselors may attend the counselor's course en route to the MCF as part of their orders. If a MCF CO seeks to send a Sailor that is already onboard his or her command to the formal correctional counselor school, he or she will ensure the Sailor has completed 6 months of corrections duty and will be available to serve as a correctional counselor for a minimum of 1 year before sending the Sailor to the school. Longer commitments may be required by MCF COs. Exceptions to policy will be submitted with justification, via the chain of command, to BUPERS-00D.

b. USMC Personnel. Personnel who successfully complete the basic corrections course directed by Commandant of the Marine Corps (CMC), and those who meet the experience requirements contained in reference (s), will be awarded the MOS 5831. Personnel who have successfully completed a formal correctional counselor course may be assigned a secondary MOS of 5832 per reference (s).

3105. Performance Evaluation Criteria. MCF staff performance evaluations shall follow Service policies and take into account inter-service agreements as applicable.

3106. Unsuitability

1. Personnel who demonstrate a lack of maturity or ability to adjust to confinement duties after an adequate period of training and guidance may be disqualified from assignment to

duty in a MCF. Recommendations for disqualification must be submitted with appropriate justification to BUPERS-00D or DC PPO for approval. Upon approval, the member will be reassigned to another activity.

2. Such reassignments must be made without prejudice unless such tendencies are a result of misconduct. Staff members removed from a MCF assignment for misconduct or for unsuitability must have their NEC or MOS immediately removed to preclude any future assignment to a confinement billet.

Section 2. Staff Utilization

3201. Functions and Tasks. Personnel serve in either command or operational levels.

1. Command Level. The MCF CO has overall responsibility for operation of the MCF. As used in this manual, the term "CO" refers to one of the following:

a. Navy. If a MCF is established as an activity, the term "CO" refers to the CO of that activity. If the MCF is not established as an activity, the term "CO" refers to the CO of the activity under which the MCF is organizationally aligned.

b. USMC. For USMC MCFs, the term "CO" refers to the officer who is appointed in writing by the installation commander to manage the MCF, or is assigned by table of organization billeted and promulgating orders.

c. Approving Authority. For the purpose of this manual, the term “approving authority” refers to the brig officer or designee for specific command-level actions. Under this definition, the “approving authority” is normally a uniformed officer. Final appeal authority for administrative disciplinary actions and rejection of correspondence and publications is one level above the approving authority imposing such actions.

2. Operational Level. The following functions are at the operating level:

a. Brig Officer. Brig officer, as used in this manual, refers to the officer or senior enlisted member formally

assigned or appointed, in writing, responsible for the day-to-day operation of the MCF.

(1) For Navy level I MCFs, the brig officer is the officer in charge (OIC).

(2) For Navy levels II and III MCFs, the brig officer is the executive officer (XO).

(3) For Marine Corps MCFs, the brig officer is either the senior officer or enlisted member, as designated in writing, assigned to the MCF.

b. Senior Advisors

(1) Technical Director (TD) (Navy). Where assigned, the TD is the senior civilian assigned to levels II and III MCFs and serves as the senior resident expert on all correctional matters, particularly national corrections standards (i.e.; ACA, PREA, Restricted Housing (RH)) and as such, acts as the policy advisor to the MCF CO or OIC. In this role, the TD has positional authority to provide supervision and oversight of projects and tasks of all MCF staff. The TD guides and directs policy for all departments and ensures all program administrators carry out directed programs, services, and professional standards. The TD is the principal advisor to all MCF personnel in corrections matters and operations.

(2) Brig Supervisor (Marines). The brig supervisor is normally the senior enlisted corrections member assigned to the MCF and is responsible to the brig officer for the daily operation of the MCF. This person makes recommendations to the brig officer regarding training, assignment, and performance evaluation of all enlisted members of the MCF staff. They make on-site inspections of all areas of the MCF.

c. Chaplain. A chaplain, when not assigned full time to the MCF staff, must be assigned in writing by the CO of the activity to administer religious programs.

d. Health Authority. The health care authority may be a medical provider, clinical service director credentialed by a DoD medical treatment facility, or health services administrator. Responsibilities include day-to-day operations

of the MCF health services program, arranging for all levels of health services and assuring the quality of all health services. Health services include the physical and mental health of the offender population and include medical and dental services, mental health services, nursing care, personal hygiene, dietary services, health education, and environmental conditions.

e. Medical and Dental Officers, when not assigned full time as MCF staff, must be assigned in writing by the CO of the medical or dental activity providing service to the MCF to care for the needs of the prisoners. An independent duty corpsman (IDC), if assigned to the MCF, will be supervised by the MCF medical officer, maintain credentialing and peer reviews, and supervise assigned hospital corpsmen. Medical staff are the only authorized staff to administer authorized medications to prisoners.

f. Hospital Corpsmen assist IDCs and are responsible to the assigned medical officer for the health care program for prisoners, including emergency medical first aid and dispensation of all controlled medicines and drugs prescribed for prisoners. Due to this responsibility, corpsmen billeted to the MCF as corpsmen must not be assigned to any other department in a MCF except the medical department. They are also prohibited from being assigned to watch bills or duties associated with security functions. Under the supervision of the assigned medical officer or IDC, hospital corpsmen may conduct daily sick call and visit prisoners in segregation.

g. Funds and Valuables Custodian. This also covers assistant funds and valuables custodians and collection agents. Custodians must be designated in writing per reference (t) to receive prisoners’ funds, valuables, and personal effects and must be provided with adequate safekeeping facilities for temporary storage of such effects.

h. Mail Supervisor. The MCF CO must appoint, in writing, a staff member as a mail supervisor or clerk. The mail supervisor will also be a custodian. The mail supervisor is responsible for receipting, logging, inspecting, distributing, and posting prisoner mail and for receipting and accounting for prisoner funds and valuables received through the mail.

i. Prisoner Management Director or Programs Officer (Navy or Marine). Manage prisoner living quarters and applicable corrections programs. This position may also be the unit team manager.

j. Case Manager or Correctional Counselor. A case manager is a senior counselor. Case managers and correctional counselors provide direct and indirect counseling and individual or group counseling to no more than a 40-prisoner caseload per case manager or counselor and assists in a prisoner's program plan development, performance, and evaluations.

k. Training Supervisor or Officer. Training supervisor or officer is responsible for the annual training plan, scheduling and ensuring accomplishment of pre-service and in-service training, escort training, and maintenance of training records for staff.

l. Work Supervisor. Work supervisor is responsible for planning and coordinating work projects and working parties for prisoners. Major functions include maintaining liaison with area coordinators, installation commanders, and immediate superiors in command in identification and assignment of productive work projects suitable for prisoners. Work supervisors also ensure prisoners are qualified according to Navy Occupational Safety and Health standards for working parties and are supervised by trained and qualified escorts; monitoring working parties on or away from the MCF; providing maintenance and general sanitation of the MCF and grounds; and coordinating employment of installation custody and minimum custody prisoners on individual assignments to other commands.

m. Project Supervisor. Project supervisor is responsible for special-type work or programs (e.g.; laundry, carpentry, auto mechanics, welding, electrical, maintenance, etc.). They are required to be qualified in technical and safety requirements of the project they are assigned to supervise.

n. Victim Witness Coordinator (VWC). Victim Witness Assistance Program coordinators must be appointed in writing by the MCF CO. VWC duties may also include sex offender notifications. Responsibilities include implementing public law requirements per applicable policies. These responsibilities may be assigned as additional duties in smaller MCFs.

o. Shared Services or Administrative Officer. Responsibilities may include facility administration and prisoner records administration, MCF correspondence, statistical data, reports, and prisoner sentence computation.

p. Receiving and Release (R&R) Supervisor. R&R supervisor is responsible for processing prisoner intakes and releases, relevant records and supplies (including health and comfort items), prisoner personal property, clothing issue, and storage. The R&R supervisor will be assigned as a custodian.

q. Supply Officer or Supervisor. Supply officer or supervisor is responsible for receipt, issue, and inventory of MCF operational supplies.

r. Operations Officer. The operations officer is responsible for MCF security, control, key and weapons accountability, emergency planning and response, maintenance of security and related equipment, perimeter patrol, and supervision of group activities.

s. CDO or DBS. CDO or DBS is responsible for supervising the security force, maintaining good order and discipline, carrying out the plan-of-the-day, and ensuring the health, welfare, and safety of staff members and prisoners. In the absence of the brig officer, during holidays, weekends, and after normal business hours, the CDO or DBS is in charge of MCF operations.

t. Master Control Center Supervisor. Master Control Center supervisor is responsible for maintaining the prisoner accountability and security system. The control center is the hub of the communications system and coordinates information and activities concerning prisoners and prisoner movements. The master control center supervisor may be responsible for storage, issue, and inventory of security equipment such as keys, instruments of restraint, etc. Personnel selected for this post must be carefully screened by the operations officer due to the responsibilities and high demands associated with this post.

u. Quarters Supervisor. Personnel assigned to supervise prisoner living quarters are responsible for the maintenance of good order and discipline, sanitation, accountability, direct

supervision and welfare of prisoners within their assigned living quarters.

v. Dining Facility Supervisor. Dining Facility Supervisor must ensure the quality and quantity of food served to prisoners are identical with that served for the general command population; that sanitation, preparation, handling, and service of food meet established criteria; and preparation and serving of special diets.

w. Specialized Billets

(1) All personnel assigned to a MCF must complete all local training required of MCF staff.

(2) When the mission of a MCF requires specialized programs, additional billets to accomplish the MCF's mission may be added. Civilians with the required expertise may be hired on a full-time or part-time basis. Such personnel, depending upon their professional background and previous corrections experience, will complete the training required by BUPERS-00D or DC PPO.

(3) All specialized MCF staff will have the same responsibilities for security and prisoner welfare as other MCF staff.

3202. Watch Bill Construction. Security assignments will be rotated as to both post and hours of duty to provide cross-training and to broaden the staff’s perspective of the total corrections program. Frequency of such reassignments is a matter of discretion with the brig officer.

3203. Combined Duties. It is often necessary and efficient to assign two or more billet functions to one staff member. To preclude inappropriate grouping of such collateral tasks and to enhance the transferability of learned job skills from one MCF to another, the MCF CO or designee may approve combined duties.

3204. Conflicting Assignments

1. Officers. Officers assigned to MCFs are on 24-hour call to respond to emergencies within the MCF and must be exempted from assignment to external watch bills and duties such as officer of

the day, duty officer, security officer, etc. Duty officers may be called upon to arrest, detain, or confine personnel in the performance of their duty. While requirements of the Service may require personnel to perform a share of collateral duties not related to criminal justice, COs must avoid assigning such collateral duties as legal services officer, discipline officer, security officer, shore patrol officer, or any other assignment which is involved in the investigation, apprehension, or prosecution of military personnel under provisions of reference (d).

2. Enlisted Personnel. Personnel on rotating shifts or 24-hour immediate recall for emergency and riot control must be exempt from external watch bills or any other assignment involved in the investigation, apprehension, or prosecution of military personnel under provisions of reference (d) to prevent a conflict of interest.

Section 3. Manning Levels and Dual Staff Relationships

3301. Manpower Authorizations (Navy). Navy staffing authorizations for MCFs will be established and changed using procedures provided in reference (u). MCFs and correctional custody units (CCUs) will be under separate unit identification codes, and COs will ensure screening of personnel assigned to correctional duties.

3302. Tables of Organization (T/O) (Marine Corps). Marine Corps T/Os for MCFs will carry such billets as a separate reporting unit code not integrated with any other element of the organization. Requests to establish or revise T/Os will be routed through DC PPO.

Section 4. Special Directives for Correctional Staff

3401. Post Orders. The brig officer will ensure there are up-to-date, written instructions containing policy and procedures for each post that must be reviewed annually (with review documented) and updated as necessary. Post orders must contain a clear, concise statement of the purpose, schedule, supervisory functions, security requirements, post equipment, and any other special features of the post. Staff members are required to read their post orders and be able to perform the functions of the appropriate post. Each time staff members assume a new

post, they must sign and date the post order prior to assumption of those posts to acknowledge they understand post requirements.

3402. Code of Ethics and General Standards of Conduct for Staff. Each MCF must ensure all staff review and sign an acknowledgement of code of ethics and general standards of conduct for staff prior to commencing their duties at the MCF. This acknowledgment must be re-certified annually.

1. Code of Ethics. The naval corrections program follows American Correctional Association (ACA) Code of Ethics, which expects unfailing honesty, respect for the dignity and individuality of human beings, and a commitment to professional and compassionate service. Staff must adhere to the following principles:

a. Respect and protect the civil and legal rights of all individuals;

b. Treat every professional situation with concern for the welfare of the individuals involved and with no intent for personal gain;

c. Maintain relationships with colleagues to promote mutual respect within the profession and improve the quality of service;

d. Not publicly criticize colleagues or agencies;

e. Respect the importance of all disciplines within the criminal justice system and work to improve cooperation with each segment;

f. Honor the public's right to information and share information with the public to the extent permitted by law and policy, subject to individuals' right to privacy;

g. Respect and protect the right of the public to be safeguarded from criminal activity;

h. Refrain from using their positions to secure personal privileges or advantages;

i. Refrain from allowing personal interest to impair objectivity in the performance of duty while acting in an official capacity;

j. Refrain from entering into any formal or informal activity or agreement that presents a conflict of interest or is inconsistent with the conscientious performance of duties;

k. Refrain from accepting any gifts, services, or favors that are or appear to be improper or imply an obligation inconsistent with the free and objective exercise of professional duties;

l. Clearly differentiate between personal views or statements and views, statements, or positions made on behalf of the command;

m. Report to appropriate authorities any corrupt or unethical behaviors in which there is sufficient evidence to justify a review;

n. Refrain from discriminating against any individual because of race, gender, creed, national origin, religious affiliation, age, disability, or any other type of prohibited discrimination;

o. Preserve the integrity of private information; refrain from seeking information on individuals beyond that which is necessary to implement responsibilities and perform their duties; refrain from revealing nonpublic information unless expressly authorized to do so;

p. Make all assignments, promotions, and removals per established Federal or Military Service rules, applicable contract agreements, and individual merit, rather than furtherance of personal interests; and

q. Respect, promote, and contribute to a workplace that is safe, healthy, and free of harassment in any form.

2. Standards of Conduct. Generally, acting in conformance with requirements of the Uniform Code of Military Justice (UCMJ), reference (v), and observance of the constitutional rights of individuals is sufficient to establish proper staff-to-prisoner

relationships. Aspects of staff behavior that are inappropriate or prohibited which merit special emphasis follow:

a. Per reference (w), personal dignity for all individuals must be observed. Any act or work that demeans, degrades, humiliates, or serves only to embarrass an individual is prohibited. Actions which are not specifically authorized by MCF policy and which would likely have the effect of humiliating or embarrassing prisoners or otherwise demean them must be avoided. SECNAV's policy must be strictly followed and enforced at MCFs in both letter and spirit;

b. Physical and verbal abuse, hazing, use of unnecessary force, imposing physical exercise as punishment, and any form of corporal punishment by a staff member is prohibited;

c. Striking or laying hands upon prisoners, except in self-defense, to prevent serious injury to other persons, to prevent serious damage to property, to conduct an authorized search, or to quell a disturbance is prohibited. In such cases, the amount of force used must be the minimum amount necessary to bring the situation under control;

d. Depriving normal rights (e.g.; health care, food and water, use of head facilities, etc.) as punishment or discipline is prohibited;

e. Buying, selling, trading, giving any item or service, accepting favors or personal services to or from prisoners, former prisoners, members of their families, any person known to be associated with a prisoner, or permitting others to conduct such activities is prohibited;

f. Extending privileges, favored assignments, or providing information to an individual prisoner that is not similarly available to all prisoners is prohibited;

g. Fraternizing with or using official position to establish or maintain business or social relationships, which includes showing partiality toward, or becoming emotionally, physically, sexually, or financially involved with current or former prisoners or their families. Regardless of whether force or coercion is used or threatened, there is never such a thing as "consensual" sexual activity between staff and prisoners.

This restriction will not prohibit all contact, such as simple conversation between prisoners and staff members. MCF staff members are expected to treat prisoners humanely and as members of the Military Service in a subordinate position within the organization;

h. Releasing information on individual prisoners without proper authorization is prohibited;

i. Seeking or revealing information on individuals beyond that which is necessary to perform their duties (including any nonpublic information, unless expressly authorized to do so is prohibited);

j. Using profane, demeaning, indecent, or insulting language or gestures toward or in the presence of prisoners is prohibited;

k. Engaging in activities that constitute a conflict of interest or give the appearance of a conflict of interest is prohibited;

l. Using illegal drugs or narcotics or the abuse of any drug or narcotic at any time is prohibited. Consuming alcoholic beverages within a minimum of 8 hours prior to reporting to duty or being under the influence of alcohol at any time while on duty is prohibited;

m. Providing prisoners, directly or indirectly, with any material reasonably expected to cause injury or affect the security, safety, or good order of the MCF (e.g.; letters, sexually explicit materials, stamps, money, tobacco, tools, weapons, implements (such as metal or large plastic serving implements), alcohol, drugs, photographic equipment, computer software (personal software brought in or government software taken out), recording devices, cell phones, pagers, etc.) is prohibited;

n. Introducing or attempting to remove contraband within the security perimeter of the MCF without consent from the brig officer or designee is prohibited. In this context, contraband is defined as any material that can reasonably be expected to cause physical injury or adversely affect the security, safety,

or good order of the MCF. Contraband includes, but is not limited to:

(1) Letters;

(2) Stamps;

(3) Tools;

(4) Weapons;

(5) Unauthorized writing materials;

(6) Magazine or books;

(7) Messages to prisoners;

(8) Implements (culinary);

(9) Instruments (medical or hygiene);

(10) Alcoholic beverages;

(11) Drugs, dietary supplements, and medicines (prescription, nonprescription);

(12) Electronics (e.g.; cameras, cell phones, iPods, recording devices);

(13) Flammable, toxic, and caustic substances;

(14) Sexually explicit materials;

(15) Razors or razorblades;

(16) Tobacco or tobacco products;

(17) Glass containers;

(18) Extra clothing (excludes jackets, coats);

(19) Computer software and hardware (personal brought in or government taken out); and

(20) Any item altered for use other than its intended purpose.

o. Wearing clothing and or footwear of a style or fit that would interfere with an emergency response within a MCF or that would otherwise interfere with required duties or jeopardize personal safety or security is prohibited.

3. Appropriate aspects of behavior for which MCF staff bear responsibility that merit special emphasis are as follows:

a. Maintaining security of the MCF and the safe custody of the prisoners;

b. Presenting an appropriate professional appearance and bearing at all times;

c. Maintaining a professional, firm, fair, impartial, and consistent manner toward prisoners at all times. Staff must respect, promote, and contribute to a workplace in a manner that is safe, healthy, and free of harassment in any form; and

d. Wearing required security equipment per Military Service regulations and MCF policy.

4. All MCF staff seeking employment outside the MCF must bring this to the attention of the brig officer. Outside employment, including self-employment, must not result in, or create the appearance of, a conflict of interest with official duties or tend to impair the employee's mental or physical capacity to perform official duties and responsibilities.

5. Staff must immediately report to their chain of command (or appropriate authorities) any violation or apparent violation of these standards.

3403. Physical Abuse, Sexual Assault, Sexual Misconduct, and Maltreatment Allegations. The MCF CO must immediately review known circumstances of any allegations of physical abuse, sexual assault, sexual misconduct, or maltreatment. The MCF CO must also ensure that an administrative or criminal investigation is referred to an agency with the legal authority to conduct criminal investigations for all allegations of sexual abuse and sexual harassment and ensure those referrals are properly

documented and maintained per legal requirements. In addition, a determination will be made on whether or not the duty assignment of the accused staff member will be altered pending resolution of the allegations.

3404. Urinalysis Testing. Policy for urinalysis testing in MCFs for staff and prisoners will be implemented as provided in references (x) and (y) or applicable civilian personnel regulations.

Section 5. Staff Training

3501. Training. MCF training programs shall meet minimum ACA Adult Correctional Institutions (ACI) standards (pre-service and in-service), PREA standards, and RH guiding principles.

3502. Initial Training. All Military Service personnel assigned to corrections duty must receive formal training as specified by BUPERS-00D or CMC (Training and Education Command), as appropriate.

3503. Pre-Service Training

1. After successful completion of formal corrections training (military), all personnel (military and civilian) must undergo pre-service training that is conducted at the MCF and precedes assumption of duties. All full-time permanent personnel assigned duties within the MCF must attend pre-service training, regardless of billet assignment. Additional training requirements may be required by BUPERS-00D or DC PPO.

2. Military staff must complete qualification standards that outline specific requirements and responsibilities of a corrections specialist prior to unsupervised assumption of duties.

3. All pre-service training must be documented in such a manner to permit verification of attendees, specific curriculum completed, and date and length of training.

4. Part-Time Staff and Contract or Volunteer Personnel. All part-time staff and contract or volunteer personnel must receive formal orientation appropriate to their assignments and additional training as needed. Under PREA, all volunteers,

contractors, and interns who have contact with prisoners must be trained on their responsibilities under the MCF's sexual misconduct prevention, detection, and response policies and procedures. The level and type of PREA training provided to volunteers, contractors, and interns will be based on the services they provide and level of contact they have with prisoners. All volunteers and contractors who have contact with prisoners must be notified of the MCF's zero-tolerance policy regarding sexual misconduct and informed how to report such incidents. The training officer must maintain documentation confirming that volunteers, contractors, and interns understand the PREA training they have received and maintain such files locally for audit purposes.

5. Investigators

a. Investigations within a MCF vary in scope, though are generally administrative. Training for staff investigators also differs to meet the requirements for each type of investigation (e.g.; background checks, Inspector General, Judge Advocate General, command, and incidents involving MCF rules violations, and prisoner complaints and allegations).

b. Prison Rape Elimination Act (PREA). Administrative or criminal investigation, as applicable, shall be completed for all allegations of sexual harassment and sexual abuse. In addition, all allegations of sexual harassment and sexual abuse regardless of severity or merit will be immediately referred to the Naval Criminal Investigative Service or Criminal Investigation Division for investigation.

c. Specialized Training. As applicable, the scope and nature of training for correctional investigators shall be locally addressed or as coordinated by BUPERS-00D and DC PPO. Specialized training is required for investigators pursuant to PREA standards (§ 115.34 Specialized training: Investigations). MCFs shall have internal capability to conduct administrative investigations.

6. Medical and Mental Health Care Practitioners. In addition to in-service training, all medical and mental health care practitioners who work regularly in a MCF will receive the following training prior to assignment and this training will be documented and maintained per current directives:

a. How to detect and assess signs of sexual abuse and sexual harassment

b. How to preserve physical evidence of sexual abuse;

c. How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and

d. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment

3504. First Year Training. Formal corrections school training will count towards ACA staff training requirements for those members who attend. Additional training requirements are met by pre-service and in-service training. Staff that have not attended formal school training must meet applicable ACA training standards.

3505. In-Service Training

1. In-service training is designed to keep all staff members abreast of changes in policy and operations and to maintain and improve proficiency in correctional skills. Each MCF will conduct regularly scheduled in-service training so that a complete cycle of subject matter is completed within 1 year. All staff will be required to attend this training and demonstrate proficiency in the subject matter as determined by the training officer.

2. All in-service training will be documented similar to pre-service training (see article 3502.3 of this manual).

3506. Professional Development. It is encouraged that MCF staff continue their education and have access to correctional meetings, seminars, and workshops. Training opportunities may be offered by BUPERS-00D or DC PPO, Department of Justice (DOJ), Federal Bureau of Prisons, National Institute of Corrections, ACA, American Jail Association (AJA), and many State and local correctional agencies. Staff members are encouraged to seek professional certifications via the DOJ, ACA, AJA, or other professional organizations.

3507. Staff Library. An important aspect of professional development of staff members is the ready access to current literature in the field. This access is best accomplished by establishing a staff library under the purview of the training officer. Books, professional journals, and multi-media materials may be purchased by the MCF and supplemented by the installation or regional library.

Chapter 4: Control, Security, and Emergencies

Section 1. Prisoner Accountability System

4101. Master Control Center Function

1. The control center is the focal point for all military correctional facility (MCF) security and control operations. The control center must be utilized for 24-hour continuously staffed monitoring and coordinating of the MCF's security, life, safety, and communications systems. It is here that all prisoner movements are directed, controlled, and accounted for; that all active keys are controlled and accounted for; where the entry and exit of all prisoners, staff, and visitors are controlled; and where emergency equipment may be stored. Main communications terminals, both regular and emergency, are located in the control center. Outside telephone switchboards will not be operated from the control center during normal daytime working hours. Master count records and the brig log are maintained in the control center and the reports of daily counts are prepared and verified there.

2. The control center must be manned and its security integrity maintained at all times. Access to the control center will be limited to only authorized personnel designated in writing by the brig officer. Prisoners must not be allowed access to the control center under any circumstances.

4102. Control Center Accountability Systems

1. Certain basic information must be maintained and controlled to ensure adequate accountability of prisoners at all times. Accountability systems will be controlled and maintained in the control center. The extent of these systems will be tailored to meet local needs. Many required accountability forms and reports, required per reference (z) and this manual, can be generated and accessed by utilizing the Correctional Management Information System (CORMIS) or its electronic equivalent.

2. Accountability System Elements

a. DD 2707 Confinement Order. A copy of the confinement order will be delivered to the control center by the Receiving and Release (R&R) supervisor immediately upon receipt of a new

prisoner. The control center supervisor will make necessary adjustments to count records and the brig log.

b. Prisoner Identification Badge. Four prisoner identification badges will be created by R&R upon arrival of a new prisoner. A badge is given to the prisoner. A badge is forwarded to the supervisor responsible for records management for inclusion in the prisoner's individual confinement record. A badge is forwarded to the control center for inclusion in the control center's master file. A badge is forwarded to the prisoner's quarters supervisor. The control center will maintain their copies of prisoner identification badges in alphabetical order and in a readily visible file in the control center. New badges will be added only when new prisoners are received and those on file will be removed from the master file only upon receipt of an updated prisoner badge or an executed DD 2718 Prisoner Release Order. Removed badges will be forwarded to the supervisor responsible for records management.

c. Quarters Assignment Record. This record will follow the living quarters configuration of the MCF and show where each prisoner is specifically assigned (rack or cell). This billeting information will also be maintained in CORMIS or its electronic equivalent.

d. Work Assignment Record. This record is established to accommodate local work assignments for quick verification of work detail and location of the prisoner. Work assignment information will also be maintained in CORMIS or its electronic equivalent.

e. Out-Count Record. Format may be a wall chart or a log that, at a minimum, has the prisoner's name, status, custody, destination, and departure time.

f. Daily Change Sheet (DCS). Initiated by the classification and adjustment (C&A) board, a listing of all authorized changes of status, custody, program, billeting, and work assignments must be prepared each workday. The DCS must be authenticated by the brig officer's signature and distributed to applicable posts. All housing moves, except emergencies, must be accomplished in conjunction with the DCS.

g. Daily Appointment Sheet. A daily appointment sheet will be prepared listing all authorized prisoner appointments for the following workday (e.g.; medical appointments, legal appointments, etc.) and distributed to all applicable posts. The daily appointment sheet will list prisoner name, date and time of the appointment, appointment location, and any other relevant information (e.g.; escorts' names for outside agency escorts, uniform, fasting required for medical). This may be generated by CORMIS or its electronic equivalent from data previously entered.

h. DD 2718 Prisoner Release Order. A copy of an executed release order will be delivered to the control center for verification, log entries, and updating the count log.

i. Brig Log. The brig log is the permanent record of daily and historical events and other significant events of the operation of the MCF. It will be maintained in the control center and reviewed and countersigned by the command duty officer (CDO) or duty brig supervisor (DBS) at the conclusion of each shift. An accurate running count must be included in this log. Refer to section 8104 of this manual for other pertinent information to be logged in the brig log. Where authorized by Bureau of Naval Personnel Corrections and Programs Office (BUPERS-00D) and Deputy Commandant of the Marine Corps (Plans, Policies, and Operations (DC PPO)), an electronic brig log may be maintained.

4103. Counts

1. A minimum of three formal scheduled prisoner counts must be made daily (reveille, end of workday, and taps). More frequent and informal counts may be required depending on prisoner population and physical characteristics of the MCF; however, the frequency of counts will not unduly interfere with normal workday activity. In addition to scheduled counts, work supervisors and quarters supervisors shall be required to make irregular but frequent checks of all prisoners under their supervision, the frequency of checks shall not exceed one hour. There must be periodic bed checks of all prisoners during the night; however, prisoners must not be awakened for this purpose and silent counts will be used. Routine formal counts will be scheduled at times that will not interfere with work, training, sleep, or recreation schedules. Results and times of all counts

(i.e.; scheduled, unscheduled, or others directed by local policy) must be entered into the brig log.

2. Brig officers will develop, publish, and train staff to conduct count.

3. Under no circumstances will prisoners assist staff with count.

4. Unscheduled counts may be conducted whenever deemed necessary.

5. The control center will verify prisoner accountability, by telephone, the presence of all overnight temporary absences during regularly scheduled counts.

4104. Prisoner Movement

1. Activities and movements of prisoners must be controlled, orderly, punctual, and well supervised.

2. Prisoner passes or electronic prisoner tracking systems (e.g., biometrics) will be used in MCFs to control unescorted prisoner movements (exceptions may be made for installation custody prisoners). Either system will be used for instances which require prisoners to leave their regular details. Strict control of either system must be maintained. All staff and prisoners must be instructed in the operation of the MCF prisoner movement system and procedures.

3. In lieu of an Armed Forces identification card, installation custody prisoners will carry a DD 512 Installation Custody Agreement describing their status and limits of movement when outside of the security perimeter of the MCF.

4105. Sally Port Operations

1. A sally port is basic to the secure operation of any MCF. Used properly, it affords security and control over entry to and exit from the MCF.

2. The following procedures must be followed in sally port operations:

a. Provisions will be made to prevent two doors or gates from being inadvertently opened at the same time;

b. If sally port doors or gates are electrically operated, the controls will be located inside the control center or within a secure post that has an unobstructed view of the sally port; and

c. If the sally port is used primarily for vehicles, it must be constructed so the largest vehicle entering can be contained inside with both gates closed. Ensure that any prisoners accompanying a vehicle have been properly logged out of the MCF by the control center supervisor. All vehicles entering and exiting a sally port must be searched for contraband and prisoner escape attempts.

Section 2. Prisoner Custody Classification

4201. Purpose and Definitions

1. Purpose. Custody classifications establish the degree of supervision and restraint needed for control of individual prisoners. Custody classification allows for and supports graduated release through a systematic decrease in supervision and a corresponding increase in prisoner responsibility as part of the classification program. Custody classifications provide guidance for supervision of prisoners and permit establishment of security measures consistent with requirements of the individual. Where there is fair and impartial treatment, prisoners generally present no serious disciplinary problems. There are some prisoners, however, who can be uncooperative or aggressive. Efforts must be made to identify all special cases and control measures instituted to ensure the safe and orderly administration of the MCF. An objective-based custody classification process that addresses the characteristics of the prisoners must be used per reference (z) and this manual. CORMIS, which incorporates the objective-based classification process, or CORMIS' electronic equivalent, will be employed.

2. Classification Definitions. Every prisoner must be assigned one of the following custody classifications:

a. Maximum Custody (MAX). Prisoners requiring special custodial supervision because of the high probability of escape

or are potentially violent or dangerous, and whose escape would cause concern of a threat to life, property, or national security. Ordinarily, only a small percentage of prisoners will be classified as MAX.

(1) Supervision. When inside their cell, observation checks by MCF staff will be at irregular intervals not to exceed 15 minutes. DD 509 Inspection Record of Prisoner in Segregation must be posted outside the cell door and appropriate entries made at least every 15 minutes. Two or more staff members must be present when MAX prisoners are out of their cell or the cell door is opened, and supervision must be immediate (e.g., near at hand or close proximity) and continuous (e.g., without loss or interval of time) unless physical plant design negates this requirement. Camera cells may be utilized for constant observation but do not replace the requirement for staff to physically view the prisoner in the prisoner’s cell.

(2) Work. MAX prisoners will not be assigned to work details outside of their cell.

(3) Quarters. MAX prisoners must be assigned to the restricted housing unit (RHU).

(4) Restraints and Escorts

(a) MAX prisoners must wear hand-irons when outside of their cells in the RHU, unless the facility’s design supports security and control, negating this requirement.

(b) Max prisoners must wear full restraints (hand irons, transport belt, and leg irons) and be escorted by a minimum of two escorts at all times when outside the RHU area. Exceptions may only be made for exigent circumstances (fire or safety) or on a case-by-case basis (court appearance or military judge ordered). The brig officer or designee will be notified of any request to remove restraints.

b. Medium Custody In (MDI). Prisoners who present security risks not warranting MAX.

(1) Supervision. Direct supervision within the security perimeter, and immediate and continuous when outside the security perimeter.

(2) Work. MDI prisoners must not be assigned to work details outside the security perimeter.

(3) Quarters. MDI prisoners will normally be assigned to general population housing where direct supervision is required.

(4) Restraints and Escorts

(a) MDI prisoners will not normally wear restraints inside the security perimeter. Any MDI prisoner required to wear restraints inside the security perimeter will be assigned to the RHU.

(b) MDI prisoners must wear hand irons and a transport belt at a minimum when outside the security perimeter unless the brig officer or designee directs otherwise. Escorts will carry leg irons.

(c) MDI prisoners must be escorted by at least two escorts at all times outside the security perimeter. When transporting multiple MDI prisoners, the brig officer or designee may direct only one escort be required for each additional MDI prisoner. Exceptions may only be made for exigent circumstances (fire or safety) or on a case-by-case basis (court appearance or military judge ordered). The brig officer or designee (senior security personnel) will be notified of any request to remove restraints.

c. Medium Custody Out (MDO). Prisoners who present security risks not warranting MDI.

(1) Supervision. Direct supervision within the security perimeter, and immediate and continuous when outside the security perimeter.

(2) Work. MDO prisoners may be assigned to work details inside or outside the security perimeter.

(3) Quarters. MDO prisoners will normally be assigned to general population housing where direct supervision is required.

(4) Restraints and Escorts

(a) MDO prisoners are not required to wear restraints while inside or outside the security perimeter. Escorts will carry hand irons when escorting MDO prisoners outside of the security perimeter.

(b) MDO prisoners require at least one escort when outside the security perimeter. Working party and other escort ratios will be determined by the brig officer or designee when escorted by MCF staff. Escort ratios for command escorts must be no less than one escort per five MDO prisoners.

d. Minimum Custody (MIN). Prisoners who present security risks not warranting higher classifications.

(1) Supervision. Will be occasional (periodic, situational dependent, and accountable as necessary by supervisory staff) within the security perimeter or outside the security perimeter.

(2) Work. MIN prisoners are normally assigned work outside the security perimeter.

(3) Quarters. MIN prisoners will normally be assigned to general population housing.

(4) Restraints and Escorts

(a) MIN prisoners are not required to wear restraints while inside or outside the security perimeter. Escorts will carry hand irons when escorting MIN prisoners outside of the security perimeter.

(b) MIN prisoners will require at least one escort when outside the security perimeter. Working party and other escort ratios will be determined by the brig officer or designee when escorted by MCF staff. Escort ratios for command escorts must be no less than 1 escort per 10 MIN prisoners.

e. Installation Custody (IC). Prisoners who present minimal security risks not warranting higher classifications.

(1) Supervision. Require only limited supervision. They may work and move about much the same as individuals in normal duty status.

(2) Work. IC prisoners are normally assigned work outside the security perimeter.

(3) Quarters. IC prisoners normally will be assigned to general population housing but may be housed outside the security perimeter.

(4) Restraints and Escorts

(a) IC prisoners are not required to wear restraints while inside or outside the security perimeter.

(b) IC prisoners normally will not require escorts when outside the security perimeter.

(5) Selection Criteria for IC

(a) Have completed at least one half of the confinement adjudged or the convening authority has taken action, whichever occurs first.

(b) Not more than 12 months from adjusted minimum release date or approved supervised release date.

(c) Consideration must be taken into account as to the nature of offense and applicable Federal, State, and local laws concerning unsupervised release for work and recreation into local geographical areas (especially those areas with schools, daycare centers, housing, etc.).

(d) Have not been removed previously from this custody for cause.

(e) IC prisoners must sign DD 512 Installation Custody Agreement and carry it with them at all times when outside the MCF’s security perimeter. A locally prepared agreement listing the limitations on movement outside the MCF must be agreed to, signed by IC prisoners, and countersigned by the MCF commanding officer (CO). The DD 512 will be turned in and checked out from the R&R supervisor as required.

Assignments will depend on the ability to handle responsibility and, whenever possible, be commensurate to the prisoner's previous training, skill, needs of the Service, and potential training value to the prisoner.

(6) Additional Privileges. Additional privileges such as attending the installation theater, library, sports events or similar activities, and messing sequence may be authorized by the MCF CO.

4202. Classification Criteria

1. Custody classification will be based on the amount of supervision and restraint each prisoner requires.

2. All new prisoners, except those specifically deemed serious management problems, must be assigned an MDI custody classification during the reception phase. Pretrial prisoners must not be assigned any custody classification except MDI or MAX.

3. Ultra-conservative custody classification results in a waste of prisoner and staff manpower. A large number of MAX and MDI prisoners reduces the number of staff available for supervision of the kinds of productive work available to lower custody classifications. Classification systems must follow established, but flexible, procedures.

4. Prisoners will be placed in a lower custody classification as soon as practical and as warranted.

5. Override of the Objective-Based Screening Decision

a. The below factors, though not all-inclusive, are considered in assessing whether to override the objective-based classification system to increase a prisoner’s custody:

(1) Assaultive behavior;

(2) Disruptive behavior;

(3) Serious drug abuse;

(4) Serious civil or military criminal record (convicted or alleged);

(5) Low tolerance of frustration;

(6) Intensive acting out or dislike of the military;

(7) History of previous escape(s);

(8) Pending civil charges or detainers filed;

(9) Serving a sentence that the individual considers unjust or severe;

(10) Poor home conditions or family relationships;

(11) Emotional or mental instability;

(12) Indication of unwillingness to accept responsibility for personal actions, past and present;

(13) Demonstrated pattern of poor judgment;

(14) Length, or potential length, of sentence;

(15) Gang affiliation or ties with disruptive organizations;

(16) Awaiting transfer;

(17) A sentence length exceeding the designated length of confinement authorized at the MCF; and

(18) Refusal to accept or participate in recommended treatment or education programs.

b. The below factors, though not all-inclusive, are considered in assessing whether to override the objective-based classification system to decrease a prisoner’s custody:

(1) Clear military record, aside from present offense;

(2) Close family ties - good home conditions;

(3) The offense(s) charged is not serious;

(4) Emotional and mental stability;

(5) Comparatively short sentence to confinement; however, length of sentence will not be a sole overriding factor;

(6) Behavior during confinement, and

(7) Successful completion of, or active participation in, offense-related treatment programs or groups.

c. The factors mentioned above are only indicators, not ironclad rules; therefore, the brig officer will consider objective-based overrides where applicable. An evaluation of all phases of the prisoner's performance will be made prior to each custody change. By following the criteria and concepts outlined in this chapter, the brig officer should be able to make more efficient use of staff and provide an atmosphere in which rehabilitative efforts will be more effective.

6. Adult Internal Management System (AIMS). An AIMS classification will be determined for each prisoner confined in level II MCFs. This is a five-level classification of prisoners based on aggressiveness of personality and methods of problem management used by an individual. AIMS is never used for custody or incentive determination but is very useful for housing and programming prisoners together in order to maximize their opportunities to succeed and to utilize programs offered. Each C&A Board will consider (but not be bound by) a prisoner's AIMS classification in assignment of berthing, program, and work assignment. AIMS classification is applicable only to male prisoners. AIMS is integrated within CORMIS or its electronic equivalent.

4203. Evaluation of Prisoners

1. All members supervising prisoners will be responsible for evaluating prisoners and must submit periodic written reports on their performance. Quarters supervisors and work supervisors will complete a prisoner evaluation, no less than monthly, to show levels of performance on a continuing basis. The evaluation must be submitted on DD 2712 Prisoner Evaluation.

2. A prisoner program plan must be developed for each post-trial prisoner to identify and prioritize all required and recommended correctional programs. The program plan will serve as the central source for documenting program progress and completion. The prisoner program plan should take into account the prisoner's sentence length, confining offense(s), needs, and program sequence.

3. Each staff member has responsibility for communicating information concerning prisoners to the proper authority in the MCF. The behavior and attitude of the prisoner in living quarters, at work, in recreation, and in a classroom provides a good overall indicator of problem areas and adjustment progress. Continuous documented staff evaluation of each prisoner cannot be overemphasized.

4204. C&A Board and Unit Team Management (UTM)

1. The C&A board will establish a prisoner's custody classification using objective-based classification or reclassification procedures. When the C&A Board convenes to develop prisoner classification and assignment, it will be composed of the brig officer, or designated representative, and members from varying departments of the MCF as appointed in writing by the MCF CO. At a minimum, the C&A Board must be comprised of a chairperson and no fewer than two additional members to ensure a multi-disciplinary perspective. See article 6401 of this manual for program functions of the C&A Board.

2. UTM. Level II MCFs may utilize UTM principles in the operation of their C&A boards. Unit teams oversee prisoner program plans, custody classification, incentive levels, and counseling on a routine basis. Unit teams are comprised, at a minimum, of a unit manager, case manager or counselor, leading chief petty officer or leading petty officer (or Military Service equivalent), and quarters supervisor(s).

4205. Quarters

1. General Population Quarters

a. To the largest extent that design and staffing allow, newly confined prisoners generally will be housed in an orientation quarters, that may be located in the RHU, and

administered separately from post-orientation prisoners. During reception processing and orientation, prisoners will be objectively evaluated and a custody classification assigned prior to transfer to the general population.

b. Although preferred, there is no requirement that prisoners of different legal status (pretrial or post-trial) be berthed separately. Separation of prisoners may be by custody or AIMS classification or both (see article 4202.6 of this manual). Optimum situations permit housing different custody classification prisoners in different and separate areas. In many MCFs, practicality dictates commingling of prisoners in the same quarters; however, every effort will be made to maintain separate berthing where possible and when staffing allows. Direct supervision is required in general population housing.

2. RHU

a. The RHU provides living conditions similar to those of the general population; all exceptions will be clearly documented. RHU cells will be designed to permit prisoners to converse with and be observed by staff members. Prisoners are assigned to the RHU by the brig officer or designee and will not have normal privileges restricted unless privileges must be withheld for reasons of security or prisoner safety. In these cases, all restrictions must be documented on a special handling letter and signed by the brig officer or designee.

b. Definitions of Segregation Categories. Abbreviated segregation statuses listed below align with those in CORMIS or its electronic equivalent.

(1) Administrative Segregation (AS). A form of separation from the general population when the presence of the prisoner in general population poses a serious threat to life, property, self, staff, or other prisoners, or to the good order and discipline of the MCF. This segregation category is administrative in nature and may be for relatively extensive periods of time. Sub-categories of AS coincide with housing assignments in CORMIS or its electronic equivalent. Assignment to and removal from AS is authorized by the brig officer or designee.

(a) Medical Segregation (MED). MED is utilized for medical reasons.

(b) Prevention of Injury (POI). POI may be recommended by clinical, medical, CDO or DBS.

(c) Suicide Risk (SR)

1. Prisoners who are considered suicidal must be immediately referred to the medical department, clinical services, or mental health department for further evaluation and appropriate action, which may include hospitalization. References (aa) and (ab) provide guidelines in cases involving emergencies, specialized treatment or evaluation, or psychiatric treatment that cannot be deferred.

2. Such prisoners are normally hospitalized, but if not, the prisoner must be placed in the status of "SR" for continuous observation.

3. SR prisoners must be under continuous observation. Direct physical observation must be by a staff member and considered a primary duty. For documentation purposes, a logbook must be maintained by the staff observer (prisoner’s name, date, observer, time the observer took over and ended the shift to include relief, and behavioral remarks as applicable). Annotation on the prisoner's DD 509 Inspection Record of Prisoner in Segregation will be made every 5 minutes. Supplemental (physical) sighting of and visit to suicide risk prisoners will be officially recorded on DD 509 and include date, time, name of visitor, and any appropriate remarks.

4. At levels II and III MCFs, a suicide watch companion program may be authorized by BUPERS-00D or DC PPO.

5. The brig officer or designee may direct removal of a prisoner's clothing and replacement with a suicide protection smock or privacy gown, or approved suicide blanket when deemed necessary by medical, clinical, or the CDO or DBS.

6. When no longer considered to be a suicide risk by medical officers, psychiatrists, doctoral-level clinical psychologists, or doctoral-level clinical social workers with

clinical practice privileges, prisoners will be returned or stepped-down to POI or placed back in appropriate quarters.

(d) Escape Risk (ER). ER may be recommended by CDO or DBS or by the C&A Board due to seriousness of offense, misconduct while in confinement, or confinement capabilities.

(e) Potentially Violent or Dangerous (PVD). PVD may be recommended by CDO or DBS or by the C&A Board due to seriousness of offense, confinement capabilities, or dangerous conduct previously in general population.

(f) Pending Investigation (PI). PI may be recommended if the prisoner cannot be left in general population during an investigation.

(g) Loss of Privileges (LOP). LOP is used only when necessary to enforce loss of certain privileges requiring the prisoner to be housed in the RHU. LOP can also be served in general population based on the magnitude of the lost privileges.

(h) Awaiting Transfer (AT). A prisoner may be placed in AT when waiting to transfer to another facility.

(i) Protective Custody (PC). PC is a form of separation from the general population for prisoners requesting or requiring protection from other prisoners for reasons of health and safety. Admission to PC, to include rationale, must be fully documented with a consent form signed by the prisoner. Assignment to and removal from PC may be authorized by the brig officer or designee.

(j) Indoctrination (INDOC). Newly arriving prisoners assigned to the orientation program will normally be berthed in RHU on INDOC status until medically and clinically cleared to join general population.

(2) Disciplinary Segregation (DS). A form of separation from the general population directed by the approving authority after due process, in which prisoners committing violations of conduct, considered serious from an institutional standpoint, are housed within the RHU.

3. Procedures

a. Assignment to the RHU is not a punitive measure, except for DS, and must not be used as such. Prisoners must be aware of the reason they are assigned to the RHU and acknowledge in writing the limitations of their assigned status. All authorized special handling instructions that impact prisoners in the RHU must be annotated on a special handling letter.

b. When a prisoner is transferred to the RHU, health care staff will be informed immediately and will provide a screening and review as indicated by the protocols established by the health authority. Unless medical attention is needed more frequently, each prisoner in the RHU will receive a daily visit from a qualified health care professional. The visit ensures that offenders have access to the health care system. The presence of a health care provider in the RHU will be recorded on DD 509. The frequency of physician visits to the RHU is determined by the health authority.

c. All prisoners in the RHU will be under direct supervision. They will be sighted at least once every 15 minutes by a staff member and will be visited daily by members of the programs staff and the brig officer or designee. In addition, it is highly desirable that prisoners in the RHU be visited daily by a chaplain. Prisoners who are violent or who demonstrate unusual behavior may receive observation that is more frequent. The DD 509 must be used to document each sighting and visit to any RHU prisoner. Documentation of visits will include date, time, name of visitor, and any appropriate remarks.

d. Prisoners in the RHU must have the opportunity to be outside of their cell for at least 2 hours daily. The 2 hours may be comprised of opportunities for sunshine, recreation, exercise call, education, clinically appropriate treatment therapies, skill-building, and social interaction with staff and other prisoners. The amount of time and type of opportunity will depend on the prisoner’s status; however, at a minimum, all prisoners residing in the RHU who are not designated as on a specific restricted housing reportable status must receive 2 hours outside of their cell daily. If a prisoner is a safety or security concern and cannot receive 2 hours outside of their

cell daily, they will be classified as a specific RH-reportable status and will be handled per article 4206 of this manual.

e. Alternative meal service may be provided to a prisoner in the RHU who uses food or feeding utensils in a manner that is hazardous to self, staff, or other prisoners. Alternative meal service will be on an individual basis, based on health or safety considerations only, meets basic nutritional requirements, and occurs with the written approval of the brig officer or designee, or responsible health authority. The substitution period must not exceed 7 days.

f. Prisoners in the RHU can write and receive letters on the same basis as prisoners in general population.

g. Prisoners in the RHU have opportunities for visitation unless there are substantial reasons for withholding such privileges. These restrictions must be documented on a special handling letter.

h. Prisoners in the RHU are allowed telephone privileges, unless restricted for cause or under investigation concerning the abuse of telephone privileges. Prisoners on DS are allowed limited telephone privileges. Regardless of status, prisoners in the RHU will have unlimited access to telephone calls related specifically to their attorney of record.

i. Prisoners in the RHU, regardless of status, must have access to legal materials, available legal reference materials, allowed access to legal counsel, access to courts, and access to reading or library materials.

j. Prisoners in the RHU will have access (which may or may not include attendance) to programs and services that include, but are not limited to, the following:

(1) Educational services;

(2) Commissary services;

(3) Library services;

(4) Social services;

(5) Counseling services;

(6) Religious guidance; and

(7) Recreational programs

4. Review of Segregated Prisoners

a. 72-Hour Review. The status of each prisoner placed in the RHU must be reviewed by the C&A Board within 72 hours of assignment of the RHU status. A prisoner placed in the RHU under PI status must be reviewed within 24-hours. This PI review may be accomplished through means other than the C&A Board as dictated through local policy.

b. 7-Day Review. A review of the status for prisoners in the RHU by the C&A Board must be conducted at least every 7 days for the first 60 days and every 30 days thereafter.

c. 30-Day Review

(1) A credentialed mental health provider must personally interview and provide a written report on any prisoner remaining in the RHU over 30 days. If segregation continues beyond 30 days, a credentialed mental health provider must make an assessment at least every 3 months, or more frequently if prescribed by the MCF medical officer, psychiatrist, or clinical services director. Prisoners in the RHU may develop symptoms of acute anxiety or other mental problems; regular psychological assessment helps ensure the mental health of anyone in the RHU for over 30 days.

(2) DS. A review of the status for prisoners in DS for more than 30 days must be reviewed and approved by the MCF CO. If a prisoner is in DS over 60 days, the prisoner must be provided the same program services and privileges as prisoners in AS (security and safety concerns permitting).

4206. Restrictive Housing (RH). Reference (ac) details RH policy for use within MCFs. RH-reportable status must only be utilized in extreme situations when no other corrections alternative is available.

1. Definition. Any type of detention or segregation that involves all three of these basic elements triggers an RH-reportable status:

a. Removal from the general prisoner population, whether voluntary or involuntary

b. Placement in a locked room or cell, whether alone or with another prisoner

c. Inability to leave the room or cell for the vast majority of the day, typically more than 22 hours.

2. Placement in RH-Reportable Status

a. Prisoners will be housed in the least restrictive setting necessary to ensure their own safety, as well as the safety of staff, other prisoners, and the public. Assignment of a prisoner to the RHU does not necessarily mean the prisoner is in an RH-reportable status. RH-reportable status may only be used for a prisoner in the RHU if there is no safer alternative. To administer the corrections mission safely, a prisoner in the RHU may meet the definitional parameters in paragraph 4206.1 of this manual.

b. MCFs must strive to limit the use of RH-reportable statuses whenever possible, and to the extent used, to limit the length of a prisoner’s stay and to identify services including group, educational, and therapeutic services that the prisoner can safely participate in while in an RH-reportable status.

c. A RH-reportable status must always serve a specific correctional purpose. In each instance, MCFs must clearly articulate and document the specific reason(s) for a prisoner’s placement and retention in an RH-reportable status. CORMIS or its electronic equivalent is the primary method for documenting all prisoner record entries. The reason(s) and duration for use of an RH-reportable status must be supported by objective-based rationale and factual statements. Prisoners will remain in the RH-reportable status for no longer than necessary to address the specific reason(s) for their placement.

d. A prisoner’s initial placement in an RH-reportable status will be reviewed by the C&A Board the next business day

and ongoing placement in an RH-reportable status will be reviewed by the C&A Board every business day in an attempt to remove the prisoner from the RH-reportable status as soon as possible. This review will include not only security and housing staff but also medical and mental health professionals and be endorsed by the MCF CO.

e. All correctional staff will be trained annually on RH policies (inclusive of pre-service and in-service training). Correctional supervisors must ensure compliance with RH policies and training standards. This training will be reflected in staff training records. Emphasis must be placed on the difference of being housed in the RHU vice actually being in an RH-reportable status.

f. MCFs will formally establish a RH committee, consisting of command and department-level correctional staff to regularly (i.e., not less than semi-annually) evaluate existing RH policy, develop safe and effective alternatives to the use of RH, and craft special handling letters and step-down plan strategies.

4207. Management of Mixed-Gender Prisoners and Staff Supervision of Opposite-Gender Prisoners

1. Background. Confinement of both male and female prisoners in a MCF manned by both male and female staff present significant correctional challenges and requires a gender-relevant approach to ensure safety, security, and meet identified privacy needs.

2. Definitions

a. Commingled Mixed-Gender Prisoners. Male and female prisoners mixed in the same space or area at the same time.

b. Opposite-Gender Supervision. MCF staff supervising a prisoner of the opposite gender.

3. Management and Supervision of Commingled Mixed-Gender Prisoner Policy

a. There must be no prisoners of the opposite gender confined in the same space at the same time. For the purposes of this manual, the term “space” refers to quarters, to include

cells and open-bays. At no time will male and female prisoners be commingled in any space during the period between taps and reveille; or at any time or location without direct staff supervision.

b. MCFs must ensure visual and acoustic berthing separation of males and females confined, if simultaneous confinement of male and female Service members is authorized. For the purposes of this manual, "acoustic separation" is defined as out of range of normal conversation.

c. For operational planning purposes, the plan of the day must distinctly identify authorized commingled, mixed-gender events and times for general population prisoners. Adequate supervision and communication requirements must be in place prior to the commencement of the activity.

d. To the greatest extent possible, male and female prisoners will not be assigned simultaneously in the same program or work areas, while ensuring both have full access to a full range of programming opportunities. If assignment to the same work site simultaneously is unavoidable to ensure the same programming opportunities, the supervisor must provide direct supervision continuously and enforce prisoner rules that restrict mixed-gender communication to only that required to carry out the assigned work or task.

e. Mixed-gender prisoner working parties are not authorized outside the MCF security perimeter without specific authority of the brig officer or designee.

f. At no time will commingled male and female prisoners be unsupervised without a staff member being directly present in the program, workroom, or immediate area.

g. Staff members will permit no integration between opposite-gender prisoners except for verbal greetings and authorized exchanges during supervised activities (e.g.; work details, religious activities; morale, welfare, and recreation activities such as holiday functions; assigned group therapy sessions, etc.).

4. Staff Supervision of Opposite-Gender Prisoners

a. Staff must not be assigned duties that require supervision of prisoners of the opposite sex at times when routine nudity occurs.

b. Prisoners must be informed during reception that they are subject to observation by staff, to include staff members of the opposite sex. During the use of the toilet, showering, changing clothes, and similar periods of undress and nudity, mitigation efforts must be employed by the MCF to protect prisoner privacy. Efforts (temporary or otherwise) may include staff replacements to ensure observation by only staff members of same sex, privacy screens or partitions for each head area or shower area, etc. Nudity must not be permitted in common areas.

c. When both male and female prisoners are simultaneously confined in the MCF, at least one male and one female staff member must be on duty at all times and be positioned in a manner to support same-gender supervision requirements.

d. Accommodations must be in place to ensure camera monitoring by staff ensures adequate mixed-gender privacy (e.g.; during use of the toilet, showering, changing clothes, and similar periods of undress and nudity). Where necessary, staff augmentation will be employed to mitigate security and supervision concerns. For RHU prisoners in a camera cell, specialized clothing may be used to provide privacy from camera view. Such clothing will provide sufficient coverage of the body when seated on a toilet (i.e., longer than a standard uniform shirt).

e. MCF staff, volunteers, and all visitors who interact with prisoners of the opposite gender must always be under the continuous observation of correctional staff, at all locations. While direct observation is desired, frequent indirect observation such as camera or observation through a window is authorized.

f. Correctional staff must not conduct mixed-gender frisk searches, except as necessary in the event of an emergency affecting MCF safety and security. Such searches must be documented with an incident or information report and notated in the brig log.

g. Opposite-gender strip searches or opposite-gender visual body cavity searches (meaning a search of the anal or genital opening) are prohibited. These searches may only be performed by medical practitioners.

(1) MCF staff must not search or physically examine a transgender, intersex, or gender non-conforming prisoner for the sole purpose of determining the prisoner's genital status. Upon initial receipt and prior to search, if the prisoner's genital status is unknown, it may be determined during conversations with the prisoner, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical officer.

(2) Transgender, intersex, or gender non-conforming prisoners who do not feel comfortable being frisk-searched or stripped-searched by a staff member of the same sex will be searched by medical personnel.

h. Where mixed-gender correctional activities are authorized, there will be direct communication (radio) between the correctional staff and the control center. The CDO or DBS must pre-authorize and acknowledge mixed-gender presence, ensuring supervision requirements are in place prior to commencing the activity.

i. Male staff must not be permitted to enter places where females are housed, including a visual control center, unless they are accompanied by female staff or female staff are present, and only when entry is justified. The area must first be visually clear of prisoners who may be clothed inappropriately for the presence of male staff, and prior to entry, “male on deck” must be sounded loud enough to be heard. When female staff members enter a male area, the same procedures are followed and “female on deck” must be sounded. Justification for entry includes:

(1) Assist a prisoner;

(2) Restrain a prisoner;

(3) Accompany medical personnel; and

(4) Conduct official business.

j. Prisoner rules and regulations must be published at each MCF that:

(1) Identify mitigation efforts that provide privacy such as screens or partitions for each head area or shower area, etc., and the prisoner's obligation to use available protocols and procedures to avoid compromising themselves or undermining the staff

(2) Advise prisoners that they must not initiate or involve themselves in unduly familiar relationships with staff, volunteers, or other prisoners (e.g.; knowingly expose themselves in a state of undress where not authorized, conduct conversations of an intimate nature, or engage in sexual contact of any nature).

Section 3. Security Systems

4301. Responsibilities for Security

1. The primary purpose of a MCF is custody and control of prisoners. Control of prisoners requires impartial enforcement of reasonable rules and regulations that are necessary for the safe and orderly operation of the MCF. Custody and control measures must be adequate to maintain good order and discipline and to protect staff and prisoners.

2. An effective system of security, custody, and control must be established in each MCF. Every staff member must be aware that custody and security do not stand-alone but are interdependent with all other portions of the operation. Each staff member is responsible for security, custody, and control, regardless of duty assignment.

3. Fixed posts must be maintained to ensure all traffic is channeled with authorized access permitted to enter or leave only upon suitable identification and inspection. Use of armed staff within the security perimeter is not authorized. When necessary to post staff external to the security perimeter, staff must be located in a manner to ensure an unobstructed view of the observation area.

4. Security measures inside the MCF are the day-to-day control and supervision procedures designed to facilitate the movement

of prisoners, to assure control of their whereabouts, to guard against violation of rules, and to promote good order and discipline. Posts must be established at key points such as in quarters and at entrances to work and recreation areas to afford control and direct supervision. Provisions must also be made for direct supervision during meals and plan-of-the-day activities.

5. Persons not assigned to duty at the MCF will not be allowed to enter the MCF except on official business or as authorized visitor. Authorized visitors shall wear a visitor's badge on the front of their outside garment, above the waist.

4302. Contraband and Searches

1. Contraband

a. Contraband is anything not specifically authorized by proper authority to be in a prisoner's possession, or any item authorized for use by a prisoner that has been modified for a use other than originally intended. Contraband can be controlled through close supervision and frequent searches.

(1) Unscheduled searches of prisoners, cells, visiting rooms, recreation areas, library, heads, dining facility, work areas, vehicles, deliveries, shipments, etc., are essential. Personal property and items of clothing that accompany new prisoners must also be closely searched to prevent the introduction of contraband.

(2) Staff will be provided sufficient furnishings, implements, and materials to conduct their duties. Introduction of unnecessary items into the secure area of the MCF must be strictly limited. Staff briefcases, purses, carrying bags, offices, and work areas are subject to search, along with all other areas of the MCF where prisoners may access for any reason. Regular and random searches of MCF staff should be conducted by the operations officer.

b. When contraband is discovered, a written report must be made listing the items and covering precisely the circumstances of discovery. The contraband items, along with the report, will be submitted to appropriate staff per local policy. It is essential that a strict chain of custody be maintained of any

evidence that may be used in disciplinary action. OPNAV 5580/22 Evidence/Property Custody Receipt must be used.

2. Searches. Prisoners will be instructed that all persons, quarters, and work areas are subject to search at any time while confined. There are two types of searches, of a person and of an area. Searches are conducted to control contraband or recover missing or stolen property; use of non-intrusive methods (scanners) or other techniques instead of body searches should be used whenever feasible. Where random frisk or area searches are authorized, an objective-based method will be used; on-the-spot selection by staff is not an acceptable method. Random strip searches are not authorized. Searches are described below and will be used as the situation requires.

a. Search of the Person. Searches must be conducted by staff members of the same sex as the prisoner, absent emergency circumstances.

(1) Frisk Search. The prisoner's body, clothing, and possessions will be searched by the staff member. Requirements for prisoners to assume exaggerated positions are not authorized. Unnecessary force is prohibited. A quick, careless search is useless.

(2) Strip Search. A strip search must be conducted on prisoners being newly confined, entering or leaving the MCF on a temporary release, after visitation call, before and after transfer, or initially assigned to the RHU. Unnecessary strip searches must be avoided. Other than instances already stated, strip searches may be conducted only when specifically authorized by the brig officer or designee and there is reasonable belief that the prisoner may be in possession of an item of contraband or a good opportunity for concealment of contraband has occurred (e.g.; reliable information that the prisoner possesses contraband, the discovery of contraband in the prisoner’s living space, a serious incident in which the prisoner was involved or where the prisoner was present, refusal to be frisk searched, or breaks in custody). In these searches, prisoners must remove their shoes and all clothing. Clothing and personal effects must be physically searched. The prisoner’s body will be visibly searched. No contact is authorized. Strip searches must be made in privacy with only one prisoner at a time present and the searcher must have

another staff member present as a witness. Both staff must be of the same sex as the prisoner. Strip searches must be documented in a log with date, time, prisoner name, staff, and reason for search.

(3) Body Cavity Search. Internal examination of body orifices may be conducted only by qualified medical personnel, when authorized by the MCF CO or designee, and only when there is a reasonable belief that prisoners are concealing contraband in or on their person. The use of body cavity searches must be extremely limited and fully documented.

b. Area Search. All areas will be subjected to a thorough search at random times and on an unscheduled basis. Visiting areas, including visitor-parking areas, must be searched by staff before and after all visits and must be completed prior to any further access by prisoners. Area searches will be conducted in an organized orderly manner (zone search). Prisoners must not be present during the search nor be permitted to see how the search is conducted. If prisoners are occupying the area to be searched, they will be escorted out of the area, each being frisk-searched upon leaving. All authorized articles will be handled carefully and replaced as neatly as possible when the search is completed. Care will be exercised to avoid any undue disturbance of the prisoners' personal effects.

4303. Key Control

1. Control of keys is a major element of security. Key control procedures must be rigidly enforced. A key control system must include routine (at least monthly) inspections to ensure the authorized number of keys are available and will operate their corresponding locks. The key control system must identify each key or ring of keys and give its location at all times. No key will be marked to indicate its function; however, keys to emergency exits must be properly controlled and distinctly marked. Locks and keys for fire escapes and emergency doors must be checked frequently to ensure their operation.

2. There must be three identical sets of keys and all keys will be stored in lockable security containers. All three sets of keys must be rotated regularly (at least every 6 months) to ensure proper function and even wear of keys.

a. Active keys will be located in the control center unless an electronic key watch system is approved by BUPERS-00D or DC PPO; however, emergency keys must always be kept in the control center. Emergency keys must be readily identifiable and stored in such a way that provides accessibility in case of emergencies.

b. The second set of keys will be located on the premises of the MCF but outside the security perimeter.

c. The third set of keys will be located outside of the MCF and at a secure location providing 24-hour access.

3. The active key set must be inventoried daily for accountability and inspected monthly for functionality. All three sets of keys must be inventoried quarterly for accountability, and rotated at a minimum of every 6 months to ensure even wear. Results of inspections, inventories, and verification of rotation of keys will be documented and maintained on file locally for 3 years.

4. Only authorized staff members on duty will have MCF keys in their possession and then only during the performance of duties requiring the use of those keys. A sentry within a locked area must have only the keys to a locked sub-area (such as keys to cells within a unit). Keys, except permanently issued keys, must not be taken from the MCF. Staff members authorized to draw keys or key rings will use a metal tag, logbook, or personal identification number system for each key or key ring drawn and returned. An accurate inventory showing the number of each key, trade name of lock and its location, and number and location of keys for that lock must be maintained in a secure location. Each key or ring of keys will have its own hook on a lockable key panel board or key watcher location. All keys must be accounted for at all times.

5. In the event of lost, misplaced, or stolen keys, an investigation must be conducted immediately; thereafter, a determination to replace affected locks or cores must be made by the brig officer or designee. Any lock, core, or key replacement deemed necessary must be accomplished immediately. Replacement or reserve locks, cores, and keys must be secured to preclude access by unauthorized individuals.

6. A system for the control of MCF staff and visitors' personal keys must be implemented.

7. A key custodian and alternate key custodian must be appointed in writing by the MCF CO to administer the key control program.

4304. Tool Control. All MCFs must have a formal tool control plan that includes culinary, barber, and medical and dental instruments and supplies. Tools must be etched or tagged for identification and closely controlled. Where tools or equipment are kept in a MCF, a secure and lockable tool crib equipped with shadow boards, ladder racks, and garden tool storage racks will be provided. Ladders, ropes, cords, and hoses, as well as other equipment that can be used for escape purposes or for weapons, must be included in the tool control plan and highly supervised.

1. Restricted and hazardous tools must be easily identifiable, used only under supervision, and secured in a double-locked environment. A list of restricted tools (not all-inclusive) follows:

a. Workshops. Files, hacksaws, blades, welding torches, and pipe or bolt cutters;

b. Culinary. Kitchen knives, meat saws, cleavers, ice picks;

c. Medical and Dental Instruments and Supplies. Syringes, needles, and other sharps; and

d. Miscellaneous. Barber instruments

2. Procedures

a. A record of all tools, including life-cycle, must be maintained and monitored, tracking each item from the time it enters the MCF until the date it is removed from the MCF.

b. Keep tools to a minimum and maintain an accurate up-to-date inventory.

c. Utilize a shadow-board with outlines for tools where feasible.

d. Restricted and hazardous tools such as hacksaw blades, knives, culinary instruments, files and tips for cutting torches, and welding equipment must be specially marked, placed in identifiable containers and double-locked.

e. Account for all tools daily.

f. Maintain a tool log to include identification number of the tool, name of personnel or prisoner in possession, date and time issued and returned, and the issuing personnel.

g. Frequently verify location of all tools. Restricted tools and hazardous must only be used by prisoners under continuous staff supervision.

h. Tools allocated to various departments within the MCF will be distinctly marked or etched for ready identification and to determine which department has responsibility.

i. Prisoner utensils and culinary tools must be inventoried after each meal .

j. Broken, damaged, or worn tools must be turned in to the responsible supervisor for disposal. The responsible supervisor must account for all pieces and parts of a broken tool prior to its disposal.

k. Missing or lost tools must be reported immediately to the CDO or DBS. In the event of lost, misplaced, or stolen tools, an investigation must be conducted immediately and a search must be conducted in an effort to locate the missing tool(s). A report of the lost, missing, or stolen tool(s) will be forwarded to the brig officer or designee as soon as possible, but no later than the end of the shift in which the tool(s) were noted missing.

4305. Vehicle and Equipment Control

1. Authorization for entry of any vehicle into the MCF compound is contingent upon consent to search. No personal vehicles are authorized within the security perimeter. All vehicles entering

or leaving the security perimeter must be carefully searched. A staff member will remain with the vehicle the entire time it is in the security perimeter unless the compound is clear of all prisoners. Containers entering the compound must be searched unless they were banded or sealed at a point of shipment and have not since been opened. Laundry, trash, and other containers must be searched before leaving the compound. All vehicles that remain in the security perimeter overnight must be disabled with security safeguards implemented per local policy.

2. Vehicles parked in the MCF staff or visitor parking area must be locked, keys removed, and windows fully closed.

4306. Flammable, Toxic, and Caustic Substance Control. Supplies, which may be dangerous, must be stored and secured per applicable Navy or Marine Corps policy, Navy Occupational Safety and Health standards, and reference (h).

1. Definitions

a. Flammable or Combustible. Flammable materials, liquids with a flash point below 100 degrees Fahrenheit.

b. Toxic. Materials or substances that through chemical reactions or mixture can produce possible injury or harm to the body by entering through the skin, digestive tract, or respiratory tract (e.g.; zinc, chromate paint, ammonia, chlorine, antifreeze, herbicides, and pesticides).

c. Caustic. Materials or substances that can destroy or eat away by chemical reaction (e.g.; lye, caustic soda, sulfuric acid).

d. Medical Supplies. Everything containing a narcotic or alcohol requires special handling and accounting. Refer to chapter 10 of this manual for further information on medical supplies.

e. Flavoring Extracts, Spices, and Food. When the MCF operates its own dining facility, close supervision by dining facility personnel must be maintained to prevent theft of material for making alcoholic beverages or weapons.

2. Control

a. Handling. If a material or substance possesses more than one of the above definition properties, the safety requirements for all applicable properties should be considered. Prisoners must never possess such items unless they are under the close supervision of qualified staff. Substances that do not contain one or more of the above properties but that are labeled “Keep Out of the Reach of Children” or “May Be Harmful If Swallowed” is not prohibited; their use and control, however, will be addressed in local policies. Safety data sheets must be maintained as applicable. Personnel handling flammable, toxic, or caustic materials must use appropriate personal protective equipment and be trained in their proper use.

b. Storage. All flammable, toxic, and caustic materials must be stored in secured areas that are inaccessible to prisoners and a prescribed system must be used to account for their distribution. Fuel (e.g.; gasoline or diesel) will be stored outside the MCF. If stored within the security fence line perimeter, hazardous material (HAZMAT) must be stored in locked authorized HAZMAT containers. HAZMAT items must only be brought into the security perimeter when necessary and then only in the amounts needed for the immediate work on hand and managed under staff supervision.

c. Safeguards. Staff will not introduce any form of unauthorized flammable, toxic, caustic material or substance into the security perimeter.

4307. Weapons. Immediate medical examination and treatment is required in all instances involving the use of a weapon. A written report detailing the use of force involved, detailing prisoners, staff, or others involved, and to describe the nature of the offense must be submitted to the MCF CO or designee no later than the conclusion of the tour of duty when any weapon or chemical agent is used. If injury or adverse public reaction occurs, an interim telephonic report must be made immediately to BUPERS-00D or DC PPO with follow-up reports as soon as additional information becomes known.

1. Restrictions. The MCF CO must ensure proper training of staff prior to employment of any weapons within the MCF. Firearms, ammunition, non-lethal, or chemical riot control

equipment will only be allowed inside the security perimeter of the MCF when specifically authorized by the MCF CO, or higher authority, and then only to prevent or stop a riot or major disturbance. The officer authorizing such use will ordinarily be physically present during the period of authorized use.

2. Firearms. Use of firearms must be authorized by the MCF CO, or higher authority, only as a last resort. The MCF CO must ensure all MCF personnel authorized to use firearms receive appropriate training and demonstrate competency in their use before being assigned to a post involving the possible use of such weapons. Weapon competency will be renewed at least annually (each 12–month period rather than calendar year). Firearms training should be conducted using a systematic curriculum and be appropriately documented. Firearms must be used only to prevent serious injury, loss of life, or to protect staff or prisoners who are held as hostages. Persons must not be fired upon to prevent their escape unless in their efforts to escape, they harm or threaten to harm others seriously, or in any other way endanger the lives of others. Orders to halt will be given first. Warning shots will not be fired. Firearms must be used only by personnel qualified in their use.

3. Batons. Batons of any type (e.g., riot batons, asps, Monadnock PR-24, etc.) may be considered deadly weapons if used improperly. The MCF CO, or higher authority, may authorize their use only when the degree of force that can be applied by hand is inadequate to quell violence or control unruly prisoners. When authorized, the minimum force necessary to control the situation will be applied. Specific training and annual certification is required.

4. Non-Lethal. Use of non-lethal weapons may be authorized by the MCF CO or higher authority. The Marine Corps has been designated as the executive agent for the DoD Joint Non-Lethal Weapons (JNLW) Program for the responsibility in providing program recommendations and for estimating and coordinating JNLW requirements. Due to the array of applications available and unique scenarios appropriate for their use, pre-selection of such weapons or munitions is required. Purchase of non-lethal weapons for use by MCFs must first be authorized by BUPERS-00D or DC PPO. The MCF CO must publish policy governing training requirements and application consistent with JNLW Program guidelines.

5. Arms Locker. An arms locker must be provided outside the security perimeter for the storage of weapons carried by personnel who visit the MCF. An arms clearing trap must be provided outside the security perimeter to safely clear all weapons prior to storage in the arms locker. Instructions on the safe loading and unloading of common types of firearms utilized must be posted to assist personnel in the safe loading and clearing of their firearms.

4308. Chemical Agents. Chemical agents may be used only upon order of the MCF CO, or higher authority, and only by a person trained in its use. All personnel authorized to use chemical agents must receive thorough training in their use and in the treatment of individuals exposed to a chemical agent. A special training curriculum will be established that includes both individual and group instruction by competent authorities. A trained riot force of the MCF must be utilized. Oleoresin Capsicum (OC) and Ortho-Chlorobenzylidene Malonitrile (CS) gas may be used in all MCFs, with the exception of overseas facilities where OC or CS gas is prohibited by the status-of-forces agreement with the host nation. OC and CS gas must be inventoried and weighed at least monthly and after each use to determine condition, amounts available, and expiration dates. A record must be maintained on the use of OC or CS gas during disturbance control, training, or accidental release to monitor the number of individuals exposed and any attributed adverse outcomes. Immediate medical examination and treatment is required in all instances involving the use of a chemical weapon. A written report detailing use of force involved, detailing prisoners, staff, or others involved, and to describe the nature of the offense must be submitted to the MCF CO or designee no later than the conclusion of the tour of duty when any chemical agent is used. If injury or adverse public reaction occurs, an interim telephonic report must be made immediately to BUPERS-00D or DC PPO with follow-up reports as soon as additional information becomes known. Additional restrictions and responsibilities are provided below.

1. OC Spray. Exposure to OC spray may cause respiratory failure in susceptible individuals. If the situation and time allow, medical records will be reviewed to determine at-risk prisoners prior to deployment of OC. Ensure MCF staff members are appropriately trained in basic life support procedures before using OC spray.

2. CS Gas. CS gas may be used when there is a large number of rioters so situated that their removal would be hazardous to other prisoners or staff members. CS gas will not be authorized in conjunction with any other chemical agent.

a. Sufficient CS gas must be used at the first attempt to quickly break-up all resistance. Minimum effective amounts and maximum amounts that can be safely used in any given area must be computed in advance and be maintained as part of the riot control plan.

b. Provisions for equipment and personnel must be made for a follow-up action. CS gas will likely break the resistance, but prisoners may have to be forcibly removed. A follow-up squad equipped with gas masks must be ready to enter the affected area.

c. CS gas must be permitted to develop fully but not to dissipate before sending in follow-up squad(s).

4309. Instruments of Restraint. Instruments of restraint are never applied as punishment, discipline, coercion, convenience, or retaliation by staff and are applied only with the approval of the MCF CO or designee. Instruments of restraint should be used only as a precaution to prevent escape during transfer, for medical reasons if directed by the medical officer, or to prevent self-injury, injury to others, or property damage. Restraints should not be applied for more time than is necessary.

1. Definitions

a. Ambulatory Restraints. Corrections-related restraint equipment (as opposed to medical-related) that limits movement of body extremities without preventing the prisoner from moving about an area (also referred to as "walking restraints"). Ambulatory restraints generally allow the prisoner to eat, drink, move, and take care of basic human needs with no or minimum staff intervention.

b. Authorized Restraints. Restraints authorized by BUPERS-00D or DC PPO include steel handcuffs, leg irons, and waist chains (referred to as "hard restraints"), transportation

or restraining belts, “body cuff universal restraint system,” and other restraints (referred to as "soft restraints").

c. Full Restraints. Full restraints include the collective use of steel handcuffs, leg irons, and transportation or restraining belts.

d. Progressive Restraint. Use of the least restrictive restraints deemed necessary to control the prisoner (e.g.; first use hand irons, then leg irons, then transportation or restraining belts, etc.). When MCF design supports single cells within the general population quarters, progressive restraint may also include de-escalation interventions such as staff directing a disruptive prisoner to return to his or her cell for a “cool down” period. Based on the prisoner’s behavior, more or less-restrictive restraints and transportation belts may be used.

e. Soft Restraints. Soft restraints are made of material such as Velcro, vinyl, plastic or leather and designed to prevent excessive movement of the prisoner’s body part to which they are attached in order to prevent the prisoner from Self-harm. Select soft restraints may also be considered “authorized restraints” when specifically authorized for use by BUPERS-00D or DC PPO.

f. Therapeutic Restraints. Therapeutic restraints include restraint equipment directed by a medical officer, most often a psychiatrist. Therapeutic restraints may include, but are not limited to, ambulatory soft restraints and immobilizing restraints such as “four-point” or “five-point” restraints, or a restraining chair. Immobilizing restraints secure the prisoner in such a way that the prisoner is prevented from self-rising, using toilet facilities, drinking, or eating. The use of four-point or five-point restraints is not authorized in MCFs but may be utilized during hospitalizations as prescribed by health care authorities. Medical, vice correctional, policy and regulation applies for use of therapeutic restraints. Neither the MCF CO nor staff have the authority to authorize the use of these restraints within MCFs.

2. Procedure

a. The MCF CO or designee is responsible for implementation

of all aspects of prisoner ambulatory restraint policy and management with one exception. A military judge may direct restraints to be removed from a prisoner in the courtroom (and that the prisoner remain unrestrained while in the courtroom) if, in the judge's opinion, such restraint is deemed unnecessary.

(1) This exception does not extend to legal visits such as prisoner and attorney meetings occurring outside of court-martial proceedings.

(2) The MCF CO or designee is the approving authority (with exception to military judges as noted above) for any request to remove restraints outside of the MCF’s security perimeter.

(3) Upon conclusion of court-martial, pretrial prisoners may be awarded “time served” or found “not guilty” resulting in pending release from confinement. In these instances, prisoners should be properly restrained based on their custody classification and returned to the MCF for out-processing and permanent release.

b. The MCF CO may delegate restraint authority to security personnel. MCF CO’s will employ use of progressive restraint consistent with governing policy and guidance herein.

c. Restraint policy and guidance associated with prisoner custody classification is found in article 4201.2 of this manual.

d. The use of restraints on female prisoners during the active labor and delivery of a child is prohibited. Any deviation from this policy requires approval by, guidance on, and methodology from, the medical officer directing use of restraints and is based on serious security risks.

(1) The medical officer will provide guidance on the use of restraints on a pregnant prisoner prior to active labor and delivery.

(2) Restraints used on pregnant prisoners prior to active labor and delivery should not put the pregnant prisoner nor the fetus at risk.

e. Restraint equipment will be applied only for appropriate purposes and per applicable procedures. Staff and prisoner escorts must be specifically trained to each type of locally available authorized restraint.

f. Restraints may be authorized when regaining control during a disorder or when a prisoner is violent or escape-minded. If restraints are used because of a disorder or on a violent or disruptive prisoner, the brig officer will be notified immediately. The brig officer or designated senior security personnel will make an immediate on-site visit to observe that the use of restraints is appropriate and, where warranted, will report that use to their immediate superior in command. An incident report, a use of force statement, voluntary statements (including medical), and an updated scars and marks form must be submitted by the end of shift in all cases where restraints are applied in a non-routine use. In any case, senior security personnel will ensure restraints are removed as soon as practical.

g. Care will be taken not to unnecessarily display restrained prisoners to the public during transportation.

h. Staff may apply restraints to a prisoner who continues to resist after staff achieves physical control of that prisoner and may apply restraints to any prisoner who is placed under control by use of force (e.g., forced cell move). If a prisoner in a forcible restraint situation refuses to move to another area on his or her own, staff may physically move that prisoner by carefully lifting and carrying the prisoner to the appropriate destination. Staff members must not use the restraints for lifting or carrying a prisoner.

i. In circumstances when immediate use of restraints is required for control of the prisoner, the MCF CO or designee may require a prisoner to be restrained while in a cell or authorize restraints to remain on a prisoner once placed in a cell. Leaving prisoners restrained and unattended in a cell by themselves must not be authorized. Use of restraints on a prisoner in a cell must not be used unless a staff member directly and continually monitors the prisoner face-to-face. Staff must be cautioned and trained regarding the potential of injury to prisoners who are in restraints while in a cell by

themselves. Injury can result from situations where prisoners fall and are not able to protect themselves from harm because of restricted movement.

j. Restraint equipment or devices must be used as designed and may not be used in any of the following ways:

(1) About a prisoner's neck or face or in any manner that restricts blood circulation or obstructs the prisoner's airway. Binding must never be placed around a prisoner's mouth, nose, and neck, or so tight to a limb that circulation is restricted. Staff protective gear generally provides sufficient insulation from a prisoner's spitting or biting; therefore, no effort should be made by use of towels, sheets, blankets, hosiery, masks or any other devices to prevent a prisoner from spitting or biting. However, when endorsed by a medical officer and approved by the MCF CO, the use of a medical mask may be authorized on a prisoner.

(2) In a manner that causes unnecessary physical pain or extreme discomfort and:

(a) Staff in general and supervisory personnel in particular must ensure that unnecessary pressure is not placed on a prisoner's body in applying restraints (e.g.; the prisoner's chest, back, or neck). While the proper application of restraints may result in some discomfort, examples of prohibited uses of restraints would include, but are not limited to: “hog-tying;” unnecessarily tight restraints; improperly applied restraints; or unauthorized restraints. Soft restraints, when specifically authorized by a medical officer, should only be used when all lesser measures to prevent the prisoner from harming him or herself are not working or such use is in the interest of safety. Helmets may also be considered as protective devices. Videotaping the application of restraints during a forced-cell move or for self-injurious prisoners is a good practice. Having medical personnel observe and examine the prisoner after application is also good practice.

(b) Restraints will be administered in a natural body position. If restrained in a supine position (face up), head should be free to rotate from side to side and, when possible, elevate head of bed to prevent risk of aspiration. Always avoid use of prone position (face down) due to

possibility of a prisoner's airway becoming obstructed and lung expansion being restricted.

(4) To secure a prisoner to a fixed object, such as a cell door, cell grill, or vehicle component

k. De-escalation Interventions

(1) The effective handling of aggressive prisoners is one of the most demanding aspects of working in corrections. It is an area where good interaction and communication skills are required. The majority of situations, where there is a potential for violence, can be handled through effective communication. Staff must be trained to recognize the signs of aggression (e.g.; standing tall, red faced, raised voice, rapid breathing, direct prolonged eye contact, exaggerated gestures) and reasons for aggression (e.g.; frustration, unfairness, humiliation, immaturity, excitement, learned behavior, reputation, means to an end, decoy).

(2) Staff faced with aggressive prisoners should seek to defuse the situation as they continually assess the risk of violence. Staff should be cautious to do nothing to further escalate the situation, yet maintain control of the situation. Training must be provided to staff in methods to: appear confident; display calmness; create some space; speak slowly, gently, and clearly; lower their voice; avoid staring; avoid arguing and confrontation; show that they are listening; and calm the prisoner. Staff should adopt a non-threatening body posture: use a calm, open posture (sitting or standing); reduce direct eye contact (as it may be taken as a confrontation); allow the prisoner adequate personal space; keep both hands visible; avoid sudden movements that may startle or be perceived as an attack; avoid audiences, as an audience may escalate the situation.

(3) When MCF design supports single cells within the general population quarters, progressive restraint may also include de-escalation interventions such as staff directing a disruptive prisoner or prisoners to return to their cell for a "cool down" period. Such periods cannot exceed 30 minutes and all cases will be reported immediately to the CDO or DBS, be documented in the quarters supervisor’s log, and be brought to the attention of senior security personnel. Where warranted,

the CDO or DBS can extend the cool down period by an additional 30 minutes.

l. Staff and prisoner escorts should be thoroughly trained in the use of locally authorized restraints. Restraints can be cumbersome to apply and harmful to a prisoner if proper training is not provided. In the rare cases where restraint is required for pregnant prisoners, an approved vinyl or leather restraint belt should be used instead of a metal waist chain, whenever possible, to prevent injury to the prisoner or fetus. Where a metal waist chain is directed for use on a pregnant prisoner, where possible, medical personnel should check for proper application.

m. All prisoners in restraints, internal or external of the MCF, must be under direct and continuous observation, supervision and, if under movement, assisted control.

n. To support prisoner escorts, restraint guidance for use on a specific prisoner must be indicated in the "Remarks" field (block 6) of DD 2708 Receipt for Pretrial/Post-Trial Prisoner or Detained Person.

o. Requests for use for other than traditional "hard restraints" must be forwarded to BUPERS-00D or DC PPO with pictures, design intent, technical specifications, application procedures, and training curriculum. For audit purposes, authorizations must be retained locally and readily available for review.

3. Staff Training

a. Brig officers will ensure all correctional staff, to include support staff and prisoner escorts, are thoroughly trained in the policy, application, and use of available authorized restraint equipment and such training will be inclusive within pre-service and in-service training programs and documented within staff training records.

b. At a minimum, restraint-related training should include such issues as: restraint terminology; types of restraints; staff authorized to direct restraints; proper procedures for applying and removing restraints; de-escalation interventions; communication skills; role of the medical officer; terminology,

physiology, and medical risks associated with the application and the use of restraints; procedures for lifting or carrying a restrained prisoner; supervision, movement, and monitoring prisoners in restraints; measures to reduce the risk for asphyxia and death; and legal implications and liability.

Section 4. Disturbances and Emergencies

4401. Prevention of Disturbances

1. There are causes for all disturbances. Trouble may be indicated when prisoners become restless and flare-up easily or when they avoid contact with staff members. Excessive numbers of disciplinary reports, requests for work or housing changes, and suicide attempts are indications of potential trouble and must be investigated. To eliminate incidents that could result in a riot or disorder, staff should be able to observe and detect tensions and unrest among prisoners and report them promptly. Frequent causes of disturbances are mistreatment, untrained staff, failure to separate problem prisoners, and improperly prepared or served food.

2. When an incident or disturbance occurs, staff members must identify individual prisoners involved and report their actions. Immediate identification and isolation of leaders may prevent development of a major disturbance. Staff members will be trained in the exercise of patience in the control of troublesome groups. Unnecessary use of force or arbitrary actions may precipitate a disturbance.

3. Each MCF must implement adequate disturbance and emergency plans, and all MCF staff must be trained in their implementation. Work stoppage and riot or disturbance plans are communicated only to appropriate supervisory or other personnel directly involved in the implementation of those plans. An annual review of all disturbance and emergency plans must be an essential element of staff pre-service and in-service training. New staff must be thoroughly familiar with all disturbance and emergency plans prior to their permanent post assignment.

4. The principles of Incident Command System for Corrections (ICS-C) will be followed in the development and implementation of emergency bills. The ICS-C is based upon the National Incident Management System (NIMS) protocols, which identify

steps for improved coordination in response to incidents that impact correctional operations. The result of the basic protocols is emergency management and incident response systems that provide a common operating picture, to include common incident response procedures, communication and language spoken, and universal priorities which applies across the spectrum of response agencies and departments whether Federal, State, local, or tribal governments. NIMS protocols directly relate to corrections and detention settings.

4402. Controlling Disturbances

1. Staff personnel must avoid use of force where the assigned responsibilities can be effectively discharged without its use. If security cannot be accomplished without the use of force, personnel will use the minimum amount of force necessary to control the situation.

2. When deciding a course of action, consideration must be given to general public safety, safety and welfare of hostages (if any), prevention of loss of life or injury to other personnel, prisoner welfare, and protection of property.

4403. Priorities of Force. Use of physical force is restricted to instances of justifiable self-defense, protection of others, protection of property, prevention of escapes, and to maintain or regain control, then only as a last resort per this manual. When use of force is necessary, it will be exercised according to priorities of force and limited to the minimum degree necessary under the particular circumstances. All instances requiring the use of force must be fully documented. Use of firepower is justified only when ordered by the MCF CO or higher authority, under conditions of extreme necessity as a last resort, and when all lesser means have failed or cannot be reasonably employed. Examples of such circumstances are stated in article 4404 of this manual. The application of any or all of the priorities of force listed or the application of a higher priority of force without first employing a lower priority of force will depend on and be consistent with the situation encountered during any particular disorder. Priorities of force and who may order them are as follows:

Priority of Force	**Who May Order (billet)**
An order	Any staff member
Show of force (condition or code)	Any staff member
Show of force (organized)	Brig officer or authorized representative
Use of physical force (individual)	Staff member in self-defense or CDO or DBS
Use of physical force (organized)	Brig officer or authorized Representative (if immediate action is required; otherwise CO
Chemical agents (OC spray)	CO
Use of batons	CO
Non-lethal munitions or use use of high pressure water water	CO
Fire by selected marksmen or full firepower	CO

4404. Deadly Force. Deadly force is defined as that force which is used with the purpose of causing, or which a person knows or should know would cause, a substantial risk of death or serious bodily harm.

1. The following are examples of extreme situations where use of deadly force may be directed:

a. To protect citizens, staff personnel, or hostages when a reasonable belief exists that they are in imminent danger of death or serious bodily harm; or

b. To prevent the commission of a serious offense involving violence and the threatened death or serious bodily harm to another prisoner

2. The CO must verify that all elements of intent, capability, and opportunity are in place prior to application of deadly force.

a. Intent. Threat or will of a person to cause injury to another

b. Capability. A means to carry out the threat; i.e., a weapon of some sort

c. Opportunity. Space in which a subject is in to complete the threat. Subjects with knives cannot injure individuals 50 yards away; however, if they had pistols the situation changes.

4405. Emergency Response Plan. The MCF emergency response plan will be prepared to ensure the safety of staff and prisoners in the event of an emergency and reviewed annually. At a minimum, the MCF must publish the following required bills; fire, escape, riot, hostage, natural disaster, work stoppage, hunger strike, and bomb threat. MCF staff must be trained in the implementation of written emergency response plans during pre-service and in-service training. Emergency response plans will specify the means for immediate release of prisoners from locked areas in case of an emergency requiring evacuation and provide for a back-up system in case the primary system fails. These plans must be safeguarded to ensure prisoners do not have access.

1. Fire Bill. Fire bills will provide for the following:

a. Secure and prompt evacuation of all personnel to a pre-selected control point and the means for the immediate release of prisoners from locked areas in case of emergency and provide for a back-up system of release;

b. Availability of efficient firefighting equipment at all times;

c. Modern, portable fire extinguishers in close proximity to all living quarters and at other strategic locations, as determined by the fire marshal;

d. Keys to emergency exits properly controlled and distinctly marked;

e. Availability of portable floodlight equipment;

f. Prisoners will be trained in fire evacuation procedures;

g. Prominent posting of primary and alternate evacuation routes and use of exit signs and directional arrows for traffic flow as information to staff and prisoners in quarters and administrative spaces;

h. Fire drills to be conducted at least monthly and recorded in the brig log;

i. All fire bills must be coordinated with and approved by the installation fire department. Fire bills must be reviewed annually, updated if necessary, and re-approved by the installation fire department; and

j. Detailed plan of building(s) for fire department only.

2. Escape Bill. All precautions must be taken to prevent the escape of prisoners. Reasonable precautions include proper custody classification of prisoners, adequate instruction and supervision of staff, alertness of all staff members, a system of security inspections, and issuance of an adequate escape bill. All staff members and prisoner escorts from other activities or units must be familiar with procedures to be followed in the case of an escape or attempted escape. In the event of an escape, or attempted escape, action as outlined below must be taken.

a. Attempted Escape from a MCF. If a prisoner attempts to escape from inside the MCF, take action in the following order:

(1) Command the prisoner to “halt” and repeat the command one time, if necessary.

(2) If unsuccessful using the command "halt," prevent the escape by physical pursuit and restraint as may be necessary under the circumstances.

(3) An escape, whether successful or unsuccessful, will tend to cause unrest and could lead to a disturbance. Care must be taken to ensure a proper count is conducted and the daily routine is resumed as soon as possible; and

(4) If the prisoner is injured when captured, request medical assistance immediately.

b. Attempted Escape from an Escort. If a prisoner tries to escape from an escort outside the MCF or if the person refuses to obey an order to remain with the detail, the escort will attempt to restrain the prisoner with any effective means at hand, provided it can be done without jeopardizing control over the remaining prisoners in the detail. If the prisoner successfully escapes, the escort will move the remaining prisoners to the nearest means of communication, report the incident to the MCF and request instructions.

c. Escape Bill Requirements. Specific procedures that can be used quickly when an escape occurs should be made available to all staff. Procedures must include the following: prompt reporting of the escape to the MCF CO; mobilizing of staff; implementing of a predetermined search plan; notify base security or provost marshal’s office; higher headquarters; public affairs office; preparing of escape circulars for distribution and mailing; and, after apprehension of the escapee, promptly notify all who were previously alerted to the escape. Additional considerations include:

(1) Procedures for reporting absence of a prisoner and sounding the alarm without loss of time;

(2) Maintenance of an up-to-date list of all staff members with addresses and telephone numbers so they can be recalled when needed (emergency recall bill). The recall roster must be safeguarded to ensure compliance with personally identifiable information requirements and tested every quarter, at a minimum, to verify accuracy of recall numbers and response time of staff members;

(3) A listing of escape posts to be manned while the search is in progress. These may be divided into groups that provide for coverage according to areas and known circumstances;

(4) Escape post-specific instructions will be provided for each staff member assigned to an escape post. Instructions will include post number, location of nearest law enforcement agency, and any other information that will assist staff members when they arrive on the post. Portable communication will be issued for each escape post;

(5) Provisions for notification of military and civil law enforcement agencies in the area when an escape has occurred and their notification upon apprehension. The applicable Service Deserter Information Point (DIP) will be notified immediately via telephone with a message to follow the next working day, and DD 553 Deserter/Absentee Wanted by the Armed Forces will be completed and forwarded to the Service DIP by the most expeditious means available. The below points of contact are provided:

(a) USN: Toll free (877) 663-6772
Commercial (901) 874-2522

(b) USMC: Commercial (703) 604-0395, 6666

(c) USA: Commercial (502) 626-3711

(d) USAF: Toll free (800) 433-0048
Commercial (210) 565-3727

(6) Provisions for picking-up personnel assigned to outlying posts and for turn-in of equipment;

(7) Provisions for not disrupting unrelated activities of the installation or station; and

(8) Provisions for securing and preserving any evidence of, or related to, the escape.

3. Riot Control Bill

a. Personnel assigned to riot control response units must be properly equipped and trained in local riot control measures.

b. Each team must be given specific instructions in the course(s) of action to be followed.

c. An assessment of the situation must be made before committing personnel to a condition that could result in a hostage-taking situation. Reinforcements must be called as necessary to handle the situation and they will be assembled as soon as they arrive. This delay can be used to plan the operation and determine immediate objectives. Outer perimeter must be secured.

d. Chemical agents may be used as directed by article 4308 of this manual.

e. Prior arrangements must be made for appropriate emergency response units, not assigned to the MCF, to secure the outside perimeter of the MCF to prevent escape during the period of time spent in forming and briefing the MCF riot squad. Practice drills must be held on a periodic basis. Kind and amount of force used will be directed by the situation. A standby reaction force will be employed as required.

f. Riot control bills must provide for the following:

(1) Sounding the alarm;

(2) Basic procedures for dealing with riots in the mess hall, recreation area, auditorium, or any place where large numbers of prisoners normally gather; and

(3) Instructions for identifying, separating, and housing agitators and ringleaders

g. Provisions for notifying the MCF CO; security, fire, and utilities departments; public affairs; and staff members (emergency recall bill) who may be needed in controlling the riot

h. Safety measures for staff and prisoners who are not participants

i. Provisions for the protection of property

j. Taking immediate steps to close the security perimeter to any avenue of escape or breaching

k. Procedures for localizing the disturbance

l. Procedures to be followed in the event of a hostage-taking situation

m. Procedures for permitting withdrawal from the affected area by prisoners not wishing to participate

n. Provisions made for securing communications facilities, heat, water, and main electrical controls

o. Cause of the disturbance will be ascertained if possible. Rioters may be conferred with, but no promises will be made regarding any demands other than they will have a fair hearing. Use of a formally trained negotiator must be provided for in the emergency bill, but senior decision-making personnel must not become directly involved in negotiations with prisoners.

p. Personnel will be instructed to closely observe actions of the prisoners in order to provide future evidence concerning the agitators and ringleaders.

q. Use of cameras and video recording is encouraged during disturbances as they can serve as a deterrent, as well as providing graphic evidence in the case of future disciplinary hearings. A bullhorn, video camera, and tape recorder are practical equipment to have available for disturbances.

r. Detailed plan of building(s) (blueprint or video)

s. Steps must be taken as soon as the disturbance is under control to ensure no one has escaped and that the physical plant of the MCF is secure.

(1) Segregate all prisoner participants of the riot and assign sufficient supervision to prevent a recurrence of the disturbance.

(2) Account for all prisoners and involved staff.

(3) Provide extra supervisory personnel in all quarters and mess hall until it is certain the disorder is completely subdued.

(4) Segregate all prisoner leaders and agitators in the RHU pending investigation.

(5) Curtail all work and recreation activities, if necessary, and rearrange dining schedules so it is possible to provide adequate supervision for small groups of prisoners.

(6) Conduct a thorough investigation of the incident.

(7) Photograph all damaged areas and destruction before making repairs.

(8) Arrange for repair of damage to the MCF's physical plant and equipment.

(9) Debrief staff members.

(10) Evaluate use of traumatic stress teams.

4. Hostage Bill. Proper training of all staff members and specialized training of hostage reaction teams is imperative. A person, regardless of grade, held hostage has no authority. All orders received from an individual under duress or being held hostage will be referred to the applicable (non-hostage) staff member in the chain of command before being acted upon.

5. Natural Disaster Bill

a. If a MCF is not secure enough to withstand natural disasters, prisoners and staff may be evacuated prior to the final alert stage or condition. Pre-planning and coordination must be made with BUPERS-00D or DC PPO as appropriate.

b. Disaster bills must include the following:

(1) A secure area or structure must be predetermined for the security and prompt evacuation of all personnel

(2) Evacuation routes must be carefully predetermined for security and prompt evacuation of all personnel and take into account natural and manufactured barriers along the route

(3) Emergency food, water, first-aid supplies, fuel, and communications planned for either evacuation site or remain-in-place operations (3-day supply)

(4) If time permits, individual prisoner records will accompany personnel to the evacuation site.

(5) MCFs will be secured once evacuation is complete.

(6) Medical assistance must be provided for injured personnel.

(7) Procedures to account for all personnel and a plan to effect the orderly return to the MCF; and

(8) Working parties will be formed as necessary to repair damage and clear debris.

6. Civilian Work Stoppage Bill. A work stoppage occurs when civilian staff members actively demonstrate dissatisfaction by striking, calling in sick, and or creating work slowdowns or substandard performance.

a. Procedure. At a minimum, each MCF must maintain a work stoppage bill that includes:

(1) Continuity of operations based on the length of the adverse action(s);

(2) Security and safety;

(3) Communications with employees;

(4) Communication with the public affairs office; and

(5) Documentation of employee actions during adverse job actions.

b. After Action. At a minimum, upon resolution of a work stoppage, the MCF must:

(1) Devise a plan to release temporary assigned personnel from other commands;

(2) Resume normal MCF operations as soon as possible;

(3) Analyze cause of the action; and

(4) Analyze lessons learned for improvements.

7. Hunger Strike Bill. MCFs must publish a hunger strike bill consistent with the provisions contained within article 10201.6 of this manual.

8. Bomb Threat Bill. MCFs must prepare a bomb threat bill to react to bomb threats or explosions. Any type of bomb threat must be treated seriously and never ignored. All threats must be investigated before making a declaration that the threat is a hoax. The bomb threat bill must contain the following procedures:

a. Bomb threat by phone (bomb threat checklist);

b. Bomb threat by mail;

c. Suspicious items;

d. Event of an explosion;

e. Threat evaluation;

f. Bomb search procedures;

g. Bomb search techniques;

h. Evacuation;

i. Reporting or notification requirements; and

j. After action reports

Chapter 5: Discipline

Section 1. Administrative Disciplinary Measures

5101. General

1. Uniform administrative disciplinary process, procedures, and authorized disciplinary and management actions within the naval corrections program must be consistent with the provisions of this manual. The term "disciplinary actions" is synonymous with authorized administrative disciplinary and management actions and referred to as "punishment."

2. The approving authority (see section 3201.1c of this manual for definition) may impose all authorized disciplinary actions to include forfeiture of good conduct time (GCT), earned time (ET), special acts abatement (SAA), and disciplinary segregation (DS). Hereafter, the term "abatement" refers to GCT, ET, and SAA.

3. Definitions

a. Incentives. Tangible and intangible opportunities, beyond the scope of privileges, available within a military correctional facilities (MCF’s) corrections program to encourage and motivate positive prisoner attitude, behavior, and accomplishment. Incentives recognize both individual and group attainment. The ultimate goals are to build self-discipline and self-reliance in the individual or group and improve the functioning of the MCF. Incentives are not associated with authorized disciplinary actions but may be applicable or affected as a related management action as implemented within MCF policy and procedures.

b. Legitimate Penological Interest. A bona fide concern for essential correctional operations that may require curtailing a prisoner's rights.

c. Disciplinary Actions. Disciplinary actions that may be awarded by a disciplinary and adjustment (D&A) board include administrative reprimand or warning, loss of privileges (LOP), extra duty (ED), forfeiture of abatements, and DS. The approving authority approves all punishments.

d. Management Actions. The approving authority approves all management actions. Authorized actions resulting from a board process include:

(1) Job change;

(2) Quarters reassignment;

(3) Incentive level change;

(4) Custody classification change;

(5) Resetting employment date; and

(6) Suspension or vacation of previous punishments.

e. Privileges. Any service that is not, by law or policy, considered an essential service. Privileges are benefits afforded to prisoners over and above minimum statutory requirements. Privileges often include, but are not limited to visits, phone calls, television, computer, radio, movies, recreation, voluntary activities and programs, and special events.

f. Rights. An essential service that must be provided to a prisoner. Prisoner rights are established in the United States Constitution and defined by DoD, SECNAV, and other naval operating instructions. Rights in confinement include, but are not limited to: minimum standard of living; freedom from discrimination on the basis of race, religion, creed, national origin, or sex; limited rights to practice speech and religion; prohibition of cruel and unusual punishment; duty to protect; due process in their right to administrative appeals; meals; health care; correspondence or other access to corresponding or consulting with counsel; and due process hearing for disciplinary actions. Rights are not removed from a prisoner as a punishment for a rules violation, but may be restricted when there is a legitimate penological interest, such as safety or security concerns.

4. Discipline

a. Discipline, not harshness, is the heart of the correctional process.

b. Discipline can be learned only in a disciplined environment. MCFs must provide a disciplined environment for prisoners, which is enhanced by requiring a high standard of staff discipline. If all staff members meet the brig’s high standards of discipline and if staff morale is high, prisoners will observe this and most will respond positively. The objective is to instill discipline by teaching and demonstrating the value of self-discipline and self-reliance.

c. Rules for prisoners must reflect the MCF’s Service policies and must cover essential elements of the MCF's correctional program and daily routine.

d. Upon arrival, new prisoners must be given a copy of the MCF's rules and regulations governing prisoner conduct, to be retained by them until their release.

e. Instructions concerning various prisoner routines and responsibilities will be thoroughly explained in the reception phase. Newly arrived prisoners are in unfamiliar surroundings and must be informed of limitations placed on their activities, as well as opportunities available to them for self-improvement.

f. Daily routines and schedules of special activities must be prominently displayed in all living quarters.

g. Three basic rules are required of all prisoners:

(1) Do not escape, attempt to escape, or aid another to escape;

(2) Do not have contraband in their possession;

(3) Do not engage in disruptive behavior.

h. Each prisoner is expected to comply with the MCF rules and regulations and will be informed that any attempt to circumvent the rules and regulations may result in disciplinary actions.

i. Prisoners are subject to references (d) and (v), regardless of discharge status.

j. Prisoners must observe military courtesies per Service customs and traditions as appropriate. Due to multi-Service staff integration, the brig officer will ensure Service customs and traditions, as they apply to the MCF environment, are covered during orientation and included within prisoner rules and regulations. Prisoners will not be required to observe or practice military courtesies or other requirements that are unorthodox and not standard military practices. The following are examples of prohibited requirements:

(1) Requiring prisoners to salute or address enlisted personnel as "sir" or "ma'am" or to refer to themselves by a number or nickname, vice their last name;

(2) Requiring prisoners to face bulkheads at close range in the passage of staff members;

(3) Requiring prisoners to request permission to speak;

(4) Use of physical fitness training or close order drill, as punishment, or as a means of motivational training;

(5) Mass or group punishment for an offense by an individual, and

(6) Unnecessarily delaying a prisoner's access to required services (e.g.; toilet or medical care).

5102. Authorized Disciplinary Process, Procedures, and Actions

1. Authority. The approving authority may impose disciplinary actions on prisoners only after due process (a D&A board). Disciplinary actions are administrative and do not preclude trial by courts-martial or action under reference (v).

2. Misconduct

a. Prisoners are subject to disciplinary action for violations of reference (d), relevant Federal laws, and MCF rules and regulations, even after discharge from the military service. Jurisdiction over a prisoner continues even after departing the MCF (e.g.; parole, supervised release, or excess leave), as long as the member remains under the administrative control of the military Service. Misconduct is dealt with

through trial by courts-martial, violations brought before a D&A board, and other management or administrative actions.

b. Rules of a MCF must be enforced in a just and impartial manner. Violations must never be ignored or condoned and staff members must deal with minor violations on-the-spot. Normally, calling prisoners aside and explaining why their behavior is unacceptable will suffice.

c. Hard Card. Hard cards (index cards or a locally generated form with hand-written ink entries by staff) may be authorized by the brig officer. Information contained on the hard card may be considered by MCF boards in determining an array of administrative or management actions. Where employed, the hard card will be retained throughout the prisoner's period of confinement and filed in the prisoner's individual confinement record upon release. Hard cards are used to chronologically document both positive and negative prisoner behavior (e.g.; verbal counseling, observation or disciplinary reports, etc.). Hard cards will not be used in place of pass-down logs. Hard cards may contain a copy of the prisoner badge, will be considered official documents, and entries will be consistent with those of a logbook. Hard cards must be managed per personally identifiable information (PII) guidelines and must not contain reference to the prisoner's confining offense or sentence.

d. Observation Report (OR). ORs are documented on DD 2713 Prisoner Observation Report and provide a means of formally documenting positive performance and minor infractions; however, not every minor incident must be put in writing.

e. Disciplinary Report (DR). DRs will be reserved for serious offenses or to interrupt a pattern of unacceptable behavior such as a series of documented minor infractions in a short time period. Excessive use of DD 2714 Prisoner Disciplinary Report/Action reduces its effectiveness.

3. Initial Procedures. The following procedures shall be followed when a prisoner allegedly commits an infraction of

regulations and a verbal correction or an OR is not considered appropriate:

a. Reporting offense. When a staff member reports an offense, the prisoner will be immediately informed of the nature of the alleged rules violation. Staff members will prepare the DR to include the specific rule(s) violated; a formal statement of the charge, any unusual prisoner behavior, any staff witnesses, any physical evidence and its disposition, and any action taken, including the use of force. The DR must be filled out completely and signed and dated prior to submission to the command duty officer (CDO) or duty brig supervisor (DBS). Contraband or other evidence will be seized and subject to evidence processing procedures. The CDO or DBS will conduct an initial review of the DR for clarity, accuracy, and completion. DRs, once submitted by the staff member to the CDO or DBS, will not be dismissed except by the brig officer after review of the report and the informal investigation.

b. Interim action. The CDO or DBS may take interim action to ensure safety, good order and discipline, and integrity of the investigation, by placing a prisoner in administrative segregation pending investigation status. Segregation status must be reviewed by the classification and adjustment board or appropriate authority within 24 hours, including weekends and holidays.

c. Investigation. When an alleged rules violation is reported, an appropriate and independent investigation must be initiated by the CDO or DBS within 24 hours of the time the violation is reported and completed without undue delay, unless there are exceptional circumstances for delaying the investigation. Prisoners who are on report may make a statement on their own behalf, after they have been warned against self-incrimination per reference (d), article 31, and informed of their rights to consult with counsel. After having their rights explained, prisoners may sign a waiver of their rights and may request a D&A board without consulting counsel, obtaining personal representative, and/or calling witnesses. The investigator will complete all investigative tasks and prepare an investigative report. D&A boards will not be convened until completion of the investigation.

d. Review. Upon completion of the investigation, the DR and investigation will be forwarded via an initial reviewer to the brig officer for review. The brig officer may:

(1) Return for correction or further investigation;

(2) Dismiss the DR;

(3) Downgrade to a negative OR and file; or

(4) Refer to a D&A board.

e. Due Process

(1) Legal Consultation. As soon as practicable, after notification to the prisoner that a D&A board will be convened, the prisoner will be afforded an opportunity to consult with an attorney. This process must be documented and be retained within the prisoner's record. The right of a prisoner to confer with an attorney at any time is ongoing; however, that is a right of all prisoners and is not linked specifically to the D&A board process. The prisoner will be afforded a reasonable opportunity to consult with an attorney; however, the D&A board may be convened if the prisoner is unable to consult with an attorney. The attorney does not have to be the attorney detailed to the prisoner. There is no right of representation by an attorney during the board proceedings. This is not a criminal trial; it is an administrative proceeding. Its purpose is to determine whether an offense was committed and to provide authorized disciplinary or management actions, if appropriate. Such actions are primarily corrective in nature and designed to address misconduct in a non-judicial forum.

(2) Assistance. The MCF must provide a staff member to assist prisoners at D&A boards if requested. A representative is appointed when it is apparent that a prisoner is not capable of collecting and presenting evidence effectively on their own behalf, is illiterate, or where unusually complex issues exist.

(3) Evidence. The prisoner has the right to present relevant evidence at the D&A board.

(4) 24-hour Notice. The prisoner must receive a notice of the alleged violated charges at least 24 hours prior to the D&A board convening; however, the board may be held within 24 hours with the prisoner's written consent. If prisoners are scheduled for release from confinement before the expiration of the 24-hour period, the D&A board may be held prior to

expiration of the 24-hour notification period. The notice will include a written statement of the charges, a description of the incident, rules violated, and the time and place of the board.

(5) Witnesses. At the time the prisoner is notified of their D&A board date, the prisoner must provide their final list of witnesses. Witnesses are those persons the prisoner wants to appear at their board. When the prisoner receives written notice, or at any time thereafter, up to 24-hours in advance of the board, the prisoner may request to review evidence and statements. The prisoner's right to question witnesses, to call witnesses, and to present relevant documentary evidence is not absolute and may be denied when the D&A board specifically finds and documents that:

(a) MCF security would otherwise be jeopardized;

(b) Safety of informants would otherwise be jeopardized;

(c) Informants may be called by the board chair to present testimony without the presence of the accused. The accused will not be afforded the opportunity to identify or question the informant. Investigators may be called to testify in place of confidential sources; or

(d) A witness or document is not reasonably available, is not relevant, or would be unneeded duplication. If a witness is not reasonably available, a telephonic statement may be taken during board proceedings, provided the identity of the witness has been verified.

(6) Board Scheduling. The board will be held as soon as practicable but no later than 7-days, excluding weekends and holidays, after being charged with a violation, unless prevented by exceptional circumstances, unavoidable delays, or reasonable postponements. The term "charged with a violation" will coincide with the date contained within Block 9b of the DD 2714. Reasons for all delays must be documented. Unavailability of counsel is not an appropriate cause for delay.

(7) Presence During D&A Board Proceedings. The prisoner has the right to be present for all open sessions of the D&A board, unless the prisoner declines to appear or is removed for

misconduct. Any absence must be noted in the summarized record and supported by appropriate documentation to establish the circumstances of declination or removal for cause.

(8) D&A Board

(a) Membership. All D&A board members must be appointed in writing by the MCF commanding officer (CO) and will be composed of a chairperson (a senior MCF staff member holding the rank of at least E-6 or a federal civilian employee at level GS-7 or higher) and at least two other members without direct personal interest in a given incident. Officer, civilian, and enlisted staff may serve as board members. A recorder may be assigned.

(b) D&A Board Proceedings. A D&A board will convene to evaluate all facts and circumstances surrounding alleged prisoner violations. In addition to the DR, the D&A board will make a written record of the evidence presented at the board and state the reasons for recommending disciplinary action, if applicable. In making its recommendations, the D&A board must give full consideration to the causes for the adverse behavior, the setting and the circumstances in which it occurred, the individual's accountability, the correctional treatment goals, and the existence of any impacting mental or emotional issues. The board should recommend disciplinary measures only to regulate and control the prisoner's behavior as necessary within acceptable limits. Each case must be considered individually and on its own merits, based on a thorough and impartial evaluation of all relevant facts, and circumstances.

(c) Formal Reply to Charges. After advising the prisoner of the prisoner's right against self-incrimination and the reading of the alleged violation(s), the board chairperson will ask if the prisoner understands each charge. All questions must be resolved before continuing. Regardless of which plea will be entered, the prisoner will be given the opportunity to explain the circumstances surrounding the infraction which assists the board in determining guilt or innocence. The prisoner will enter one of the following pleas for each charge:

1. Guilty

2. Not Guilty; or

3. No Plea. This is neither a “guilty” nor “not guilty” plea. If the prisoner fails to enter a plea to a charge, or does not appear, a plea of “No Plea” will be entered.

(d) Board Findings. Once all relevant and available evidence has been presented, the board will deliberate in a closed session to consider all facts, reasonable inferences, deductions, and conclusions. Findings will be based solely on information obtained in the board process, including staff reports, accused statements, and evidence from witnesses and documents. When the board completes its deliberations, it will reconvene in the presence of the prisoner, who will be advised of its findings and recommendations. The decisions and reasons will be documented, unless doing so would jeopardize MCF security. The board may enter one of the following findings for each charge:

1. Guilty. A majority (2 to 1) of the board members must be convinced the prisoner committed the charged violation, or a lesser-included offense of the charged violation. A guilty determination is based on a “preponderance of evidence” (i.e., there is more evidence to indicate the prisoner is guilty rather than not guilty).

2. Acquitted. If the board members cannot obtain a majority (2 to 1) of votes to convict on any specific charge, the finding will be entered as “Acquitted.”

3. Dismissed. Is entered when the board unanimously finds the charge is not a violation, or the charges describe the same misconduct with other violations for which the prisoner was found “Guilty.”

(e) In the case of a “Guilty” finding, violations may be considered individually or together in determining the board’s recommendations. The board will award credit for time spent in administrative segregation pending investigation if awarded DS.

(9) Authorized Disciplinary and Management Actions

(a) If appropriate, prisoners may be referred, reference (d), for trial by courts-martial. In addition, post-

trial prisoners may be referred to the convening authority for proceedings under reference (d), article 72, to vacate a previously suspended court-martial sentence (pretrial agreement).

(b) Authorized punishments and management actions for categories I - V offenses are provided in article 5203 of this manual.

(c) Suspension of any disciplinary actions for a probationary period, not to exceed 6 months, is authorized.

(10) Approving Authority Review. All D&A board recommendations will be forwarded to the approving authority (see article 3201.1c of this manual) via a reviewer. The role of the reviewer is to ensure the board was conducted per policy and procedures, that the action taken conforms to MCF regulations, and to provide a recommendation to the approving authority. Neither the reviewer nor the approving authority is limited by, or bound to, the recommendations of the board. The approving authority may reduce or reverse the D&A board findings and increase or decrease recommended disciplinary actions deemed necessary. Approved D&A board recommendations are ordered into immediate execution without regard to appeal action. All actions, including previously imposed punishments, will run concurrently. Deferment of any punishments is not authorized. A copy of the disciplinary results will be provided to the prisoner with any security concerns redacted.

(11) Administration

(a) Copies of all investigations and D&A board proceedings, unless dismissed, will become a part of the prisoner’s confinement record. If the prisoner is found not guilty of all charges, the DR will be removed from all of the prisoner's files (i.e., individual confinement records, hard cards). The prisoner’s conduct record will show dismissals with no details.

(b) Disciplinary Log. A disciplinary log must be maintained to record each DR and the action taken by the approving authority. To the greatest extent possible, this log information will be populated within Correctional Management Information System (CORMIS) or its electronic equivalent.

1. The log must contain chronological entries showing the date of the offense, date of the D&A board, the prisoner's name, resident control number, a brief statement of the offense, the name of the person making the report, and the punishment imposed. The log will be marked with the identifier "For Official Use Only."

2. Each entry must be signed or authenticated by the officer authorized to impose the punishment. The disciplinary log will be submitted weekly to the MCF CO for review, authentication, and signature.

3. All paper or hard copy logs maintained by the MCF will be bound ledgers with consecutively pre-printed numbered pages. Automated logs must provide for automatic, continuous sequencing of all entries.

4. The disciplinary log will be retained for three years from the date of the last entry and then destroyed.

(12) Appeals

(a) Imposed disciplinary or management actions may be appealed to the approving authority with subsequent appeal resting with the MCF CO, as applicable. Final action rests with the MCF CO. D&A board cases not resulting in disciplinary or management action are final and not subject to appeal.

(b) Appeals must be submitted within 15 calendar days of acknowledgement of receipt of the action. When circumstances prevent a prisoner from presenting the appeal during this period, the prisoner may submit a request for delay within the initial appeal period, with a statement describing the circumstances that necessitate the delay. Requests for delays will be reviewed and may be granted if warranted. Appeals will be decided within 30 calendar days of receipt and the prisoner notified promptly in writing of the results.

(c) An appeal must have substantive merit, or it will be returned without further action. Appeals must be based upon showing that findings of the board were in error, the D&A board did not comply with applicable requirements, or the disciplinary action(s) were too severe.

(d) Appeal action that results in modification or disapproval of disciplinary action taken will cause all records and individual confinement records to be corrected and modified as appropriate.

Section 2. Military Correctional Facility Offenses With Associated Categories and Authorized Administrative Disciplinary and Management Actions

5201. MCF Offenses

1. There are numerous laws, rules, and regulations applicable to confinement, which will not be relisted within this instruction in their entirety. Copies of appropriate Service instructions and regulations, references (d) and (v), and other regulatory guidance applicable to confinement may be made available to prisoners.

2. The following list identifies and describes offenses under which a prisoner may be disciplined. Category I and II offenses are considered minor infractions. Categories III, IV, and V offenses are considered serious infractions.

a. Academic Misconduct (Category III Offense). Missing class through design or misconduct, cheating or assisting another to cheat on any academic or vocational training examination, or disrupting an academic or vocational training session.

b. Aiding Another (Categories I - V Offenses). Conspiring with, soliciting, or aiding another to commit or attempt any prohibited act, to include failing to report a prohibited act. The category will correspond to the category of the offense aiding.

c. Arson (Category V Offense). Igniting any item that could cause personal injury or damage to any property.

d. Assault (Categories III, IV, or V Offense). To attempt or offer to do bodily harm to another with unlawful force or violence, with apparent ability to do so. Category IV offense if committed with a weapon; Category V offense if committed against a staff member.

e. Assault Consummated by Battery (Category IV or V Offense). To intentionally and without consent, strike, touch, or apply force to the person of another, directly or indirectly, resulting in bodily harm or an offensive touching of any form. Category V offense, if committed against a staff member.

f. Attempt (Category I - V Offenses). Any attempt to do a prohibited act, including any steps of preparation necessary to accomplish the prohibited act. The category level of the attempted offense will be the same as the prohibited offense attempted.

g. Being Unsanitary or Untidy (Category I Offense). Failing to keep one’s person, clothing, or living area sanitary and per prescribed standards. This offense includes littering of common-use areas, etc.

h. Breach of Peace (Category III Offense). Use of rough (offensive), loud, profane, or boisterous language or action, which disturbs or threatens the peace and good order of the MCF.

i. Bribery (Category IV Offense). Asking, offering, rendering, accepting, or receiving anything of value, including personal services, with intent to influence another to make a decision or commit an act that is prejudicial to good order and discipline. Category V offense if committed against a staff member.

j. Cell Alteration (Category II Offense). Making unauthorized changes to living quarters such as, but not limited to, moving furniture, painting or marking walls, hanging items to block the view into the living area, affixing shading devices to lights, or obstructing the intercom or public address system.

k. Communicating a Threat (Category IV or V Offense). Communicating verbally, in writing, or by physical gestures, a message intended to, or which may reasonably be expected to, intimidate or threaten another, directly or indirectly. This includes conditional threats or intimidation. Category V offense if committed against a staff member.

l. Communications Tampering (Category IV Offense). Tampering with any part of a radio, jack, headset, television,

telephone, or any other communication device without permission etc.

m. Conduct Which Threatens (Category IV Offense). Any conduct which interferes with the orderly running, safety, good order and discipline, or security of the MCF.

n. Contact Between Male and Female Prisoners (Category III Offense). Any physical contact between male and female prisoners is prohibited, except within the scope of duties. Verbal communication between male and female prisoners is prohibited except, as necessary on a detail or at official MCF programs. Written correspondence is covered in the unauthorized writing rule. Female and male prisoners must not socialize during fellowship times at religious services or gatherings.

o. Counterfeiting (Category IV Offense). Knowingly making, submitting, reproducing, or altering any signature, writing, document, article of identification, money, security, or official paper without proper authority.

p. Damaging or Destroying Property (Category III Offense). Defacing, altering, or destroying property belonging to the Government, or belonging to an individual. Anything issued to a prisoner is Government property (e.g., MCF operating instruction, identification badges, cell furnishings, clothing, and all equipment). This offense also includes marking, defacing, or destroying any posted instructions or orders.

q. Disobedience (Category III Offense). Disobeying an order given by civilian or military personnel in the performance of their duties, to include failure to comply with any order in a timely manner.

r. Disorderly Conduct (Category III Offense). Conduct of such a nature as to affect the peace and quiet of individuals or who may thereby be disturbed or provoked to resentment. This charge could encompass all participants in a fight, regardless of who started the fight, or against individuals who engage in disruptive conduct, such as throwing things on the floors or flooding the MCF by any means.

s. Disrespect (Category IV or V Offense). Being disrespectful in language or actions toward or about any member of the MCF staff or other person of authority. Disrespect may consist of behavior that detracts from the respect due the authority and person of a MCF staff member. It includes acts or language, however expressed. Abusive epithets or other contemptuous or denunciatory language may convey disrespect by words. Disrespect by acts includes showing a marked disdain, indifference, insolence, impertinence, undue familiarity or other rudeness in the presence of a staff member. Category V offense, if committed against an officer.

t. Escape (Category V Offense). Leaving custodial control without authority, including departing the MCF, detail, escort, housing unit, or job site or failing to return from temporary or emergency home parole.

u. Extortion (Category IV Offense). Demanding or receiving anything of value, to include personal services from another, by threatening to harm or expose to authorities or to disgrace, etc.

v. False Statement (Category II Offense). Signing, with the intent to deceive, any false record, order, regulation or other official document, knowing it to be false, or making any other false official statement knowing it to be false. This includes lying to a staff member about an official matter, either verbally or in writing, including signing or printing the name of another on any official document without authority of MCF officials.

w. Funds Manipulation (Category III Offense). Directly or indirectly transferring money or negotiable instruments, including, but not limited to, checks and money orders to another, except as specifically authorized. Receiving money or negotiable instruments from a person or persons is identified as a prohibited source for funds.

x. Gambling (Category III Offense). Participating in games of chance for anything of value, to include personal services. Use of authorized recreational equipment for games of chance or operation of any gambling pool. Possession of gambling paraphernalia.

y. Indecent Exposure (Category IV Offense). Intentionally exhibiting one’s sexual organs, bare buttocks, or in the case of a female, bare breast, to another or to public view.

z. Interfering with Count (Category IV offense). Delaying or interfering with count including failing to timely move to assigned cell or area when lockdown is ordered or otherwise failing to assume a position per an order or this regulation so as to be readily visible to staff.

aa. Intoxicants (Category V Offense). Consuming, possessing, introducing, manufacturing or using any narcotic, drug paraphernalia, drug or intoxicant (to include any type of alcohol) not prescribed by the medical staff.

bb. Larceny (Category III or IV Offense). The taking, obtaining, or withholding of money, property, or article of value of any kind from the possession of the owner or another without authority. All articles or property, individually or Government-owned, that are deposited in a trash receptacle within the grounds of the MCF will be considered owned and in the possession of the Government until departure of said property from the grounds of the MCF. All articles of property deposited in the trash receptacle under this paragraph will be considered to be of the same value. Taking of government property is a category IV offense.

cc. Lock Tampering (Category IV Offense). Tampering with locking devices or other security equipment, to include obstructing doors to prevent them from locking or unlocking.

dd. Loitering (Category I Offense). Lingering, moving slowly, stopping, or pausing in any area during individual or mass movement. Taking more than the prescribed time to consume a meal.

ee. Malingering (Category II Offense). Avoiding any responsibility, requirement, or order by feigning illness, physical disablement, mental lapse, or derangement (includes abuse of sick call); or inflicting self-injury or removing stitches and bandages without authority.

ff. Medicine Misuse (Category III or IV Offense). Using, possessing, handling, or storing of medicine, except as

authorized by the MCF medical staff. Failure to take medication as prescribed by medical staff.

gg. Mutilation (Category III Offense). Tattooing, piercing, marking, or maiming any part of the body or another person's body.

hh. Out of Place (Category III or IV Offense). If prisoners are not at their designated detail, housing unit, scheduled appointment, religious activity, recreational activity, or dining area and are not on pass or under escort, they are out of place. If prisoners are not where they are supposed to be, they are out of place. This includes prisoners who deviate from the most direct authorized route from one authorized location to another and those visiting in or around another prisoner's cell. If the MCF's operations are ceased and or a special count is conducted due to the prisoner being out of place, it is a category IV offense.

ii. Physical Contact (Category IV or V Offense). Physical contact with another prisoner is prohibited. This includes fighting, horse playing, and sexually contacting, causing injury, touching with an object, touching with hands or other body parts, spitting, wrestling, hugging, kissing, and scuffling. Physical contact does not include controlled forms of physical contact during worship services; other supervised activities like a hand shake at a graduation ceremony; custom during activities, such as, baptism, communion, prayer, etc.; or unintentional or inadvertent physical contact during recreational activities like basketball or volleyball, etc.

jj. Possession, Introduction, or Use of a Weapon (Category V Offense). Construction, introduction, possession, or the use of weapons is expressly forbidden. Weapons include, but are not limited to: guns, knives, clubs, brass knuckles, saps, blackjacks, and hard object(s) in a sock or similar container, or any item modified so it could be used as a weapon (e.g.; modifying a disposable razor to expose the cutting edge or placing a bar of soap in a sock).

kk. Possession of Stolen Property (Category III or IV Offense). Having, on one's person or in one's living area, property belonging to another or the government, which has been stolen. Having government property that has been stolen is a

category IV offense. While actual knowledge that the property has been stolen is required, such knowledge may be inferred and proven by circumstantial evidence.

ll. Profiteering or Racketeering (Category IV Offense). The loaning, buying, selling, trading, transferring, receiving, or lending of property, services, or anything of value for profit, increased return, or something of value.

mm. Prohibited Property (Contraband) (Category III Offense). Anything not specifically authorized by proper authority to be in a prisoner’s possession is prohibited. Prisoners must obtain and keep written permission from the MCF CO, or authorized representative, to possess any item not authorized by MCF policy. Any item not specifically authorized and found in a prisoner’s possession will be considered prohibited property. Possession of property obtained from trash receptacles or that which was discarded in any other way by other prisoners or staff is prohibited. Property that has been altered from its original form without MCF authorization will be considered prohibited property and contraband.

nn. Provoking Words or Gestures (Category III Offense). Verbal or written communications or physical gestures that may anger, irritate, or incite another to induce a breach of peace under the circumstances.

oo. Rations Misuse (Category III Offense). Use of any ration in any manner for which it was not intended, such as throwing a ration item, using rations to make intoxicants, using rations in other illegal acts, wasting rations, or adding foreign substances to rations.

pp. Resisting Forced Cell Moves (Category IV or V Offense). Any action taken to impede, resist, or interfere with the actions of forced cell move teams, including, but not limited to, trying to keep the cell door closed, throwing objects at team members, or attempting to grab team members while in the performance of their duties. Any action taken that causes the team to be activated, even if it is not used is a category IV offense.

qq. Rules Violation (Category III Offense). Violation of any posted or published MCF rule. This includes, but is not

limited to, the rules or instructions posted in housing units, details, and other offices and work areas, limitations imposed by recreation restriction, quarters and medical profiles, the terms of installation custody pledges, visitation rules, and requirements not otherwise specified as institutional offenses.

rr. Running (Category I Offense). Running anywhere inside the MCF is prohibited, except as appropriate when engaged in authorized recreational activities.

ss. Sex Offender Contact with Minor Children (Category IV Offense). Prisoners who committed sexual offenses with minor children are prohibited from having contact, either written, telephonic, or in person, directly or indirectly, with minor children unless written approval is granted by the MCF CO or designee authorizing contact.

tt. Sexual Misconduct (Category IV Offense). Soliciting, threatening, or engaging in sexual or lewd conduct with another. Masturbating in open or plain view or continuing to masturbate in view of staff is considered sexual misconduct.

uu. Sleeping on Duty (Category II Offense). Falling asleep or appearing to fall asleep while at a detail or place of duty.

vv. Solicitation (Category V Offense). Asking, requesting, or suggesting a staff member to perform any act, give, provide, or make available any item for the prisoner that is outside the staff member’s normal performance of duty.

ww. Staff Harassment (Category II Offense). Any comment, conversation, question, or other communication (verbal or non-verbal expressions) intended to or which may reasonably be expected to anger, irritate, or demean a staff member. Such communications will be considered staff harassment when directed to a staff member or to another and overheard or observed by a staff member.

xx. Suffering Loss of Property (Category II Offense). Loss of property due to carelessness, to include loss of property due to unsecured lockers within the living areas, whether or not the prisoner is present.

yy. Trafficking (Category III Offense). Selling, buying, trading, giving, receiving, or lending any item within the MCF is prohibited except as specifically authorized by the proper authority.

zz. Unauthorized Ordering or Receiving (Category II Offense). Purchasing, receiving or ordering goods or services that are not authorized, or in a manner that is prohibited.

aaa. Unauthorized Contact (Category III Offense). Any contact or communications, directly or indirectly, by a prisoner with MCF staff members or installation employees, other than during the normal course of duty performance, or during a MCF-sponsored activity is prohibited. This includes prisoners having family members contact MCF staff on behalf of the prisoner. Prisoners are also prohibited from communicating with, or having contact with prisoners confined in other institutions, former MCF prisoners, or former staff members, except as authorized in advance through a request by the prisoner concerned to the MCF CO or designee.

bbb. Unauthorized Use of Mail or Telephone (Category III Offense). Using the mail or telephone for unauthorized purposes as specified by law, regulation, or MCF rules.

ccc. Unauthorized Writing (Category III Offense). Writing, distributing, or possessing any written motto, creed, saying, or drawing within the prisoner population, whose content is designed to or could disrupt the MCF by encouraging strikes, riots, fights, racial or religious hatred, or other prohibited acts.

ddd. Victim Witness (Category IV Offense). Unauthorized contact or communication with, directly or indirectly, or causing another to contact any individual who qualifies as a prisoner’s victim or witness is prohibited.

eee. Violation of UCMJ Punitive Articles (Category IV Offense). Violation of any punitive article of the UCMJ, regardless of whether the misconduct violates a MCF rule. Category V if the violation meets the specifications for any category V offense.

5202. Authorized Disciplinary Actions. One or more disciplinary actions may be imposed on a prisoner for misconduct. Generally, the lowest form of disciplinary action will be used to correct misbehavior.

1. Administrative Reprimand or Warning (Verbal or Written). This is the lowest form of disciplinary action.

2. LOP. The privileges subject to disciplinary action are those related to the DR offense committed (e.g.; visits (if related to the violation), phone calls, television, computer, radio, movies, recreation, voluntary activities and programs, and special events).

3. ED. ED will not conflict with regular meals, regular sleeping hours, regular visiting hours, attendance at scheduled religious services, or interviews with authorized persons (e.g.; chaplain, medical officer, legal counsel, etc.). ED will be limited to 2 hours per day for a maximum of 14 consecutive days and must consist of constructive and useful work. ED will not be served on Sundays and holidays, although those days count in the computation of the period for which such punishment is imposed.

4. Forfeiture of Abatements. Any or all of the prisoner's abatement, to include GCT administratively credited for pretrial confinement, may be forfeited. All abatement allowances earned up to and including the date of violation may be forfeited. The approving authority may restore abatements forfeited by any approving authority. Forfeiture resulting from escape or for supervised release violations cannot be restored.

5. Disciplinary Segregation (DS). DS will be served in a single occupancy, furnished cell in the restricted housing unit, where the prisoner cannot communicate with unauthorized personnel and most privileges (specifically identified) will be removed.

a. Upon recommendation of DS by the D&A board, all special handling and management actions approved by the approving authority that impact DS will be annotated on a special handling letter.

b. Prisoners will remain in their cell at all times except as specified within the approved discipline and management actions. They will not be taken out of their cell to attend religious services. Assistance in the observance of denominational requirements, when available, will be provided in the cells when appropriate. Prisoners in DS must be afforded the opportunity for two hours outside of their cell daily unless security and safety situations dictate and the prisoner is in a RH reportable status. DS will not receive recreation privileges but may receive exercise privileges. Staff must document all movements from the prisoner’s cell and refusals.

c. Prisoners in DS will be permitted to receive mail and write letters and receive personal visitors, unless cause for withholding such exists. Official visits will be permitted. Under no circumstances will a prisoner in DS be precluded from corresponding or consulting with counsel and corresponding with privileged correspondents.

d. Meals may be served in or out of cells, depending on behavior and MCF policy and design.

e. Showers will be granted daily if conduct is satisfactory. At a minimum, prisoners will be allowed to shower every other day.

f. DS must not exceed the limits authorized per article 5203 and will be terminated as soon as the prisoner demonstrates that segregation has served its purpose. Duration of confinement in DS will be determined by, and take into account, continuous improvement in the prisoner's conduct and attitude and the punitive benefit has been served.

6. Management Actions. As a result of a guilty finding at a D&A board, the board may also consider and recommend management actions. Management actions which may be considered include: reset of continuous employment date; attendance to assigned treatment programs; incentive level reduction; custody reduction; and work or quarters assignment

5203. Category of Offenses and Punishment

1. Violations are divided into five categories. Each category has maximum allowable disciplinary and management actions listed

below. These actions must not be exceeded, unless one of the following conditions is met:

a. D&A board members believe the maximum level should be exceeded due to unusual circumstances. The D&A board chairperson must justify in writing to the approving authority the reasons for recommending actions that exceed the category level;

b. D&A board may recommend actions not to exceed the next higher range of punishment of the latest offense if the prisoner has two or more guilty findings (during separate board proceedings) within a 90-day period;

2. Categories of Offenses and Maximum Allowable Disciplinary and Management Actions

a. Category I

(1) Offenses

(a) Aiding another (of category I offenses)

(b) Attempt (of category I offenses)

(c) Being unsanitary or untidy

(d) Loitering; and

(e) Running

(2) Disciplinary Actions and Maximum Limits

(a) Reprimand

(b) LOP not to exceed (NTE) 30 days

(c) ED NTE 14 days

(d) Forfeiture of GCT NTE 14 days; and or

(e) DS NTE 15 days.

(3) Management Actions

(a) Suspension of any above actions NTE 180 days

(b) Vacation of any previously suspended actions

(c) Work assignment, quarters change or both;

(d) Incentive level reduction

(e) Change continuous employment date (if not automatically changed due to award of DS)

(f) Custody review and possible reduction

(g) Reduction to negative OR; and or

(h) Other recommendations considering extenuating circumstances and the violation

b. Category II

(1) Offenses

(a) Aiding another (of category II offenses)

(b) Attempt (of category II offenses)

(c) Cell alteration

(d) False statement

(e) Malingering

(f) Sleeping on duty

(g) Staff harassment

(h) Suffering loss of property; and

(i) Unauthorized ordering or receiving

(2) Disciplinary Actions and Maximum Limits

(a) Reprimand

(b) LOP NTE 45 days

(c) ED NTE 14 days

(d) Forfeiture of GCT NTE 30 days; and or

(e) DS NTE 30 days

(3) Management Actions

(a) Suspension of any above actions NTE 180 days

(b) Vacation of any previously suspended actions

(c) Work assignment, quarters change or both

(d) Incentive level reduction

(e) Change continuous employment date (if not automatically changed due to award of DS

(f) Custody review and possible reduction

(g) Reduction to negative OR; and or

(h) Other recommendation considering extenuating circumstances and the violation.

c. Category III

(1) Offenses

(a) Academic misconduct

(b) Aiding another (of category III offense)

(c) Assault (threatening)

(d) Attempt (of Category III offense)

(e) Breach of peace

(f) Contact between male and female prisoners

(g) Damaging or destroying property

(h) Disobedience

(i) Disorderly conduct

(j) Funds manipulation

(k) Gambling

(l) Larceny

(m) Medicine misuse

(n) Mutilation

(o) Out of place

(p) Possession of stolen property

(q) Prohibited property

(r) Provoking words or gestures

(s) Rations misuse

(t) Rules violation

(u) Trafficking

(v) Unauthorized contact

(w) Unauthorized use of mail or telephone; and

(x) Unauthorized writing

(2) Disciplinary Actions and Maximum Limits

(a) Reprimand

(b) LOP NTE 60 days

(c) DS NTE 30 days

(d) ED NTE 14 days; and or

(e) Forfeiture of GCT or ET NTE 90 days

(3) Management Actions

(a) Suspension of any above actions NTE 180 days

(b) Vacation of any previously suspended actions

(c) Work assignment, quarters change, or both

(d) Incentive level reduction

(e) Change continuous employment date (if not automatically changed due to award of DS)

(f) Custody review and possible reduction

(g) Reduction to negative OR; and or

(h) Other recommendations considering extenuating circumstances and the violation

d. Category IV

(1) Offenses

(a) Aiding another (of category IV offenses)

(b) Assault (if committed with a weapon)

(c) Assault consummated by battery

(d) Attempt (of category IV offenses)

(e) Bribery

(f) Communicating a threat

(g) Communications tampering

(h) Conduct which threatens

(i) Counterfeiting

(j) Disrespect

(k) Extortion

(l) Indecent exposure

(m) Interfering with count

(n) Larceny (taking of government property)

(o) Lock tampering

(p) Medicine misuse

(q) Out of place (if operations are ceased of special count is conducted)

(r) Possession of stolen property (if government property)

(s) Profiteering or racketeering

(t) Resisting forced cell moves

(u) Sex offender contact with minor children

(v) Sexual misconduct

(w) Victim Witness; and

(x) Violation of reference (d)

(2) Disciplinary Actions and Maximum Limits

(a) Reprimand

(b) LOP NTE 60 days

(c) ED NTE 14 days

(d) DS (indefinite) normally NTE 60 days; and or

(e) Forfeiture of any abatement

(3) Management Actions

(a) Suspension of any above actions NTE 180 days

(b) Work assignment, quarters change, or both

(c) Incentive level reduction

(d) Change continuous employment date (if not automatically changed due to award of DS)

(e) Custody review and possible reduction

(f) Reduction to negative OR; and or

(g) Other recommendations considering extenuating circumstances and the violation

e. Category V

(1) Offenses

(a) Aiding another (of category V offenses)

(b) Arson

(c) Assault (against a staff member)

(d) Assault consummated by battery (against a staff member)

(e) Attempt (of category V offenses)

(f) Bribery (committed against a staff member)

(g) Communicating a threat (against a staff member)

(h) Disrespect (if committed against a commissioned officer)

(i) Escape

(j) Intoxicants

(k) Possession, introduction, or use of a weapon

(l) Resisting force cell moves

(m) Solicitation; or

(n) Violation of reference (d).

(2) Disciplinary Actions and Maximum Limits

(a) Reprimand

(b) LOP NTE 60 days

(c) ED NTE 14 days

(d) DS (indefinite) normally NTE 60 days; and or

(e) Forfeiture of any abatement

(3) Management Actions

(a) Suspension of any above actions NTE 180 days

(b) Vacation of any previously suspended actions

(c) Work assignment or quarters change

(d) Incentive level reduction

(e) Change continuous employment date (if not automatically changed due to award of DS)

(f) Custody review and increase

(g) Reduction to negative OR; and or

(h) Other recommendations considering extenuating circumstances and the violation

Section 3. Training

5301. Training. The brig officer will ensure all staff and prisoners are fully aware of the Discipline Program.

1. Instructions concerning the elements of abatement, the discipline program, and prisoner responsibilities must be thoroughly explained in the reception phase.

2. Orientation of the discipline program will be included in pre-service and in-service training and annually thereafter for all staff personnel.

Chapter 6: Correctional Programming

Section 1. Programming Policies

6101. General

1. Definition. The military correctional facility's (MCF's) correctional program is the aggregate of all resources used to encourage and promote constructive change in prisoners.

2. Philosophy. MCFs should provide a climate conducive to positive change, with programs tailored to the needs of prisoners and the Service, and administered in a manner that recognizes and rewards acceptable behavior while disciplining unacceptable behavior.

3. Utilization of Local Resources. Mutually supportive arrangements with local military and civilian communities must be established and maintained to maximize availability of correctional programs. Volunteers may be used to advise and conduct some programs or to assist staff members in conducting them.

6102. Goals of Correctional Programs. Goals of naval correctional programs are:

1. To provide prisoners returning to civilian life with available resources to make a successful offense-free reentry;

2. To emulate a well-run military environment with staff personnel fulfilling leadership roles and acting as positive influences. A traditional form of military management divides a large operation into subunits or sections and gives the unit leader authority to carry out certain assigned functions. This management style, involving all MCF staff, is highly recommended to facilitate meeting program goals;

3. To restore those prisoners returning to active service at the earliest possible time for offense-free service; and

4. To enhance public and command safety and security by building self-discipline and self-reliance in the individual, to recognize efforts by prisoners to deal with their confining offense, and to improve the functioning of the MCF.

6103. Legal Implications of Programming

1. Prisoners will not be coerced into revealing information about their personal lives, which may be needed for classification, counseling, or programming.

2. Individual rights, as stated in 5 U.S.C. § 552a, are to be protected. A Privacy Act (PA) statement must be provided to new prisoners as they enter the reception phase and are asked to provide personal information. The signed PA will be maintained in the prisoner's individual confinement record and the Correctional Management Information System (CORMIS) or its electronic equivalent. Reference (ad) will be followed and information maintained on prisoners must conform to requirements set forth in PA Systems Notice NM01640-1.

3. Reentry or pre-release processing is mandatory for all post-trial prisoners separating from active service upon release from confinement.

6104. Program Scheduling

1. To the greatest extent possible, correctional programs will be administered after the end of the prisoner's normal workday. Availability of resources may dictate that a few special offense-related and educational programs be conducted during the normal workday, but such scheduling will be kept to a minimum in order not to reduce required prisoner work hours (e.g., 40 hours per week). Working hours of counselors and treatment and program staff, both military and civilian, should coincide with this schedule.

2. A program plan must be developed for each post-trial prisoner based on needs of prisoners and resources available at the MCF to provide maximum benefit to the prisoner, community, and Service.

Section 2. Minimum Acceptable Program Requirements

6201. Policy

1. Core Programs. All MCFs must provide core programs. Core programs include recreation, individual and group counseling, work, incentives, life skills, and religious programs.

2. Level I MCFs. Level I MCFs must provide core programs plus, victim impact awareness, substance abuse/drug and alcohol education, and crisis intervention.

3. Levels II and III MCFs. Levels II and III MCFs. Levels II and III MCFs must provide core and level I programs plus drug and alcohol treatment, stress and anger management, vocational training, functional skills testing, academic education, remedial education, high school level education classes or general equivalency diploma, sex offender education or treatment access, and violent offender education or treatment access. Programs at level II and III MCFs shall be based on a needs assessment of the prisoner population.

4. Commands operating MCFs will establish and conduct the minimum acceptable programs for the level of their MCF. Commands are encouraged to exceed these requirements to the maximum practical extent of the resources available or which can be made available from the surrounding military or civilian communities.

5. BUPERS-00D and Deputy Commandant of the Marine Corps (Plans, Policies, and Operations (DC PPO)) will monitor the existence and performance of these programs and, at least every 3-years, assign program adequacy classifications following on-site reviews and technical assistance visits. Program adequacy classifications are as follows:

a. Class 1. All required programs are in effect and additional mission-oriented programs are available.

b. Class 2. Required programs are in effect.

c. Class 3. Required programs are not in effect. Corrective action is required.

6202. Minimum Acceptable Program Requirements. The minimum requirements for each of the below correctional programs apply.

1. Recreation (Core). Prisoners must have access to basic physical and non-physical recreational activities, although passive recreation will be kept to a minimum where alternatives exist. A recreation program including individual and group activities will be provided based upon MCF resources. Extra recreational activities may be part of the Incentives Program. Recreation may include the following:

a. Organized Athletics. Limited contact sports may be authorized and must be properly supervised (e.g.; soccer, basketball, etc.).

b. Access to television and radio

c. Recreational library usage

d. Weight lifting equipment; and

e. Movies

(1) The type or content of movies must conform to statutory limitations and the limitations of this policy. MCF commanding officers will designate an individual or board, such as the literary review board, to select and approve movies to be shown to prisoners consistent with the policy guidelines contained herein. All copyright and licensing agreements must be strictly enforced.

(2) X-rated movies will not be shown to prisoners. Movies rated “restricted” (R) or “no children under 17” (NC-17) may only be shown to prisoners if they have been edited for general public viewing, such as those shown on network television stations. However, not all edited movies may be appropriate for MCFs and caution must be used in approving such movies. Foreign language films or other movies that are not rated may be shown if they do not include profanity, graphic violence, or nudity.

(3) Television reception of other than network channels may be available to prisoners only if movies rated X, R, or NC-17 can be blocked out either electronically or by staff.

2. Individual and Group Counseling (Core)

a. Individual Counseling

(1) Every prisoner must be assigned a correctional counselor or case manager. This will be a formal school trained correctional counselor (military or civilian) upon whom the prisoner can rely on for assistance and personal guidance.

(2) Individual correctional counseling commences with the initial interview, conducted the first working day after the prisoner enters into confinement, and must occur at a minimum of one session every 2 weeks for 20-60 minutes, unless the prisoner’s problems and needs require more frequent sessions. Prisoners in the restricted housing unit must be counseled on a weekly basis. The following forms must be used to document contacts and record the results of individual counseling:

(a) DD 2710 Prisoner Background Summary

(b) DD 2715-2 Prisoner Summary Data; and

(c) DD 2719 Correctional Facility Continuation Sheet

(3) If available, documentation of individual correctional counseling contacts and results may be accomplished under the program plan module in CORMIS or its electronic equivalent. All individual counseling documentation must be filed in the prisoner's individual confinement record and CORMIS or its electronic equivalent.

(4) Individual correctional counseling will also focus on identifying what resources the prisoner will need for successful reentry into the community and establishing linkage to those prior to release. Before release from confinement, all qualifying prisoners must receive written notification of sex offender programs in the community to which they will be released. In MCFs with a clinical services department, that department will make notification; otherwise, the prisoner's counselor will make the notification.

(a) Staff will ensure prisoners receive written notification of treatment options available in the prisoner’s geographical location of planned release. At a minimum, this notification must include the treatment provider’s name, address, and telephone number. At least one treatment source must be provided.

(b) The prisoner will sign and date the notification. Refusal to sign must be documented. A copy of the notification will be maintained in the prisoner’s individual file and CORMIS or its electronic equivalent.

b. Group Counseling

(1) Group counseling is designed for post-trial prisoners and is divided into two distinct types: formal offense related therapy groups under the direction of a licensed, credentialed mental health professional, and group counseling sessions conducted by the correctional counselors, case managers, or qualified volunteers. Group counseling allows individual prisoners to interact with their peers in a guided manner and thereby learn coping skills. For correctional counselor or case manager groups,

formal curriculum will be utilized to facilitate groups (e.g.; National Curriculum and Training Institute's (NCTI) "Crossroads" or National Institute of Correction's "Thinking for a Change").

(2) Groups will meet weekly for a specified period of time outlined in National curriculums for correctional programs, usually 1 to 2 hours. Constant turnover experienced by most MCFs requires constant screening of new arrivals to ensure the group size maintains a workable level and all who can benefit from group counseling have the opportunity to participate. Individuals who would be counterproductive in groups due to misconduct will not be placed in groups unless special preparation is provided.

(3) Proper training in group counseling techniques will be a part of the formal in-service training of each counselor, case manager, or discussion leader. Staff must obtain and maintain required certifications or complete required training prior to being assigned facilitator responsibilities for a program or curriculum for which a vendor or provider specifies facilitator requirements.

(4) Group counseling sessions which are not clinical in nature will be documented and recorded on DD 2719 and filed in the prisoner's individual confinement record and CORMIS or its electronic equivalent.

3. Work (Core)

a. Prisoners will be assigned to work assignments to provide productive work, instill a positive work ethic, and develop vocational skills. To ensure productive utilization of prisoner labor, local commanders should be encouraged to make productive work available. Units desiring prisoner working parties will submit their requests to the MCF; work supervisors will ensure the work to be performed is worthwhile and constructive. The requesting unit may be required to provide trained and qualified escorts and transportation to and from the work sites. Escort training normally will be provided at the MCF. Discretion must be exercised in assigning many types of jobs, considering that appropriate supervision must be provided. Suitable work for prisoners includes maintenance and repair of physical plant, salvage, conservation of government property, services provided for nearby government organizations, and manufacturing of articles for government use.

b. The Following Work Assignments are Prohibited:

(1) Duties that place one prisoner in authority over another prisoner

(2) Work, or work environment, that is inherently dangerous or hazardous to the prisoner

(3) Assignments that require handling of, or access to, drugs, narcotics, intoxicants, uncrated explosives or weapons, money, security equipment, classified material, keys, or personnel (staff or prisoner) records or files; and

(4) Prisoners must not be required to observe duty hours or training schedules devised as punitive measures, except as provided for in article 5202 of this manual.

c. The Following Work Assignments are Limited:

(1) Duties that are for exclusive benefit of a private individual or private organization, including individual staff members of the MCF (i.e.; non-official business). Guidance may be found in reference (ae). Morale, welfare, and recreation activities have been divided into three funding authorization categories:

(a) Category A: Mission-Sustaining Activities. Category “A” activities do not generate revenue and prisoners can be assigned to support such activities.

(b) Category B: Basic Community Support Activities. Category “B” activities are supported by up to 65 percent of appropriated funding or resources, including prisoner resources if assigned. Prisoners can support category B activities if such support does not allow the entity to exceed 65 percent appropriated support.

(c) Category C: Business Activities. Category “C” activities are supported completely by non-appropriated funds and are self-sufficient. Prisoners must not be used to support these activities.

(2) Special Events. Prisoner support to installation public affairs events (e.g.; air shows, open houses, etc.) may be provided consistent with the provisions of reference (ae).

d. Employment of Pretrial Prisoners. It is necessary to recognize the difference in status of pretrial prisoners from post-trial prisoners. Pretrial prisoners must not be required to undergo punitive duty hours or training (except for those listed in article 5202 of this manual), perform punitive labor, or wear special uniforms prescribed only for post-trial prisoners. Duties will not be demeaning and unnecessary; however, performance of necessary duties is authorized. When employed, pretrial prisoners must work separately from post-trial prisoners. Pretrial prisoners may be assigned to various work details that may be assigned to duty personnel in the maintenance and operation of the command.

e. Employment of Different Custody Classification or Mixed-Gender Prisoners. Prisoners of different custody levels may be co-mingled on a given work assignment. If assignment is outside the MCF, supervision must be furnished as required for the highest custody classification present. To the greatest extent possible, male and female prisoners will not be assigned simultaneously in the same program or work areas, while ensuring both have full access to a full range of programming opportunities.

f. Screening for Employment. All prisoners assigned to work must be fully medically screened for the work to be conducted. Additionally, it is incumbent upon the work supervisor to ensure all safety measures and training are conducted prior to commencement of assigned duties.

4. Incentive Program (Core)

a. Purpose. In a corrections setting, a system of incentives is critical to encourage positive behavior. Incentives should recognize both group and individual attainment. Awarding of incentives for prisoners should be accomplished on a stringent and selective basis and only as clearly earned by achievement.

b. Background

(1) Pretrial prisoners must be differentiated from post-trial prisoners. Pretrial prisoners have not been convicted of the UCMJ offenses for which they have been charged. This is accomplished in a number of mandated ways (e.g.; badge coloring to recognize legal status, selective allowance for pretrial prisoners to grow Service authorized facial hair (mustache), work segregation, training segregation) and other locally employed means that attaches to pretrial legal status. MCF COs will recognize the need to differentiate pretrial prisoners from post-trial prisoners

and implement measures consistent with this philosophy. The incentive program guidelines contained herein, unless specifically noted, are applicable to both pretrial and post-trial prisoners.

(2) Incentive awards will be firmly grounded in the philosophy that prisoners must earn every incentive they receive. Incentives will be awarded based on measurable performance and may change as frequently as performance changes. Incentives are to be earned with effort and lost quickly due to poor performance or behavior, or lack of participation or progress in individually tailored program plans, where applicable.

(3) Incentive programs throughout the naval correctional system display a wide array of program parameters and guidelines. Incentives are to encourage personal responsibility, recognize individual attainment, and reward offense-free behavior. Post-trial prisoners who are not addressing their confining offenses (via available offense-related programs) do not meet the criteria for advanced incentives.

c. Guidelines. To increase participation and progress in offense-related programs for prisoners as mandatory criteria for incentive level advancement and allow applicability to all categories of prisoners, the following guidelines are established:

(1) MCFs must establish an incentive program consistent with the philosophy and policies set forth within and guidance provided by BUPERS-00D and DC PPO, as applicable. Based on the below listed performance and behavior identifiers of individual prisoners and groups of prisoners, MCFss must provide incentives. Each MCF will review the below authorized incentives list to determine the incentives feasible at that MCF and select from this list. It is not desirable to select too many incentives due to resource issues and impact on staff managing this program. The following authorized incentives are provided:

(a) Levels II and III MCFs. The following information provides specific Incentive Program guidelines applicable to levels II and III MCFs.

1. Level I Incentives (Individual)

a. Performance and behavior identifiers evaluated over a 1-month period include:

(1) Completion of orientation

(2) No discipline and adjustment (D&A) board guilty finding for rule violations in past 1-month period

(3) No more than one “UNSAT” cell or personnel inspection in past 1-month period

(4) Average or better work and training report(s) in past 1 month period; and

(5) Active involvement in the development of a program plan (post-trial prisoners).

b. Examples of level I incentives include:

(1) Additional weekly phone call(s) or time per call; and

(2) Additional visitation time.

2. Level II Incentives (Individual)

a. Performance and behavior identifiers evaluated over a 3-consecutive-month period beginning after level I placement date include:

(1) No D&A board guilty findings for rule violations in past 3-month period;

(2) No more than two “Unsat” cell or personnel inspections in past 3-month period;

(3) No more than one work and training report rating below “average” in the past 3-month period; and

(4) Satisfactory progress and participation in available offense-related programs as applicable (e.g.; Sex Offender Treatment Program, Violent Offender Treatment Program, substance use treatment, etc.) (post-trial prisoners).

b. Examples of level II incentives include:

(1) Addition of, or increase in limits to, incentives listed under level I

(2) Additional library use

(3) Additional recreation time

(4) Lights on in cell past taps

(5) Use of computers; and

(6) Special seating or head-of-line privilege (non-meal related).

3. Level III Incentives (Individual)

a. Performance and behavior identifiers evaluated over a 6-consecutive-month period beginning after level II placement date include:

(1) No D&A board guilty finding for rule violations in past 6-month period

(2) No more than two “UNSAT” cell or personnel inspections in past 6-month period

(3) No more than two work and training report ratings below “above average” in the past 6-month period

(4) Compliance with program plan, including educational, vocational, and counseling programs (post-trial prisoners)

(5) Satisfactory progress and participation in available offense-related programs as applicable (e.g.; Sex Offender Treatment Program, Violent Offender Treatment Program, substance use treatment, etc.) (post-trial prisoners); and

(6) Voluntary program (e.g.; self-help group, religious program, etc.) or voluntary duty (e.g.; clean-up detail, etc.) in the past 6 months.

b. Examples of level III incentives include:

(1) Addition of, or increase in limits to, incentives listed under lower incentive levels;

(2) Authorized to purchase a compact disc player and compact discs

(3) Exempt from designated unit field day

(4) Eligible to participate in Outreach Program

(5) Photo album

(6) Exemption from specified inspections

(7) Authorized to wear a wristwatch; and

(8) One personal appliance (hair dryer, electric razor)

4. Level IV Incentives (Individual)

a. Performance and behavior identifiers evaluated over a 12-consecutive-month period beginning after level III placement date include:

(1) No D&A board guilty finding for rule violations in past 6-month period

(2) No more than two “UNSAT” cell or personnel inspections in past 6-month period

(3) Above average or better work and training reports in past 6 month period

(4) Compliance with program plan, including educational, vocational, and counseling programs (post-trial prisoners)

(5) Satisfactory progress and participation in available offense-related programs as applicable (e.g.; Sex Offender Treatment Program, Violent Offender Treatment Program, substance use treatment, etc.) (post-trial prisoners); and

(6) At least three documented incidents of participation in a voluntary program (e.g.; self-help group, religious program, etc.) or voluntary duty (e.g.; clean-up detail, etc.) in the past 6-month period.

b. Examples of level IV incentives include:

(1) Addition of, or increase in limits to, incentives listed under lower incentive levels

(2) Walk ahead of dorm to the dining facility and eat first at evening and all weekend meals

(3) Production of a 10-minute video for family or friends once a year; and

(4) Two personal appliances (hair dryer, electric razor).

5. Level V Incentives (Individual)

a. Performance and behavior identifiers evaluated over a 12-consecutive-month period beginning after level IV placement date include:

(1) No D&A board guilty finding for rule violations in past 12-month period;

(2) No more than one “UNSAT” cell or personnel inspections in past 12-month period;

(3) Above average or better work and training reports in past 12-month period;

(4) Compliance with program plan, including educational, vocational, and counseling (post-trial prisoners);

(5) Satisfactory progress and participation in available offense-related programs as applicable (e.g.; Sex Offender Treatment Program, Violent Offender Treatment Program, substance use treatment, etc.) (post-trial prisoners); and

(6) At least three documented incidents of participation in a voluntary program (e.g.; self-help group, religious program, etc.) or voluntary duty (e.g.; clean-up detail, etc.) in the past 6-month period.

b. Examples of level V incentives include:

(1) Addition of, or increase in limits to, incentives listed under lower incentive levels;

(2) Walk ahead of dorm to the dining facility and eat first at evening and all weekend meals;

(3) Production of a 10-minute video for family or friends once a year; and

(4) Two personal appliances (hair dryer, electric razor).

6. Group Incentives

a. Performance and behavior identifiers of an identified group on at least one criteria evaluated over a designated period of time include:

(1) Superior quarters performance on inspections for the group;

(2) Highest average individual inspection scores for the group;

(3) Least number of incidents of negative behavior recorded for the group; and

(4) Exemplary performance and or behavior of a group on tasks.

b. Examples of group incentives include:

(1) TV or movies after normal duty hours

(2) First unit or group to the dining facility; and

(3) Exempt from designated quarters field day

(b) Level I MCFs. The following provides specific incentive program guidelines applicable to level I MCFs.

1. Level I Incentives (Individual)

a. Performance and behavior identifiers evaluated over a 2-consecutive-week period include:

(1) Completion of orientation

(2) No D&A board guilty finding for rule violations in the past 2-week period

(3) Average or better work and training report(s) and routine personnel and or cell inspections; and

(4) Active involvement in the development of a program plan (short and long-term goals) (post-trial prisoners).

b. Examples of level I incentives include:

(1) Additional weekly phone call(s) or time per call; and

(2) Additional visitation time.

2. Level II Incentives (Individual)

a. Performance and behavior identifiers evaluated over a 3-consecutive-week period beginning after level I placement date include:

(1) No D&A board guilty finding for rule violations in the past 3-week period;

(2) Active participation in programs with average or better work and training report(s) and routine personnel and or cell inspections;

(3) No more than 1 incident of negative behavior (spot evaluation) recorded in a 1-week period and no more than 2 in the past 3-week period; and

(4) Active involvement and progress in program plan (post-trial prisoners)

b. Examples of level II incentives include:

(1) Addition of, or increase in limits to, incentives listed under level I;

(2) Additional library use;

(3) Additional recreation time;

(4) Use of computers;

(5) Exemption from specified inspections; and

(6) Head-of-line privilege at meals within unit or group.

3. Level III Incentives (Individual)

a. Performance and behavior identifiers evaluated over a 4-consecutive-week period beginning after level II placement date include:

(1) No D&A board guilty finding for rule violations in the past 4-week period

(2) Active participation in programs with above average or better work and training report(s) and routine personnel and or cell inspections;

(3) No more than one incident of negative behavior (spot evaluation) recorded in a 1 week period and no more than two in the past 4-week period;

(4) Active involvement and progress in program plan (post-trial prisoners); and

(5) At least two documented reports of participation in a voluntary program (e.g.; self-help group, religious program, etc.) or voluntary duty (e.g.; clean-up detail, etc.) in the past 4-week period.

b. Examples of level III incentives include:

(1) Addition of, or increase in limits to, incentives listed under lower incentive levels;

(2) Authorized to purchase a compact disc player and compact discs; and

(3) Authorized to wear a wristwatch.

4. Group Incentives

a. Performance and behavior identifiers of an identified group evaluated over a designated period of time include:

(1) Highest average group personnel or quarters inspection scores;

(2) Least number of incidents of negative behavior recorded for a specified group; and

(3) Exemplary performance and or behavior of a specified group on tasks set forth by the MCF commanding officer (CO).

b. Examples of group incentives include:

(1) TV or movies after normal duty hours;

(2) First group to the dining facility;

(3) Exempt from designated unit field day; and

(4) Late reveille

(2) MCFs will develop a local policy to reflect minimum program requirements set forth in this manual; further define the processes involved in the MCF's incentive program, and identify specific incentives to be utilized.

(3) Participation and progress in offense-related programs for post-trial prisoners is mandatory for all but the basic incentives. Lack of participation in available offense-related programs for post-trial prisoners will prohibit an individual from advancing in incentive levels. Individuals who are on a wait-list for an offense-related program and indicate a willingness to participate in the program can advance in incentive levels; however, they will participate successfully in offense-related programs at the earliest opportunity or they must be reduced to the incentive level for which criteria is actually met.

(4) Incentive programs must be non-punitive and easy to understand and administer. Incentives must not include food or custody levels.

(5) Incentive levels will be documented in the prisoner's individual confinement record, CORMIS or its electronic equivalent, and on the prisoner badge for easy staff verification of a prisoner's incentive level.

(6) Other than initial start-up costs, local incentive plans should be designed to be resource neutral.

(7) All applicable incentive level criteria must be met for a prisoner to qualify for advanced incentive levels. One selected criterion must be met for an identified group to qualify for a group incentive.

(8) Board action D&A, classification and adjustment (C&A) or unit team) will accomplish incentive level review for eligibility, assignment, or revocation; command level (e.g., brig officer) approval is not required by this policy, although it may be locally implemented. Incentive level can be reviewed during any board action but cannot be changed by more than one board for the same action or incident. A board can refer incentive level review to another board for review; for example, a D&A board could decide not to review an individual's incentive level and instead refer the review to the C&A board. However, if the D&A board reviews the incentive level and determines the current incentive level criteria is still met and appropriate, the C&A board cannot then meet to review and change the incentive level because of disagreement with the D&A board action.

(9) Failure to meet the applicable criteria of the currently assigned incentive level will result in automatic reduction to the incentive level for which criteria is met.

(10) For prisoners received from another MCF, the C&A board or unit team will make an initial incentive level assignment based on information and documentation provided from the previous MCF. There is no need for reduction to level I based solely on a transfer action.

(11) MCF incentive programs must be preapproved by BUPERS-00D or DC PPO, as applicable, prior to implementation or change.

5. Life Skills (Core). The Life Skills Program is appropriate for prisoners of any age or confinement sentence length as this program addresses skills necessary for daily living. The main goals of this program are to teach coping skills that will enable prisoners to function within military or civilian society.

a. Target. Life skills topics must be a part of programming for all prisoners, regardless of sentence length. Prisoners with remaining confinement of 6-months or less will be the primary focus of life skills programming.

b. Minimum Program Requirement. Life skills program topics will include, but are not limited to, interpersonal communications, problem solving, and decision-making. The life skills program will also cover topics such as employment, budgeting and financial management, parenting and family relationships, and health promotion. Life skills will be offered and administered as an integral part of the correctional program curriculum and ongoing group counseling. Group counseling will focus on life skills utilizing locally available resources (e.g.; Drug and Alcohol Program Advisor, Substance Abuse Control Officer, or Fleet and Family Support Center and Marine Corps Community Services or other cognitive-based, behavior-change programs such as The National Institute of Correction (NIC) “Thinking for a Change (T4C)”, available through the NIC at no cost. The National Curriculum and Training Institute (NCTI) “Adult Crossroads” program, is also applicable for use at MCFs though is fee-based. NCTI's Crossroads Program offers a wide variety of offense-specific, cognitive-based, behavioral-change curricula (e.g.; misdemeanor, larceny, felony, etc.).

c. Facilitator Requirements and Program Certification. NIC offers T4C facilitator training though does not mandate such training. NCTI requires Crossroads facilitators be certified. Training officers at level II and III MCFs must ensure that a sufficient number of facilitators are on-board to meet the program requirement needs.

6. Religious Program (Core)

a. Chaplain. A chaplain, when not assigned full time to the MCF staff, will be assigned in writing by the CO of the activity for the Navy, and the command chaplain for the Marine Corps, to administer the Religious Program.

b. Purpose. The chaplain will direct the Religious Program and provide for worship services, religious education, and pastoral care that accommodate the doctrinal or traditional observances of the religious faith practiced by individual prisoners consistent with health, safety, and the overriding need for good order and discipline. Under the direction of the chaplain, prisoners and

community resources may be used in the Religious Program. Command and unit chaplains will be encouraged to visit prisoners from their organizations and to participate in the MCF's Religious Program. The chaplain will coordinate the visitation program of unit chaplains and their participation in the MCF's religious program.

c. Religious Practices

(1) Prisoners will be neither coerced into, nor rewarded for, the practice of religion. Questions regarding religious practices will be referred to chaplains for their recommendations. The MCF must support prisoners' religious accommodations to the greatest extent possible, as long as safety and security of the MCF is maintained.

(2) Requests for special religious practices or privileges will be submitted on DD 510 Prisoner Request. Response to the request will be documented on the request indicating date and time. Any denials by the brig officer will be fully documented. The request will be filled in the prisoner's personal record and CORMIS or its electronic equivalent.

(3) After consultation with the chaplain and a staff judge advocate, the brig officer may approve such religious practice requests unless the following two-part test is met:

(a) A requested religious practice interferes with the security or good order of the MCF or with some other compelling governmental interest; and

(b) Restrictions or denial of the prisoner's practice of religion is the least restrictive means available to ensure the achievement of such compelling governmental interest.

7. Victim Impact Awareness (Level I). The Victim Impact Program is made up of 13 training units built around 10 core crime topics.

a. Target. All MCF post-trial prisoners, who are not currently participating in sex or violent offender treatment programs, will be assigned to victim impact training.

b. Minimum Program Requirement. The Victim Impact: "Listen and Learn" curriculum, available by the Office for Victims of Crime (OVC), must be utilized. The program materials, along with other facilitator resources, are available for download from OVC's

Training and Technical Assistance Center's download center at https://www.ovcttac.gov/victimimpact/.

c. Facilitator Requirements and Program Certification. To avoid a conflict of interest, victim witness coordinators must not be used as facilitators for Victim Impact. No specific facilitator training or certification is required to facilitate the Victim Impact curriculum. Facilitators are not expected to be content experts; however, they are encouraged to research Victim Impact topics and consult with appropriate subject matter experts. In addition, facilitators should:

(1) Demonstrate effectiveness as trainers;

(2) Be familiar with adult-centered, problem-based learning methods;

(3) Have experience in organizing, presenting, and discussing complex issues;

(4) Have the ability to lead discussions and encourage exchange among participants; and

(5) Have the ability to identify offenders who require further treatment to help them deal with resistant victimizing attitudes and behavior.

8. Substance Abuse/Drug and Alcohol Education (Level I)

a. Target. The Drug and Alcohol Awareness Program will be provided to all post-trial prisoners in orientation to ensure prisoners with short-term sentences benefit.

b. Facilitator Requirements and Program Certification. Program materials will be presented by experienced trainers or facilitators and must meet requirements specified by the agency or company providing the materials.

9. Crisis Intervention (Level I). Crisis intervention is better described as a service vice a program. Crisis intervention involves a process through which all pretrial or post-trial prisoners will have access to mental health services.

a. Target. Crisis intervention will target any prisoner identified as needing this service.

b. Minimum Program Requirement. Crisis intervention is a process through which prisoners are screened, identified, and referred for mental health assessment to include a plan for services. Once a prisoner has been identified as potentially needing crisis intervention, the case manager or counselor will be notified to provide further referral as needed. Mental health services will be provided by the local installation or community for level I MCFs, and by clinical services at level II and III MCFs.

10. Drug and Alcohol Treatment (Level II). MCFs shall screen post-trial prisoners for concerns and provide access to education or treatment as deemed appropriate.

11. Stress and Anger Management (Level II). Stress and anger management are broad topics that may be addressed as a part of life skills program materials or as stand-alone subjects and are appropriate for prisoners with any sentence length.

a. Target. Stress and anger management programs will be available to all levels II and III post-trial prisoners.

b. Minimum Program Requirement. NCTI's Adult Crossroads program incorporates and satisfies the minimum requirement for stress and anger management. A specific stress or anger management program may be developed from a variety of other resources to include the base and local community.

12. Vocational Training (Level II). Vocational training differs from work in that a qualified vocational instructor provides curriculum-based training, documentation of completed labor hours, and upon successful completion of the program, participants receive nationally recognized certifications.

a. Target. The vocational program will be made available to all levels II and III post-trial prisoners identified as needing vocational training.

b. Minimum Program Requirement. The C&A board will recommend assignment to the vocational program based upon the prisoner’s functional skills test and length of sentence or time remaining in confinement. MCFs will have sufficient vocational programs to accommodate the number of level II and III prisoners requiring vocational training.

c. Facilitator Requirements and Program Certification. Vocational programs must meet nationally recognized certification requirements for curriculum and instructor qualifications.

13. Academic Education, Functional Skills Testing, and Remedial Education (Level II)

a. Target

(1) Academic education programming targets prisoners with at least 90-days remaining on their adjusted confinement sentence after completion of orientation.

(2) Functional skills testing will be available to all prisoners with 1-year or more remaining on their adjusted confinement sentence.

b. Minimum Program Requirements

(1) Academic education will utilize Adult Basic Education (ABE) resources (e.g.; General Equivalency Diploma (GED) classes or testing, College Level Examination Program, Defense Activity for Non-Traditional Educational Support, United Services Military Apprenticeship Program, Military Academic Skills Program, Sailor/Marine American Council on Education on Registry Transcript (SMART), Service Members Opportunity Colleges, etc.).

(2) Functional skills testing will utilize the Test for Adult Basic Education. Prisoners testing below a 10th grade level in reading, English, or math will receive remedial education utilizing ABE resources. Prisoners without a high school diploma testing above the 10th grade level will receive high school level education classes or GED classes or testing.

c. Facilitator Requirements and Program Certification. The level I Academic Education program does not require specialized staff. At level II and III MCFs, these programs will be provided by an education specialist certified by a State Department of Education or other comparable authority.

14. Sex Offender Education or Treatment Access (Level II). MCFs shall screen post-trial prisoners with offense-related convictions and provide access to education or treatment as deemed appropriate.

15. Violent Offender Education or Treatment Access (Level II). MCFs shall screen post-trial prisoners with offense-related

convictions and provide access to education or treatment as deemed appropriate.

SECTION 3. Prisoner Reception and Orientation

6301. Reception and Orientation. Reception and orientation begins upon initial confinement of the prisoner and includes such admission processing to include: interviews, tests, and other related activities, including distribution of information on programs and services. New prisoners must have access to reading materials, religious services, and exercise on the same schedule as the general population, and perform limited work assignments applicable during the reception phase of orientation.

1. Reception

a. All MCFs must conduct an initial reception and orientation of new prisoners to be completed within 30-calendar days of admission. For prisoners being transferred from another MCF within the DoD correctional system, reception and orientation must be completed within 7-calendar days after admission. This process includes immediate action on new prisoners' problems identified through completion of a DD 2710.

b. Reception includes admission processing, issuance of prisoner rules and regulations, initial screening and evaluation for custody, work, program participation, interviews by key staff members, initial custody classification assignment, and instruction in local regulations. Some processing can be accomplished in a group setting. Prisoners are most impressionable when first confined and are apt to be emotionally upset and worried. The attitude they adopt depends largely on the attitude of staff. Prisoners must be told exactly what is expected of them and the privileges they may earn including factual information about their status.

c. During reception, pretrial prisoners must be read their Uniform Code of Military Justice, Article 31(b), rights prior to being interviewed to obtain confinement related information. Post-trial prisoners do not require such rights advisement. For post-trial prisoners, efforts will be made to identify what caused them to offend, the programs available to help them solve their own problems, and the local resources available. Any information provided by prisoners during counseling sessions must be on a purely voluntary basis.

2. Orientation. Orientation generally begins upon completion of reception. At a minimum, the orientation program will cover the following topics:

a. Purpose of correctional program;

b. Chain of command and organization;

c. Inspections;

d. Work and training opportunities;

e. Military courtesy and conduct;

f. Contraband;

g. Escape and attempted escape;

h. Interviews and requests;

i. Explanation of sentence and transfer requirements;

j. Red Cross assistance;

k. Leave and telephone calls;

l. Clemency and parole opportunities;

m. Mail and visiting;

n. Custody classification and incentive levels;

o. Daily routine;

p. Fire and disaster plans;

q. Education opportunities;

r. Religious program and worship services;

s. Authorized purchases;

t. Function of various boards;

u. Medical and dental services;

v. Human immunodeficiency virus and acquired immune deficiency syndrome information;

w. Rules and regulations;

x. Mental health and self-help programs;

y. Prison Rape Elimination Act (PREA);

(1) Introduction and summary of MCF standards of PREA

(2) The MCF’s zero-tolerance policy on sexual assault, sexual abuse, sexual harassment and sexual misconduct

(3) Definitions of sexual assault, sexual abuse, sexual harassment and sexual misconduct

(4) The dynamics of sexual assault, sexual abuse, sexual harassment and sexual misconduct in confinement

(5) The prisoner’s right to be free from sexual misconduct

(6) Prevention and warning signs

(7) Duty to report incidents or suspicions sexual misconduct

(8) Reporting options and resources

(9) MCF policies and procedures for responding to allegations of sexual misconduct

(10) Prisoners will not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

(11) Right to be free from retaliation for reporting alleged sexual abuse, sexual harassment and sexual misconduct incidents; and

(12) Sexual activity between prisoners is prohibited. Prisoners will be subject to disciplinary action regardless of whether the sexual activity is consensual

z. Military and motivational training: military courtesies, moral guidance, personal adjustment, and citizenship;

aa. Sexual assault, abuse, and misconduct: definition, reporting procedures (restricted and unrestricted), and victims' rights; and

bb. Drug and Alcohol Awareness.

3. Documentation. Completion of orientation must be documented in the prisoner’s individual confinement record and CORMIS or its electronic equivalent.

Section 4. Program Assignment and Review

6401. Function of the C&A Board

1. Programming Functions of the C&A Board

a. Purpose. A C&A board must be established at each MCF and will be responsible for establishing the individual prisoner's program plan. The C&A board is concerned with custody, work assignment, special training, and other phases of corrections. The C&A board will ensure each prisoner, working with a counselor or case manager, develops specific goals of both a short and long-term nature.

b. Membership. Refer to article 4204 of this manual.

2. The board must meet daily (except weekends and holidays) to review prisoner program plans and to recommend changes in programs, custody, and housing assignment, etc. Prisoners have the right to appear before this board, unless the prisoner waives or is precluded for security or other substantial reasons. C&A board recommendations must be recorded and approved by the MCF CO or designee with custody classification overrides approved by the brig officer. Although the C&A board does not directly order a prisoner into a specific correctional program, except for short periods of orientation, it does authorize assignment to a program based on needs of the prisoner, community, MCF, and Service. All individual program changes will be recommended by the board and final decisions documented in the prisoner's individual confinement record and CORMIS or its electronic equivalent.

6402. Disposition Board

1. Purpose. A disposition board evaluates prisoner progress and makes recommendations for restoration and return to duty, clemency

and parole, and mandatory supervised release. Primary concerns will be whether further confinement will benefit public safety, the Service, and the prisoner.

2. Process. Board recommendations must be provided to the MCF CO for endorsement using DD 2715-1 Disposition Board Recommendation. After the MCF CO's endorsement, the recommendation will be forwarded to the applicable Service parole and clemency board, filed in the prisoner's individual confinement record, and entered into CORMIS or its electronic equivalent.

2. Membership. The MCF CO must appoint members of the disposition board in writing. Membership will be comprised of, at a minimum, a chairperson (officer or civilian equivalent at levels II and III MCFs and senior enlisted or civilian equivalent at pretrial or level I MCFs) and at least two additional senior staff members to vote. Wherever feasible, at levels II and III MCFs a mental health representative (non-voting), chaplain (non-voting), and a senior staff member from the prisoner's respective Service will be board members.

6403. Counselor and Case Manager Role in Correctional Programming

1. Counselors and case managers will be aware of locally available programs and their potential for correction of a given individual. Counselors and case managers will discuss these opportunities with prisoners and recommend a program plan tailored to the prisoner's immediate and long-range needs, goals, and plans. The counselor and case manager also coordinate community-based reentry programming and services with the aim to promote the effective reintegration of prisoners back to communities upon release from confinement.

2. Counselors and case managers, using individual and group counseling sessions, and feedback provided by other personnel, will monitor a prisoner's progress. This information will be used to make recommendations to appropriate boards.

3. The counselor and case manager will combine feedback from academic instructors, chaplains, work supervisors, and others to present a total evaluation to the C&A or disposition board as appropriate.

Section 5. Reentry and Pre-Release

6501. Reentry. Reentry involves the use of programs and case management promoting the effective reintegration of prisoners back to communities upon release from confinement. Reentry programming and services, which often involves a comprehensive case management approach, is intended to assist prisoners in acquiring the life skills needed to succeed in the community and become law-abiding citizens. A variety of programs are used to assist prisoners in the reentry process, including pre-release programs, drug rehabilitation, vocational training, and work programs. For prisoners with medical or mental illnesses, an unprepared re-entree into a community is an enormous barrier to successful transition and to their ability to meet supervision conditions, while increasing recidivism risk. For special needs prisoners, discharge planning and linkage to post-release services and care in the community are critical.

6502. Pre-Release Program

1. Planning for a prisoner’s release begins upon reception, continues throughout confinement, and culminates during the final months prior to release.

a. Core. Core topics presented to post-trial prisoners include topics generally associated with Service Transition Goals, Plans, Success (GPS). Topics, presented by MCF staff or local base resources, may include but are not limited to the following:

(1) Pre-separation counseling

(2) DD 2586 Verification of Military Experience and Training.

(3) Employment training and assistance

(4) Career coaching and assessment

(5) Individual Transition Plan

(6) Financial planning

(7) Instruction in resume preparation, cover letter, and job applications

(8) Job analysis techniques

(9) Job search techniques and preparation

(10) Job interview techniques

(11) Information on Federal, State, and local programs providing assistance

(12) Veteran's benefits

(13) Disabled Transition Assistance Program; and

b. Out-processing. Final details for release (e.g., transportation, uniform, gear, finances, and orders) will be explained and coordinated during this phase.

Chapter 7: Confinement, Release, Transfer

Section 1. Confinement Regulations

7101. Purpose of Confinement. An individual is sentenced to confinement as punishment, for rehabilitation, and as a deterrent to other individuals. Sentences to confinement express retribution demanded by society that the individual offended and removes offenders from society for a specified period. The confinement period must be oriented towards the rehabilitation of the prisoner.

7102. Definition and Constraints

1. Definition. Confinement is the physical restraint of a person subject to reference (d).

a. Pretrial. Confinement imposed before trial per reference (v).

b. Detention. A Service member may be detained pending initial disposition of a case. Detention may be used when there is probable cause to believe the member has committed an offense and circumstances indicate temporary confinement is needed for public safety. A detention space, while not a designated place of confinement, is any cell, room, or other berthing space of a shore establishment, used for short-term detention defined to mean not more than 8 hours. Refer to chapter 12 of this manual for more detail on detention.

c. Post-trial. Confinement may be imposed after trial by court-martial or on a probationer prior to vacation of a suspended sentence that includes confinement.

2. Constraints. Authority to confine persons as provided for in article 7201 of this manual is constrained by the following parameters:

a. Pretrial Confinement. Pretrial confinement may be imposed before trial per reference (v).

b. Initial Review Officer (IRO) Notification. Facilities must notify the IRO and local Naval Regional Legal Service Office (RLSO) or Legal Service Support Section (LSSS) within 24 hours after receipt of a pretrial confinement.

c. Detention. Temporary confinement under the circumstances described in article 7102.1b or chapter 12 of this manual must be only for the purposes specified. Once the reason for detention is no longer applicable, the individual must be placed in pretrial confinement or released, even though maximum time permitted for detention has not expired.

d. Probationers may be confined prior to vacation of a suspended sentence, which includes confinement, and when there is probable cause or reasonable ground to believe the Service member has committed acts in violation of the conditions of the suspension.

e. Administrative Separation. A person must not be placed in confinement based solely on impending administrative separation proceedings.

f. Special Categories. Officers will be confined per provisions of article 7103.2a of this manual.

g. Other Prisoners. No member of the Military Services may be placed in confinement in close contact with enemy prisoners or foreign nationals who are not members of the Military Service, except as specified in article 7104.7 of this manual.

h. Acceptance of Prisoner. No member of the military correctional facility (MCF) staff will refuse to receive or keep any prisoners legally committed to their charge by an officer of the Military Service, when the committing officer furnishes a statement, signed by them, of the offense charged against the prisoner and appropriate medical personnel have certified in writing on DD 2707 Confinement Order that the person being confined is fit for confinement. "Safekeeping" and "protective custody" are not legal reasons for confinement.

i. Punishments. Per reference (d), §813, no persons, while being held for trial may be subjected to punishment or penalty other than arrest or confinement, nor will the arrest or confinement imposed upon them be any more rigorous than the circumstances require. Individuals, however, may be subject to minor punishment during such a period for infractions of discipline. Administrative disciplinary measures provided for under this statute are defined in chapter 5.

j. Supervised Release Violator. Refer to reference (e).

(1) By Suspension. Suspension of supervised release interrupts the sentence, until the prisoner is re-confined. A supervised release violator who is not confined during a suspension of parole is not entitled to confinement credit for the period of suspension; however, the Service clemency and parole board may authorize full or partial credit retroactively when a board either revokes supervised release or rescinds the suspension and reinstates supervised release.

(2) By Revocation. Service clemency and parole boards may revoke a prisoner's supervised release if behavior warrants their return to confinement and the necessary due process rights are afforded to the prisoner during the revocation process.

7103. Categories of Prisoners

1. Legal Status Categories

a. Pretrial Prisoners. A pretrial prisoner is a person subject to the Uniform Code of Military Justice (UCMJ), legally ordered into confinement, accused of violating the UCMJ, and awaiting trial or rehearing. Pretrial prisoners also include Service members who are pending the vacation of a suspended sentence that includes confinement.

b. Post-trial Prisoners. A post-trial prisoner is a person sentenced by a court-martial to confinement or death and ordered into confinement by competent authority, whether or not the sentence has been approved by the convening authority (CA).

(1) Adjudged Prisoner. Persons sentenced to confinement by a court-martial, neither deferred nor suspended, awaiting action by the CA.

(2) Sentenced Prisoner. A prisoner in confinement after the CA acts approving the prisoner's sentence.

2. Special Categories

a. Officer Prisoners

(1) Officer prisoners include warrant officers, commissioned officers, cadets, midshipmen, and officer candidates. A report of all new officer confinements must be submitted immediately to Bureau of Naval Personnel Corrections and Programs Office (BUPERS-00D) or Deputy Commandant of the Marine Corps,

(Plans, Policies and Operations (DC PPO)), as appropriate. The electronic report, submitted via e-mail or message, will contain the officer's name, resident control number, command, summary of offenses (alleged or convicted), anticipated release date, and a point of contact for additional information (note: make the document "For Official Use Only", "Privacy Act Sensitive"). If the report is by message, in the case of pretrial confinement of officers, only the fact an officer of a certain pay grade (e.g., O3 or O4) has been received into confinement and a summary of the offenses alleged will be reported by message.

(2) Pre-trial officer prisoners shall be administered separately to the degree allowed by available resources. Pre-trial officer prisoners may be commingled with pre-trial enlisted prisoners if the officer prisoner voluntarily waives his or her right to be housed separately. Post-trial officers whose sentence includes a dismissal will be treated the same as enlisted prisoners.

(3) Officer prisoners are not rendered a salute and are not addressed by their grade.

(4) When transferring or escorting pretrial officers outside of the MCF, the senior escort must be an officer of equal or higher grade. When transferring or escorting post-trial officers, who have not been sentenced to a dismissal, outside of the MCF, the senior escort shall be an officer.

b. Discharged Prisoners. Discharged prisoners confined will be treated as any other prisoners. Discharged prisoners do not have to participate in military unique programs that associate with return to duty.

c. Pregnant Prisoners

(1) Care and management of pregnant prisoners is governed by references (af) and (ag). Pregnancy does not preclude confinement if appropriate prenatal care is provided and there is a military treatment facility (MTF) nearby to provide care for labor, delivery, and management of obstetric emergencies.

(a) Pregnant prisoners must have access to:

1. Pregnancy testing;

2. Routine prenatal care;

3. High-risk prenatal care;

4. Management for chemical addictions;

5. Postpartum follow-up; and

6. If practical, family planning services prior to release from confinement.

(b) Unless mandated by State law, birth certificates or registries must not list the MCF as the place of birth.

(2) Counseling and assistance must be provided to pregnant prisoners in keeping with their expressed desires in planning for their unborn children. Counseling and social services will be made available from either the MCF or community agencies to assist prisoners in making decisions concerning their pregnancy.

(3) Options available in dealing with pregnant prisoners include the following:

(a) If pregnancy of a prisoner presents special or unique situations, it will be noted the prisoner may request deferment of the sentence to confinement per reference (v);

(b) Clemency may be authorized per references (e) and (ah;.

(c) A prisoner considering elective abortion will be permitted to discuss the matter with a medical officer or nurse practitioner and, if desired, with a chaplain or other counselor. Other than offering services of a counselor, medical officer, or a chaplain, MCF personnel must not attempt to influence the prisoner's desires regarding abortion. If a prisoner desires to seek an abortion, she must consult the medical officer for additional guidance. MCF assistance will be limited to providing necessary transportation and security for visits to the facility where the abortion is performed and follow-up care; and

(4) Arrangements for placement of any child born while the mother is in custody must be made as soon as possible after the pregnancy is known. If possible, arrangements will be made prior to the seventh month of pregnancy. It is the responsibility of the expecting mother to decide what care arrangements will be made for her child. Alternatives include placing the child with relatives,

in a foster home, or for adoption. The MCF will assist the mother in arranging assistance with the RLSO or LSSS and Fleet and Family Support Center. Infants must be moved to the location of placement directly from the hospital. The person designated to provide temporary care may come to the hospital to receive the child. All expenses involved in the placement of the child will be borne by the individual.

d. Other Than U.S. Military Facilities. A report of all naval prisoners placed in pretrial confinement or serving a court-martial sentence in other than U.S. military facilities will be marked "For Official Use Only" and submitted to BUPERS-00D or DC PPO, as appropriate, in the following format:

(1) Name (post-trial only)

(2) Rate or grade

(3) (DoD ID) number

(4) Gender

(5) Command ordering confinement

(6) Offense charged or convicted (include specification)

(7) Date confined

(8) Where confined

(9) Sentence (include discharge, if any)

(10) Anticipated release date from confinement or from military control (including administrative discharge, if appropriate)

(11) Point of contact with telephone number; and

(12) Remarks

e. Civilian Prisoners. Civilians confined under provisions of references (d), (v), (ah), and (ai), or under an order issued by a military tribunal or military commission, are subject to the same rules and regulations and must be accorded the same treatment as military prisoners. A person arrested or charged with a violation of 18 U.S.C. who is to be detained temporarily, to the extent

practicable, will be detained in areas that separate the person from military prisoners. Civilian prisoners will not be required to wear any military uniform or engage in any military training or acts of protocol other than normal civility. They must observe the regulations governing behavior, security, and control of prisoners. Civilian prisoners may be assigned appropriate work and draw health and comfort (H&C) items if they are without funds or income. A report of the circumstances of all civilian confinement must be immediately submitted to BUPERS-00D or DC PPO. Name and last four digits of social security number of civilian pretrial prisoners will be omitted and reported via telephone.

f. Status-of-Forces Agreement (SOFA). Service members may be held in foreign confinement facilities pending action by a foreign civil court. The DD 2707 must show in the remarks section: "Confined to ensure presence at the court per the SOFA between the United States and (host country)."

g. Foreign Military Personnel. Confinement of foreign military personnel in naval MCFs is normally precluded by 22 U.S.C. unless the President makes a declaration that the confinement of members of a given friendly force is necessary for the maintenance of discipline. In addition, the North Atlantic Treaty Organization SOFA of June 1951, article VII, subparagraph 7(b) directs that sympathetic consideration be given to a request for assistance in carrying out a sentence to confinement properly announced by the authorities of the sending State. Requests for such authorization must be forwarded to BUPERS-00D or DC PPO who will coordinate with the Office of Judge Advocate General National Security Law Division (Code 10) and Under Secretary of Defense for Personnel and Readiness (Program Integration/Legal Policy).

7104. Designation of Initial Place of Confinement

1. Criteria. The authority who orders a sentence to confinement executed will designate the place of confinement in accordance with regulations prescribed by the Secretary concerned, unless otherwise prescribed by the Secretary concerned. Under such regulations prescribed by the Secretary concerned, a sentence to confinement(adjudged by a court-martial or other military tribunal), regardless whether the sentence includes a punitive discharge or dismissal and regardless of whether the punitive discharge or dismissal has been executed, may be ordered to be served in any place of confinement under control of any military service or in any penal or correctional institution under the control of the United States or which the United States may be

allowed to use. BUPERS-00D or DC PPO, as appropriate, will issue specific instructions for designation of places of confinement for naval offenders. In the management of Service correctional systems, subsequent designations of place of confinement will be directed by BUPERS-00D or DC PPO.

2. CAs and confining commands may make requests to BUPERS-00D or DC PPO for re-designation of the place of confinement via the chain of command for a confined member when any of the following conditions prevail:

a. The prisoner has previously escaped or attempted escape from the current MCF assigned and adequate security to prevent repetition does not exist at that MCF.

b. The prisoner has been involved in a serious disorder or act of violence.

c. To facilitate on-going legal procedures.

d. In order to facilitate treatment; or

e. Due to existing inter-Service support agreements

f. The prisoner is a known threat to another prisoner or staff member at the MCF or belongs to a threat group which may put the prisoner at-risk from other prisoners in the MCF.

3. Use of Other MCFs. If naval personnel are to be confined in the MCF of another Service, they will first be processed per the provisions of this article. Joint usage of MCFs will be conducted per current DoD directives for consolidation of MCFs. BUPERS-00D or DC PPO will develop and coordinate inter-Service agreements concerning confinement of military personnel.

4. Pretrial. Prisoners in pretrial status should be confined in the nearest or most convenient MCF.

5. Ships. Afloat brigs may be designated as a place of confinement to confine attached Navy and U.S. Marine Corps (USMC) personnel with sentences to confinement of 30-days or less. When these prisoners are confined in MCFs, are returning to duty, and have 30-days or less to serve at the time their ship deploys for extended operations, their command must arrange to have them transferred from the shore MCF and returned to their ship’s brigs prior to or during its deployment.

6. Use of Civilian Confinement Facilities

a. If no MCFs are reasonably available, civilian confinement facilities may be utilized. The report required in such case is described in article 7103.2d of this manual.

b. Facilities will normally be the same used by the U.S. Marshals Service for housing Federal prisoners of the same legal status, age, and gender. (Usually a Federal metropolitan correctional center or jail under contract to the U.S. Marshals Service.) COs may request the name and location of such facilities by contacting the nearest U.S. Marshals office.

c. For Navy personnel, all costs associated with such confinements will be borne by the confining command. For USMC personnel, forward all requests for payment to CMC (DC PPO) per reference (g). Subsistence costs for military personnel confined in civilian facilities will be no more than those paid for civilian Federal prisoners. Information on these costs can be obtained from the local U.S. Marshals office.

d. Prior to confining military personnel in a civilian facility, the following procedures must be observed:

(1) A determination of the individual's fitness for confinement must be made prior to such confinement. See article 7204 of this manual.

(2) Determine types and quantities of personal effects and clothing the institution permits. Ensure they accompany the individual upon confinement and are re-supplied as necessary.

(3) Ensure IRO hearings are conducted and coordinate necessary legal services. Command visits will be accomplished per article 7207 of this manual.

7. Foreign Civilian Confinement Facilities

a. Pretrial. Where no MCF or detention facility is available, foreign civilian confinement facilities may be used for pretrial confinement of naval personnel who are charged with serious offenses against the Uniform Code of Military Justice (UCMJ). The following conditions must be met:

(1) The senior officer present must approve such facilities based upon adequacy of security features, safety of prisoners, and adequate living conditions.

(2) In each case where a foreign MCF is used, a message or e-mail report must be made per article 7103.2d of this manual.

b. Post-trial. When post-trial confinement is ordered, prisoners must be immediately transferred to an appropriate U.S. MCF.

7105. Use of Naval MCFs by Civilian Jurisdictions

1. Policy. It is DoD policy not to confine civilian personnel, not subject to reference (v), in naval MCFs. Only the Secretary of Defense or designee may grant exceptions.

2. Procedure. Requests by Federal, State, or local law enforcement agencies to use a naval MCF to confine a civilian must be made in writing by the originating agency at least 7 days before the desired date of detention. Such requests will be staffed through the chain of command of the MCF and BUPERS-00D or DC PPO, who will coordinate with the Assistant Secretary of the Navy (Manpower and Reserve Affairs) and the Under Secretary of Defense (Personnel and Readiness). When time does not allow forwarding of written communication, such requests may be processed through the above-specified chain of command by facsimile, secured e-mail, or telephone.

3. Guidelines. When requests to confine a civilian are approved by proper authority, the following guidelines apply:

a. Military personnel will not provide supervisory or security measures such as cell supervisors or escort duties for such prisoners. Civilian prisoners will remain under authority and control of non-DoD civilian law enforcement agents at all times.

b. Civilian escorts must secure their weapons at the weapons locker or other secure space.

c. The prisoner will be confined in an area having a minimum of traffic and no contact with military prisoners.

d. If perimeter or exterior security measures are required, they will be provided by the using agency, subject to authorization of the MCF commanding officer (CO); and

e. If there is an attempt to breach security and if it becomes imperative for personnel guarding the prisoner to have weapons to protect the prisoner's life, weapons may be returned and they may be taken into the cellblock. If this situation arises, BUPERS-00D or DC PPO must be notified immediately.

4. Support. The following are authorized support on a reimbursable basis, insofar as possible:

a. Cell or housing space

b. Food for staff and prisoners; and

c. Medical care on an emergency basis until appropriate transfer can be arranged.

Section 2. Confinement Procedures

7201. Authority to Order Pretrial Confinement

1. Officers, Midshipmen, Cadets, and Civilians. Only a CO to whose authority the civilian or officer is subject may order pretrial restraint of that civilian or officer. This authority may not be delegated. Orders to confine may be written or oral and delivered in person or by another commissioned officer. Civilians may only be restrained under these rules when they are subject to UCMJ jurisdiction per references (d), (v), (ah) and (ai).

2. Enlisted Personnel. Any commissioned officer may order pretrial restraint of any enlisted person. The order may be written or oral. A CO may delegate authority to warrant, petty, and noncommissioned officers to order pretrial restraint of enlisted persons of his or her command or who are subject to his or her authority.

3. Other Military Services. Members of other Military Services may be ordered into confinement by members of the naval service, as limited above, provided contact is made with the offender's CO by the most expeditious means available requesting confirmation of the status of the member and the disposition to be made in the case. BUPERS-00D or DC PPO must be notified.

4. Civilians. Civilians may be confined only under conditions described in article 7103.2e of this manual. Detention or confinement of civilians in MCFs is generally prohibited,, but

exceptions are possible under conditions and procedure prescribed in article 7105 of this manual.

5. SOFA. Naval service personnel may be held in MCFs pending action by a foreign civil court under the conditions prescribed in article 7103.2f of this manual.

6. Foreign military personnel. May be confined in naval MCFs only under the conditions prescribed in article 7103.2g.

7202. Pretrial Confinement

1. Each pretrial prisoner must be provided a rights advisement upon initial confinement. The advisement must contain:

a. “You are being confined for alleged violations(s) of the UCMJ articles as specified on DD 2707 Confinement Order”.

b. “You have the right to remain silent. Any statement made by you may be used against you”.

c. “You have the right to retain civilian counsel at no expense to the U.S. Government and the right to request assignment of military counsel ”; and

d. “Your case will be reviewed in no later than 10 days to determine the necessity for continued pretrial confinement. This review will be conducted by a neutral and detached officer.”

2. The rights advisement will be signed by the pretrial prisoner stating the prisoner has read and understands each of these rights.

3. The signed rights advisement must be completed at the time of confinement (explained by staff and signed by prisoner), maintained in the prisoner’s individual confinement record and in Correctional Management Information System (CORMIS) or its electronic equivalent.

4. Pretrial prisoners will be informed on procedures by which pretrial confinement will be reviewed.

5. Inform Parent Command. If pretrial prisoners are confined by other than their CO, the MCF will inform the prisoners’ parent command of pretrial confinement.

7203. Required Records And Documents

1. Confinement Order. A properly completed DD 2707 with details of offense(s) and medical certification of fitness for confinement must accompany the prisoner to the MCF at the time of confinement (except in an emergency where oral confinement is properly directed). Details on proper completion of the confinement order may be found in chapter 8 of this manual.

2. DoD Report of Result of Trial. If confinement results from a sentence adjudged by a summary court-martial, the confinement order must be accompanied by DD 2329 Record of Trial by Summary Court-Martial, signed by the summary court-martial officer. If confinement is a result of a sentence adjudged by a special or general court-martial, the confinement order must be accompanied by DD 2707-1 DoD Report of Result of Trial.

3. Pretrial agreement. If applicable.

4. DD 2704 Victim/Witness Certification and Election Concerning Prisoner Status. (For post-trial prisoners only) A completed DD 2704, sealed in an envelope marked Victim/Witness, marked with the time, date, and initials of the individual preparing the package.

5. Medical Record. If not electronic, original medical records will accompany the prisoner (if not available, a temporary medical record may be created by MCF medical personnel).

6. Dental Record. If not electronic, original dental records will accompany the prisoner (if not available, a temporary dental record may be created by MCF medical personnel).

7204. Medical Certification of Fitness. Before acceptance of persons for confinement, they must be examined or screened by qualified medical personnel to determine fitness for confinement, to identify any medical problems, and to provide recommendations to the MCF regarding appropriate medical care.

1. Credentialed and privileged medical officers, nurse practitioners, and physician assistants can perform confinement physical examinations. All pre-confinement physicals will be conducted prior to confinement to protect the prisoner and staff population. A qualified medical examiner must conduct a pre-confinement physical for prisoners within 24 hours of confinement. This examination includes, at a minimum, a recommendation for quarters assignment based on medical condition disposition and

referral to an appropriate health care provider as needed, and an inquiry into or observation of the following:

a. Inquiry Into

(1) Any history of serious infectious or communicable illness, and any treatment or symptoms (for example e.g.; a chronic cough, hemoptysis, lethargy, weakness, weight loss, loss of appetite, fever, night sweats that are suggestive of such illness), and medications

(2) Current illness and health problems, including communicable diseases

(3) Dental problems

(4) Use of alcohol and other drugs, including type(s) of drugs used, mode of use, amounts used, frequency used, date or time of last use, and history of any problems that may have occurred after ceasing use (for example, convulsions)

(5) The possibility of pregnancy and history of problems (female only) and other health problems designated by the responsible physician; and

(6) Suicidal risk assessment, including suicidal ideation or history of suicidal behavior

b. Observation of

(1) Behavior, including state of consciousness, mental status, appearance, conduct, tremor, and sweating

(2) Body deformities, ease of movement, and so forth; and

(3) Condition of the skin, including trauma markings, bruises, lesions, jaundice, rashes and infestations, recent tattoos and needle marks, or other indications of drug abuse

2. Physical limitations to full duty performance must be specified in writing by the examiner. Examining officials must note on the original confinement order the presence of cuts, bruises, unusual marks, and the administration of a pregnancy test (where applicable). Persons ordered into confinement displaying irrational or inappropriate behavior, which is symptomatic of a mental health disorder or effects of hallucinatory substances or

alcohol will be referred to an MTF where the requirement for hospitalization will be determined. Provisions of reference (ab) will be followed when dealing with prisoners with suspected suicidal behavior.

3. In the absence of the prisoner's medical record at the time of initial confinement or transfer, the medical officer will evaluate and document the need to continue medications the prisoners report they are currently taking. Electronic means may also be used to verify medical records if available.

4. Re-Certification. Re-certification of fitness for confinement is not required except for cause. Any break in confinement or supervision of the prisoner will necessitate a new physical examination. Prisoners transferred between confinement facilities (civilian or military) will not require a new medical examination unless unusual circumstances exist and continuous supervision cannot be shown.

5. Refusal to Take Confinement Physical. If a prisoner refuses to allow authorized medical personnel to perform the initial or re-certification physical examination, the following applies:

a. The prisoner will be directly ordered to undergo the examination

b. If the order is refused, it is acceptable for medical personnel to make a determination regarding fitness for confinement from medical records, audible information, and observations. The prisoner's refusal and determination of fitness via observation and records must be noted on the confinement order.

c. If medical personnel cannot make the determination of fitness, the prisoner will be accepted into confinement and rescheduled for a physical exam when the medical officer deems appropriate and:

(1) Annotate on the confinement order, similar to paragraph 2 above, the reason why a determination could not be made.

(2) Retain the prisoner in administrative segregation, as appropriate, pending determination of fitness for confinement; and

(3) Do not allow the prisoner into the general population without a completed and proper medical examination, (e.g.; not an examination based on records review and observation only, etc.).

c. Prisoners may be charged under the UCMJ for failing to obey a lawful order by the medical officer.

7205. Logistical Support by Confining Command

1. Items required in confinement must accompany the prisoner at the time of confinement.

2. Unopened and sealed H&C supplies sufficient to last for the period of confinement or up to 1-month, whichever is shorter, must accompany the prisoner to the MCF and be provided by the command ordering confinement.

3. Questions concerning authorized H&C supplies or required uniform items may be directed to the MCF prior to arriving with the prisoner.

7206. Pretrial Confinement Initial Review

1. Directive. Determination of the need for continuation of pretrial confinement will be per reference (v).

2. Local Support. Initial reviews will normally be conducted at the MCF. MCFs must provide timely notification to the IRO, also referred to as magistrate, within 24 hours of initial confinement and facilitate IRO hearings. The local RLSO or LSSS will coordinate the IRO. An area will be provided at the MCF for holding such reviews. Every effort will be made to provide an atmosphere appropriate for a review per reference (v).

3. IRO Package (Documentation). The IRO package, to include results of the review hearing, must be placed in the prisoner’s individual confinement record and CORMIS or its electronic equivalent. In cases where the IRO hearing is conducted in places other than the MCF, the confining command or RLSO or LSSS must provide the MCF with the IRO package to include hearing results.

7207. Command Visits

1. Purpose. Purpose. Prisoners who will return to their parent command upon release from confinement continue to be the responsibility of that command and are subject to command visits. Command visits are designed to retain identity with the parent command and to reinforce the identity of the prisoner’s chain of command. Command visits for prisoners who are not returning to

duty may be satisfied by service liaisons or designated counselors. Marine MCF command visits for Marine prisoners assigned to the long-term-prisoner units shall be conducted by MCF counselors. Command visits will be conducted no less than once every 2 weeks (bi-weekly).

2. Procedures. This visit must be made by a representative of the parent command (E6 or higher with the authority to act on the CO's behalf). When the prisoner’s command is on extended deployment, it is the responsibility of the immediate superior in command to continue to provide for command visits. It is improper to delegate command visits unless the confining command is at sea or is remotely situated. For remotely situated commands (i.e., over a 50 mile radius), the prisoner’s chain of command will designate command visit intervals, but must ensure telephone or video teleconference interviews with prisoners or the prisoner’s correctional counselors, case managers, or Service liaison. Remote command visits will be documented and provided to the MCF by facsimile or e-mail. Chaplains must not serve as the CO's representative to visit prisoners. A chaplain's role in the rehabilitative process, including the visiting of prisoners, has a value distinct from that of being a command representative. Documentation of each command visit must be made a part of the prisoner's individual confinement record and CORMIS or its electronic equivalent.

3. Service Liaisons. Service liaisons assigned to MCFs may conduct command visits for like-Service prisoners on behalf of the confining command if the command is remotely situated. Documentation of each command visit will be provided to the confining command and made part of the prisoner's individual confinement record and CORMIS or its electronic equivalent. If the MCF is the prisoner’s command, the counselor or case manager interviews will be considered command visits and need not be filed under command visit documentation.

4. Notification. Command visits may require prior coordination with the MCF. Prisoners returning to duty may be returned to their command with proper escorts for these visits.

Section 3. Release

7301. Temporary Release (TR)

1. General. TR of prisoners from MCFs for trial, work, legal visits, and other purposes is permitted when approved by the brig officer or designee. The DD 2708 Receipt for Pre-Trial/Post Trial

Prisoner or Detained Person is required when a prisoner is escorted outside the security perimeter for any reason.

2. TRs should be limited to normal working hours. If it becomes necessary for a prisoner to remain on a TR past normal working hours, the prisoner's escort must call the MCF's control center no later than 15-minutes prior to the expiration of normal working hours and request an extension, citing the reason(s) for delay. Overnight absences may be necessary in some outlying areas and are acceptable, providing the brig officer has been notified beforehand and a completed DD 2708 noting the overnight authorization is on file at the MCF. When a prisoner is scheduled to be absent overnight, escorts must ensure proper gear and H&C supplies to last the duration of the absence accompany the prisoner. The MCF must verify the prisoner’s location nightly for accountability. Proper annotations of these verifications must be made in the brig log.

3. Investigative Services. Prisoners shall not be placed on TR to perform investigative services for a military or Federal law enforcement agency unless authorized by a 2nd echelon commander (Navy) or general court-martial convening authority (Marine Corps).

4. Escorts

a. Local prisoner TRs is a responsibility of the prisoner's command. Non-law enforcement personnel must be trained and certified by the MCF’s training supervisor as "basic prisoner escorts" to perform TR missions. Brig officers will ensure such personnel are adequately trained and meet service selection criteria as identified in 3102. Maximum custody prisoners require a MCF staff member as an escort unless local policy dictates otherwise, except as provided in 7302.1.d. Escorts that are serving in a related law enforcement rating or military occupational specialty (master-at-arms, security police, military police, sworn law enforcement officers of the investigative services) will be considered adequately trained and are not required to attend the basic escort training described below after demonstrating proficiency in the proper use of correctional restraining devices and acknowledgement of Prison Rape Elimination Act standards.

b. For basic escort training, a specialized training course consisting of no less than 8-hours, which includes a proficiency test, must be successfully completed prior to certification as a qualified escort. A prisoner escort identification card will be issued upon completion of training by the MCF training department.

Annual re-certification is required and certification may be revoked at the brig officer's discretion. MCFs must follow the standardized prisoner escort certification course provided by BUPERS-00D or DC PPO as appropriate. All personnel assigned to escort duties must be thoroughly trained in the safety and proper use of restraining devices in the performance of escort functions. Under no circumstances will a prisoner be restrained by being secured to any portion of any type of transport or fixed object.

c. c. A driver is not considered an escort in the prisoner to escort ratio.

5. Means of Travel for Local TRs

a. Government Vehicle. A government-owned vehicle or bus will be used for short trips. A MCF vehicle or bus will be equipped with security screens for protection of escorts and the driver. These vehicles may be equipped with a portable-type toilet to eliminate comfort stops if utilized for longer missions. Personal vehicles are not authorized for use.

b. Transportation type for local patient transfers and emergency medical transfers will be determined by medical personnel in coordination with MCF security.

6. Security Procedures. Escorts are responsible for security to and from the destination. Prisoners must be searched by the escorts prior to departure to ensure they have no contraband. Supervision must be continuous during transportation and throughout the mission.

7. Illness. In the event a prisoner becomes ill in transit with no medical assistance available, arrangements must be made for examination by a qualified medical officer as soon as possible. If the prisoner is unable to continue the trip, the prisoner will be taken to the nearest MTF, Federal hospital, or civilian hospital. Immediately contact the MCF for further instructions.

8. Death. If a prisoner dies in transit, the MCF and BUPERS-00D or DC PPO must be notified immediately.

9. Escape. If a prisoner escapes in transit, the senior escort will exhaust all resources immediately available in apprehending the prisoner then take immediate action to contact the nearest law enforcement agency. The MCF, military law enforcement, and BUPERS-

00D or DC PPO must be notified as soon as possible. Under no circumstances will supervision of other prisoners be relaxed in order to pursue an escaping prisoner.

7302. Hospitalization

1. Procedures. In those cases involving emergencies, specialized treatment or evaluation, or psychiatric treatment, which cannot be deferred and require hospitalization, the following procedures will apply:

a. DD 2708 must be used and indicate the prisoner's custody grade, offense, and whether the prisoner is considered a threat to him or herself or to others. The MCF will provide any additional information that will assist the hospital in the treatment and supervision of the prisoner. A copy of the DD 2708 will be provided to the hospital. In emergencies, a staff member from the MCF will remain with the prisoner until the DD 2708 is prepared.

b. Prisoners capable of being released from in-patient mental health treatment will be returned to the MCF directly from the treatment facility. Prior to release from the hospital, the psychiatrist or attending medical provider will consult with the MCF medical officer or clinical services director to establish a medical care plan. There should be a memorandum of agreement in place between the regional MTF and MCF.

c. MCFs will initially provide escort staff for hospital watches as necessary. Hospital watches must be borne by qualified escorts of the parent command of the hospitalized prisoner as soon as possible. Medium custody in through installation custody prisoners in need of hospitalization may be turned over to military hospital security personnel for admission upon agreement of the MCF and MTF. The MCF will contact the prisoner’s escorts or hospital security personnel during each count to verify the prisoner’s presence. Prisoners admitted to non-MTFs will be supervised per their custody classification. Any prisoner telephone use or personal visitation must be pre-approved by the brig officer and, if approved, monitored by security staff.

d. The MCF will provide escorts for a 24-hour watch of hospitalized maximum custody prisoners.

e. As soon as a prisoner no longer requires hospitalization, the prisoner will be returned to the MCF for completion of confinement, utilizing DD 2708. Prisoners who remain hospitalized

upon completion of confinement will be permanently released from the MCF at the completion of their sentence.

f. Visitation for prisoners while hospitalized will be per hospital security guidelines in consultation with the MCF.

2. Status. Hospitalization while confined counts day-for-day as time in confinement.

7303. Family Emergencies. Post-trial prisoners do not accrue leave but may be authorized for TR from the MCF in the event of a family emergency. There is no “right” to be released on leave.

1. Authority. For post-trial prisoners, MCF commanding officers shall seek authorization from the MCF’s service corrections headquarters. In the case of pretrial prisoners, TR may be approved or disapproved by the prisoner’s parent command.

2. Procedures

a. Prior determination must be made that circumstances exist to justify such special action and that such action is consistent with correctional requirements and public safety.

b. A prisoner who requires overnight quarters will reside in DoD facilities or Federally approved facilities only.

c. Victim witness notifications must be completed prior to travel.

d. Travel and subsistence expenses of a prisoner incident to TR from a MCF in the event of a family emergency will be borne by the prisoner. Travel and subsistence expense of any required accompanying MCF staff determined by the MCF CO to be necessary will be borne by the Government, subject to the availability of funds.

e. Normally, a TR in the event of a family emergency will only be granted in the case of critical illness or death of an immediate relative. For this purpose, “immediate relative” will include spouse, dependent children, parents, brothers and sisters, and persons recognized as loco parentis.

f. The visit will be short in duration, ordinarily 24-hours plus necessary travel time. This period may be lengthened at the

discretion of the approving authority. The approving authority must limit the number of days to those that are necessary.

g. Periods of TR will be considered as time served in confinement, unless deferred, and leave will be charged against the prisoner's leave balance, if any, for the period of absence.

h. Prisoners on TR will be carried on the out-count of the MCF.

i. The address and telephone information for prisoners on emergency leave will be verified through the American Red Cross Chapter requesting the TR.

7304. Release from Confinement

1. Authority. Any CO of a prisoner with special or general court-martial convening authority, an officer appointed under regulations of the Secretary concerned to conduct the review under reference (v), or, once charges have been referred, a military judge detailed to the court-martial to which the charges against the accused have been referred, may direct release from pretrial confinement. For this subsection, "any commander" includes the immediate or higher commander of the prisoner, and the commander of the installation on which the MCF is located (USMC). The MCF CO will authorize release of the prisoner under the following conditions:

a. Under the provisions as expressed above for pretrial prisoners

b. Upon expiration of the term of confinement

c. Upon release to supervision directed by a Service clemency and parole board; or

d. Upon direction of convening or appellate authority

2. Release Order. DD 2718 Prisoner Release Order must be prepared to affect every permanent release (PR) from the MCF. The DD 2718 must indicate the prisoner's name, RCN, branch of service, organization, specific reason for release, completion of victim witness and sex offender notification requirements (if applicable), signature of authorizing official, and be marked “For Official Use Only.” The DD 2718 must be signed by the MCF CO or designee. Delegation of this authority, for exigent circumstances, must be limited to the MCF executive officer, brig officer, officer in

charge, assistant officer in charge, or command duty officer (CDO) or duty brig supervisor (DBS). MCF COs must verify that all release-processing requirements are complete prior to signing the DD 2718. Upon PR of a prisoner to a unit, a command representative will sign acknowledging receipt of the prisoner. Upon PR of a prisoner to transport to his or her home of record, the CDO or DBS will sign the acknowledgement. The PR order must be filed in the prisoner’s confinement record and CORMIS or its electronic equivalent.

3. Procedures. Release preparation begins with the prisoner's initial confinement and continues until the prisoner's PR. Prisoners must be afforded intensive assistance in preparation for release during the later phase of confinement; however, pre-release program personnel must be involved from the beginning in reviewing and planning release needs, (e.g.; residence, job, treatment, preparation for transfer, etc.). The following guidelines are to be followed:

a. The last phase of confinement is essentially administrative and will include a pre-release phase. Pre-release will include presentations on what to expect on return to duty or upon return to civilian life, and which agencies can be of aid to the individual in either case.

b. Where sufficient numbers of prisoners are released each week, scheduled release orientations will be established. Adequate pre-release processing normally requires 1 or 2-workdays for short-term prisoners or a week for longer-term prisoners.

c. Logistical release planning must begin soon enough to allow for completion of all details and prepare prisoners for their release date. It includes matters such as Service specific administrative processing and transportation. If the prisoner is to return to the civilian community upon release, appropriate civilian outer clothing will be provided, if needed. See article 8210.5 of this manual.

d. Leave pending completion of appellate review may be required for certain personnel whose sentences include an unsuspended punitive discharge. Procedures are set forth in references (g), (ak), and (al).

e. For Navy prisoners, policy relating to temporary additional duty and temporary duty assignments may be found in reference (ak).

f. Payment of a discharge gratuity and furnishing of civilian clothing to personnel being discharged will be per reference (ak) for Navy or reference (am) for USMC.

g. MCFs must ensure appropriate Victim/Witness Assistance Program (VWAP) notifications are accomplished per reference (an) prior to release.

h. DD 2791 Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements must be completed for applicable prisoners as required per reference (ao).

i. Unless exigent circumstances dictate otherwise, prior to PR or transfer of a pretrial or post-trial prisoner, MCFs will verify the prisoner's confining offense charge(s) or case disposition is listed in the National Crime Information Center (NCIC) criminal history file. MCFs without internal NCIC access will coordinate with installation security or Service corrections headquarters. If the prisoner's charges or disposition are not listed or needs correction, the applicable DoD law enforcement agency must be contacted for correction via Service corrections headquarters. Requests to DoD law enforcement agencies must be documented and maintained in the prisoner’s confinement record and CORMIS or its electronic equivalent. A prisoner's directed release will not be delayed during this process.

j. When released from confinement and upon receipt of personal effects, prisoners will sign the statement, "I acknowledge the return of all my personal effects" at the bottom of a NAVPERS 1640/17 Inventory and Receipt of Valuables, Clothing and Personal Effects. The custodian will then write or stamp, "Account closed on (date)" on the form.

4. Release on Weekends or Holidays. Prisoners scheduled for release on weekends or holidays will have all necessary administrative procedures completed no later than the workday immediately preceding such days; however, the prisoner must be released on the actual release date. When a prisoner is scheduled for release on a weekend or a holiday, the prisoner's command will be notified the week prior to the prisoner's release as applicable.

5. Scheduled Release Date. Prisoners must not be held in confinement beyond their normal scheduled release date.

6. Supervised Release. Release of prisoners to mandatory supervised release or parole will be administered per reference (z) and applicable Service clemency and parole board procedures.

7. Normal Working Hours Release. Prisoners will be released during normal working hours. An exception to this policy may be planned in advance with MCF staff.

8. Unscheduled Releases. On occasion, prisoners are required to be released without prior planning (e.g.; a pretrial prisoner goes to court and gets time served or a prisoner’s sentence is reduced). In instances of an unscheduled release, the most expeditious means available must be used to run NCIC checks and make victim witness and sex offender notifications, as applicable. These notifications must be documented in the prisoner’s file and in CORMIS or its electronic equivalent the next business day.

Section 4. Transfer

7401. General Policy

1. Authorization

a. Pretrial prisoners are generally confined at the nearest MCF to the confining command or as directed by Service policy. Exceptions to this policy are if a prisoner's life or safety is seriously threatened or if the court-martial is to be held in a different location from where the prisoner is presently confined and there is a MCF closer. Requests for transfer must be coordinated between the confining command and the appropriate Service corrections headquarters. The parent command will bear the cost of all expenses, including escort expenses, involved in effecting the transfer.

b. Confinement Limitations. Post-trial prisoners whose sentence exceeds confinement limitations of the MCF they are currently confined in will be transferred to an appropriate MCF as designated by BUPERS-00D or DC PPO.

2. Expenses. Funding for Navy escorts will be per references (ak) and (ap). Navy escort costs are the responsibility of the activity transferring the prisoner. Funding for Marine Corps escorts will be per reference (g).

3. Procedures

a. Transportation will be arranged to avoid arrival at the destination outside normal work hours, except in unusual circumstances. Advance notice should be furnished to the receiving MCF to arrange for efficient reception processing of prisoners and for any logistical support required by the escorts. Transfer details will be confirmed at least 24-hours prior to the mission.

b. Custody of prisoners is normally turned over at the receiving MCF. The senior escort will remain with the prisoner(s) until they are receipted for by the receiving MCF.

c. The transferring MCF will utilize DD 2708. An original DD 2708 and two copies will be prepared. One copy is retained by the transferring MCF and the original and one copy accompany the prisoner for signature at the receipting MCF. A signed receipt is retained by the transferring MCF and the second signed copy is retained by the receiving MCF. There is no necessity for a new physical examination unless the receiving MCF has reason for cause or there is a break in custody. If a proper chain of custody utilizing DD 2708s cannot be established, a new confinement physical will be required.

d. Transfer of Prisoner Records, Funds and Valuables, and Personal Property

(1) Transfer of Prisoner Records. An updated prisoner confinement record will be transferred with the prisoner simultaneously or, at the latest, within 72-hours. CORMIS or its electronic equivalent may be used to affect electronic records transfer. The transferring MCF will make a copy of the prisoner's individual confinement record for local retention and send the original prisoner record with the transferring prisoner’s escorts. The following records and documents must accompany a prisoner's transfer:

(a) The prisoner’s original confinement record

(b) Medical and Dental Records

(c) VWAP record (must be placed in a sealed envelope with the notation marked “Victim Witness – Confidential”; and

(d) NAVPERS 5000/64 Records Transmittal must be used to document transfer of hard records

(2) Funds and Valuables

(a) Funds and valuables of transferring prisoners will be inventoried by the custodian or assistant custodian of the MCF, certified by the prisoner's signature, and placed, with a signed copy of the inventory, in a separate envelope from the prisoners records. The signed original of the inventory will be retained by the transferring MCF as a receipt and a copy given to the prisoner being transferred. The outside of each envelope will be identified with name, RCN, point of departure, and destination (but must not indicate the nature or identity of the contents). Receipting process for funds and valuables envelopes in transit will be recorded on the NAVPERS 5000/64 by making an "FV" or "None" entry following the prisoner's name.

(b) The number of records, VWAP, and funds and valuables envelopes accompanying the prisoner must be indicated on the NAVPERS 5000/64. Both the senior escort and the receiving MCF representative will receipt only for the proper number of envelopes.

(3) Personal Property. Personal property of prisoners will be inventoried on NAVPERS 1640/17, packed in a suitable container, and sealed with a copy of the inventory inside. The prisoner’s name, RCN, point of departure, and destination will be clearly marked on an attached shipping tag or other suitable marking which does not deface or damage the container. Receipting for personal property will be accomplished by memorandum in the same sequence and distribution prescribed for NAVPERS 5000/64 described above. The transferring MCF is responsible for coordinating with the receiving facility for determining what personal property can be accepted at the receiving site. All personal property in excess will be shipped at the prisoner’s expense or disposed of at the prisoner’s discretion prior to transfer.

7402. Transfer From Parent Command

1. Navy Prisoners. Navy Prisoners. For Navy prisoners, permanent change of station orders are required for enlisted members and officers adjudged by a court-martial that includes a sentence to confinement of 31 days or more, or any sentences of confinement that include a punitive discharge or dismissal, as applicable. Navy prisoners who receive confinement of 30 days or less and do not receive a punitive discharge will be issued temporary duty orders.

2. Marine Corps Prisoners. Marine Corps prisoners whose adjudged sentence to confinement is 90-days or less or whose sentence does not include a punitive discharge will be returned to their parent command upon completion of confinement. USMC prisoners whose adjudged sentence to confinement is 91-days or more and contains a punitive discharge will be transferred to the applicable long-term prisoner reporting unit code for the responsible command as determined by DC PPO.

3. Escorts. Where prisoner transfers and temporary releases are authorized and conducted by the prisoner's own command or Service, brig officers will ensure such personnel are adequately trained per article 7301.4 of this manual. MCF staff conducting transfers will follow applicable policy per reference (aq).

4. Means of Travel. Transport mission will dictate specific means of travel. Patient transfer and emergency medical transfer means will be determined by medical personnel in coordination with MCF security.

a. Vehicle

(1) A government-owned vehicle or bus will be used for short trips. A MCF vehicle or bus will be equipped with security screens for protection of escorts and driver. Buses may be equipped with a portable type toilet to eliminate comfort stops.

(2) A rental vehicle may be authorized for short trips outside of the local area if government vehicles are not available.

b. Government Air. Use may be made of spaces available on military aircraft including Air Mobility Command, administrative, and proficiency and reserve training flights. Where available, transportation provided by the U.S. Marshals Service may be coordinated by BUPERS-00D or DC PPO.

c. Commercial Aircraft. Separate Service policy shall prescribe procedures for the DoD law enforcement officers flying armed aboard commercial aircraft in accordance with reference (aq).

d. Rail and Bus. Use of rail or bus is authorized; however, these are not considered as desirable as air transportation because of the distances, time involved, need for additional escorts, the undesirability of exposing the prisoner to public view, and security risk involved at each stop. If the size of the transfer

mission requires, a chartered bus may be advantageous. Chartered buses may be equipped with a toilet to eliminate comfort stops. Box lunches are recommended to eliminate stops for meals.

7403. Transporting Female or Pregnant Prisoners

1. Transports must include at least one trained escort of the same gender as the transported prisoner.

2. Standards to ensure safety of prisoners during transport is identical for male and female prisoners, except there must be continuous separation between female and male prisoners.

3. A restraining belt may only be used with the supervision of a medical officer. .

4. Full security measures per the prisoner's custody level will be in effect while in a pregnant prisoner's first trimester.

5. Prisoners who are pregnant beyond the first trimester will be restrained only with handcuffs (if their custody level requires the use of restraints), unless additional restraints are authorized and documented by the medical officer.

6. MCF staff must not use restraints on a prisoner in labor, during delivery, or in recovery immediately after delivery; however, during transport by ambulance, a staff member possessing a full set of restraints will accompany the prisoner for use in an emergency (i.e., escape attempt or disorder).
7. Escorts will plan for meal and bathroom breaks, providing sufficient same-gender supervision at each location.

7404. Transfer of Long-Term Prisoners

1. Transfer to a Level III MCF

a. Consolidation of Corrections Within DoD. The Secretary of the Army has been designated as Executive Agent for incarceration of DoD military Level III prisoners. In most cases, U.S. Disciplinary Barracks, Fort Leavenworth, KS, will be the designated place of confinement for those Level III male prisoners who will remain under military control. Naval Consolidated Brig Miramar provides DoD level III female confinement per inter-service agreements.

b. Criteria. Criteria concerning transfer of Level III prisoners will be issued by DoD directives and policy issued by BUPERS-00D and DC PPO. Requests for transfer of a prisoner from a MCF to Level III confinement will be forwarded to BUPERS-00D and DC PPO, as appropriate, for coordination.

2. Transfer to the Federal Bureau of Prisons (FBOP). Transfer of prisoners to the FBOP will be on a case-by-case basis. (Note: national security prisoners will be maintained in MCFs unless, in a given case, BUPERS-00D or DC PPO specifically approves a transfer to the FBOP). MCF requests for transfer of a prisoner to FBOP will be forwarded to BUPERS-00D or DC PPO as appropriate.

a. Criteria. Secretary of the Army (DAMO-ODL), as executive agent for Level III corrections, will coordinate all transfers of military prisoners to the FBOP.

b. Procedures. Requests for transfer of a prisoner from a naval MCF to the FBOP will be forwarded to BUPERS-00D and DC PPO, as appropriate, for coordination.

c. Records. Transfer of records will be directed by BUPERS-00D or DC PPO.

d. Personal Property. Excess personal property will not accompany prisoners when transferred to the FBOP. Personal property is limited to essential items only and will be mailed directly to the designated institution; if the gaining facility will accept mailed property. All other personal property is to be shipped home by the prisoner at their expense or destroyed. If the prisoner is destitute, the MCF CO may authorize the use of health and comfort funds.

3. Psychiatric Transfer to FBOP

a. Criteria. Certain prisoners requiring long-term psychiatric treatment may be transferred to a Federal psychiatric treatment facility.

b. Preliminary Determination for Transfer. If the MCF CO determines that a post-trial prisoner suffering from a mental illness or defect requires inpatient psychiatric care, or treatment beyond what is available at the MCF or from the local medical command, medical provider, or MTF, the brig officer will notify the prisoner in writing of the MCF's intention to seek transfer of the prisoner to the custody of the Attorney General (AG) for care and

treatment in a suitable facility. BUPERS-00D or DC PPO must be notified prior to notifying the prisoner.

c. Action on Preliminary Determination

(1) Once a prisoner is provided the notice prescribed above, the brig officer will request the area general court-martial convening authority (GCMCA) to convene a hearing to determine whether the prisoner may be transferred to the custody of the AG for care and treatment in a suitable facility. The request will provide the factual basis to support a determination requiring care or treatment beyond that available locally and will include all relevant documentation (e.g.; sanity board results, psychiatric evaluations, medical treatment files, correctional treatment records, etc.).

(2) GCMCA may

(a) Disapprove the request for good cause; or

(b) Approve the request and convene a hearing to determine whether the prisoner suffers from a mental illness or defect that requires inpatient psychiatric care or treatment beyond that available locally.

(3) The GCMCA’s letter will be forwarded to the local RLSO or LSSS and Trial Service Office (TSO) or base judge advocate/ circuit military judge and state:

(a) The presiding official will be an officer designated, certified, and sworn as a military judge authorized to try a general court-martial.

(b) The prisoner must be represented by a judge advocate qualified, certified, and sworn to serve as trial or defense counsel at general court-martial; and

(c) The interests of the government must be represented by a judge advocate designated by the TSO or base judge advocate.

(4) The circuit military judge will detail a military judge for the hearing. Upon detail, the military judge will schedule a hearing date, affording reasonable notice to counsel and the prisoner.

(5) The local RLSO, LSSS, TSO, or base judge advocate will detail:

(a) Counsel for the prisoner

(b) Government counsel (if required); and

(c) A court reporter

d. Hearing Procedures

(1) A prisoner must be afforded the following rights in connection with the hearing:

(a) Timely written notice of the hearing and of procedural rights

(b) A personal hearing before an impartial decision maker

(c) An opportunity to present testimony and documentary evidence

(d) An opportunity to confront and cross-examine Government witnesses; and

(e) Written Findings.

(2) At the hearing, the military judge must advise the prisoner, or their personal representative or attorney if the prisoner is unable to make a knowing and intelligent acknowledgment of their rights, that:

(a) The purpose of the proceeding is to determine whether the prisoner suffers from a mental illness or defect that requires inpatient psychiatric care or treatment beyond that available at the MCF;

(b) If the government establishes by the preponderance of evidence that the prisoner suffers from such a mental illness or defect, the prisoner may be transferred to the custody of the AG for care and treatment in a suitable facility; and

(c) The prisoners have the procedural rights enumerated in subparagraph 7407.3.d.(1) above.

(3) Both the government and the prisoner will then be afforded the opportunity to present evidence regarding the present mental condition of the prisoner and the necessity, or lack thereof, for transfer to the custody of the AG for care and treatment. This is an administrative proceeding to which the Military Rules of Evidence (M.R.E.) do not apply, other than M.R.E.s 301-303 and 501-507.. Evidence will be admissible subject to the guidance and limitations applicable to the conduct of formal investigations per reference (ar).

(4) Hearing officers, within their discretion, may direct further examination of the prisoners by an assigned psychiatrist or clinical psychologist.

(5) A hearing officer will determine whether, by a preponderance of the evidence, the prisoner suffers from a mental illness or defect for which inpatient care and treatment is required beyond that available at the MCF. The hearing officer must make specific written findings to include a brief statement of the factual basis relied upon for each finding, and will make a recommendation as to whether the prisoner should be transferred to the custody of the AG for suitable care and treatment.

(6) A verbatim transcript of the hearing must be prepared. All exhibits offered in evidence must be attached to the hearing record in the manner normally employed in trial by court-martial.

e. Action upon the Record. The GCMCA will review the hearing record and approve or disapprove the findings and recommendations of the military judge. If transfer is disapproved, the hearing record and action will be transmitted to the brig officer for retention in the prisoner's individual confinement record and CORMIS or its electronic equivalent. If transfer is approved, the hearing record will be forwarded to the AG as coordinated by BUPERS-00D or DC PPO.

f. Transport of the prisoner to the FBOP must be coordinated by BUPERS-00D or DC PPO, as appropriate.

Chapter 8: Administrative Matters

Section 1. Records and Reports

8101. General

1. Purpose. Records are maintained to provide accurate, current, and readily available information on individual prisoners and on the corrections operation. Reference (as) governs creation, use, maintenance, and disposition of records. Disposition for completing standardized forms and reports must also be followed. Unauthorized destruction of records is subject to criminal penalty.

2. Confidentiality. All prisoner files are private and only personnel who have a need to know information in the performance of their official duties may have access to a given file or piece of information. This should in no way impede the flow of information to staff involved in the supervision, training, or evaluation of prisoners. Under no circumstances will prisoners be assigned to functions where they have access to files or information about other prisoners.

3. Copies. Various functional units within the military correctional facility (MCF) require certain records and reports in order to function properly. Copies of such records and reports may be maintained on an as needed basis at those locations with the original records kept in controlled prisoner administration files. Units requiring original copies of prisoner records (i.e.; clothing inventory, etc.) will ensure all records are returned to the prisoner administrative files when a prisoner is released or when the record is no longer required.

8102. Privacy. All personnel will be familiar with the provisions of the PA and Freedom of Information Act (FOIA) Program. References (as), (at) and appendix C refer to these provisions.

1. Privacy Act (PA). A PA statement is not required for every form or personal interview but only for those situations in which the individual is asked to furnish personal information to be included in a system of records. For determining whether a PA statement is required, "personal information" is defined as information about an individual that is intimate or private to the individual, as distinguished from information related solely to the individual's official function. A PA statement will be requested before soliciting information for the DD 2710 Prisoner Background Summary, and FD 249, Arrest and Institution Fingerprint Card. In

addition to these, a PA statement must accompany a request for clemency or waiver of restoration. References (as), (at) and appendix C provide requirements pertaining to the release of information.

2. Request for Information. All FOIA requests for information concerning prisoner confinement shall be forwarded to the command FOIA representative.

3. Prisoner Files. Prisoner files fall under a general exemption from release per the PA of 1974, 5 U.S.C. 522a(j)(2).

4. Digital Signatures. Digital signature via common access card is authorized for correctional program transactions on DoD forms within naval corrections, both for acceptance and use. It is recognized that some forms require multiple signatures for which both “wet” and digital signatures are authorized.

8103. Prisoner Files and Records

1. Prisoner File. An individual file must be maintained for each prisoner in the MCF. Documents will be placed in chronological order in a six-part file in the order shown below:

Section 1.
- *- DD 2718 Prisoner Release Order
- DD 2710-1 Prisoner Sentence Computation; Corrections Management Information System (CORMIS) sentence computation or its electronic equivalent printout
- *- DD 2791 Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements
- Court-Martial Review Actions (convening authority actions or vacation hearings, staff judge advocate recommendation, etc.)
- Court Martial Order
- Report of Investigation
- Report of Results of Trial
- Pre-trial Agreement Data (if any)
- Initial Review Officer Hearing Documents
- DD 2707 Confinement Order
- Charge Sheet
- Military or Civilian Protective Orders and Restraining Orders
- DD 214 Certificate of Release or Discharge from Active Duty (Copy)
- Scars and Marks Worksheet (Intake and at Release)

- DNA Collection Documentation
- National Crime Information Center background check Results or Memo
- Prison Rape Elimination Act Intake Information Sheet Acknowledgement

Section 2. *- Prisoner Hard Card
- NAVPERS 1640/8 Conduct Record (May be maintained utilizing CORMIS or its electronic equivalent)
- DD 2714 Prisoner Disciplinary Report/Action
- DD 2713 Prisoner Observation Report
- DD 509 Inspection Record of Prisoner in Segregation

Section 3. - DD 510 Prisoner Request
- FD 249 Arrest and Institution Fingerprint Card
- Photograph of prisoner’s face (front and sides)

Section 4. – Classification and Adjustment Board Sheets (Locally generated)
- Special Move Chits (Locally generated)
- DD 2719 Correctional Facility Continuation Sheet
- DD 2716-1 Department of Defense Certificate of Supervised Release
- DD 2716 Parole Acknowledgement Letter
- NAVPERS 1640/25 Earned Time and Special Acts Abatement Worksheet
- DD 2715 Clemency/Parole Submission
- DD 2715-2 Prisoner Summary Data
- DD 2711-1 Custody Reclassification
- Program plan (May be maintained utilizing CORMIS or its electronic equivalent)
- Adult Internal Management System Classification Profile (May be maintained utilizing CORMIS or its electronic equivalent)
- DD 2711 Initial Custody Classification
- DD 2710 Prisoner Background Summary

Section 5. - DD 2712 Prisoner Evaluation
- NAVPERS 1640/15 Mail and Visiting List
- Letters disapproving visitors and correspondence
- Prisoner refusal to accept mail
- Command Visitation Record (locally produced)

Section 6. *- NAVPERS 1640/17 Inventory and Receipt of Valuables, Clothing and Personal Effects

- DD 2708 Receipt Pre-Trial/Post-Trial Prisoner or Detained Person (When used for permanent transfer to another corrections facility, place in front of the DD 2707 in section 1)
- DD 504 Request and Receipt for Health and Comfort Supplies
- Miscellaneous documents not listed in other sections

* Indicates forms that may not be available for filing until the prisoner is released.

2. Victim/Witness Assistance Program (VWAP) File

a. Prisoner Files. Files of prisoners included in the victim and witness program will be identified by placing a white label on the outside of the file with the letters “VW” written at least 1 inch high in black.

b. VWAP File. The Victim Witness Coordinator (VWC) must maintain a separate adjunct file by individual name of victim or witness, cross-referenced to the MCF-specific number. The MCF-specific number will be developed using the MCF unit identification code, year and month prisoner adjudged, and a sequential number of the file for that calendar year (e.g., 47968 00 12 010). The MCF-specific number will be assigned to the case and placed on the white label on the prisoner record. All contact with a victim or witness must be documented in CORMIS or its electronic equivalent and the VWAP file. At a minimum, the following documents will be maintained:

(1) DD 2704 Victim/Witness Certification and Election Concerning Prisoner Status.

(2) DD 2705 Notification to Victim/Witness of Prisoner Status

(3) Copies of any correspondence including e-mail.

(4) Records of certified mail.

(5) Record of telephone contacts.

(6) Records of any approvals for the removal of a victim or witness from the program.

3. Sexual Offender Registration Notification Act (SORNA) File. SORNA file must be maintained by the SORNA program manager for each prisoner convicted of offenses requiring sex offender processing per reference (z). This file will remain separate from the prisoner's confinement record until release from confinement or transfer. At a minimum, a prisoner's SORNA file will contain:

a. DD 2791 Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements for the U.S. Marshals – National Sex Offender Targeting Center, state sex offender registration official, state law enforcement, and local law enforcement;

b. Copies of any correspondence related to release and sex offender processing; and

c. A record of any telephone contacts related to release and sex offender processing.

4. Reactivation. Prisoner files in storage and scheduled for disposition may be reopened if a prisoner is returned for continued confinement or because of a separate incident. All information must be updated. When determined a prisoner has been previously confined in a naval MCF, a request may be made to that facility for the prisoner's original confinement record and CORMIS or its electronic equivalent may be used for immediate access.

8104. Logs. All logs maintained by the MCF must either be secure and verifiable electronic logs (if approved by Bureau of Naval Personnel, Corrections and Programs Office (BUPERS-00D) or Deputy Commandant of the Marine Corps, Plans, Policies and Operations (DC PPO)) or bound ledgers with sequentially numbered pages, and maintained in chronological order. Where MCFs and correctional custody units are co-located, consolidated logs are authorized.

1. Brig Log. The brig log is a permanent daily record of the operation of the MCF. The brig log will be maintained by the control center supervisor and must include, but not be limited to, the following:

a. Results of prisoner counts;

b. Confinement and release of prisoners;

c. Departure and return of prisoner details;

d. Change of watch;

e. Emergencies and emergency drills;

f. Disorders and actions taken;

g. Inspections;

h. Record of official visitors and purpose of visit; and

i. Any unusual occurrences.

2. Medical Log

a. The medical log, maintained at MCFs with on-site medical staff, is a permanent MCF record with entries documenting visits in chronological order. Entries must be made by medical personnel, showing the prisoner's name, resident control number (RCN), date seen, and name of health care provider. Details of the prisoner’s nature of complaint and any treatment administered by health care providers will follow medical documentation requirements. The log must be marked “For Official Use Only” and be maintained by MCF medical staff. The log must be secured by MCF medical staff at all times; prisoners and unauthorized staff must not be given access to this log per Health Insurance Portability and Accountability Act (HIPAA) regulations.

b. All medication issued will be properly documented on a NAVMED 6550/8, Medication Administration Record or a locally modified version of this form. Medical staff must maintain medication records on each prisoner. The NAVMED 6550/8, when filled out, contains information that is “For Official Use Only” and will only be available to medical staff and the prisoner whose name is on the form. Disposition of the form upon transfer or release from confinement will be per reference (m).

3. Visitors Log. A log of all visits to prisoners must be maintained. A record of each visit (lawyer, chaplain, command visit, or personal) to a prisoner must be made in the visitors’ log. Entry must show the date of the visit, the time the visitor went into and came out of visitation, the printed name, address, signature of the visitor, the name of the prisoner visited, the signature or initials of the staff member who processed the visitor, and the source document used to verify the identity of the visitor (e.g., driver’s license, etc.). When the MCF receives an official visitor (e.g., flag officer, inspector, base commander,

etc.) the official visitor must be logged into the brig log per 8104.1h.

a. At a minimum, the source used to verify the visitor's identity must be a valid form of identification that has a name, photograph, and date of birth. Policy for visitors who are minors will be established by MCF commanding officers or OICs.

b. A NAVPERS 1640/15 must be utilized to maintain a record of authorized visitors for each prisoner.

4. Privileged Correspondence Log. A record of all outgoing and incoming privileged correspondence must be maintained. This log must show date received or mailed, addresser, addressee, initials of mail supervisor, and signature of prisoner indicating date of receipt. Privileged correspondence will be delivered unopened and receipted for. Prisoners may request to have these letters placed in their personal effects at any subsequent time. Inspection of privileged correspondence, described in article 8301.10, will be recorded in this log.

5. Disciplinary Log. A disciplinary log as described in article 5102.3e(11)(b) must be maintained to record each disciplinary report, to include dismissed reports, and the action taken.

6. Victim/Witness Log. The VWC at each MCF must keep a secure Victim/Witness Log cross-referenced to the MCF-specific number (explained in article 8103.2b) of those victims and witnesses. The Victim/Witness Log and separate adjunct file serve as a backup system in the event CORMIS or its electronic equivalent is not available.

8105. Confinement Order

1. Policy. A DD 2707, with the offense(s) indicated, and signed by an individual authorized to direct confinement, is a basic component of each prisoner record and is the legal authority effecting confinement.

2. Procedures

a. The confinement order must clearly identify the individual to be confined and show the offense(s) of which accused or convicted, such as:

"Article 80, Attempted escape from confinement."
"Article 86, U/A 3 June - 26 July 80 (53 days)."
"Article 91, Strike CPO w/fist."
"Article 92, Failed to obey lawful order."
"Article 121, Larceny-$51 from locker."
"Article 134, Disorder and damage to government property."

b. The offense (alleged or convicted) is a factor utilized in custody and control decisions concerning the prisoner. Confining commands must complete the offense portion of the confinement order.

c. "Safekeeping" and "protective custody" are not legal reasons for confinement, and no individual will be accepted for confinement with either of these listed in lieu of a UCMJ charge.

d. When results of a court-martial change the basis for confinement for a pretrial prisoner or a prisoner arrives at the MCF after a court-martial, the record of trial (summary court-martial) or a DD 2707-1 (special and general court-martial) specifying the sentence adjudged and reflecting any pretrial agreement (PTA), signed by the trial counsel, must accompany the prisoner to the MCF.

e. For prisoners with an adjudged sentence to confinement that involves a PTA, the full PTA (parts I and II) must accompany the prisoner to the MCF.

f. A Report of Investigation (ROI) must be provided to the MCF, once completed by the appropriate criminal agency, for any post-trial prisoner sentenced to 12 months or longer to aid in MCF treatment assessments and clemency and supervised release recommendations.

g. If the prisoner requested a deferral of their sentence and the deferral was approved per reference (v), the deferral request and approval must accompany the prisoner to document inoperative confinement time.

8106. Prisoner Identification Badge

1. Policy. All prisoners will wear a prisoner identification badge (locally produced) except installation custody (IC) custody prisoners when they are outside the security perimeter of the MCF and prisoners who are housed in the restricted housing unit. No

other visual form of identification is permitted except when specifically authorized by BUPERS-00D or DC PPO.

2. Procedures. Per article 4102.2b, four prisoner identification badges will be prepared during initial processing and as updates are required. Each badge will display:

a. Legal status. Appropriately lettered in the colors indicated below:

(1) Pretrial – Black;

(2) Prisoner – Blue.

b. Custody classification. Badge background in the colors indicated below:

(1) IC – Brown;

(2) Minimum custody – Green;

(3) Medium custody out – Yellow;

(4) Medium custody in – Orange;

(5) Maximum custody – Red.

c. RCN

d. Photograph. Attach a full-face photograph. Prisoner must not wear a cap or glasses in the photo. Grooming standards will apply, as per article 10205. A new photo must be taken when major facial changes occur or at least annually.

e. Service Branch. The prisoner’s branch of service must be depicted on the badge. Discharged prisoners will reflect discharge status, (e.g., DISCHARGED). Civilian prisoners will reflect “CIV”.

f. Name. Last name and initials.

g. Incentive level

3. Security. Strict control must be maintained over the forms and components of the prisoner identification badge to reduce the possibility of unauthorized alteration or fabrication. When replacement or updated badges are issued, all copies of the old

badge must be destroyed. When prisoners are released from confinement, their badges must be filed in the prisoner’s individual record.

4. Name Change. If a prisoner's name is officially changed per applicable Service policy, the MCF will continue to use the prisoner's committed name until the time the prisoner is legally released from confinement. Requests for exceptions to this policy will be forwarded to BUPERS-00D or DC PPO with supporting justification. Staff will call prisoners by their committed name and prisoners will be instructed they must answer when called by their committed name. An "also known as" (AKA) individual confinement record will be established in the prisoner administration records office. This AKA record will be cross-referenced with the record bearing the prisoner's committed name. Mail, visitors, and official business will be accepted under either name.

8107. Daily Change Sheet

1. Policy. A daily change sheet will be prepared per article 4102.2f to indicate any authorized prisoner changes.

2. Procedures

a. Copies should be prepared per local policy.

b. Each entry on the daily change sheet will also be reflected on the prisoner's conduct sheet.

c. After all changes listed on the daily change sheet have been completed, the command duty officer (CDO) or duty brig supervisor (DBS) must sign or initial that all changes have been completed and recorded, then return the original copy to the applicable department designated by local policy.

d. CORMIS or its electronic equivalent may be used to prepare and generate all information contained in the daily change sheet.

8108. Corrections Management Information System (CORMIS) or Its Electronic Equivalent will be fully utilized in all MCFs (where available). CORMIS is designed to increase security capabilities, support operational and administrative functions, and provide current information on prisoners to the MCF staff and other users throughout DoD Corrections. CORMIS is coordinated by BUPERS-00D and DC PPO. Forms generated in CORMIS may be used in place of

equivalent DoD forms unless specifically stated. Where CORMIS will automatically update corrections files, manual requirements will be minimized.

8109. Monthly Report of Prisoners

1. Policy. Naval MCFs not using CORMIS or its electronic equivalent must provide a NAVPERS 1640/11, Monthly Report of Prisoners/Correctional Custody Prisoners, each month whether or not any prisoners were confined there during the month.

2. Procedures. This report must be submitted directly to BUPERS-00D or DC PPO as appropriate on the first working day following the end of the month covered.

8110. Confinement Records (SSIC 1640)

1. General Correspondence Files. Management of files related to the general operations and administration of MCFs, correctional custody units (CCUs) and detention facilities (DETFACs) including activity's educational reports, correspondence, and other general records shall follow provisions of reference (as).

2. Confinement Records. Management of individual confinement records or case files for prisoners and non-judicial punishment awardees shall follow provisions of reference (as). Prior to transferring records to the federal records center notify BUPERS-00D or DC PPO.

3. Logs. Management of logbook records for MCFs, CCUs and DETFACs shall follow provisions of reference (as). Other logs defined by article 8104 will be retained for two years from the date of the last entry and then destroyed. Prior to transferring "brig logs" to the federal records center(FRC) MCFs shall notify BUPERS-00D or DC PPO.

4. Transmittal and Receipt. Shipment of records, reports, and logs to archives must utilize a SF 135, Records Transmittal and Receipt. Arrangement with the appropriate FRC must be made prior to any records shipment.

5. Drug Records. Release of records of prisoners confined or released from confinement in MCFs who are receiving or have received treatment under any drug abuse prevention program shall follow provisions of 42 U.S.C. § 290dd–2 (Confidentiality of records).

6. Mental Health Records. MCFs with mental health records maintained by credentialed mental health providers and medical and dental records will be maintained per Navy Bureau of Medicine and Surgery (BUMED) policy and HIPAA guidelines.

7. Transfer of Records to Other Facilities. See 7401.3d.

8111. Serious Incident Reports

1. Policy. These reports are used to notify and inform senior level officials of events (such as any event that could attract national interest or media attention) in naval MCFs that impact operational and or personnel readiness. The initial report must be by telephone.

2. Procedures

a. Navy incident reports will be submitted per reference (au). U.S. Marine Corps (USMC) incident reports will be per reference (av).

b. The report will be submitted in the form of a message, with a copy to BUPERS-00D or DC PPO within 24-hours of the incident.

c. The following types of incidents or alleged incidents must be reported:

(1) Death of a prisoner;

(2) Suicide, suicide attempt, or suicide related behaviors by a prisoner or a staff member;

(3) Mass strike or disruptive action;

(4) Incidents with racial overtones;

(5) Incidents of maltreatment or abuse of prisoners;

(6) Escape or attempted escapes;

(7) Use of deadly force;

(8) Sexual assault;

(9) Sexual harassment;

(10) Hazing;

(11) Retaliation; or

(12) Other incidents that could result in embarrassment or focus public attention on the MCF.

d. Serious incidents must be reported by telephone immediately to BUPERS-00D or DC PPO.

Section 2. Personal Property

8201. General

1. Prisoners must not be permitted to retain in their possession Armed Forces Identification Cards, money, credit cards, checks, jewelry, or similar negotiable personal property of value. Credit cards, checks, jewelry, or similar negotiable personal property of value will not be retained at the MCF. Wedding rings and small religious medals may be permitted, and the brig officer may authorize retention of other items of limited intrinsic value. Items, which have not been approved, must be retained by the collection agent, returned to the prisoner’s command for safekeeping, or disposed of by the prisoner. Such objects as wallets, photographs, keys, cell phones, and letters having no intrinsic value that justifies additional protection must not be accepted for safekeeping as valuables, but may be retained with the prisoner's personal effects.

2. Funds and Valuables Custodian. Must be appointed per article 3201.2g. All funds and valuables received during normal working hours must be properly receipted for and delivered to the custodian for safekeeping or disposition. After normal working hours, all such funds and valuables received must be properly receipted for and deposited in a secure drop box. Authorized custodians must be the only staff with access to the contents of the drop box.

8202. Accounting - Funds and Valuables

1. An authorized custodian must accept and preserve or otherwise properly dispose of all personal property taken from a prisoner upon confinement or received during the period of confinement. Personal funds and valuables must be inventoried, utilizing a NAVPERS 1640/17 in the prisoner's presence. This inventory is to be held by the custodian and a copy provided to the prisoner.

2. On the first workday following receipt of funds or valuables, the custodian will verify the entries made on NAVPERS 1640/17. This record will be utilized to list all funds upon release from confinement and become part of the prisoner's record upon release.

3. The custodian is responsible for other funds than those in the prisoner's possession upon confinement, to include those received through the mail, received from visitors, or monies received from the prisoner’s military pay account. It is advisable that adequate prisoner funds be maintained, if possible, to cover the cost of clothing, haircuts, etc.

4. A non-interest bearing bank account must be maintained to secure prisoners’ personal funds that will not be stored in a safe. This account will be a comingled account with individual prisoner balances maintained within it.

5. Prisoners have the opportunity to deposit personal funds in interest-bearing accounts and accrue the interest earned on those accounts. Prisoner must submit a DD 510 to the funds and valuables custodian to arrange these types of transactions.

6. Daily Ledger. This standard ledger records expenditures and receipts and indicates the balance of the MCF’s prisoner co-mingled account. The ledger must be audited daily.

8203. Personal Property Accounting

1. Custodians will also perform personal property clerks functions and must accept and preserve or otherwise properly dispose of all personal property taken from prisoners upon confinement or received during confinement, and must inventory it in the presence of the prisoner. Except for release or transfer requirements, personal property will be mailed or shipped at prisoner expense to their home or other selected location.

2. The NAVPERS 1640/17 must list the quantity of each item received, its description, identifying marks, and other pertinent information. It must be signed by the staff member who inventories the property and by the prisoner. A signed copy will be provided to the prisoner for retention during confinement.

3. Articles and effects listed on the NAVPERS 1640/17 must be placed in appropriate containers, labeled or tagged with the individual's name, RCN, and properly stored, preferably in a

separate storage bin in a secure room and marked “For Official Use Only.” Only authorized custodians will have access to prisoner's personal property.

4. When released from confinement and upon receipt of their personal effects, prisoners must sign a statement, indicating receipt of property at the bottom of the inventory form. The custodian must then write or stamp the words "Account closed on (date)," sign, and route the NAVPERS 1640/17 for filing in the prisoner’s individual confinement record and CORMIS or its electronic equivalent.

8204. Expenditure of Personal Funds

1. Subject to the approval of the brig officer, prisoners may spend personal funds held in safekeeping and money due them, for special purposes (e.g.; purchase of educational materials, hobby materials, remittance to dependents, payment of debts, and attorney’s fees).

2. Prisoners will submit a DD 510 to have a check issued to desired payees. Provided the prisoner has available funds in their prisoner account, a check will be issued to the requested payee. The DD 510 must be filed in the prisoner’s individual file and CORMIS or its electronic equivalent to document the existence of the request.

3. Checks drafted from the prisoner comingled MCF account must require double signatures of staff members authorized to issue checks. The check will be forwarded directly to the payee. Expenditures are not to be considered a part of the normal expenditure for health and comfort items, clothing, or services. Prisoners in a pay-status must not be allowed to deplete their personal account to the point that they cannot meet their requirements for health and comfort (H&C) items, haircuts, etc.

8205. Expenditures for Clothing

1. Policy. Prisoners in a pay status will pay for additional clothing as required from their prisoner account. Garnishment of a prisoner's military pay account is authorized only when the prisoner's account balance is insufficient for the required or needed item. Charges to military pay accounts must not be authorized if circumstances do not allow time for recoupment by command finance activities prior to the prisoner’s release.

2. Procedures

a. The MCF will loan necessary clothing to prisoners who are known to be in a non-pay status.

b. All gratuitous issues and clothing lent to prisoners are chargeable to the operating and maintenance allotment of the MCF or command responsible for furnishing logistic support to the MCF.

c. Requests for clothing and small stores must be submitted on a DD 504.

d. Prisoners temporarily confined for further transfer (FFT) may be lent necessary clothing, if available, for use during a short period of confinement. FFT prisoners will travel in the clothing arranged for by the mission escorts.

8206. Expenditures for Health and Comfort (H&C) Items

1. H&C support for prisoners confined in MCFs shall be per the provisions of references (t)and (z).

2. MCFs shall provide necessary supplies for personal hygiene and maintenance of good health to all military prisoners.

a. Prisoners in a pay status must provide for their own needs through deductions from their prisoner account or charges to their military pay accounts. This is not to preclude the MCF from providing minimal, though essential, H&C items during in-processing per reference (c).

b. Supplies issued to prisoners in a non-pay status will be paid from MCF appropriated funds (gratuitous issue).

c. Prisoners in a non-pay status must be furnished H&C supplies as gratuitous issue. The gratuitous issue not to exceed $40 dollars for the purchase of H&C supplies per month. Special requests for unusual or one-time needs will be considered on a case-by-case basis. If pay status is unknown at the time of confinement, the prisoner will be treated as if in a non-pay status until verified.

3. Articles for H&C of individual prisoners must not be requested or accepted from the American Red Cross, Salvation Army, or any other public charitable organization.

8207. Approved H&C Items

1. Policy. H&C items include those necessary to maintain personal hygiene and military appearance, writing materials, and postage. Initial supply provided by the confining command must be adequate for 1 month's use but may be prorated if regular replenishment or the prisoner's release will be less than 1 month.

2. Approved Items. No glass, aerosol, or anything containing alcohol is authorized. Any items on the following list will normally be approved in adequate quantities:

laundry bag	shower shoes
bath soap	shaving soap or cream
toothpaste	toothbrush
floss sticks	nail clippers
face cloth	bath towel
comb (small; not metal)	deodorant (stick type)
sanitary napkins or tampons	writing materials
stamp embossed envelopes	shampoo
razor, enclosed bade	hair cream, (tube type)
foot powder	cotton swabs (Q-Tips)
eyeglass cleaning cloth	hair conditioner
denture cream	mouthwash (non-alcoholic)
eye drops	foam insoles
body powder	lotion
chap stick	

3. Items supplied will not ordinarily duplicate or replace identical items already in the prisoner's possession. When a prisoner has one type or brand, it will not be confiscated and replaced by another except for cause.

4. Neither initial supply nor re-supply will consist of a standard assortment of articles that include some the prisoner does not use or need, except small packets issued at reception intended for 1-day or weekend use.

5. Commands who order persons into confinement will be informed of the quantity of each item necessary for H&C. If prisoners have these items (unopened), or are confined during working hours and can obtain them, they must bring them when bringing the prisoner into confinement. It is the responsibility of the prisoner’s CO to ensure prisoners have an adequate supply of authorized H&C items upon confinement. If prisoners are confined without H&C necessities (etc.; shampoo, soap, deodorant), the MCF must provide

the items during in-processing. The brig officer is responsible for ensuring all prisoners receive a periodic re-supply of consumable H&C items.

8208. Expenditures for Services. When services, including laundering, tailoring, and barbering are provided to prisoners in a pay status, they will be obtained from the most economical sources available and charged to the prisoners. Necessary services must be provided for non-pay status prisoners from the same operating fund as regular H&C items without affecting their H&C allowance.

8209. Limits on Expenditures

1. The brig officer may establish item limits and total cost limits to prevent prisoners from maintaining excesses over reasonable needs for any items.

2. Limits may be placed on expenditures of funds above those required for H&C if such expenditures would result in the prisoners' supplies becoming a government expense.

8210. Required Clothing

1. Requirements

a. All pretrial and post-trial prisoners in MCFs, in all custody grades, regardless of Service, will wear the standardized prisoner uniform for the Service MCF they are confined in.

b. Service issued clothing must be provided for the prisoner by the confining command upon initial confinement. Below are required items and quantities for all prisoners:

(1) Service boots with laces (1 pair required, 2nd pair preferred);

(2) Service issue t-shirts (6);

(3) Underwear (6);

(4) Brassiere or sport bra (5) (no wire)

(5) Service authorized boot socks (8 pair);

(6) White socks (8 pair);

(7) Seasonal appropriate Service authorized physical fitness training (PT) gear;

(8) Gym shoes (1 pair); and

(9) Shower shoes (1 pair)

c. A pretrial prisoner’s confining command is required to have available one complete seasonal service uniform with accoutrements for official appearances(e.g., court).

2. Prisoners may not transfer or lend any clothing or other personal property to other prisoners.

3. Travel Uniforms

a. Authorized uniforms for prisoners being escorted under custody vary by means of transportation, reason for travel, and legal status:

(1) Commercial air. Attire coordinated by escorts.

(2) Government air. Standardized prisoner uniform or suitable attire coordinated by escorts.

(3) Commercial or government vehicle. Standardized prisoner uniform or suitable attire coordinated by escorts.

b. To avoid embarrassment to the Military Services when a standard MCF set of civilian attire for commercial transport is not provided and when the member may be exposed to public view, escorts must ensure the member is properly clothed in appropriate attire and footwear. Advance coordination of all movements by the escort team will mitigate problems and must be a required aspect of any movement process.

(1) Appropriate civilian attire must present a socially acceptable appearance appropriate for the transport and conform to required standards set forth in Service uniform regulations. Jeans or slacks, shirt or blouse, undergarments, and covered toe shoes are an example of appropriate civilian attire. Escorts will ensure that the member's civilian clothing is warm enough for local and destination climates. MCFs are encouraged to maintain appropriate civilian attire for transport purposes.

(2) Transporting prisoners in the following clothing is unauthorized:

(a) Civilian clothing containing Service logos and emblems;

(b) Unit organizational or physical training gear; or

(c) Shorts, dresses, or skirts.

c. To ensure prisoners are transported in appropriate attire, brig officers are authorized to provide funding for the attire from their operational budget. When transports occur, every effort must be made during the mission-planning phase to coordinate the availability of properly sized attire for the prisoner.

4. Clothing Stock. The brig officer must maintain a reasonable supply of prisoner clothing and footwear for temporary use. Upon release, loaned items must be recovered, cleaned, and the footwear sterilized as prescribed by the medical authorities for reissue. The store of clothing will exceed that required for the MCF's prisoner population.

5. Permanent Release Clothing. Prisoners being permanently released from confinement may be authorized to be released in appropriate civilian attire. In these instances, an outfit of civilian clothing may be procured by the command operating the MCF and issued at no cost to the prisoner per reference (t).

Section 3. Miscellaneous Administrative Subjects

8301. Correspondence and Visiting

1. Policy. Prisoners will be allowed to retain contact with their family and to conduct personal affairs to the greatest extent possible unless restricted by this or other regulations. Security requirements must be kept in mind when establishing local programs. Any deviation from this policy must be documented as interference to the security and good order of the institution. "Correspondence" means incoming or outgoing letters (mail) and packages sent through the mail, other than "privileged correspondence".

2. Procedures

a. Denying family and friends visiting privileges for arbitrary reasons is prohibited.

b. All prisoners will be permitted to write personal letters without numerical limit and to receive all incoming mail regardless of their disciplinary status, unless this privilege has been restricted or unless the volume of a prisoner's mail constitutes an interference with the orderly administration of the MCF. A record must be kept of exchanges of mail using NAVPERS 1640/15.

c. Under no condition will any prisoner be prevented from consulting or corresponding with counsel or the authorized representative of counsel, nor will their request to consult with a chaplain be denied. It is further required that arrangements must be made for the acoustical privacy of any consultation between prisoners and their counsel or clergy within the MCF. The confidentiality of the attorney-client privilege is recognized in M.R.E. 502 of reference (v) and in rule 1.6 of reference (aw). Confidentiality of communications to clergy is recognized in M.R.E. 503 of reference (v) and (ax).

d. Prisoners will not be required to answer any but official correspondence or to receive any but official visitors. Refusal by a prisoner may be actionable as a disciplinary offense; however, physical coercion is prohibited.

e. Visitation periods will be established and included in the MCF’s plan-of-the-day (POD) on all non-working days such as weekends and holidays. Where conditions permit, prisoners will be permitted visitation for at least two hours on each visitation day. Reasonable exceptions as to time and length of visits may be made for visitors who have traveled a long distance or for some reason cannot visit on regular days or during regular visitation hours. No limitations will be imposed as to the number of persons allowed to visit a prisoner at the same time, except due to space restrictions or to maintain security, control, or to exclude persons disapproved by the brig officer or designee, for cause. Any limitations will be applied evenly and fairly. Reasons for disapproval of visitation must be recorded in letter format and placed in the prisoner's individual confinement record and CORMIS or its electronic equivalent.

3. Authorized Correspondents. No limitations will be imposed as to the number of persons that may correspond with a prisoner except

for security or control. Any limitations on correspondence must be required in the interest of safe administration or security. If the brig officer makes a determination to disapprove a correspondent, a letter must be placed in the prisoner's individual confinement record and CORMIS, or its electronic equivalent, stating the specific reasons for such a determination and the correspondent will be notified of the disapproval by the MCF.

4. Mail Inspection

a. All prisoner mail, except as noted in article 8301.10, will be subject to inspection and scanning. Scanning is defined to mean to glance at or read hastily. Inspection is the checking of the mail for contraband. Staff must not re-inspect mail after processing by the MCF mail supervisor prior to delivery.

b. A prisoner's consent is not required prior to inspection of incoming mail; however, prisoners will be advised, and written notice be included in the prisoners' rules and regulations, that all mail is subject to inspection. Should prisoners refuse to accept any or all mail, they must sign a statement to that effect. Mail must be marked "Refused" and returned unopened to the sender. A signed statement of refusal must be filed in the prisoner's individual confinement record and CORMIS or its electronic equivalent.

5. Rejection of Mail

a. The brig officer may reject correspondence sent to or by a prisoner if the correspondence is determined detrimental to the security, good order or discipline of the MCF, to the protection of the public, or if the correspondence might facilitate criminal activity. Correspondence, inbound or outbound, that may be rejected by the brig officer includes, but is not limited to, correspondence that contains any of the following:

(1) Matter which cannot be mailed under law or Federal postal regulations;

(2) Matter that depicts, describes, or encourages activities that may lead to the use of physical violence or group disruption;

(3) Information of escape plots, of plans to commit illegal activities, or to violate MCF rules or regulations;

(4) A prisoner may not direct a business or accrue debt while confined. This does not prohibit correspondence necessary to enable a prisoner to protect property and funds that was legitimately the prisoner's at the time of confinement. Thus, for example, a prisoner may correspond about refinancing an existing mortgage or sign insurance papers but may not operate a mortgage or insurance business while incarcerated;

(5) Threats, extortion, obscenity, or gratuitous profanity;

(6) Contains code or other obvious attempts to circumvent regulations;

(7) Sexually explicit material (for example, personal photographs photos of drawings depicting female areola or any genitalia to any degree (full, partial, transparent)) which by its nature or content poses a threat to an individual's personal safety or security or disrupts good order and discipline; or

(8) A package received without prior authorization by the brig officer is considered contraband.

b. Perceived derogatory or defamatory remarks alluding to conditions, (e.g., food, lights, bedding, mail, medical, etc.), or allegations that could embarrass the naval service are permitted.

c. Where incoming or outgoing correspondence is found unacceptable, the brig officer or designee will promptly notify the prisoner in writing of the decision and the reason(s) the correspondence was found unacceptable. Notice must contain reference to the specific text or material(s) considered objectionable. Notification of disapproval of correspondence and the reason for disapproval will be made to the prisoner in writing.

(1) The brig officer or designee will permit the prisoner an opportunity to review the material for purposes of filing an appeal, unless review may provide the prisoner with information of a nature that is deemed to pose a threat or detriment to the security, good order or discipline of the MCF, or to encourage or instruct in criminal activity.

(2) The disapproval notice must advise the prisoner of the appeal process. Prisoner may obtain an independent review of the disapproved correspondence by submitting a written request within 15 calendar days via a DD 510. Disapproved correspondence will be

retained and safeguarded for not less than 15 days from the initial disapproval date and throughout the appeal process.

(3) If the prisoner does not submit an appeal within 15 calendar days, correspondence will be returned to the sender unless the correspondence includes plans for or discussion of commission of a crime or evidence of a crime. In these cases there is no need to return the correspondence or give notice of the rejection, and the correspondence must be referred to appropriate law enforcement authorities. In addition, contraband will not be returned to the sender.

(4) If an appeal is made, the appeal review authority will first review either the disapproved correspondence or a copy of the offensive portion before acting on the appeal.

(5) The appeal review authority must provide a written decision to the prisoner within 30 calendar days of receipt of the appeal.

(6) The brig officer or designee must forward the sender (and the prisoner if the prisoner is not the sender) of unacceptable correspondence a copy of the correspondence rejection letter. The brig officer or designee will advise the sender (and the prisoner if the prisoner is not the sender) that they may obtain an independent review of the decision for disapproving the correspondence by submitting a written request to the review authority within 15 calendar days of receipt of the rejection letter. The brig officer must return the disapproved correspondence to the sender unless the sender indicates intent to file an appeal under the appeal process. In that case, the brig officer will ensure safeguard of the disapproved material for review. If the rejection is sustained, the rejected correspondence will be returned to the sender when the appeal is complete. All appeals and actions on appeals must be made part of the prisoner's individual confinement record and CORMIS or its electronic equivalent.

(7) The MCF CO is the final appeal authority.

d. For fire, sanitation, or housekeeping reasons, the brig officer may limit the number or volumes of correspondence prisoners may receive or retain in their quarters.

e. Contraband found in mail must be confiscated. Unauthorized materials must not be placed with the prisoner's stored personal

property. If authorized, the prisoner will be required at the prisoner's expense, to return contraband to the sender or to destroy the contraband. If the prisoner refuses to elect either option, the refusal must be documented and the contraband destroyed. Mail accompanying contraband or unauthorized material will be processed in a normal manner unless rejection is warranted under the provisions of this article. Illegal drugs, substances, or matter prohibited from the postal system, such as hazardous material, weapons, and explosives, found in the mail must be reported to base security and the nearest United States Postal Inspection Service Office to determine if an investigation will be initiated against the sender. The local post office may assist in contacting the Postal Inspection Service. A chain of custody must be implemented to document illegal contraband and aid in criminal charges, if warranted. In all cases, proper inventories must be completed and custody receipts correctly prepared.

f. Prisoners must request and be pre-approved to send and receive mail written in a foreign language. Mail written in a foreign language will not be rejected solely due to the lack of an interpreter. Rejection must be based on the provisions of this article after translation by a qualified interpreter. In the absence of an interpreter and if there is no reason to believe the letter represents a threat to the security or good order and discipline of the MCF, the mail written in a foreign language will be promptly released to the prisoner to whom it is addressed.

6. Restricted Correspondence

a. The brig officer may restrict correspondence based on misconduct or for any of the following reasons:

(1) Involvement in any of the activities determined detrimental to the security, good order, or discipline of the MCF, to the protection of the public, or if it might facilitate criminal activity;

(2) Attempting to solicit funds or items (e.g., samples) or subscribing to a publication without paying for the subscription;

(3) Being a security risk;

(4) Threatening a government official; and

(5) Having committed an offense involving correspondence.

b. A prisoner placed on restricted correspondence will have their mail and visitation paperwork reviewed and revised further limiting correspondence based on the MCF's concerns for safety, security, and legal issues. Restrictions should be for a finite period and should be documented via letter outlining the parameters and duration of the restricted status. This letter must be provided to the prisoner and maintained in the prisoner's individual confinement record and CORMIS or its electronic equivalent.

c. Prisoners must not initiate contact with any victim or witness either directly or through a third party without written permission from the MCF commanding officer (CO). This prohibition includes contact via telephone, visits, writing letters, and e-mail. This applies whether or not the victim or witness has elected to participate in the VWAP.

7. Correspondence Between Confined Prisoners. A prisoner may be permitted to correspond with a prisoner confined in any other penal or correctional facility if the other prisoner is either a member of the immediate family or if the prisoner is a party or witness in a legal action in which both prisoners are involved;. The following limitations apply:

a. Correspondence may always be inspected by staff at the sending and receiving facilities; and

b. Authorities in charge of both facilities must approve of the correspondence between both prisoners involved. Any denial and the rationale for disapproving the correspondence request must be fully documented.

8. Outgoing Mail Procedures

a. The brig officer must establish at least one mail depository (marked U.S. Mail) within the MCF for prisoners to place outgoing correspondence. The brig officer may establish a separate mail depository for outgoing privileged correspondence. Each item placed in a mail depository must contain a return address. The mail supervisor or clerk will be the only person in possession of the key to this box. At a minimum, the mail clerk will remove mail from the mail depository each workday and, after inspection, seal and deposit the mail with the U.S. Postal Service.

b. Outgoing mail must bear no external indication the sender is a prisoner or be marked to indicate inspection. Return address

may include a post office box number or street address, and when appropriate, a secondary unit designator (such as suite (STE)). For example, "PO Box 6, 3520 John Paul Jones Street, STE 101" rather than "Navy or USMC MCF."

9. Packages. The brig officer or designee may authorize prisoners to receive packages on occasion per local instructions. If contraband is found in a package, follow procedures listed in 8301.5c. Prisoners must not receive patent medicines, drugs, or other medications through the mail.

10. Privileged Correspondence

a. Privileged correspondents are:

(1) President or Vice President of the United States;

(2) U.S. Department of Justice;

(3) U.S. Attorneys' Offices;

(4) Service Secretaries;

(5) Courts (Federal, State, local);

(6) Members of the U.S. Congress,

(7) Embassies (ambassadors) and Consulates (consulate generals);

(8) State Attorneys;

(9) General Prosecuting Attorneys;

(10) Judge Advocate General or their representatives;

(11) Inspectors General or their representatives;

(12) The prisoner's defense counsel;

(13) The prisoner's clergyman, when approved by the chaplain; and

(14) Any attorney listed in professional or other directories, or such attorney's representative.

b. The prisoner is responsible for advising privileged correspondents that correspondence will be handled as privileged only if the envelope is clearly marked with the privileged correspondent’s name and an indication that the person is a privileged correspondent, and the front of the envelope is marked "Privileged Correspondence – Do not open”. Prisoners must ensure outgoing privileged correspondence is sealed, properly labeled as privileged correspondence, and bears the correct addresses of the intended addressees.

c. All incoming and outgoing privileged correspondence will be delivered unopened or sent sealed and receipted for in the privileged correspondence log. All incoming and outgoing correspondence between a prisoner and privileged correspondents is privileged and subject to inspection only for contraband and only in the presence of the prisoner; the correspondence must not be read and prisoners must not be interviewed in connection with privileged mail prior to its being delivered or sent.

d. For prisoners housed in the RHU or other situations involving prisoners without direct access to other mailboxes internal of the MCF, brig officers must ensure daily access to mail collection is provided. If accomplished by daily rounds from a mail clerk, prisoners housed in the RHU may hand-seal and deliver the privileged correspondence to the mail clerk. Another option is to provide portable locked mailboxes to prisoners housed in the RHU that allow daily access.

e. If there is reasonable doubt that an incoming letter is from a privileged source, even though it appears to be, it may be opened and inspected by a staff member to ensure it is genuine. If such letters are opened, a photocopy of the envelope must be made and filed in the prisoner's individual confinement record and CORMIS or its electronic equivalent to document the "reasonable doubt." Privileged correspondence may also be inspected if good cause exists to show substantial interference with the security and good order of the MCF or that it poses threats to recipients. All inspections of privileged correspondence by staff members must be documented in the privileged correspondence log.

f. Privileged correspondence may be subject to inspection (not reading) during searches conducted after it has been delivered to the addressee. Prisoners must be advised during orientation that if they wish the contents of privileged correspondence to be kept private from other prisoners or staff after delivery, they must request its inclusion in their stored personal property or they

must destroy the letter. Staff must not read privileged correspondence except upon authorization from the brig officer.

g. In cases where incoming mail is clearly from a privileged source but not marked "Privileged Correspondence - Do not open, " the mail will be processed as privileged correspondence.

h. Except as provided below, outgoing privileged correspondence may be sealed by the prisoner and is not subject to inspection.

(1) A prisoner's privileged correspondence status may be restricted by the brig officer if the correspondence has posed a threat or a threat of physical harm to the recipient (e.g., the prisoner has previously used privileged correspondence to threaten physical harm to a recipient).

(2) The brig officer must notify prisoners, in writing, their privileged correspondence is being restricted and the reason for the restrictions.

(3) A prisoner whose privileged correspondence is restricted must present all materials and packaging intended to be sent as privileged correspondence to authorized postal staff for inspection. Staff will inspect the privileged correspondence material and packaging, in the presence of the prisoner, for contraband. If the intended recipient of the privileged correspondence has so requested, postal staff, when authorized by the brig officer may read the privileged correspondence for the purpose of verifying that the privileged correspondence does not contain a threat of physical harm. Upon completion of the inspection, staff will return the privileged correspondence material to the prisoner if the material does not contain contraband or contain a threat of physical harm to the intended recipient. The prisoner must then seal the privileged correspondence material in the presence of staff and immediately give the sealed correspondence material to the observing staff for mailing. Privileged correspondence determined to pose a threat to the intended recipient must be forwarded to the appropriate law enforcement entity. Staff will send a copy of the material, minus the contraband, to the intended recipient along with notification the original material was forwarded to the appropriate law enforcement entity.

i. The brig officer will review a prisoner's restricted privileged correspondence status at least once every 30-days.

j. The prisoner is to be notified of the results of this review. A prisoner may be removed from restricted privileged correspondence status if the brig officer determines the privileged correspondence does not threaten or pose a threat of physical harm to the intended recipient.

k. A prisoner on restricted privileged correspondence status may seek review or appeal of the restriction through the chain of command per article 8301.5c. The MCF CO who has final authority on such actions.

11. Official and Special Purpose Correspondence. Letters to military authorities will be sent through channels per regulations governing official correspondence. Letters containing accusations, requests, or complaints will be forwarded through proper channels to officials who have the authority to take the appropriate action. Petitions or writs for release addressed to proper authority will be forwarded directly rather than through official channels. Other special purpose correspondence may be permitted at the discretion of the brig officer.

12. Prisoner Funds Received Through the Mail

a. A prisoner may receive funds from family or friends only with the approval of the brig officer or designee for crediting to the prisoner's MCF funds account. Only certified money orders or cashier’s checks will be accepted.

b. Prisoners are responsible for advising persons forwarding funds that all cashier checks or money orders must bear the prisoner's full name and RCN to ensure deposit into the proper account. Cashier checks or money orders not accepted because they are incorrectly prepared will be returned to the sender with a letter of explanation. A copy of this letter will be provided to the prisoner and filed in the prisoner’s individual confinement record and CORMIS or its electronic equivalent. Prisoners are also responsible for advising persons forwarding funds to avoid sending cash for accountability reasons.

c. Prisoners must not receive unsolicited funds through the mail system and must not solicit funds or initiate requests for funds that may result in solicitation of funds from persons other than family and friends.

13. Newspapers, Periodicals, and Other Mailed Matter

a. Definitions

(1) Publication as used in this manual is defined as a book, booklet, pamphlet, or similar printed document, or a single issue of a magazine, newsletter, or newspaper, plus such other materials addressed to a specific prisoner as advertising brochures, flyers, and catalogs. This definition does not include publications in multi-media format such as audio tape or video tape. The MCF bears no responsibility to provide a means to review such multi-media formats.

(2) Commercially published information or material means any book, pamphlet, magazine, newsletter, or similar document, including stationery and greeting cards, published by any individual, organization, company, or corporation, which is distributed or made available through any means or media for a commercial purpose. This definition includes any portion extracted, photocopied, or clipped from such items.

(3) Depiction. Representations in image form, as in a picture, painting, or illustration.

(4) Lascivious. Material of a nature that serves to arouse sexual desires, indicates sexual interest, or is expressive of lust or lewdness.

(5) Nudity. Nudity refers to any pictorial depiction where genitalia, to any degree (full, partial, transparent), or female breasts which include nipple or areola are visible.

(6) Obscene. Material of a nature that is offensive to morality or decency, or is depraved, disgusting, or repulsive.

(7) Patently. Readily open to notice or observation, evident, or obvious.

(8) Lewd. Materials inclined to, characterized by, or inciting lust or lechery, or are lascivious, obscene, indecent, or salacious.

(9) Pornographic. Obscene depictions, drawings, photographs, or like material; especially those materials having little or no artistic merit.

(10) Sexually Explicit. Pictorial depiction of actual or simulated sexual acts including: sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between person of the same or opposite sex; bestiality; masturbation; sadistic or masochistic abuse; or, lascivious exhibition of the genitals or pubic area of any person.

(11) Supremacist. Material of a nature that serves to advocate for the supremacy of a particular group; especially, a racial group.

b. Policy

(1) To reduce the possibility of contraband being introduced into the MCF, prisoners may receive hardcover or softcover publications and newspapers only from the publisher, a book club, or from a bookstore, and only if pre-approved by the brig officer or designee. These publications must be carefully screened to avoid the introduction of contraband. The option for a prisoner to order magazine subscriptions and the number of subscriptions will be reserved for prisoners with sufficient time in confinement to fulfill subscription lengths and space available for the prisoner to store the subscriptions. Local MCF policy will determine the number of subscriptions and books allowed per each prisoner. The MCF CO is the final appeal authority on all grievances including rejection of incoming publications.

(2) The brig officer or designee may disapprove a publication only if it is determined to be detrimental to the security, good order, or discipline of the MCF, or if it might facilitate criminal activity. As rehabilitation of post-trial prisoners is a legitimate correctional interest, commercial publications that are sexually explicit or feature nudity will be excluded. When publications are rejected and all appeals are final, prisoners will make the MCF aware of their intent to destroy or mail out the publication. The brig officer may not disapprove a publication solely because its content is religious, philosophical, political, social or sexual, or because its content is unpopular or repugnant. Publications that may be disapproved by the brig officer include but are not limited to publications that meet any of the following criteria:

(a) Violates postal regulations;

(b) Depicts, or describes procedures for the construction or use of weapons, ammunition, bombs, or incendiary devices;

(c) Depicts, encourages, or describes, methods of escape from confinement, or contains blueprints, drawings, or similar descriptions of MCFs;

(d) Depicts or describes procedures for the brewing of alcoholic beverages or the manufacture of drugs;

(e) Contains or is written in code;

(f) Depicts, describes, or encourages activities that may lead to the use of physical violence or group disruption;

(g) Advocates racial, religious, or national hatred in such a way as to encourage violence in the MCF;

(h) Encourages or instructs in the commission of criminal activity;

(i) Is sexually explicit material, which by its nature or content poses a threat to the security, good order, or discipline of the MCF or facilitates criminal activity;

1. Sexually explicit material of the following types may be disapproved, as potentially detrimental to the security and good order or discipline of the MCF, or as facilitating criminal activity: sadomasochism, bestiality, involving children (children under age of 16) in a sexual manner.

2. Child-model materials prohibited by law must be disapproved.

(j) Sexually explicit material that does not include material of a news or information type. Publications will be permitted that concern research or opinions on sexual health, reproductive issues, covering the activities of gay rights organizations or gay religious groups;

(k) Contains nudity;

(l) Literary publications must not be excluded solely because of homosexual themes or reference unless the material includes sexually explicit material, which by its nature or content

poses a threat to the security, good order, or discipline of the MCF or facilitates criminal activity; and

(m) Sexually explicit material may nonetheless be admitted if it has scholarly value or general social or literary value.

(3) Literary Review Board (LRB)

(a) A LRB will be the primary forum for initiating due process determinations of materials that may: be detrimental to the security, discipline, or good order of the MCF; facilitate criminal activity; or contain patently open depictions of degrading, hostile, or offensive (DHO) material (e.g., lascivious, obscene, lewd, pornographic, sexually explicit, or supremacist). Authority to reject such materials ultimately rests with the LRB chair with final appeal authority resting with the MCF CO.

1. Materials deemed detrimental to the security, discipline, or good order of the MCF, or which might facilitate criminal activity, will be considered contraband and removed from the MCF following command disposition protocols.

2. Materials authorized for prisoner possession when also DHO, must be identified as such (i.e., “DHO”) on the material's front and rear side with clear ownership (i.e., prisoner's name) for ready identification by MCF staff.

(b) Brig officers will ensure that LRBs are comprised of at least three appointed members with grades equal to or exceeding E-7 for military members and GS-11 for civilian personnel. At level II MCFs, the technical director or brig supervisor will chair the LRB, which will also include two other members drawn from different departments. At Level I MCFs, the officer in charge or designee will chair the LRB. The intent of LRB composition is standardized organization to support fair and thoughtful due process recommendations from a broad and reasonable spectrum of experience.

(c) DHO materials that are allowed must not be authorized in common areas and are to be retained within personal storage areas of the prisoner's living space (i.e., not patently open for public viewing) when not being personally viewed by the prisoner during authorized recreation times. Prisoners will be prohibited from sharing authorized DHO with other prisoners.

(d) MCF COs will approach visual inspections of prisoner living areas with the same degree of application, compliance, and reporting as in staff work spaces. Prisoners are to be informed and directed to not openly display or share any authorized DHO material; to restrict DHO to within their cell locker for personal use only during authorized times, and then only within their personal living space. Failure to comply may be considered a rules violation (e.g.; disobedience, rules violation) and subject them to administrative disciplinary action.

(4) The brig officer must not establish an approved or disapproved list of publications and will review each issue of a publication prior to disapproval of that issue. Disapproval of several issues of a subscription publication is not sufficient reason to disapprove the subscription publication in its entirety. A prisoner who wishes to order a publication should first seek approval to receive the publication to avoid unnecessary expenses on the prisoner's part and aid in the possible approval of the publication.

(a) Rejected material from a publisher requires a letter to the prisoner and the publisher stating the reason for the rejection.

(b) A list of previously rejected books and rationale of why they were rejected (including page numbers) may be maintained.

(5) Appeal process. Will be followed per article 8301.5c.

(6) For fire, sanitation, or housekeeping reasons, the brig officer may limit the number or volume of publications prisoners may receive or retain in their quarters.

14. Postage. Postage is an approved H&C item, provided at no cost to prisoners who are in a non-pay status. Prisoner's in a pay status must purchase pre-stamped envelopes. All prisoners must use pre-stamped envelopes labeled with their name to prevent trafficking the envelopes.

15. Authorized Visitors

a. Visits by unmarried persons under the age of 18 will not be permitted unless they are accompanied by their parent(s) or legal guardian. Visitors must be listed and approved on a NAVPERS 1640/15. MCFs may impose National Crime Information Center

background checks prior to approving visitors, as well as following installation access requirements imposed by the installation commander.

b. The brig officer or designee may deny visitation for cause (e.g.; civilian or military protective orders, detainers or warrants, prior arrests or convictions of a serious nature, gang affiliation, threats to national security, legitimate rehabilitative interests, and good order, discipline, and security of the MCF). There is no absolute, unfettered constitutional right to unrestricted visitation. Any denial should be documented per local policy and placed in the prisoner record.

16. Supervision of Visits

a. Staff supervising visitation must have complete visual control of the visiting room or area to ensure compliance with regulations on security and conduct. Staff must be courteous and completely professional in their business with visitors. Staff must not discuss any prisoners, prisoner conduct, or prisoner offense(s) with visitors. Staff attempting to form friendships or relationships with visitors is strictly prohibited. Visitors with legitimate inquiries will be referred to the CDO or DBS. Staff may inform visitors of the rules governing packages, gifts, and the length and frequency of visits allowed. Visiting rules must be conspicuously posted at the entrance of the visiting area. The brig officer or designee may take appropriate steps, if necessary, to ensure safety and security of staff, visitors, and prisoners.

b. Prisoners must be instructed in security and conduct regulations affecting visitation and made aware that any violation of security or conduct may result in the visitation being terminated. They will be directed to inform their visitors of such regulations. A quick embrace and kiss at the beginning and end of the visit will be permitted. Prisoners may hold their infant children, if safe, and prisoners may hold their visitor’s hand above the table.

c. Purses and packages will be stored in visitor lockers, and the visitor will be given a locker key.

d. All visitors (military or civilian) will be required to pass through a walk-through metal detector or submit to a body scan with a hand-held metal detector. If the metal detector indicates metal is present, the visitor will be asked for permission to determine the nature of the detected item. If visitors refuse to

comply, they will not be allowed to visit and the incident must be documented on a DD 2713 and placed in the prisoner's individual file and CORMIS or its electronic equivalent. A brig log entry must be made specifying the specific reasons for denial of the visit.

e. If illegal items are discovered (e.g.; firearms, explosives, suspected narcotics, etc.) before, during, or after visitation, the following procedures must be followed:

(1) Contact local security or law enforcement.

(2) Take necessary and reasonable steps to ensure the safety of staff, prisoners, and public.

(3) Confiscate and maintain control of the illegal item.

(4) Execute chain of custody procedures.

(5) If prisoners are involved, they must be separated from the visitor, searched, and placed under investigation.

(6) All personnel involved must prepare detailed reports and cooperate fully with local security personnel.

f. If contraband is found, that is legal but not allowed in the MCF, the visitor(s) will be advised that they may not enter the MCF with the contraband and must place it in the visitor's locker or remove it from the building. Once the contraband is secured, the visit may be allowed or continued.

g. At no time will staff strip search a visitor. Frisk searches may be conducted if necessary by a staff member who is of the same sex as the visitor.

h. If a visitor refuses to comply with verbal directions or instructions given by staff personnel, the visitor may be denied entrance or the visit may be terminated. At no time will force be used against a visitor unless:

(1) The visitor poses an imminent threat of inflicting serious bodily harm or death upon another.

(2) The visitor has engaged in a serious breach to security and the incident cannot be contained without the use of force against the offending party.

(3) The physical security of the MCF is seriously threatened.

i. Before any force may be used, all other reasonable alternatives must have failed. If force becomes unavoidable, then only the minimum force necessary to control or contain the situation may be used.

17. Information to Correspondents and Visitors. MCFs will provide detailed information to prisoners to educate their families and friends on mail and visitation procedures, to facilitate processes, and eliminate confusion and fear on the part of the correspondent or visitor. Written information regarding procedures governing visitation will be made available to the prisoner within 24-hours after arrival at the MCF. At a minimum, the information must include, but not be limited to, the following:

a. MCF address and telephone number, directions to the MCF and information about local transportation;

b. Days and hours of visitation;

c. Approved dress code and identification requirements for visitors;

d. Items authorized in visitation room;

e. Special rules for children;

f. Authorized items that visitors may bring to give prisoners (e.g.; pre-approved funds, pictures, and so forth); and

g. Special visits (e.g., family emergencies).

18. Official, Press, and Civilian Visits

a. Requests for general visiting of the MCF by groups or individuals will be coordinated with the MCF parent command public affairs office (PAO) and per references (ay) and (az). Each request must include a specific reason for the visit. The MCF CO will coordinate requests for visits per local policy, and will take into account the MCF's ability to maintain good order and discipline and availability of staff to supervise the visit. Visits will normally be conducted within normal working hours.

b. Personal interviews and telephonic communications between prisoners and media representatives are not authorized unless a determination by BUPERS-00D or DC PPO is made that such interview serves a legitimate public interest, or is in the best interest of the military.

8302. Telephone Calls

1. Definitions

a. Government Phone. A government-owned landline telephone that uses a solid medium telephone line for transmission (distinguished from a mobile cellular line that uses radio waves for transmission). Landline phones are primarily available for staff use in the MCF; cellular phones, even if government issued, are not considered government phones for purposes of this manual.

b. Prisoner Phone System (PPS). Pay phone systems available to prisoners are generally located in prisoner housing areas. These vendor -provided phones, where installed, provide several public safety and internal security features.

c. Privacy Call. Privacy and acoustical separation must be provided and two-way intercoms or other listening equipment must not be employed for phone calls on a government phone between a prisoner and privileged correspondents as listed in 8301.10a.

2. PPS. Each prisoner (except prisoners in disciplinary segregation) will have access to the PPS at times specified in the daily routine or POD. When authorized by the brig officer or designee, prisoners in disciplinary segregation are allowed limited telephone privileges. Prisoners housed in the RHU for administrative reasons (unless pending investigation for phone misuse) or protective custody are allowed normal telephone privileges.

a. The brig officer will designate specific times prisoner phone calls are authorized; action will be taken to ensure all prisoners and staff are aware of the time frames. These times will be displayed in the posted daily routine or plan of the day and or prisoner rules and regulations. MCFs must ensure procedures are identified for prisoners to make a phone call outside of designated calling hours for special work groups (night crews, etc.).

b. Prisoners with hearing and or speech disabilities, and prisoners who wish to communicate with parties who have such

disabilities, must be afforded access to a Telecommunication Device for the Deaf or utilize a prisoner phone with a volume adjustment control.

c. Phone calls made using the PPS by prisoners will be at the expense of the outside party (collect calls) or debit calls for prisoners with available funds. Three-way, multi-party, and flash-transfer calls are not authorized.

d. All telephone calls over the PPS are to be recorded and subject to monitoring. Monitoring may be done randomly or based on specific security measures. Calls specifically to contact outside agencies to report or receive services for sexual abuse and sexual harassment under Prison Rape Elimination Act will be at no cost and must not be recorded. Contact information and instructions for prisoners to contact these agencies must be posted in prisoner living quarters.

e. Prisoners will be afforded the opportunity to make select privacy (e.g., generally legal) via government phones and routine phone calls via the PPS, as applicable, consistent with needs of good order and discipline within the MCF and public safety. Although prisoners may use the PPS to call privileged correspondents, they should be made aware that doing so negates privacy of the call.

f. Use of cellular phones by prisoners is prohibited. All cellular phones are prohibited within the security perimeter; however, the prohibition for prisoner use of cellular phones extends outside the security perimeter as well.

g. The personal identification number (PIN) feature on PPSs must be employed for both collect and debit calls. PINs must not be shared between prisoners. This feature allows the MCF to assign prisoners a PIN they must use to access the telephone system. PIN numbers become part of the call record and can be used to identify callers.

h. <u>During Prisoner Admission and or Orientation</u>

(1) Prisoners must be informed that their calls utilizing the PPS may be monitored and that those calls are recorded.

(2) Prisoners must be advised that they are not to initiate contact with any victim or witness either directly or through a third party without written permission from the MCF CO.

(3) Prisoners will be provided the opportunity to request a list of telephone numbers they wish to activate (administered in a manner similar to the NAVPERS 1640/15). At the time of submission, the prisoner must acknowledge that the persons on the call list are agreeable to receiving the prisoner's telephone call. The telephone numbers must be vetted through the VWC prior to activation.

i. The brig officer may deny activation of a telephone number to a prisoner's call list if there is a threat to the good order and discipline of the MCF, or a threat to public safety. Except in the case of victims, witnesses, or those protected by a military protection order (MPO) or restraining order, disapprovals must be documented and explained in writing to the prisoner and a copy placed in the prisoner’s individual record and CORMIS or its electronic equivalent.

j. The phone number blocking feature of a PPS may be employed. This feature allows specific numbers to be blocked from all calls made via the PPS; for instance, outgoing calls to numbers belonging to victims, witnesses, or MCF staff members may be blocked. This feature may also be used to block numbers identified on known MPOs and or restraining orders. Blocking such numbers helps to prevent unauthorized contact.

k. A PPS allows MCFs to set call duration limits. This feature terminates calls at the pre-set time after providing a 1-minute warning. This prevents prisoners from monopolizing the phone. Limits may be set at the discretion of the brig officer or designee.

l. Digital recordings of the PPS may be released to Federal law enforcement agencies to include Naval Criminal Investigative Service, Criminal Investigative Division, and military trial counsels when formally requested as part of an official criminal investigation. The following conditions apply:

(1) Requests must be in writing by a supervisory agent, Judge Advocate General officer, or higher authority in the agency.

(2) Requests must state that the information is for official use as part of a criminal investigation.

(3) The request must indicate calls to specific number(s) or person(s), indicating a specific timeframe, and articulate that

the conversations requested are relevant to a criminal investigation. "Blanket" requests or requests for all calls made within a given timeframe will not be routinely honored; such blanket requests may only be approved by the brig officer unless the request is in the form of a subpoena.

(4) Recordings will be produced on compact disc (CD) and immediately be placed in a CD case or envelope, sealed, labeled, and properly marked as personal identifying information (PII) "For Official Use Only" and "law enforcement sensitive information." The CD can then be released to the requesting agency. The CD can be directly handed to personnel after presenting proper identification, or sent certified mail.

m. Limitations, documented in writing, may be imposed on telephone privileges when necessary to fulfill correctional management responsibilities.

(1) Some restrictions on telephone use imposed as an administrative disciplinary action, when offenses are related to misuse of the PPS or other violations involving improper communications. Telephone use is subject to limitations the brig officer determines as necessary to ensure the security or good order, including discipline, of the institution or to protect the public.

(2) If a prisoner is pending an investigation or disciplinary action for possible telephone abuse, a partial or total telephone restriction may be authorized. Telephone restrictions imposed under these circumstances are discretionary and will be used only when necessary to ensure the MCF's safety, security, or good order, and to protect the public.

3. Government Phones. Prisoner access to government phones will be limited. Staff designated by the brig officer may allow prisoners to place telephone calls on a government phone. Government phones must be managed so that prisoners do not have the opportunity to make unauthorized calls. Although certain conditions and factors allow for prisoner use of government phones, prisoners are prohibited from dialing a government phone. Brig officers will use installation phone services to provide government phones in a manner that will provide auditory privacy in the case of legal calls, yet in areas that can be monitored when calls do not require privacy. In all cases, prisoner use of government phones will be logged to record time, date, prisoner making the call, person called, reason for call, number dialed, and

approximate length of call. All such calls will be monitored visually; even legal calls requiring auditory privacy will be visually monitored.

a. Initial Confinement. Upon initial confinement, prisoners may be offered an initial phone call on a government phone; the call should not exceed 5-minutes and the CDO or DBS will gain verbal confirmation that the number being called does not belong to a victim, witness, or person subject to an MPO or restraining order. A staff member will dial the number, verbally confirm identity of the intended recipient on the phone, and monitor the call.

b. Morale and Welfare. When necessary, and upon approval of the CDO or DBS or higher authority, prisoners may be permitted to use government phones to aid in the resolution of immediate personal problems or other urgent matters which may preclude use of the PPS (calls involving serious family illnesses, death or impending disaster related to a prisoner's property, which cannot be deferred until regular mail delivery). Such use should be rare and approval should be considered with careful discretion; the staff member must dial the number, verify intended recipient, and desire to accept the call; and log the date, time, number called, recipient, caller, and justification.

c. Legal and Privacy Calls. Attorneys may be included on a prisoner's PPS call list with the understanding that such calls are subject to monitoring and recording. The preferred method for legal consultation is via legal visits, which have few limitations. Prisoners have the right, unless for cause, to correspond with privileged correspondents via telephone. The brig officer will develop procedures so that privacy calls can be accomplished when necessary. Such calls will normally be allowed. Calls to or from clergy, congressional representatives, or other privileged sources will not normally be approved. Only the brig officer may approve privileged phone calls to sources other than attorneys.

d. Incoming Calls. Incoming calls received by MCF staff requesting to talk with a prisoner will not be allowed except from the prisoner’s military command or attorney. Messages will not be taken and passed to prisoners.

4. Any restrictions or denials of prisoner phone calls from the brig officer or designee must be fully documented and include the rationale for restrictions or disapproval. The MCF CO is the final appeal authority for any restrictions or denials.

8303. Prisoner Requests

1. The brig officer must provide means whereby prisoners may communicate with staff members to request advice and assistance with their problems. DD 510s will be made available for prisoner use without restriction.

2. Prisoners are often worried and confused about their personal problems and need advice and assistance. Opportunities to discuss problems with a chaplain, judge advocate, or other person qualified to assist will be provided. The prisoner will state the problem or matter at issue, request to be heard, or request an interview with a designated person. The request will be signed by the prisoner and referred to the proper staff member or brig officer for action or further referral to other proper authority. The DD 510 will be placed in the prisoner's individual file and CORMIS or its electronic equivalent once closed showing the action taken.

3. MCFs will ensure a distribution and tracking system is in place (e.g.; carbon-based or date stamped document) to ensure DD 510s are distributed to the appropriate department within two working days of initial staff receipt, regardless of where collected. A member of the responsible department will reply to the prisoner dating and documenting the reply within 5-working days in order to communicate resolution or to inform the prisoner that the request is being acted upon.

4. CO's Mail Box. CO must install, in a centrally located place(s), a locked, clearly marked box or boxes readily accessible to all prisoners in which they may deposit individual communications for the immediate attention of the CO. Keys for these boxes will be maintained by the MCF CO. Portable boxes may be used if desired. DD 510's are the preferred prisoner medium for submitting prisoner communications to MCF COs and OICs. The CO's mailbox will be collected each working day by the MCF CO or authorized designee(s) selected from staff offices' senior personnel. The chits will normally be screened by the MCF CO or brig officer on the same or next normal working day and further delegated to appropriate staff to address the issue, unless the CO determines that the matter requires the MCF CO's personal attention. Delegated or not, communication with the prisoner will occur within 5-working days of receipt by the CO. This does not mean the issue will be resolved, nor does it mean the prisoner will get the answer they desire; the goal is prompt communication that the chit was received and the matter is being addressed.

8304. Prisoner Communication Council. A council will be established to keep lines of communication open between prisoners and staff. This council will include prisoners of each custody classification and quarters area (except reception and the RHU). At MCFs with multiple housing units, a representative for each custody classification is not required. Each housing unit should send a representative. Other members may be added as local need dictates. Prisoner members are to be elected by the prisoners and approved by the Prisoner Management Director or Programs Officer, as appropriate. Conduct and procedures for the council will be directed per local policy.

8305. Public Information. Requests for release of information on the corrections program, MCFs, and naval prisoners to the news media must be forwarded to the local PAO. Written communications are permitted and subject to article 8301.

8306. Fingerprints

1. MCFs must collect and maintain fingerprints on all prisoners upon arrival for inclusion into the prisoners' records. A FD 249 must be utilized for fingerprints. The FD 249 may be forwarded to the Federal Bureau of Investigation (FBI) by MCFs in accordance with service policies and directives.

2. Submission of the FD-249 to the FBI is a function of criminal investigative, law enforcement, or police and security departments of DON. Collection of fingerprints by MCFs serve as a backup set for immediate availability in an emergency.

8307. Instructions and Post Orders. Instructions and post orders must be written to describe how to perform the major functions of the MCF and of each post. These procedures will include administrative, security, and program responsibilities. A complete standard operating procedures or instruction manual will be maintained at the control center and the MCF's administration department, and individual post orders will be maintained at the specific posts whose functions they describe.

8308. Victim Witness Assistance Program (VWAP)

1. Reference (an) designates BUPERS-00D and DC PPO as the central repositories for the purpose of tracking notice of the status of Navy and Marine Corps offenders, respectively, confined in military correctional facilities. All correspondence with victims or witnesses will be maintained per 8103.2. Navy MCFs must follow

VWAP procedures as per reference (ba); USMC MCFs must follow reference (bb).

2. A VWC must be appointed in writing at each MCF. The VWC must be a mature individual who understands the importance of the program, will be sensitive to the needs of victims and witnesses, and will rigorously ensure their confidentiality. Reference (bc) requires a DD 2704 to be completed by the Government trial counsel upon sentencing of an offender to confinement resulting from a court-martial. The DD 2704 is required to provide names, addresses, and telephone numbers of victims and witnesses (who fear harm from the offender). The term witness does not include a defense witness or an individual involved in the crime as a perpetrator or accomplice. When the victim or witness is a minor, a parent or legal guardian must be identified on the DD 2704.

3. Victims and witnesses have the right to be informed about the prisoner’s status in confinement, eligibility for parole, parole hearing, escape, transfer, release from custody, and death. Additionally, it is the policy of the DoD and DON to enhance the roles of victims and witnesses in the military criminal justice system, to ensure they are treated with sensitivity and respect, and to recognize their needs. Utmost care and compassion must be accorded victims, especially when the victim has been sexually assaulted or is a minor. BUPERS-00D or DC PPO will provide specific policy guidance when necessary.

4. Initial Contact

a. The VWC must review the DD 2704 for every post-trial confinement upon admittance and when victims or witnesses have elected notification, the VWC must make telephonic contact with the victim or witness to make initial contact and verify accuracy of the address provided and validate the phone number on the DD 2704. If the telephone number is incorrect, the VWC will coordinate with the trial counsel to obtain the correct phone number. It is not necessary for the trial counsel to generate a corrected DD 2704, simply providing the correct information will suffice; the VWC may lineout the incorrect number and enter the correct information on the form. When the victim or witness is a minor, telephonic communication must be with the identified parent or guardian. During this initial telephone contact,VWCs may also ask if the victim or witness would like to provide an e-mail address for notification purposes. When e-mail addresses are provided, they must be entered on the DD 2704; privacy of victim and witness e-

mail addresses must be kept in the same manner as all other information concerning victims and witnesses.

b. Reference (ba) and (bb) requires a DD 2705, Notification to Victim/Witness of Prisoner Status to be used to notify victims and witnesses who elect notification of a prisoner's status at least 45 days prior to the action. Initial notification utilizing a DD 2705 with a MCF cover letter must be sent by certified mail with return receipt requested within 10 days of receipt of a DD 2704 listing victims or witnesses requesting notification. The MCF cover letter should identify the MCF's VWC as the point of contact, the prisoner's release date, explanation of how that date is subject to change with abatements, and describe services available to victims and witnesses.

5. E-mail Contact

a. E-mail contact with victims and witnesses must be for the purpose of executing required notifications and official business regarding VWAP. Communication via e-mail that does not contain PII, but facilitates official communication, is encouraged. When the victim or witness is a minor, e-mail communication must be with the identified parent or guardian; e-mail addresses of minors must not be recorded on the DD 2704.

b. Security of Communication. Electronic accomplishment of victim witness communication containing PII must be encrypted. Electronic delivery of an encrypted DD 2705 is permitted if delivery is verified; such verification negates the necessity to send notifications via certified mail. Delivery to ".mil" e-mail addresses may allow encryption. When e-mailing PII to e-mail addresses outside of the DoD, or when encryption is not possible, ".pdf" documents may be password protected and transmitted. When ".pdf" documents are password protected, the password must meet DoD requirements and transmission of the password must be made via separate communication.

6. Release. The VWC must notify victims and witnesses via a DD 2705 no later than 30-days before a prisoner's scheduled release date. Telephone contact or the most expeditious means of contact available must be made when a prisoner is unexpectedly released and a DD 2705 will not be received by the victim or witness prior to the prisoner's release.

7. Delinquent DD 2704. Contact with trial counsel concerning a delinquent DD 2704 must be made by the VWC no later than the next

working day after receiving a new prisoner. Attempts to obtain a delinquent DD 2704 must be fully documented in CORMIS or its electronic equivalent. If a DD 2704 remains delinquent, more than two working days the MCF CO must attempt to resolve the deficiency using the chain of command. Attempts by the MCF CO to obtain a delinquent DD 2704 must be fully documented in CORMIS or its electronic equivalent. BUPERS-00D or DC PPO will utilize reports derived from CORMIS or its electronic equivalent to monitor and track non-receipt of a DD 2704 for adjudged prisoners and closely coordinate with major claimants to ensure expedient resolution of identified issues.

8309. Sexual Offender Notification Program

1. Per reference (z), before final release from confinement, MCFs must advise a prisoner convicted at a general or special court-martial of an offense requiring registration as a sex offender of the registration requirements of the state, tribe, or territory in which the prisoner will reside upon release from confinement. The notice provided to a prisoner must contain information that the prisoner is subject to a registration requirement as a sex offender in any state, tribe, or territory in which the person resides, is employed, carries on a vocation, or is a student. The notice must also inform the prisoner that the MCF has made or will make notifications to local, State, tribe, and the U.S. Marshals Service. MCFs must obtain the prisoner’s acknowledgement in writing that the prisoner was informed of the registration requirements using DD 2791.

2. Before release of a prisoner convicted of a covered sex offense under reference (z), at a general or special court-martial, MCFs must provide written notice of the release to:

a. U.S. Marshals Service;

b. National Sex Offender Targeting Center;

c. The chief law enforcement officer of the state, tribe, territory, or local jurisdiction in which the prisoner will reside; and

d. The state or local agency responsible for the receipt or maintenance of a sex offender registration in the state, tribe, territory, or local jurisdiction in which the prisoner will reside.

3. The written notice must also include the prisoner's criminal history and a description of the offense of which the prisoner was convicted and any restrictions or conditions of release.

4. The written notice must be provided authorities at least five days before the scheduled release of a prisoner.

5. Written notifications are not required for prisoners transferring to another MCF.

8310. Deoxyribonucleic Acid (DNA) Sample Collection Program

1. Brig officers must take steps necessary to collect DNA samples, regardless of Service affiliation, as soon as possible under the following conditions:

a. A member is ordered into pretrial confinement by a competent military authority after the completion of the commander's 72-hour memorandum required by reference (v), RCM 305(h)(2)(C) if a DNA sample has not already been submitted by appropriate approving authorities as identified within reference (bd).

b. A member is confined as a result of any general or special court-martial conviction if a DNA sample has not already been submitted by appropriate approving authorities.

2. Collection of DNA samples from civilians, pursuant to paragraph six of enclosure (3) of reference (bd), must be by law enforcement or investigative officials.

3. Procedures

a. The mouth swab DNA sample collection kit provided by the U.S. Army Criminal Investigation Laboratory (USACIL) must be used for collecting DNA samples.

b. All MCF staff collecting samples must be trained in collection procedures prior to using the DNA collection kit. The DNA sample collection kit-training program is available on the USACIL Web portal at: https://usacil.forscom.army.mil/CODIS/default.aspx. The training program is also available on CD and may be obtained upon request to codislab@conus.army.mil with the subject "Request Training Program CD."

c. USACIL DNA collection kits may be requested from USACIL through its Combined DNA Index System Branch at (404) 469-7258 or codislab@conus.army.mil.

d. Brig officers must collect and expeditiously forward DNA samples from all qualifying members unless determined that a DNA sample has already been submitted by appropriate approving authorities. If unclear as to whether a previous DNA sample has been collected and submitted, verification will be first obtained from USACIL prior to collection. If a member from whom a sample is authorized to be taken is to be released from confinement before USACIL verification is received, collection of a sample is authorized and must be held in storage awaiting verification by USACIL. BUPERS-00D or DC PPO will provide specific guidance where necessary.

e. USACIL mailing address for DNA kit forwarding and point of contact information follow:

U.S. Army Criminal Investigation Laboratory
Attn: CODIS Lab
4930 N 31st Street
Forest Park, GA 30297-5122
(404) 469-7023/7258/DSN 797
Codislab@conus.army.mil

f. When preparing the USACIL DNA collection kit for submission:

(1) The prisoner’s full SSN must be written on the sample card contained within the collection device as well as on the data card. In addition, the prisoner’s right index print must be placed on the data card. Failure to include the social security number and fingerprint as instructed may cause the sample to be rejected. Upon collection of the DNA sample, the appendix to enclosure (3) of reference (bd), or equivalent, along with the notice of the general rights for requesting expungement (included with the USACIL kit) must be provided to the prisoner. A completed copy of the appendix to enclosure (3) of reference (bd), or equivalent, must be placed in the prisoner’s individual confinement record and uploaded into CORMIS or its electronic equivalent to document this transaction.

(2) An administrative entry using NAVPERS 1070/613 Administrative Remarks, must document the collection and read as follows: “DNA sample taken this date pursuant to DoD Instruction 5505.14 and forwarded to U.S. Army Criminal Investigation

Laboratory (USACIL) on (date).” The NAVPERS 1070/613 must be entered into the prisoner’s individual confinement record and related information uploaded into CORMIS or its electronic equivalent to document this transaction.

g. Reference (bd) provides additional guidance to have DNA records expunged for prisoner’s from whom samples are taken and forwarded to USACIL, but who are not convicted of any offense by general or special courts-martial. These expungement procedures are also applicable to members who have a conviction completely overturned or reversed upon appellate review.

8311. Blood Donations. Per BUMED policy, Navy blood centers will not accept prisoners' blood. Therefore, MCFs must not hold organized blood drives that involve prisoner participation.

Chapter 9: Sentence Computation and Earned Time Abatement

Section 1. Policy and Definitions

9101. Policy

1. Sentences to confinement must be computed per the procedures provided in reference (be) and OUSD (P&R) Memorandum of 21 Jan 10 (Subj: Ex Post Facto Good Conduct Time Analysis - Prisoner Charles Graner). This may be done through automated means, but must be manually verified using the expiration tables within reference (be) and a DD 2710-1 Prisoner Sentence Computation. Corrections Management Information System (CORMIS) or its electronic equivalent accommodates automated sentence computation procedures and must be used in conjunction with manual sentence computation.

2. All sentences of new prisoners will be reviewed during the receiving process to determine if any unusual issues exist and to ensure the prisoner is not due for immediate release. A sentence computation review board must be conducted and documented for any change in a prisoner’s sentence to confirm accuracy.

9102. Definitions. Definitions applicable to Department of Defense (DoD) sentence computation policy is contained within reference (be). Definitions applicable to this chapter follow:

1. Good Conduct Time (GCT). A deduction from the adjusted maximum release date for faithful observance of all MCF rules and regulations.

2. Earned Time (ET). Deductions from a prisoner's release date earned for participation and graded effort in the areas of work, offense-related programs, education, self-improvement and personal growth, or other support activity specifically authorized by the brig officer.

3. Special Acts Abatement (SAA). Deduction from a prisoner’s release date earned for a specific act of heroism, humanitarianism, or extraordinary institutional or community support, deemed appropriate by the brig officer. Prisoners without a release date (e.g., life without parole, death) may earn SAA, but it will be held in abeyance and only awarded if the sentence is reduced to a determinate sentence length.

SECTION 2. GCT, ET, and SAA

9201. Policy. GCT, ET, and SAA are the only types of abatement authorized in naval military correctional facilities (MCFs).

1. GCT

a. Eligibility

(1) GCT will be awarded to each prisoner serving a sentence imposed by a court martial for a definite term of confinement.

(2) Eligibility for GCT must be consistent with DoD policy on GCT rate of earning at the time a sentence was adjudged or offense committed.

(3) For prisoners who have an approved finding (e.g., convening authority action) of guilty for an offense that occurred after 1 October 2004, the award of GCT will be conditioned on the prisoner submitting an acceptable release plan and fully cooperating in all other respects with the mandatory supervision policy per reference (z), if directed to do so.

(4) Pre-trial prisoners will earn GCT for confinement served, but any earned GCT must not be awarded until a sentence is adjudged and pre-trial credit is ascertained.

(5) GCT will not be awarded to a prisoner who has a life, life without parole, or death sentence. Prisoners with one of these sentences will earn GCT, but it will be held in abeyance and awarded only if the sentence is reduced to a determinate length.

(6) Questions regarding eligibility may be referred to Bureau of Naval Personnel, Corrections and Programs Office (BUPERS-00D) or Deputy Commandant of the Marine Corps, Plans, Policies and Operations (DC PPO).

b. Rate of Earning

(1) Prisoners may fall under different GCT rates, the GCT rates must be consistent with DoD policy applicable at the time a sentence was adjudged or offense committed. GCT is directly associated with the sentence to confinement and must not exceed that which the sentence or multiple sentences allow.

2. ET

a. ET must only be awarded in applicable component areas when overall evaluations are average (satisfactory) or higher. Guilty findings at discipline and adjustment (D&A) boards may make evaluation ratings lower than average resulting in prisoners being ineligible for ET for the month in which they earned the disciplinary report.

b. Prisoners confined in MCFs will be subject to the ET rules of the confining MCF regardless of the Service affiliation of the prisoner.

c. BUPERS-00D or DC PPO will ensure that an ET program is available in its MCFs and that programs are consistent in content and application with the ET programs in MCFS operated by other military services.

d. Brig officers must continuously monitor and review their ET program to ensure inflationary aspects (to include redundant crediting) are addressed, and BUPERS-00D or DC PPO must periodically audit the ET program to ensure alignment with program objectives.

e. Eligibility

(1) Prisoners serving a sentence imposed by a court-martial for a definite term of confinement are eligible for ET.

(2) For prisoners who have an approved finding of guilty for an offense that occurred after 1 October 2004, the award of ET will be conditioned on the prisoner submitting an acceptable release plan and fully cooperating in all other respects with the mandatory supervision policy of reference (z), if directed to do so.

(3) Pre-trial prisoners are ineligible for ET.

(4) A prisoner with a life, life without parole, or death sentence may earn ET, but such abatement will be held in abeyance and only awarded if the sentence is reduced to a determinate length.

f. Rate of Earning

(1) Eligible prisoners may be awarded up to 8 days per month of ET for participation and graded effort in authorized component areas.

(2) BUPERS-00D or DC PPO may delegate to MCF commanding officer (CO) the authority to determine the activities eligible for ET at the MCF and, subject to limitations of article 9201.2g, the rate of earning at which a prisoner may earn ET by participating in those activities. The activities list must be published and made available to all prisoners.

(3) Prisoners may participate in activities during a given month that make them eligible for more than 8 days ET but a maximum of 8 days ET will be awarded per month. Prisoners in a variable GCT earning rate may earn ET but the aggregate (GCT plus ET) must not exceed 13 days per month.

g. Limitations

(1) When eligible prisoners do not enroll in, progress in, or complete available offense-related or maintenance programs primarily designed to address problems directly associated with their criminal offense or other rehabilitation programs, a maximum of 5 days ET per month may be earned within other components of the ET program. Such noncompliance or lack of progression must be fully documented in the prisoner record and annotated on NAVPERS 1640/25, Earned Time and Special Acts Abatement Worksheet, to preclude higher earnings of ET. This limitation does not apply to prisoners on a waiting list for an offense-related or maintenance program but no ET may be awarded for that program until the prisoners are actually participating in the program.

(2) A maximum of 5 days ET per month may be awarded within the work component of the ET program.

(3) ET will not be awarded within 30 days of the scheduled minimum release date from confinement. Earned time boards are responsible for posting earned time results no less than 30 days prior to the adjusted release date caused by the earned time actions.

h. Administration. Up to 8 hours of prisoner participation in "special needs" offense-related programming per week may be used to achieve the minimum 40 hours per week of expected productivity. Special needs programs are on the prisoners' program plan and include the following highly structured, comprehensive, and

standardized programs: sex offender, violent offender, and substance abuse treatment; remedial education; and pre-release.

(1) ET must be recorded separately from GCT. The brig officer will maintain a record of ET for each prisoner. To the largest extent possible, this record will be populated within CORMIS or its electronic equivalent.

(2) Responsibility for documenting and tracking individual hours and activities needed to earn ET in the component areas of education, self-improvement and personal growth, and support activities is borne by the prisoner. Brig officers will provide prisoners with a DD 2719, Correctional Facility Continuation Sheet in order for prisoners to document and track hours and activities. Prisoners must have individual entries validated by applicable staff members as activities are completed. When accumulated hours and activities meet eligibility to accrue ET, the prisoner will forward their request for ET by means of DD 510 Prisoner Request along with supporting documentation, to the ET and SAA Board via their unit manager or counselor. The unit manager or counselor will review the continuation sheet and supporting documentation and where ET is warranted, validate by signature and date all completed hours and activities. The unit manager or counselor will then forward the document to the ET and SAA Board. Care should be taken by staff to ensure the integrity of the program is maintained.

(3) When calculating a prisoner’s minimum release date at the beginning of a prisoner's sentence to confinement, ET that could be earned during the sentence must not be calculated.

(4) A formal ET and SAA board comprised of at least three members will be appointed in writing by the MCF CO and meet at least once monthly. Recommendations for award of ET made by the board, via use of a NAVPERS 1640/25 Earn Time and Special Act Abatement Worksheet, will be approved or denied by the brig officer or designee in full or in part.

(5) ET will be awarded, within authorized limits, through evaluation of the separate ET program components. ET awarded for each component will be documented on a NAVPERS 1640/25, or its automated equivalent, at monthly intervals, and will reduce a prisoner’s release date on a day-for-day basis. Prisoners must be counseled on their performance during the review period and informed on ET awarded once decided by the brig officer. Appeals to evaluations will follow normal internal prisoner grievance

procedures with final appeal authority resting with the MCF commanding officer.

i. Components

(1) Work. A maximum of 5 days ET per month may be awarded within the work component of the ET program. All prisoners in MCFs, unless precluded from doing so because of a disciplinary, medical, or other reason determined appropriate by the brig officer, will engage in useful employment under appropriate supervision. Prisoner records must clearly indicate all occasions where prisoners are not in a work status, to include rationale and inclusive dates.

(a) Prisoners will be employed in maintenance, support, and vocational training activities that provide work of a useful, constructive nature, consistent with their custody grade, physical and mental condition, behavior, confining offense, sentence status, previous training, individual confinement requirements, and installation or MCF needs.

(b) Prisoners, when not engaged in prescribed training, counseling, plan-of-the-day (POD), and other place of duty activities, will perform full 8 hour days of useful, constructive work, and a standard 40 hour workweek. This restriction does not limit the authority of brig officers to direct extra work during emergencies, prevent the assignment of prisoners to details that normally encompass weekends, or prevent prisoners from volunteering for extra work.

(c) Reception, orientation, pre-release processing, POD, and place of duty activities qualify as work.

(d) Prisoners will work a minimum of 40 hours each week to receive ET for work unless the brig officer determines the failure to complete 40 hours was due to factors outside the prisoner’s control. Up to 8 hours of offense-related programs per week may count towards the 40-hour workweek.

(e) ET granted for work will be based on work performance and continuous employment.

1. Performance. A DD 2712, Prisoner Evaluation must be used for evaluating and documenting prisoner work performance. Evaluations must be completed at least monthly (normally the first working day of the month) by the quarters

supervisor (section 1) and work supervisor (sections 1 and 2) for all prisoners under their supervision during the previous month. It is recognized that some prisoners may have multiple reports due to job change assignments. All evaluations must be forwarded for review by the ET and SAA Board. The evaluation must reflect an accurate assessment of prisoner performance of assigned duties against an understood set of requirements. Preventing inflation is critical and reports must be based upon performance vice sociability. Evaluators must provide fair and thorough evaluations. Reviewing authorities must take an active role in mentoring and communicating the spirit and intent of the evaluation system. The work and training evaluation is not a disciplinary tool, a lever to exert influence, or a counseling document. Brig officers must ensure the integrity of the system by close attention to accurate marking and timely reporting. Every evaluator and reviewing official serves a role in the maintenance of the evaluation system. Inflationary markings only serve to dilute the actual value of each report, rendering the evaluation report ineffective. Reviewing officials must not concur with inflated reports.

2. Continuous Employment. Employment is considered continuous unless for valid cause (e.g., DS) and specifically approved for interruption by the brig officer or designee. Continuous employment is defined by time, not assignment or status; the continuous employment rate is established by number of continuous full months worked, regardless of the number of job assignments held. All continuous employment date disruptions will be fully documented in the individual confinement record and annotate the beginning date of the new period.

3. Employment Date. For all new prisoners, the initial employment date is effective on the adjudged date, unless the sentence is deferred. Where a sentence to confinement is deferred, the employment date begins upon assignment to the reception process. Post-trial prisoners transferring into the MCF will normally be assigned to the continuous employment rate established by the previous MCF.

4. Earning Rate. Where overall level of work is documented to be at least "average" during the entire reporting period, ET will be awarded at the below rates per month unless "bumped up or down" by the brig officer or designee for cause.

Level	Continuous Employment	Earning Rate
1	0 to 6 months	1 day per month
2	7 to 12 months	2 days per month
3	13 to 18 months	3 days per month
4	19 to 24 months	4 days per month
5	25 or more	5 days per month

(f) Waiver. When an individual prisoner is recommended by the work supervisor, concurred by the reviewing authority, and the ET and SAA Board, the brig officer may increase (by one step) or decrease the employment earning level (by multiple steps) for consistent outstanding or poor work performance. All increases and decreases must be fully documented within the prisoner file, annotating rationale and dates.

(g) The ET and SAA Board will take into consideration the actual number of hours worked by an individual when determining the actual number of days to be granted. For example, an individual would generally receive full credit for work if only a limited number of work hours were lost due to a medical appointment; however, if there were extended work absences due to illness the number of ET days awarded could be reduced.

(h) Restricted Housing Unit. If an individual's behavior or MCF's security concern makes them unavailable for work assignment then credit for work will not be granted. If it is not within an individual's control (for example, medical segregation) then the individual could receive ET for work.

(2) Offense-Related or Other Rehabilitation Programs. A maximum of four days ET per month may be awarded within the offense-related or other rehabilitation programs component of the ET program, to include maintenance if the prisoner is enrolled in simultaneous offense-related rehabilitation. Prisoners may be awarded up to 2 days ET for participation in intensive treatment programs. Total earned time awarded must not exceed 8 days for any 1 month. These programs are highly structured, comprehensive, and standardized treatment programs. Examples of such programs include: Sex Offender Treatment Program, Violent Offender Treatment Program, Substance Abuse Treatment Program, Women in Recovery Program, and Dialectical Behavior Therapy Program. One day ET may be awarded for all other offense-related or other rehabilitation programs. These include programs such as Sex Offender Education, Substance Abuse Education, and Crossroads. A

listing of all offense-related or other rehabilitation programs from each MCF must be sent to BUPERS-00D or DC PPO, as appropriate, by MCF COs with recommended number of ET days. The MCF will maintain an authorized list and provide such access to all prisoners. Prior to new program implementation or significant modification of a current program, the MCF CO must submit a recommendation to BUPERS-00D or DC PPO on the number of ET days that should be awarded per month. Approval by BUPERS-00D or DC PPO for authorized number of ET days must be received prior to program implementation. One or 2 days ET per month can be awarded for individual therapy. The number of days per month awarded is determined by the number of sessions and outside work required by the individual as recommended by the clinician, social worker, or designee and approved by the clinical services director, programs officer, or designee. To the maximum extent possible, ET programs must address problems associated with a prisoner's criminal activity or behavior.

(3) Education. A maximum of two days ET per month may be awarded within the education component of the ET program. Prisoners may receive ET while pursuing formal education objectives, including but not limited to, completion of vocational education sequences, general equivalency degrees, or post-secondary degrees or credits when the institution awarding the certificate, license, diploma, degree, or credits to the prisoners have been accredited by an accrediting agency recognized by the U.S. Department of Education.

(a) Participation in non-traditional sources of educational credit (e.g., CLEP, DANTES, ACT, and military education) where such credits are recognized by the U.S. Department of Education or American Council on Education may qualify for award of ET.

(b) Time spent obtaining a certificate, license, diploma, degree, or post-secondary credits will generally be in addition to the normal workweek for which ET for work can be earned, unless such coursework is related to vocational training and education.

(c) ET may be awarded only for coursework performed by correspondence, classroom attendance, or participation in vocational training and education earned while in confinement.

(d) Once a prisoner achieves an education objective, additional ET must not be awarded for that objective.

(e) Limitations

1. ET will generally be awarded upon documented completion of the educational objective.

2. For factoring purposes, completion of 3 semester hours (or its equivalent) may be associated with 1 day of ET.

(4) Self-Improvement and Personal Growth. A maximum of 2 days ET per month may be awarded within the self-improvement and personal growth component of the ET program. Prisoners may receive ET by participating in self-improvement and personal growth programs that have been preauthorized by the brig officer or designee. Generally, 1 day of ET should be associated for each documented 20 hours of creditable participation and satisfactory evaluation. Examples of self-improvement and personal growth programs include, but are not limited to, Alcoholics Anonymous, Narcotics Anonymous, CREDO, Fleet and Family Support Center classes, parenting classes, PREVENT, Toastmasters, etc. Generally, these programs are held outside duty hours. Religious programming does not qualify for ET.

(5) Support Activities. A maximum of 1 day ET per month may be awarded within the support activities component. Where preauthorized by the brig officer or designee, prisoners may receive ET by participating in support activities, to include community service programs, special projects and work assignments supportive of institutional goals or missions, volunteer work, work encompassing weekends and holidays, and for extraordinary achievements that do not rise to the level of those for which SAA may be awarded. Examples include making toys for tots (if after duty hours), knitting baby blankets, volunteer weekend work, dog training, etc. Generally, 1 day of ET should be associated for each documented 40 hours of creditable participation and satisfactory evaluation.

3. SAA. SAA is a deduction from a prisoner’s release date earned for a specific act of heroism, humanitarianism, or extraordinary institutional or community support deemed appropriate by the brig officer or designee.

a. Eligibility

(1) Prisoners serving a sentence imposed by a court-martial for a definite term of confinement are eligible for SAA.

(2) For prisoners who have an approved finding of guilty for an offense that occurred after 1 October 2004, the award of SAA is conditioned on the prisoners submitting an acceptable release plan and fully cooperating in all other respects with the mandatory supervision policy of reference (z), if directed to do so.

(3) Pre-trial prisoners are not eligible for SAA.

(4) A prisoner with a life, life without parole, or death sentence may earn SAA, but such abatement will be held in abeyance and only awarded if the sentence is reduced to a determinate sentence length.

b. Rate of Earning. The brig officer may authorize a maximum of two days of SAA per month for a period not to exceed 12 months for a single special act. At no time will a prisoner receive more than two days of SAA per month; additional special acts may only extend the period of abatement, not the rate of earning.

c. Administration. SAA will reduce a prisoner's normal release date on a day-for-day basis as earned.

4. Monthly Limit on Total of All Types of Abatement. The total of GCT and ET awarded for any 1 month must not exceed 13 days; 15 days when SAA is awarded.

Section 3. Prisoner Acknowledgement of Conditional Award of Abatements

9301. Prisoner Acknowledgement of Conditional Award of Abatements. Prisoners who have an approved finding of guilty for an offense that occurred after 1 October 2004 must acknowledge in writing during MCF in-processing the award of GCT, ET, or SAA is conditioned on the prisoner submitting an acceptable release plan and fully cooperating in all other respects with the mandatory supervision policy of reference (z). The release date of a prisoner who has an approved finding of guilty for an offense that occurred after 1 October 2004 must not be reduced for GCT, ET, or SAA until the prisoner executes this acknowledgment.

Section 4. Forfeiture And Restoration Of Abatements

9401. Forfeiture and Restoration of Abatements. As a consequence of violations of institutional rules, the brig officer may direct that a prisoner forfeit GCT, ET, and SAA that has been conditionally awarded.

1. Forfeiture

a. MCFs must use a D&A board to affect forfeitures.

b. Only abatement that has actually been earned before or on the date of a violation is subject to forfeiture.

c. Generally, ET and SAA should be considered as "vested". In cases that warrant significant forfeitures, GCT will be forfeited prior to ET, and ET will be forfeited prior to SAA.

d. Sentences that have expired with allowance for GCT, ET, and SAA may not be revived for the purpose of forfeiting GCT, ET, and SAA earned thereon.

e. Earned GCT for pre-trial prisoners is subject to forfeiture in the same manner as post-trial prisoners, but forfeitures will be held in abeyance until the sentence to confinement is adjudged.

f. Prisoners do not receive abatement credit for time spent in confinement prior to their release from confinement to supervision (e.g., parole or mandatory supervised release). Upon release from confinement to supervision, the brig officer must ensure all abatement is forfeited and documented in CORMIS or its electronic equivalent. Abatement forfeitures associated with release to supervision will not be restored.

2. Restoration. Abatements forfeited resulting from the discipline & adjustment board process, except forfeitures as a result of escape or release to supervision, may be reinstated at the discretion of the approving authority.

Section 5. Training

9501. Training. Brig officers will ensure all staff and prisoners are fully aware of the GCT, ET, and SAA programs, as well as changes to sentence computation procedures.

1. Instructions concerning the elements of GCT, ET, and SAA programs, as well as prisoner opportunities and responsibilities, will be thoroughly explained in the reception phase.

2. Orientation of GCT, ET, and SAA programs will be included in pre-service and in-service training and annually thereafter for all staff personnel.

Chapter 10: Miscellaneous Services

Section 1. Medical Services

10101. Policy. Prisoners must have access to the full range of medical and dental healthcare services provided to other active service members to include, routine, emergency, and preventive care. Upon arrival at a military correctional facility (MCF), all prisoners must be informed of their access capability to health services and the associated grievance system. This information must be communicated orally and in writing. No member of the MCF staff other than medical will disapprove a prisoner's request for healthcare services. The final authority for approval or disapproval of healthcare services will rest with the MCF medical officer or their designee. Written policy and procedures must be published by the brig officer and be included in the prisoner rules and regulations.

1. Medical Health Screenings. All prisoners must receive a health screening, excluding intra-system transfers, beginning upon the prisoner's arrival at the MCF. At level I MCFs this requirement is met by the confinement physical. When a prisoner arrives at a level II or III MCF, medical screenings performed by qualified health care personnel will commence. The initial screening will inquire into whether the prisoner is being treated for medical or dental problems, whether they are currently on any medication, if there are any current medical or dental complaints, and per 7204.1. All findings are to be recorded on a screening form approved by the health authority. The results of the screening must be maintained in the prisoner's health record. If prisoners are referred for emergency treatment at an out-of-MCF location, their admission or return to the MCF will be predicated on written medical clearance. When the initial screening is conducted by trained MCF staff, procedures will require a subsequent review by a licensed health care provider. At level II and III MCFs, this review can be accomplished by an independent duty corpsman. Written procedures and screening protocols must be established by the MCF health authority in cooperation with the brig officer.

2. Medical Health Appraisal. A comprehensive health appraisal of each in-processing prisoner must be completed. Test results, particularly for communicable diseases, must be received and evaluated before a prisoner is assigned to housing in the general population. If there is documented evidence of a health appraisal within the previous 90 days, a new appraisal is not required,

except as determined by the MCF medical officer. Health appraisals must include the following:

a. Within 14 days after arrival at a MCF:

(1) A review will be conducted of earlier medical screenings;

(2) Collection of additional data to complete the medical, dental, mental health, and immunization histories;

(3) Height, weight, pulse, blood pressure, and temperature will be recorded;

(4) Laboratory or diagnostic tests to detect communicable disease, including venereal disease and tuberculosis; and

(5) Other tests and examinations as appropriate will be completed.

b. Within 14 days after arrival for prisoners with identified significant healthcare problems:

(1) Medical examinations, including review of mental and dental status (for those prisoners with significant health problems discovered on earlier screening such as cardiac problems, diabetes, communicable diseases, etc.);

(2) Review of the results of the medical examination, tests, and identification of problems by a healthcare provider;

(3) Initiation of therapy, when appropriate; and

(4) Development and implementation of a treatment plan, including recommendations concerning housing, job assignment, and program participation.

c. Within 30 days after arrival for prisoners without significant healthcare problems:

(1) Medical examinations, including review of mental and dental status;

(2) Review of the results of the medical examination, tests, and identified problems by a healthcare provider;

(3) Initiation of therapy, when appropriate; and

(4) Development and implementation of a treatment plan, including recommendations concerning housing, job assignment, and program participation.

3. Communicable Disease and Infection Control Program. MCFs must have a written plan to address management of infectious and communicable diseases. The plan must include procedures for prevention, education, identification, surveillance, immunization (when applicable), treatment, follow-up, isolation (when applicable), and reporting requirements to applicable local State, and Federal agencies. A multi-disciplinary team that includes clinical, security, and administrative representatives will meet at least quarterly to review and discuss communicable disease and infection control activities.

a. There must be a written plan to address the management of hepatitis A, B, and C. The plan will include procedures for the identification, surveillance, immunization (when applicable), treatment (when indicated), follow up, and isolation (when indicated).

b. A plan must be established for the management of biohazardous waste and for the decontamination of medical and dental equipment.

4. Chronic Care. A plan must be established to treat chronic conditions such as hypertension, diabetes, and other diseases that require periodic care and treatment. The plan will address the monitoring of medications, laboratory testing, the use of chronic care clinics, health record forms, and the frequency of special consultation and review.

5. Provision of Treatment. Written policy must be in place to ensure that clinical decisions are the sole province of the responsible clinician and are not to be countermanded by non-clinicians. The responsible clinician determines what services are needed and the brig officer provides the administrative support for making the services accessible to prisoners. Safety and security procedures and decisions are the sole province of the MCF commanding officer (CO).

6. Emergency Medical Plan. A written plan must provide for 24-hour emergency medical, dental, and mental health services. In the event that primary health services are not available, and

particularly in emergencies, back-up facilities or providers must be predetermined. Correctional and healthcare personnel must be trained to respond to health related situations within a 4-minute response time. A staff training program must include annual first-aid and CPR training and recertification

10102. Medications. Medications must be managed by medical staff per BUMED policy under the supervision of the MCF medical officer or health authority.

1. A formulary must be made available that includes all prescription and non-prescription medications stocked in the MCF or routinely procured from outside sources.

2 A formalized process for obtaining non-formulary medications must be established.

3. Prescription practices must be in place that includes:

a. Medications will be prescribed only when clinically indicated as one facet of a program of therapy; and

b. A prescribing provider reevaluates a prescription prior to renewal.

4. Procedures for medication procurement, receipt, distribution, storage, dispensing, administration, and disposal should be in place.

5. Secure storage and perpetual inventory of all controlled substances, syringes, and needles is required.

6. The proper management of pharmaceuticals is administered per State and federal law.

7. Administration of medication by persons properly trained and under supervision of the medical officer is required.

8. Accountability for administering or distributing medications in a timely manner and according to physician orders is required.

10103. Involuntary Administration of Medication (Forced Medication). The involuntary administration of psychotropic medication(s) and benzodiazepines to a prisoner may be administered only after due process with approval of Bureau of Naval Personnel, Corrections and Programs Office (BUPERS-00D) or

Deputy Commandant of the Marine Corps, Plans, Policies and Operations (DC PPO) and only after the following conditions are met:

1. The MCF medical officers provides authorization and specifies the duration of therapy.;

2. The MCF medical officer or psychiatrist must confirm that less restrictive interventions used to control a prisoner's behavior were ineffective.;

3. Details are specified about why, when, where, and how the medication is to be administered;

4. Monitoring occurs for adverse reactions and side effects; and

5. A less restrictive treatment plan, for prisoners involuntarily receiving medications, must be made as soon as possible.

10104. Confidentiality. Information about a prisoner's health status is confidential. Non-medical staff will only have access to specific medical information on a "need to know" basis in order to preserve the health and safety of the specific prisoner, other prisoners, volunteers, visitors, or MCF staff. The active health record must be maintained separately from the individual confinement record. Access to prisoner health records will be controlled per BUMED policy and Health Insurance Portability and Accountability Act (HIPPA) of 1996 guidelines.

10105. Informed Consent. Informed consent standards must be observed and documented for prisoner care in a language understood by the prisoner. Prisoners have the right to refuse medical, dental, and mental health care (in writing). If a prisoner refuses to sign the refusal, it must be signed by at least two witnesses. The refusal must then be sent to the medical department and reviewed by a qualified health care professional. If there is a concern about a prisoner's decision-making capacity, an evaluation should be completed especially if the refusal is for critical or acute care.

10106. Research. The use of prisoners for pharmaceutical, medical, or cosmetic experiments is prohibited. This does not preclude individual treatment of prisoners based on their need for a specific medical procedure that is not generally available.

10107. Internal Review, Quality Assurance, and Peer Review

1. For MCFs with clinical staff attached, a system of documented internal review must be developed and implemented by the health authority. The necessary elements of an internal review must include:

a. Participation in a multidisciplinary quality improvement committee;

b. Collecting, trending, and analyzing data combined with planning, intervening, and reassessing;

c. Evaluating defined data, resulting in more effective access, improved quality of care, and better utilization of resources;

d. Onsite monitoring of health service outcomes on a regular basis through:

(1) Chart reviews by the responsible healthcare provider including investigation of complaints and quality of health records.

(2) Review of prescribing practices and administration of medication practices.

(3) Systematic investigation of complaints and grievances.

(4) Monitoring of corrective action plans.

e. Reviewing all deaths in custody, suicides or suicide attempts, and illness outbreaks;

f. Implementing measures to address and resolve important problems and concerns identified;

g. Reevaluating problems or concerns to objectively determine whether the corrective measures have achieved and sustained the desired results;

h. Incorporating findings of internal review activities into the MCF’s educational and training activities;

i. Maintaining appropriate records (minutes) of internal review activities;

j. Issuing a quarterly report to be provided to the health services authority and brig officer; and

k. Requiring a provision that records of internal review activities comply with legal requirements in confidentiality of records.

2. A documented external peer review program for physicians, mental health professionals, and dentists must be used by the MCF every 2 years.

10108. Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS)

1. The MCF must have a written plan to address the management of HIV infection. The plan must include procedures for the identification, surveillance, immunization (when applicable), treatment, follow-up, and isolation (when indicated).

2. Reference (bf) establishes DON policy on identification, surveillance, and administration of service members infected with HIV, and is applicable within naval corrections. HIV management must include the following:

a. When and where prisoners are to be HIV tested;

b. Pre-test and post-test counseling;

c. Immunization and other prevention measures, when applicable;

d. Treatment protocols;

e. Confidentiality and protected health information; and

f. When and under what conditions prisoners are to be separated from the general population.

3. Guidelines

a. Prisoners known or subsequently found to be HIV-positive may be housed in naval MCFs. If inadequate medical care is available, the MCF CO may request transfer to another MCF where treatment may be more readily available.

b. Staff should respond to prisoner emergencies and other duties where contact with bodily fluids is a possibility with the assumption that all bodily fluids are contaminated. Staff must receive annual training in blood borne and airborne pathogens.

c. Asymptomatic HIV-positive prisoners will be housed with the general population. Prisoners may be moved to the restricted housing unit (RHU) under administrative segregation if they demonstrate at risk behaviors that could reasonably lead to the transmission of the HIV virus (e.g., assaultive behaviors, sharing of razorblades, etc.)

d. Medical information relevant to HIV status will be limited to the MCF CO , brig officer, officer-in-charge, technical director, assistant officer-in-charge, security officer, and the MCF medical staff. After consultation with medical staff, the brig officer may elect to notify other individuals as appropriate. This decision should be based on an evaluation of a prisoner’s behavior and the risks the infected prisoner poses of exposing other persons to their body fluids. Where applicable, prior to a prisoner's release, medical information may be shared with an assigned United States Probation Officer for purposes of post-release management and access to care. Release of all information must be per privacy act and HIPPA guidelines and standards. Parties, with whom confidential medical information regarding another individual is communicated, must not share this information, by any means, with any other person. Medical information may be communicated among medical staff directly concerned with a prisoner's case in the course of their professional duties.

e. A prisoner who refuses clinically indicated diagnostic procedures and evaluations for infectious and communicable diseases will be subject to isolation or quarantine from the general population until such time as they are assessed to be non-communicable, or the MCF medical officer determines the prisoner poses no health threat if housed in general population.

f. The MCF medical officer will assess any prisoners with an infectious disease for appropriateness for duties and housing.

4. None of the procedures or guidelines of this policy are meant to limit or override the exercise of sound medical judgment on the part of the medical officer responsible for medical care. Each case will be evaluated on its own merits and individual circumstances.

10109. Health and Dental Records. MCFs will maintain the health and dental records of all prisoners. These records will be placed under the supervision of designated medical personnel. The hospital corpsman and medical providers will document encounters in the identified electronic health record per BUMED policy.

1. Health and dental records of prisoners must be maintained per reference (m).

2. Health records may be required to accompany the prisoner if admission to the hospital is required.

3. Health or dental records may need to accompany the prisoner if the prisoner has an outpatient medical or dental appointment.

4. Health or dental records must be handled only by the prisoner escort in order to ensure documented care is not removed from the records. Escorts should be HIPPA trained prior to handling the records.

10110. Mental Health Evaluations

1. At level II and III MCFs, a comprehensive mental health evaluation must be conducted by a licensed, credentialed mental health professional within 14 days of arrival to the MCF or a referral request.

2. Mental Health Screening. At level I MCFs mental health screening will be conducted per reference (bg). At level II and III MCFs, all inbound prisoner transfers must receive an initial mental health screening during reception by a mental health trained or qualified mental health provider. Screenings completed by mental health trained staff must be reviewed and co-signed by a mental health provider. The mental health screening must include but not be limited to:

a. Inquiry into

(1) Whether the prisoner has a present suicide ideation;

(2) A history of suicidal behavior;

(3) Is presently prescribed psychotropic medication;

(4) Has a current mental health complaint;

(5) Is being treated for mental health problems;

(6) Has a history of inpatient and outpatient psychiatric treatment; or

(7) Has a history of treatment for substance abuse.

b. Observation of

(1) General appearance and behavior;

(2) Evidence of abuse and or trauma; or

(3) Current symptoms of psychosis, depression, anxiety, and or aggression.

c. Disposition

(1) As to assignment to the general population of prisoners;

(2) Assignment to the general population of prisoners with appropriate referral to mental health care and service; or

(3) Referral to appropriate mental health care service for emergency treatment.

3. Mental Health Appraisal. At level II and III MCFs, prisoners received by transfer must undergo a mental health appraisal by a qualified mental health provider within 14 days of arrival. If there is documented evidence of a mental health appraisal within the previous 90 days, a new mental health appraisal is not required, except as determined by the clinical service director or applicable health authority. Mental health examinations must include, but not be limited to:

a. An assessment of current mental status and condition.

b. Assessment of current suicidal potential and person-specific circumstances that increase suicide potential.

c. An assessment of violence potential and person-specific circumstances that increase suicide potential.

d. An assessment of violence potential and person-specific circumstances that increase violence potential.

e. Review of available historical records.

f. Review of history of drug and alcohol treatment.

g. Assessment of drug and alcohol abuse of addiction.

h. Review of history of sexual abuse-victimization and predatory behavior.

i. Use of additional assessment tools as indicated.

j. Referral to treatment as indicated.

k. Development and implementation of a treatment plan including recommendations concerning housing, job assignment, and program participation.

4. Mental Health Program. At all MCFs, a mental health program must be maintained and will include at a minimum:

a. Screening for mental health problems at time of reception.

b. Outpatient services for the detection, diagnosis, and treatment of mental illness.

c. Crisis intervention and management of acute psychiatric episodes.

d. Stabilization of mentally ill and the prevention of psychiatric deterioration in the correctional stetting.

e. Elective therapy services and preventive treatment where resources permit.

f. Provision for referral to mental health services for prisoners whose psychiatric needs exceeds the treatment capability of the MCF.

g. Procedures for obtaining and documenting informed consent.

h. At level II and III MCFs, a comprehensive mental health evaluation must be conducted by a licensed, credentialed mental health professional within 14 days of a referral request.

5. Substance Use Screenings, Assessment, and Treatment. Early identification, appropriate program assignment (education and or treatment) for substance use will be accomplished through initial

health screenings and a standardized battery assessment, which includes clinical assessment and reassessment.

6. Detoxification. Detoxification must never occur within a MCF.

7. Suicide Prevention and Intervention. There must be a written suicide prevention plan that is approved by the local health authority and reviewed by the health care authority. The plan will include specific procedures for handling intake, screening, identifying, and supervising a suicide-prone prisoner and be reviewed and signed annually. In addition, the plan must include staff and prisoner critical incident debriefing and will cover the management of suicidal incidents, suicide watch, assaults, prolonged threats, and death of a prisoner or staff member. It will ensure a review of critical incidents by the local health authority, security, and mental health provider.

Section 2. Support Services

10201. Dining Facility Operations

1. Security Measures. Prisoners may be used as mess personnel under the mess supervisor's direction. The mess deck is a critical area of operation as it applies to the security and morale of staff and prisoners alike. Sanitation of the mess deck must be monitored by medical department personnel. Food service and sanitation standards are prescribed in reference (bh). Larger MCFs may have internal food preparation areas that greatly aid overall efficiency but require additional security measures. In all cases, care must be taken in the accountability of silverware and other kitchen utensils that may be used as weapons. If food is to be brought in from external areas, precautions must be taken to ensure the food is kept warm and is properly served. Food served in the MCF dining area must be of the same quality and quantity as that served in the base or station dining MCF. Prisoners must be allowed sufficient time to eat their meals (not less than 20 minutes) in a normal manner and with proper utensils. Control of utensils requires prisoners to take one of each appropriate eating utensil and return them all, under the supervision of duty personnel, as they enter and leave the messing area. Prisoners will be permitted to talk in normal conversational tones to other prisoners seated at their table during their meals. Prisoners housed in the RHU will be fed per local MCF policy and may be required to use disposable plates,

cups, and utensils. Security measures for prisoners housed in the RHU will be determined by the brig officer. All utensils used must be accounted for.

2. Dietary Allowances. MCFs must maintain documentation that prisoner dietary allowances are reviewed at least annually by a qualified nutritionist or dietician to ensure that they meet the nationally recommended allowances for basic nutrition. Menu evaluations must be conducted at least quarterly by the MCF food service supervisory staff to verify adherence to the established basic daily servings.

3. Therapeutic Diets. Therapeutic diets will be provided as prescribed by appropriate clinicians. A therapeutic diet manual will be available in the health services and food services areas for reference and information.

4. Dining Services Health and Safety. Dining service facilities and equipment must be inspected by naval preventive medicine to ensure established governmental health and safety codes are met and that corrective action is taken to correct any deficiencies. Written documentation must be readily available for review and must be maintained on file for two complete naval preventive medicine inspection cycles.

5. Food Preparation and Handling. The MCF must provide for adequate health protection for all prisoners and staff working in the MCF's food service. The following will be documented as appropriate:

a. MCF medical staff will examine all prisoner dining facility workers prior to assignment and will conduct a periodic re-examination to ensure freedom from diarrhea, skin infections, and other transmissible illnesses;

b. When the MCF's food services are provided by base services, the MCF will maintain written verification of compliance with DON Bureau of Medicine and Surgery regulations regarding food services;

c. All food handlers will be instructed to wash their hands upon reporting for duty and after using bathroom facilities;

d. Prisoners and others working in food service areas will be monitored each day for health and cleanliness by the food services supervisor; and

e. All staff and prisoner workers who work in the dining facility must be trained in the use of food service equipment and in the safety procedures to be followed in the food service department.

6. Refusal of Food. The brig officer or designee is responsible to monitor the health and welfare of individual prisoners, and to ensure procedures are followed that minimize the chance of a prisoner self-inducing grievous harm resulting from a hunger or drinking strike.

a. Definition

(1) Prisoners are on a hunger strike when:

(a) The prisoner communicates to staff and is observed by staff refraining from eating for a period in excess of 72 hours (nine meals).

(b) Staff observe a prisoner refraining from eating for a period in excess of 72 hours (nine meals).

(2) Prisoners are on a drinking strike when:

(a) The prisoner communicates to staff and is observed by staff refraining from drinking for a period in excess of 48 hours.

(b) Staff observe the prisoner refraining from drinking for a period in excess of 48 hours.

b. Referral

(1) Staff must refer the prisoner observed to be on a hunger or drinking strike to a medical officer for evaluation.

(2) When staff considers it prudent to do so, a referral for medical evaluation may be made without waiting 72 or 48 hours. Prisoners with metabolic or certain other illnesses that deviate from normal eating habits or intake of fluid, could experience an immediate, adverse physiological or psychological reaction. For

other prisoners, a deviation from normal eating or drinking habits may represent a manifestation of a mental disorder.

(3) When considered medically appropriate, the MCF medical staff may recommend the prisoner be transferred to a medical treatment facility (MTF) for inpatient admission. The decision to admit a prisoner to an inpatient status will be made by a health care practitioner with admission privileges at the MTF. Prisoners housed in the RHU may be retained in their respective housing unit unless the medical staff determines movement to a MTF is medically necessary.

c. Reporting. BUPERS-00D or DC PPO must be notified immediately of any hunger or drinking strike and kept continually updated.

d. Liquid or Food and Input and Output

(1) Staff must provide and deliver, to the prisoner, three meals a day or as otherwise authorized by the MCF medical officer. A verbal offer of a meal will not suffice.

(2) Staff must provide the prisoner an adequate supply of drinking water. Other beverages may also be offered.

(3) If ordered by the medical officer, all food and water to be given to the prisoner and any intake by the prisoner will be measured and recorded for subsequent evaluation. All output will be measured and recorded, to the extent possible. These procedures will continue until terminated by the medical officer or transfer to the MTF.

e. Initial Medical Evaluations and Management

(1) Medical staff must perform the following minimum procedures upon initial referral of a prisoner on hunger or drinking strike:

(a) An intake history; and

(b) A general physical examination, which should include:

1. Height and weight measurements.

2. Vital signs.

3. Urinalysis.

4. A complete blood count, blood chemistry tests and other tests as indicated by medical evaluation.

5. A mental status examination.

(2) Medical staff will take and record weight and vital signs at least once every 24 hours while the prisoner is on a hunger or drinking strike.

(3) When a valid medical reason exists, medical staff may modify, discontinue, or expand any of the medical procedures described in this section.

(4) When a prisoner on a hunger or drinking strike is transferred to a MTF, security must be maintained.

(5) Medical staff will record, in the appropriate section of the prisoner's medical file, entries for all medical procedures described in this section.

f. Refusal to Accept Treatment

(1) When the medical officer determines that the prisoner's life or permanent health will be threatened if treatment is not initiated immediately, the medical officer must consider forced medical treatment of the prisoner. The decision to force treatment upon the prisoner is a medical decision with legal implications.

(2) When it appears to medical staff that the situation is deteriorating to the extent that intervention may become unavoidable, the case must be referred to an appropriate staff judge advocate for advice.

(3) Prior to medical treatment being administered against the prisoner's will, the medical officer must take reasonable steps to obtain informed consent for treatment. Medical and health risks faced by the prisoner, if treatment is not accepted, must also be explained. Discussion should include the risks, benefits, and alternatives to therapy, be documented in detail in the prisoner’s medical records, and be signed by the prisoner or a witness. A chaplain or mental health professional may be needed during this process.

(4) After reasonable efforts to obtain the prisoner's consent fails or if an emergency prevents efforts to obtain the prisoner's consent, and a medical necessity for immediate treatment of a life or health-threatening situation exists, the medical officer may order that treatment be administered without the consent of the prisoner.

(a) The brig officer or designee will provide prompt notification to BUPERS-00D or DC PPO of any forced treatment, with full details of the background and reasons for the treatment. Written follow-up reports of such treatment must be submitted to BUPERS-00D or DC PPO. Forced treatment must be cleared through the staff judge advocate unless precluded by medical emergency.

(b) Only the MCF medical officer may order forced medical treatment once legal consent is obtained, unless precluded by medical emergency.

(5) Medical staff will normally continue clinical and laboratory monitoring, as necessary, until the prisoner's life or health is no longer threatened. Treatment will normally continue until adequate oral intake of food and liquid is achieved.

(6) Medical or clinical staff will continue medical, psychiatric or psychological follow-up as long as necessary.

g. Release from Treatment. Only the medical officer may order a prisoner be released from hunger or drinking strike intervention and treatment. This order must be documented in the prisoner's medical record.

10202. Sexual Assault Prevention and Reporting. Policies, procedures and practices must ensure that:

1. Prisoners are screened within 24 hours of arrival for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior and housing assignments are made accordingly;

2. An investigation is conducted and documented whenever a sexual assault or threat is reported;

3. Prisoners identified as high risk with a history of sexually assaultive behavior are assessed by a mental health or other qualified professional, monitored, and counseled;

4. Prisoners identified as at risk for sexual victimization are assessed by a mental health or other qualified professional, monitored, and counseled;

5. Prisoners who are victims of sexual abuse have the option to report the incident to:

a. Unrestricted Report. Prisoners who desire an official investigation and command notification in addition to healthcare, victim advocacy, and legal services;

b. Restricted Reporting. Prisoners do not have a restricted reporting option as afforded to active service personnel due to Prison Rape Elimination Act requiring a criminal investigation for every incident of sexual abuse, including anonymous and third-party reports. Per DoD policy, such reports will be forwarded to the Sexual Assault Response Coordinator (SARC). The SARC will notify the MCF CO or designee where the alleged incident occurred, as soon as possible. The SARC may also forward any information provided voluntarily by the prisoner through the anonymous reporting process. If the prisoner declines to be connected to the SARC or other appropriate point of contact, DoD Safe Helpline personnel will notify the MCF CO or designee of the anonymous report, based on the information provided by the prisoner.

c. Anonymous Report. Prisoners desiring to privately disclose an allegation may contact the DoD Safe Helpline. The DoD Safe Helpline is run by an external entity, and is the primary means for prisoners to make anonymous reports of sexual misconduct incidents. Reports made by prisoners to the DoD Safe Helpline are considered Unrestricted Reports per DoD policy.

6. All case records associated with claims of sexual abuse, including incident reports, investigative reports, offender information, case disposition medical and counseling evaluation findings, and recommendations for post-release treatment and or counseling are retained per applicable reporting policies.

10203. Laundry Operations. All MCFs will ensure adequate means to wash a prisoner’s clothing are provided. Laundering of sheets, pillowcases, and dry cleaning of blankets will be accomplished by the MCF or at a command laundry facility. Sheets, pillowcases, towels, and facecloths will be laundered at least once a week. Soiled blankets will be laundered as necessary. At no time is the use of prisoner laundering facilities, located within a MCF, authorized for use by staff members or other private individuals

or organizations without specific authorization of the brig officer or designee. General laundry work done for other military units is authorized, providing it does not include laundry for individuals, and does not hamper the normal operations of the MCF. A staff member trained in the use of laundry equipment must be assigned to supervise this operation.

10204. Barbershop Operations

1. Barber services must be provided by the MCF. Prisoners in a non-pay status will be funded from the MCF's operating budget, unless the haircut is provided by a staff or prisoner barber, as outlined below. Prisoners in a pay status will normally pay for haircuts by debit to their MCF or military pay account; however, in all cases, haircuts provided by staff or prisoner barbers will be at no cost to the prisoner.

2. Military barbers (staff and prisoners) are authorized to cut prisoners hair if trained and certified. To be considered trained and certified, military barbers must have completed the appropriate military training required for assignment of the respective military service specialty code. Civilian barbers are authorized to cut prisoners hair provided they are licensed, or certified through a formal barber school, according to State or territorial law.

3. Prisoner barbers undergoing training must work under direct supervision of a qualified barber (civilian or military). Once designated as a qualified barber, prisoners may be supervised by MCF staff.

4. Barbershops located within a MCF must meet all sanitation requirements directed by medical regulations.

5. MCFs will maintain a file of current licenses and certificates of military barbers.

10205. Grooming Standards. Prisoners confined in MCFs will be subject to the rules and regulations, to include standardized uniform, grooming and hygiene standards, of the MCF, regardless of the service affiliation or the prisoner. Pretrial prisoners will wear their hair per current grooming regulations of the prisoner's service. The brig officer will schedule the frequency in which prisoners will receive haircuts; however, any prisoner may receive a haircut when they are out of military regulations as needed or required. Haircuts must not be administered as harassment or

humiliation. Facial hair is not authorized for post-trial prisoners. Pretrial prisoners may grow facial hair as authorized by their specific service.

10206. Library Services

1. Availability. MCFs must provide library services that include, but are not limited to, a reference collection containing general and specialized materials, and planned and continuous acquisition of materials to meet the needs of the MCF staff and prisoners. The MCF's library service should be comparable to a public library, providing the following:

a. Logical organization of materials for convenient use;

b. Circulation of materials to satisfy the needs of users;

c. Information services;

d. Reader's advisory service to help provide users with suitable materials;

e. Promotion of use of library materials through publicity, book lists, special programs, book and film discussion groups, music programs, contests, and other appropriate means;

f. A congenial library atmosphere; and

g. Educational and recreational audiovisual materials.

2. The reference collection should contain specialized materials on such subjects as consumer skills, prerelease, finding employment, and education.

3. Library materials should be selected to meet the educational, informational, and recreational needs of the prisoners. They should be easily accessible and regulated by a system that prevents abuse.

4. Library services must be made available daily, including weekends and holidays. Library services, which can include book carts, should be provided at prime program hours as well as at times that do not compete with work assignments, visitation,

counseling, or other programs. Every prisoner should have access to library services regardless of their work or visitation schedule. All reasonable efforts should be made to ensure that prisoners are provided access to varied reading materials.

Chapter 11: Correctional Custody Units

Section 1. Correctional Custody Units (CCU)

11101. Administration of CCUs

1. Purpose. To provide guidance to commanding officers (CO) and officer-in-charges (OIC) in the administration of CCU as an authorized disciplinary measure, and to establish policy permitting commingling, when approved by Bureau of Naval Personnel, Corrections and Programs Office (BUPERS-00D) or Deputy Commandant of the Marine Corps, Plans, Policies and Operations (DC PPO), of post-trial prisoners in installation custody status with non-judicial punishment awardees at combined military correctional facilities (MCFs) and CCUs.

2. Authority. Reference (v), part V, delineates the policies governing non-judicial punishments and the actions that can be taken under reference (d), article 15. Correctional custody and other punishments authorized under reference (d), article 15, are corrective in nature and are designed to provide COs and authorized OICs with the means to correct minor disciplinary infractions without resorting to the court-martial system. OICs of CCU must be appointed in writing by the command activity for which the CCU is aligned and meet the criteria established 3102.

11102. Policy

1. Location. Correctional custody may be served in a centralized CCU. Correctional custody should be served under conditions that permit the individual to perform duties related to general military duties, with intensive counseling and guidance. COs and OICs responsible for administering correctional custody will establish procedures that provide effective guidance and assistance to offenders in discovering and correcting the cause of their misconduct. Total resources available to the command or facility must be brought to bear in this effort to counsel and guide the offender.

2. Afloat Correctional Custody. Not authorized.

3. Designated Spaces. Spaces designated for moral restraint of persons serving correctional custody must meet minimum standards for health, safety, and control. These standards will include normal heating, lighting, and ventilation, and ready access to

adequate drinking water and head facilities. The medical officer must inspect the space and certify in writing that it meets at least minimum habitation standards. Funding and staffing of centralized facilities must be accomplished within current local budgets and staffing levels.

4. Supervision

a. A qualified and trained supervisor must be assigned whenever the space is in use. Since correctional custody will be served in spaces lacking special security features, supervision is maintained by the presence of CCU staff. The selection of mature, well-qualified supervisors is therefore essential. Supervisors will wear a duty belt as an indication of their official capacity.

b. The supervisor will assure that the daily routine is carried out for any person serving the punishment in a CCU. The officer of the day or command duty officer, as appropriate, will inspect the space without advance notice at least weekly.

5. Correctional Custody Program

a. A correctional counselor (NEC 810A or MOS 5832) will be responsible to the CO or OIC for counseling and education programs in CCU. The CCU counselor’s duties will also include, but not be limited to: coordinating military subject instruction; maintaining liaison with agencies that can assist in the overall program (e.g.; banks, Fleet and Family Support Centers, and Chaplains); and referring the service member to other members of the command if specialized assistance is needed in correcting the cause(s) of the offense.

b. A suitable productive work assignment will be selected for the service member while in correctional custody. The assigned work must not be as a regular watch stander or involve the bearing of arms or supervision over others.

c. An intensive training program of motivational and attitude-building will be included in the daily routine.

d. The daily routine must be highly regimented and may include close order drill and a physical training program in accordance with Service specific policy.

6. Prohibitions. CCUs will not employ special security features, and must not utilize cells, locked rooms, or isolated spaces. The

use of restraining devices is not authorized except when directed by a medical officer or the CO to prevent members from injuring themselves. CCU staff shall not be armed with lethal weapons, non-lethal weapons, chemical agents, nor carry restraints.

7. Release. Those officers authorized to impose the non-judicial punishment of correctional custody are authorized to release personnel from correctional custody.

11103. Action. To ensure uniformity in the administration of correctional custody throughout the naval service, strict adherence to the standards set forth in this manual is required. A CO or OIC administering correctional custody within a command will be governed by the provisions of this manual.

a. BUPERS-00D will issue standardized policy and procedures for the establishment, disestablishment, and administration of Navy CCUs consistent with this manual.

b. DC PPO will issue standardized policy and procedures for the establishment, disestablishment, and administration of USMC CCUs consistent with this manual.

Chapter 12: Detention Facilities

Section 1. Policies

12101. Limitations

1. Detention facilities (DETFACs) are spaces that are used only to temporarily detain personnel apprehended by military authorities, or turned over to the military by civilian authorities. Authority to apprehend is listed in reference (v) R.C.M. 302(b). Authority to order pretrial restraint is listed in reference (v) R.C.M. 304. Personnel should be detained in DETFACs only for short periods and then transferred to the nearest military correctional facility (MCF) if required. The limited use of DETFACs requires the selected application of the provisions of this manual. The following articles are provided to clarify the requirements of this manual as they apply to DETFACs. With the exception of the clarifications presented in this chapter, the articles of this manual must be strictly applied to DETFACs.

2. Article 2101.2 identifies the two types of DETFACs: the detention space, and the holding cell.

3. Health, welfare, and safety of personnel while detained must be the primary concern. This chapter sets forth policy designed to ensure the welfare of detained personnel and staff and compliance with legal requirements.

4. Persons may be detained only if there is probable cause to believe a criminal offense in violation of the Uniform Code of Military Justice (UCMJ) or a civil offense has been committed. Under no circumstances may an individual be placed in detention for "protective custody," "safekeeping," or any other such general charge when no violation of the UCMJ or civil offense is indicated. See article 7102.

5. No person will be held in a DETFAC without a completed DD 2707 Confinement Order, or NAVMC 11130 Statement of Force/Use of Detention. If a NAVMC 11130 is initially used, a confinement order will be required when detention continues beyond 24 hours.

6. Function

a. Holding Cell. A holding cell is used for short-term detention, defined to mean not more than 24 hours during the work

week, not more than 72 hours over a weekend (totaling 96 hours), and not more than an additional 24 hours over an official holiday weekend. Detention in excess of 24 hours is authorized only with the express approval in each instance of the commanding officer (CO) or the CO's designated representative of the installation on which the holding cell is located. This limitation may be extended, on a case-by-case basis, for up to 30 days by Bureau of Naval Personnel, Corrections and Programs Office (BUPERS-00D) or Deputy Commandant of the Marine Corps, Plans, Policies and Operations (DC PPO). Initial review officer requirements exist when initial detention exceeds 24 hours or pretrial confinement is deemed necessary. Pretrial or post-trial personnel may be held in a holding cell for more than 72 hours under the following conditions:

(1) When an individual has been sentenced to confinement by a court-martial and is pending transfer to a MCF;

(2) When an individual has been placed into a MCF and is transported to a DETFAC for appearing as a witness or as the accused in a court-martial proceeding; or

(3) When a general court-martial convening authority deems it necessary to retain an accused locally, during progress of a court-martial, due to the absence of a local MCF.

b. Detention Space. Detention spaces are authorized for use by installation security or law enforcement agencies requiring the capability to temporarily detain individuals suspected of military or civil offenses while awaiting transfer of custody to appropriate authorities. A detention space is any secure enclosure (e.g.; space, room, or other berthing area used for short-term detention). Detention spaces may be identified and operated independently of a holding cell for a period of time generally not exceeding 8 hours. This space cannot be located in a MCF.

(1) Authority to apprehend or detain individuals shall be per reference (v) and applicable naval or Service law enforcement regulations governing apprehension of subjects for probable cause.

(2) Detention spaces provide a capability to military law enforcement agencies, with apprehension authority, to provide secure, temporary custody of alleged offenders until proper authority may be notified and allow transfer of custody.

(3) Law enforcement agencies shall ensure safety and security for all members detained, and accountability of the suspect's property and personal effects per local policy and procedures.

7. Persons of either sex may be confined in a DETFAC as long as the conditions of article 4207 are followed.

8. DETFACs will not be used to hold individuals under the influence of alcohol or substances, except for brief periods of time (generally not to exceed 4 hours) necessary for command representatives or medical personnel to arrive and assume custody. During these times, continuous observation must be maintained to monitor the behavior and physical condition of such persons. Refer to article 12502.3c of this chapter.

9. Administrative disciplinary measures contained in chapter 5 are not applicable to DETFACs.

Section 2. Physical Plant

12201. Requirements

1. Authorization. DETFACs will be made operational per article 2101.2.

2. Number and Location. The scope of a DETFAC required by an activity depend upon the population served; however, at least two usable cells will normally be available if operating a holding cell. Where possible, DETFACs will be located near the security watch desk but sufficiently removed so as not to hamper normal operations or be accessible to casual visitors. DETFACs must not be located below ground level nor in upper stories requiring the use of stairs. When females are detained, female supervisory personnel must be utilized, and segregation must be provided for males and females.

a. Holding cells of another service may be utilized, if that Service agrees and if such facilities meet the standards prescribed herein for naval detention facilities. BUPERS-00D or DC PPO will be notified to coordinate between services.

b. Refer to article 7104.6 for use of civilian local detention and correctional facilities. If a civilian detention capability is used, notification must be made per article 7103.2b the next workday after custody is assumed.

3. Size. Single and double occupancy holding cells will be per reference (bg). Single cells are preferred.

4. Construction Requirements for Holding Cells. Walls, ceilings, and floors must be constructed of noncombustible and fire resistant hardened materials sufficiently secure to prevent escape. The use of suspended or false ceilings is prohibited. Lighting fixtures in cells must be security type (vapor proof, shatter proof, and recessed flush with security type screws). All water piping, electrical outlets, fixtures, switches, and heating or cooling conduits will be inaccessible to personnel being held.

5. Materials and Equipment. A closed circuit television may be utilized for observation of the detention space. Refer to article 2209.11c.

6. Habitability Requirements.

a. Plumbing. Each cell must have internal plumbing providing hot and cold water. A metal combination-security-type fixture, which contains a commode, lavatory and water bubbler, is desirable.

b. Lighting. Each cell must be provided with an individual security light fixture with not less than 20-foot candlepower 30 inches above the finished floor. Spaces below 30 inches will be painted a light color. Light controls must be located outside the cell.

c. Temperature and Ventilation. Temperature and ventilation in cells will be maintained per reference (bi). Ventilation must not fall below 10 cubic feet per minute per person being held.

d. Lighting, temperature and ventilation tests will be conducted triennially, documented by a qualified source or technician, with results maintained on file for 3 years.

7. Fire Protection. Installation fire departments will prescribe the type of fire alarms, fire sprinkler systems, and fire extinguishers required for the facility. Fire extinguishers must be readily accessible to staff in the event of an emergency but must be inaccessible to persons being held. Fire departments will conduct regular (at least quarterly) inspections and on-site fire drills.

8. Construction and Alteration. All commands operating DETFACs will ensure BUPERS-00D or DC PPO is aware of the existence, size, and location of the cells or spaces. Any command desiring to open, renovate, or close a DETFAC must obtain prior approval from BUPERS-00D or DC PPO.

Section 3. Staff

12301. Training

1. Staff assigned duties in a DETFAC will normally be military police, corrections personnel, or master-at-arms personnel.

2. Pre-Service and In-Service Training. Personnel assigned to supervise a DETFAC must complete training as specified by BUPERS-00D or DC PPO.

3. Force. Use of force will conform to articles 4402, 4403, and 4404.

a. No individual will be permitted to supervise a DETFAC until they have received instructions on applicable regulations relating to the use of force in the performance of such duties. In addition, instruction must be given periodically to all personnel assigned to these duties to ensure they continue to be thoroughly familiar with all restrictions on the use of force.

b. Use of force to place personnel in a DETFAC must be limited to the minimum amount of force required. Physical abuse, use of unnecessary force, and any form of corporal punishment is prohibited. Although use of restraining devices is normally authorized only when preparing held personnel for transport, if a held person becomes violent, overly aggressive, or indicates suicidal tendencies, instruments of restraint may be applied. Such action will be immediately reported to higher authority. Under no circumstances will a detained person be chained, handcuffed, or tied to any cell fixture or stationary object. Restraints will not be continued beyond 4 hours without approval from the medical officer or CO. Striking or laying hands upon held personnel is prohibited, except in self-defense, to prevent injury to other persons, to prevent serious damage to property, to conduct a search, or to quell a disturbance. In all cases, the amount of force used will be the minimum amount necessary to control the situation.

SECTION 4. Programs

12401. Showers and Exercise. If personnel are to be confined in a cell for longer than 24 hours, a shower and 1 hour of physical exercise will be provided daily. Scheduling will depend upon the availability of supervisors, a secured space for the exercise, and satisfactory behavior of person being held.

Section 5. Administration and Operations

12501. Administration

1. Logbook. A DETFAC log must be maintained. All logs maintained by the DETFAC must either be secure and verifiable electronic logs (if approved by BUPERS-00D or DC PPO) or a bound ledger with consecutively pre-printed numbered pages and, per reference (ae), marked “For Official Use Only”. The log must be retained for two years from date of the last entry and destroyed. All events of significance will be recorded in the log. At a minimum, the following information will be recorded in the log:

a. For personnel held in the DETFAC; name; DoD ID; command; reason for detention; date and time of detention; and name and grade of the person ordering the detention.

b. For personnel being released from a DETFAC; name; DoD ID; command; date and time of release; and disposition of the person under custody.

c. Results of all inspections, fire drills, and lighting and ventilation tests, to include date and time of the event, as well as name and grade of the individual performing the action. It is recommended the presence of maintenance workers be entered, to include a description of work performed.

2. Files. All forms related to the detention of personnel will be retained for 2 years from date of release and then destroyed, per reference (as). At a minimum, the following required forms must be on file and properly completed:

a. DD 2707 or NAVMC 11130.

b. DD 509, Inspection Record of Prisoner in Segregation.

c. NAVPERS 1640/17 Inventory and Receipt of Valuables, Clothing and Personal Effects, or OPNAV 5527/22 DON Evidence/Property Custody Receipt.

d. DD 2708 Receipt for Pretrial/Post Trial Prisoner or Detained Person, or DD 2718 Prisoner Release Order, as applicable.

12502. Operations

1. Processing. Personnel being detained must be thoroughly searched prior to detention. Funds, valuables, and other items in the person's possession (other than clothing being worn, a wedding ring, or religious medallion) will be taken from the person. Items taken will be inventoried on an OPNAV 5527/22 or a NAVPERS 1640/17 with a copy of the inventory provided to the person being detained. If necessary, items that could inflict bodily injury such as belts, shoelaces, neckties, garters, and suspenders, may also be removed.

2. Medical Examination

a. Personnel may generally be detained for up to 24 hours before a medical examination is required. If an individual appears to be ill, requests medical attention, indicates pregnancy, exhibits suicidal ideations, or exhibits an abnormal loss of control due to use of alcohol or other substance, they must be examined by medical personnel and certified as being fit for confinement before being placed in detention.

b. If exigent circumstances require detention of individuals described in 12502.2a prior to a medical evaluation, medical examinations will be accomplished by the most expedient means available, with the justification for such detention explained in detail on NAVMC 11130 or DD 2707 and annotated in the DETFAC logbook. In such circumstances, medical personnel must be immediately notified a medical examination is required. Even in the absence of these factors, individuals under the influence of alcohol or other substances may only be placed in detention for brief periods of time (generally not to exceed 4 hours) necessary for command representatives or medical personnel to arrive and assume custody. During these periods, constant continuous observation must be maintained to monitor the behavior and physical condition of the person being held.

c. Personnel being held who require a medical examination must be physically checked every 5 minutes while awaiting arrival of medical personnel. Documentation of checks will be provided on a DD 509. No person will be detained in excess of 24 hours without a medical examination (to include a pregnancy test for females) as prescribed in article 7204.

3. Detention and Supervision

a. No person will enter occupied DETFACs or remain in their immediate proximity wearing firearms, nightsticks, chemical agents, or other weapons.

b. If multiple occupancy cells are utilized, segregation must be maintained for detained, pretrial, and post-trial personnel, to include individuals detained for further transport by military escorts.

c. Personnel being held must be closely supervised during the period of detention. A closed circuit television may be utilized for observation. While personnel being held are to be kept under continuous observation by staff members, periodic physical checks of personnel are required. A DD 509 or NAVMC 1130 Statement of Force/Use of Detention Space will be utilized to record the frequency of checks. Personnel being held who exhibit suicidal ideations must be continually monitored while awaiting a diagnosis of being suicidal; other personnel being held must be checked at least once every 15 minutes. Personnel being held who are diagnosed by qualified medical personnel as being suicidal will not remain detained. If detained prior to diagnosis, the person will not remain detained in a DETFAC.

d. Meals of the same quality and quantity as that served in the base or station dining facility will be provided at regular meal hours for personnel detained beyond 6 hours. Personnel believed to present a security risk will be fed in their cells. In the event of overnight detention, or detention in excess of 12 hours, minimum bedding consisting of a mattress, blanket, and a pillow (with case) will be provided. Staff personnel will ensure the physical needs of the personnel being held, such as water and head calls, are satisfied.

4. Emergency Measures. Detailed emergency bills must be prepared to ensure the safety of staff and personnel being held in the event of fire or disorder, as per chapter 4, section 4,. Required emergency bills include fire, natural disaster, escape, and

hostage. At a minimum, the escape bill must include an emergency recall bill of staff members, which must be tested periodically to ensure accuracy of recall numbers and the response time of staff members. Conduct of such testing will be documented within the DETFAC logbook. The fire bill must be coordinated with and approved by the installation fire department. Fire extinguishing devices using any chemical harmful to personnel must not be available to personnel being held.

5. Serious Incidents. Serious incidents or alleged incidents involving personnel being held must be reported to BUPERS-00D or DC PPO per provisions of article 8111.

6. Release. Upon release from detention, all money, valuables, and other personal property taken from personnel being held will be returned, and receipted for by the owner. If the person is released to the custody of another, the person assuming custody will sign a DD 2708 and will sign for the personal property of the person being held. Personnel released on their own recognizance will be directed to return to their unit, or other appropriate command, after being issued a NAVPERS 1626/7 Report of Disposition of Offense(s), where necessary. An entry will be made in the DETFAC log to reflect the date and time of release, and the disposition of the person. One copy of the DD 2708 or DD 2718, as appropriate, and the receipt for personal property will be retained on file for two years by the unit operating the DETFAC.

7. Transfer. A DD 2708 will be used for all transfers from DETFACs to other MCFs. A copy of all records at the DETFAC concerning the person being transferred will be copied. The following original records must be transferred with the person:

a. DD 2707.

b. DD 504 Request and Receipt for Health and Comfort Supplies.

c. DD 509 or NAVMC 1130 Statement of Force/Use of Detention Space.

d. Court-martial orders.

12503. Inspections

1. DETFACs will be regularly inspected for cleanliness, adequate lighting and ventilation, general repair, security, and safety.

2. A daily security and sanitation inspection of the DETFAC will be made by a senior member of the security staff.

3. DETFACs must be inspected at least monthly by a member of the medical department to ensure the operation of the facility and the physical plant meet accepted health and environmental standards, and that detained personnel are provided adequate health services.

4. DETFACs will be inspected periodically per article 1201.5b and 1201.5c. If a DETFAC’s use is infrequent, it may be disestablished.

5. Biennial (every 2 years) on-site inspections must be conducted by BUPERS-00D or DC PPO of all DETFACs. Conduct of inspections will be guided by applicable service inspection checklists.

12504. Waivers

1. Fire, life, and safety issues require immediate correction, and waivers will not be granted except as provided for in article

1302. Such waiver requests must be coordinated with the installation's fire department or base safety manager and submitted, via the chain of command, to BUPERS-00D or DC PPO.

2. Waivers for other than fire, life, and safety issues may be granted based on compensatory operational procedures in effect and outlined in local policy. Such waiver requests must be submitted via the chain of command, with full justification and compensatory measures, to BUPERS-00D or DC PPO.

12505. Field Expedient Spaces. DETFACs utilized during field or combat operations must correspond to established design standards to the maximum degree feasible under existing conditions. Administration and operations must be consistent with this manual. A medical officer must approve field expedient spaces prior to their use. Detention in field expedient spaces must be for the minimum amount of time for determination of release to a command representative or transport to a longer-term facility.

Appendix A: Forms

1. In naval military correctional facilities, some forms may be replaced by reports generated by the Corrections Management Information System and provide information electronically.

2. The following forms are available at http://www.esd.whs.mil/DD/DoD-Issuances/:

DD 504 (MAR 2013) Request and Receipt for Health and Comfort Supplies

DD 509 (MAR 2013) Inspection Record of Prisoner in Segregation

DD 510 (MAR 2013) Prisoner Request

DD 512 (MAR 2013) Installation Custody Agreement

DD 553 (MAR 2015) Deserter/Absentee Wanted by the Armed Forces

DD 2329 (AUG 1984) Record of Trial by Summary Court-Martial

DD 2586 (JAN 2010) Verification of Military Experience and Training

DD 2704 (MAR 2013) Victim/Witness Certification and Election Concerning Prisoner Status

DD 2705 (MAR 2013) Notification to Victim/Witness of Prisoner Status

DD 2707 (MAR 2013) Confinement Order

DD 2707-1 (MAR 2013) Department of Defense Report of Result of Trial

DD 2708 (MAR 2013) Receipt for Pre-Trial/Post Trial Prisoner or Detained Person

DD 2710 (MAR 2013) Prisoner Background Summary

DD 2710-1 (MAR 2013) Prisoner Sentence Computation

DD 2711 (MAR 2013) Initial Custody Classification

DD 2711-1 (MAR 2013) Custody Reclassification

DD 2712 (MAR 2013) Prisoner Evaluation

DD 2713 (MAR 2013) Prisoner Observation Report

DD 2714 (MAR 2013) Prisoner Disciplinary Report/Action

DD 2715 (MAR 2013) Clemency/Parole Submission

DD 2715-1 (MAR 2013) Disposition Board Recommendation

DD 2715-2 (MAR 2013) Prisoner Summary Data

DD 2716 (MAR 2013) Parole Acknowledgement Letter

DD 2716-1 (MAR 2013) Department of Defense Certificate of Supervised Release

DD 2718 (MAR 2013) Prisoner Release Order

DD 2719 (MAR 2013) Correctional Facility Continuation Sheet

DD 2791 (MAR 2013) Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements

3. The following forms are available at https://www.public.navy.mil/bupers-npc/reference/forms/NAVPERS/Pages/default.aspx:

NAVPERS 1070/613 (AUG 2012) Administrative Remarks

NAVPERS 1616/26 (AUG 2010) Evaluation Report & Counseling Record

NAVPERS 1616/27 (AUG 2010) Evaluation & Counseling Record

NAVPERS 1626/7 (DEC 1988) Report and Disposition of Offense(s)

NAVPERS 1640/8 (JUL 2007) Conduct Record

NAVPERS 1640/11 (JUL 2013) Monthly Report of Prisoners/ Correctional Custody Personnel

NAVPERS 1640/15 (DEC 2010) Mail and Visiting List

NAVPERS 1640/17 (OCT 2007) Inventory and Receipt of Valuables, Clothing and Personal Effects

NAVPERS 1640/25 (AUG 2018) Earn Time and Special Act Abatement Worksheet

NAVPERS 5000/64 (APR 2010) Records Transmittal

4. The following form is available at https://www.gsa.gov/reference/forms:

SF 135 (JUL 1985) Records Transmittal and Receipt, NSN 7540-00-634-4093

5. The following form may be ordered through https://forms.fbi.gov/cjis-fingerprinting-supply-requisition-form:

FD 249 (JUL 2017) Arrest and Institution Fingerprint Card

6. The following form is available at https://navalforms.documentservices.dla.mil/web/public/home:

NAVMED 6550/8 (APR 1974) Medication Administration Record

NAVMC 11130 (MAR 2012) Statement of Force/Use of Detention Space

APPENDIX B
NAVY PA SYSTEMS OF RECORDS NOTICE NO1640-1
INDIVIDUAL CORRECTIONAL RECORDS

Go to http://privacy.navy.mil/noticenumber/N01640-1.pdf for a copy of this system notice.

Acronyms

ABE	Adult Basic Education
ACA	American Correctional Association
AG	Attorney General
AIDS	Acquired Immune Deficiency Syndrome
AIMS	Adult Internal Management System
AJA	American Jail Association
AKA	Also Known As
AOIC	Assistant Officer in Charge
AS	Administrative Segregation
AT	Awaiting Transfer
BUMED	Navy Bureau of Medicine and Surgery
BUPERS	Bureau of Naval Personnel
C&A	Classification & Adjustment
CA	Convening Authority
CCU	Correctional Custody Unit
CD	Compact Disc
CDO	Command Duty Officer
CERT	Corrections Emergency Response Team
CHNAVPERS	Chief of Navy Personnel
CLEP	College Level Examination Program
CMC	Commandant of the Marine Corps
CO	Commanding Officer
CODIS	Combined DNA Index System
CORMIS	Correction Management Information System
CS	Ortho-Chlorobenzylidene Malonitrile
D&A	Discipline & Adjustment
DAMO-ODL	Secretary of the Army
DBS	Duty Brig Supervisor
DC PPO	Deputy Commandant of the Marine Corps, Plans, Policies and Operations
DHO	Degrading, Hostile, or Offensive
DCS	Daily Change Sheet
DIP	Deserter Information Point
DETFAC	Detention Facility
DNA	Deoxyribonucleic Acid
DoD	Department of Defense
DoDD	Department of Defense Directive
DoD ID	Department of Defense Identification
DOJ	Department of Justice
DR	Disciplinary Report
DS	Disciplinary Segregation
DS	Disciplinary Segregation
ED	Extra Duty
ER	Escape Risk

ET	Earned Time
FBOP	Federal Bureau of Prisons
FFT	For Further Transport
FOIA	Freedom of Information Act
FRC	Federal Records Center
GCMCA	General Court-Martial Convening Authority
GCT	Good Conduct Time
GED	General Education Development
GPS	Service Transition Goals, Plans, Success
H&C	Health & Comfort
HAZMAT	Hazardous Material
HIPAA	Health Insurance Portability and Accountability Act
HIV	Human Immunodeficiency Virus
IC	Installation Custody Installation Custody
ICS-CIC	Incident Command System for Corrections
ICS-C	Incident Command System for Corrections
IDC	Independent Duty Corpsman
INDOC	Indoctrination
IRO	Initial Review Officer
JNLW	Joint Non-Lethal Weapons
LOP	Loss of Privileges
LRB	Literary Review Board
LSSS	Legal Service Support Section
MAX	Maximum Custody
MDI	Medium Custody In
MDO	Medium Custody Out
MEDS	Medical Segregation
MIN	Minimum Custody
MOS	Military Occupational Specialty
MPO	Military Protection Order
MTF	Medical Treatment Facility
NARA	National Archives & Records Administration
NAVFACENGCOM	Naval Facilities Engineering Command
NCIC	National Crime Information Center
NCTI	National Curriculum and Training Institute
NEC	Navy Enlisted Classification
NIMS	National Incident Management System
NTE	Not to Exceed
OC	Oleoresin Capsicum
OIC	Officer in Charge
OR	Observation Report
OVC	Office for Victims of Crime
PAO	Privacy Act
PAO	Public Affairs Office
PC	Protective Custody
PI	Pending Investigation

PII	Personal Identifying Information
PIN	Personal Identification Number
POD	Plan of the Day
POI	Prevention of Injury
PPS	Prisoner Phone System
PREA	Prison Rape Elimination Act
PTA	Pretrial Agreement
PVD	Potentially Violent or Dangerous
R&R	Receiving and Release
RCN	Resident Control Number
RHU	Restrictive Housing Unit
RLSO	Regional Legal Service Office
SAA	Special Acts Abatement
SARC	Sexual Assault Response Coordinator
SECNAV	Secretary of the Navy
SOFA	Status of Forces Agreement
SORNA	Sexual Offender Registration Notification Act
SOTP	Sex Offense Treatment Program
SR	Suicide Risk
T/O	Tables of Organization
TA	Temporary Absence
TD	Technical Director
TSO	Trial Service Office
UCMJ	Uniform Code of Military Justice
USACIL	U.S. Army Criminal Investigation Laboratory
USMC	U.S. Marine Corps
UTM	Unit Team Management
VOTP	Violent Offense Treatment Program
VWAP	Victim Witness Assistance Program
VWC	Victim Witness Coordinator
XO	Executive Officer
XO	Executive Officer