



UNITED STATES MARINE CORPS
MARINE CORPS BASE
QUANTICO, VIRGINIA 22134-5001

MCBO P1640.1A
B 27
13 AUG 2003

MARINE CORPS BASE ORDER P1640.1A

From: Commanding General
To: Distribution List

Subj: STANDING OPERATING PROCEDURES FOR CONFINEMENT AND RELEASE
(SHORT TITLE: SOP FOR CONFINEMENT AND RELEASE)

Ref: (a) SECNAVINST 1640.9B (NOTAL)
(b) MCO 1640.3F
(c) MCO P1640.4C
(d) MCM, 2000, R.C.M. 1101(a)
(e) DoD 1325.4
(f) NAVMEDCOMINST 6320.11
(g) SECNAVINST 5815.3H

Encl: (1) LOCATOR SHEET

Reports Required: I. Daily Report of Prisoners (Report Control
Symbol S/N-0106-LF-016-4080), par. 2003.2
II. Annual Confinement Report (Report Control
Symbol DD-P&R (A) 2069), par. 2003.4

1. Purpose. To publish the policy and procedures for the
confinement, employment, and release of detainees and prisoners.

2. Cancellation. MCB P1640.1.

3. Summary of Revision. This Revision contains a substantial number
of changes and should be reviewed in its entirety.

4. Action. The CO, Brig Company will comply with the regulations
and procedures contained in this Manual and the applicable provisions
of the references, and is responsible for the operation of the MCB
Brig.

5. Recommendations. Recommendations concerning the SOP For
Confinement and Release are invited and will be submitted to the
CG MCB (B 27).



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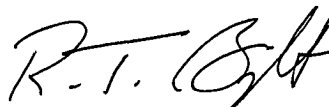
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6. Certification. Reviewed and approved this date.



R. T. BRIGHT
Chief of Staff

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CONTENTS

CHAPTER

- 1 CONFINEMENT
- 2 ADMINISTRATION
- 3 RELEASE FROM CONFINEMENT
- 4 CONFINEMENT OF WOMEN
- 5 EMPLOYMENT OF PRISONERS/DETAINEES

CHAPTER 1

CONFINEMENT

	<u>PARAGRAPH</u>	<u>PAGE</u>
POLICY	1000	1-3
AUTHORITY	1001	1-3
APPLICABILITY	1002	1-3
PLACES OF CONFINEMENT	1003	1-3
AUTHORITY TO CONFINE	1004	1-4
DISCUSSION	1005	1-4
PRETRIAL CONFINEMENT	1006	1-5
INITIAL REVIEW OFFICER (IRO)	1007	1-6

CHAPTER 1

CONFINEMENT

1000. POLICY. The CG MCB policy is that the treatment of personnel in confinement will be uniformed per the provisions of the Uniform Code of Military Justice (UCMJ) and reference (a).

1001. AUTHORITY. The Chief of Naval Personnel and the CMC are designated by the SecNav to administer brigs per reference (a), Navy regulations, DoD directives, and Title 10 of the United States Code.

1002. APPLICABILITY. The regulations and procedures set forth in this Manual govern the confinement and administration of detainees and prisoners in the MCB Brig, and their release there from.

1003. PLACES OF CONFINEMENT

1. The CMC has designated the U.S. Disciplinary Barracks, Fort Leavenworth, KS, as a place of confinement for Marine Corps prisoners serving sentences exceeding 5 years. The current transfer criteria and quota, reference (b), will be requested from HQMC (PSL), by the CO, Brig Company, as needed.

2. The SecNav and the CMC have approved and designated the MCB Brig, as the confinement activity in support of the major commands throughout Military District, Washington.

3. The MCB Brig is designated a Level-I Brig authorized to confine all male Armed Forces service members serving sentences not exceeding 90 days beyond convening authority action. Prisoners exceeding Level-I term of confinement will be immediately transferred, by the applicable service, to an appropriate DoD facility. Other services (i.e., Army, Air Force, etc.) will obtain approval from HQMC (PSL) prior to or immediately after confining post-trial prisoners at the MCB Brig. The MCB Brig is not authorized to confine female Armed Forces service members. Confinement of females is explained in chapter 4 of this Manual.

4. The rated capacity of the MCB Brig is 110 prisoners. Under the guidance of paragraph 2104 of reference (a), the total number of prisoners in confinement will not exceed 119 except in cases requiring commitment of transient prisoners. However, the CO, Brig Company will set an operation capacity based on availability of manpower. The current T/O gives MCB Brig an operational capacity not to exceed 60 total prisoners.

5. Per reference (c), correctional custody will not be served in the MCB Brig.

1004. AUTHORITY TO CONFINE. Each officer empowered to confine shall adhere to the confinement procedures set forth herein.

1. Any enlisted person may be ordered into pretrial or post-trial confinement by any commissioned officer.
2. A CO may delegate to a warrant, NCO or petty officers of their command the authority to order enlisted members of his command or subject to his authority into confinement, either pre- or post-trial. Such delegation will be in writing and a signed copy of the delegation will be provided to the CO, Brig Company and the SJA MCB (Attn: IRO).
3. CGs and COs may further limit the authority of officers and warrant, NCO and petty officers of their commands to order pretrial confinement.

1005. DISCUSSION

1. Confinement is the physical restraint of a person (UCMJ, Art. 9(a)). Normally, confinement is a type of punishment imposed by sentence of courts-martial.
2. A person will not be placed in confinement based solely on impending discharge proceedings. A detainee or prisoner will be released immediately, unless serving sentence, upon notification that appropriate authority has approved the prisoner's administrative discharge. Release of adjudged or sentenced prisoners will be upon remission, suspension, deferment (prior to convening authority's action), or completion of sentence to confinement.

1006. PRETRIAL CONFINEMENT

1. Pretrial confinement is an extraordinary measure requiring close command attention. Confinement, other than that adjudged by courts-martial, shall not be imposed unless deemed necessary to ensure the presence of the accused at trial by general or special court-martial. There are two permissible bases for imposition of pretrial confinement: 1) To ensure the presence of the accused at trial; and 2) To avoid future serious criminal misconduct of the accused, including any efforts to obstruct justice, wherein no alternative action is practicable or appropriate. No other basis for imposition of pretrial confinement is recognized.

2. Absentees who surrender, or even though apprehended, indicate they will not absent themselves again, senior enlisted personnel facing relatively minor charges after previous unblemished records, and obviously stable individuals facing minor charges should not be placed in pretrial confinement.

3. An individual who is to be tried by summary court-martial will not be placed in pretrial confinement without specific approval of the officer exercising general court-martial jurisdiction over the individual. If approval is granted, the CO, Brig Company shall be made aware of the extraordinary circumstances warranting pretrial confinement.

4. Only a CO to whose authority an officer is subject may order a commissioned or warrant officer into pretrial confinement. As noted in paragraph 1004.3, CGs and COs may, by appropriate orders, limit this authority. Until such limiting orders are issued (copies to this Headquarters (AC/S G-1) and to the CO, Brig Company), the authority granted to commanders by Article 10, UCMJ, and references (a) and (d) shall be recognized by the CO, Brig Company, subject to paragraph 1006.4c below.

a. The authority to order a commissioned or warrant officer into pretrial confinement may not be delegated.

b. Pretrial confinement of an officer must be ordered in writing and must be delivered in person by another officer.

c. For this particular purpose, the term "CO" refers only to an officer authorized by Article 24, UCMJ, to convene summary courts-martial.

d. Officers shall not be confined in close company with enlisted prisoners. If confined, officers shall be berthed and administered separately from other prisoners.

1007. INITIAL REVIEW OFFICER (IRO)

1. The CO or OIC of a service member ordered into pretrial confinement will provide the IRO with a letter containing sufficient information to permit a review of the factual basis of the confinement. This letter must be submitted within 72 hours of confinement to the MCB Brig (Attn: IRO).
2. In the absence of clear evidence establishing a need for pretrial confinement, the accused is entitled to release and will be immediately released from confinement by direction of the IRO. The CO of the accused may thereafter impose any authorized form of pretrial restraint deemed necessary, other than confinement.
3. The accused, once released by the IRO, may be reconfined only upon discovery of new evidence or for misconduct, which, either alone or in conjunction with all other available evidence, justifies confinement.
4. The decision of the IRO is reviewable only by the military judge upon motion for appropriate relief made by the accused after referral of charge(s) to courts-martial.
5. The decision of the IRO in all cases is final. However, if release from pretrial confinement is denied, the service member may later petition the IRO for reconsideration of the case. Such petitions must be based on new circumstances, which have arisen since the initial determination was made or on any new information about whether the service member should continue confinement. A new hearing may be granted at the discretion of the IRO. If granted, the service member will be present. The IRO will continue to maintain a record of the decision and the reasons for continued confinement or release and will append all documentary evidence subsequently submitted for consideration by the service member to the record of the initial hearing.

CHAPTER 2

ADMINISTRATION

	<u>PARAGRAPH</u>	<u>PAGE</u>
GENERAL	2000	2-3
CONFINEMENT ORDER	2001	2-3
CONFINEMENT BY AN OFFICER OTHER THAN THE IMMEDIATE CO.	2002	2-8
REPORTS	2003	2-8
COMMAND VISITS AND REQUIREMENTS	2004	2-9
HOLD-INS FOR OFFICIAL VISITS OR TEMPORARY ABSENCES (TA)	2005	2-10

FIGURE

2-1	CLOTHING, HEALTH AND COMFORT (H&C) REQUIREMENT LIST.	2-11
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CHAPTER 2

ADMINISTRATION

2000. GENERAL. An individual will not be accepted for confinement upon a verbal request or order (paragraph 8109.1 of reference (a)) except in cases of emergency. A properly executed DD Form 2707, Confinement Order, must accompany prospective prisoners.

2001. CONFINEMENT ORDER

1. The original and one copy of the confinement order are required to confine a service member.

a. The original is retained by the MCB Brig.

b. A copy is returned to the unit as an endorsement or receipt for the prisoner.

2. Confinement orders must be complete and accurate. It is essential to the brig staff that the legal status of each prisoner in the MCB Brig be known and clearly identified in the confinement order. Terms and definitions regarding prisoner status are listed below:

a. Prisoner. A person tried by court-martial and ordered into confinement is a prisoner whether or not the sentence has been ordered into execution. A sentence to confinement commences on the date it is adjudged unless it is deferred or suspended by proper authority per current directives.

b. Detainee. A person subject to the Uniform Code of Military Justice (UCMJ) who has been legally ordered into pretrial confinement or has been accused of committing an offense against the UCMJ and awaiting trial or rehearing is a detainee. This includes those persons who are pending the vacation of a suspended sentence, which includes confinement and/or punitive discharge. As used in this Manual, the word "prisoner(s)" includes detainee(s) unless otherwise specified.

3. Type of confinement (pretrial or post-trial (as a result of courts-martial)) will be indicated on the front side of the confinement order. For pretrial confinement, a list of the article(s) allegedly violated to include a concise statement will be listed on the reversed side of the confinement order. Examples are shown below in paragraph 2001.3a.

- a. Article 86: Absent from appointed place of duty, Dining Facility 444 at: 0515, 1 July 83; 1330, 2 July 83; and company formation 0700, 2 July 83.
- Article 86: UA from 0730, 1 July 83 until 2000, 20 July 83.
- Article 89: Disrespectful toward a 2ndLt by saying to him, "I do not respect you or your rank, so go honk a horn."
- Article 90: Did strike the company commander with his fist during office hours.
- Article 92: Violate a lawful order issued by a GySgt to clean his rifle by 1300.
- Article 108: Damage a military typewriter by throwing it through a window to the pavement below.
- Article 128: Did assault a SSgt by hitting him in the head with a piece of steel pipe.

b. The officer directing confinement (the officer who signs the confinement order) will ensure that an individual to be confined in a detained status has been informed of the alleged offenses, and the proper dates and signatures of the accused, the officer making the advisement, and a witness are placed on the confinement order. The information will be recorded on the reverse side of the confinement order.

4. Confinement orders for prisoners following trial shall indicate the type of court-martial, the complete sentence adjudged, and the date of the court-martial. Results of Trial per reference (d) and DD Form 2704, Victim/Witness Certification and Election Concerning Inmate Status, provided by the trial counsel, will accompany the confinement order.

a. If the sentence was deferred, the date deferred and the date the deferment was terminated must be indicated on the confinement order.

b. A copy of the prisoner's request for deferment and the convening authority's approval of the request must accompany the confinement order at the time of confinement.

5. For Article 86 offenses, the confinement order will indicate whether the service member "surrendered" or "was apprehended," and if

apprehended, by what authority, i.e., FBI, County, City, or Military. This information is required for both detained and convicted prisoners, and will be recorded on the reverse side of the confinement order.

6. When a service member is confined as a result of vacation proceedings of a previously suspended sentence, the confinement order must indicate the date deferment is terminated. A copy of DD Form 455, Report of Proceedings to Vacate Suspension of a General Court-Martial Sentence or a Special Court-Martial Sentence Including a Bad-Conduct Discharge Under Article 72, UCMJ, and R.C.M. 1109, the Results of Trial and DD Form 2704 must accompany the confinement order at the time of confinement.

7. The hour and date that confinement is directed must be indicated. Ensure the name, rank and title of the confining authority are included.

9. A pre-confinement physical will be conducted by a medical officer or physician's assistant prior to placing an individual in confinement.

a. Each prospective prisoner shall have a pre-confinement physical examination to determine their fitness for confinement or the requirement for hospitalization. This pre-confinement physical will be performed at the local Battalion Aid Station or the Naval Medical Clinic (NMCL) by a medical officer or physician's assistant, to determine the fitness/unfitness for confinement and the results of this examination shall be recorded on the confinement order. The examining medical officer or physician's assistant shall pay special attention to, and accurately describe and record the presence/absence of any lacerations, abrasions, contusions, hematomas or other unusual marks on the SF 600, Chronological Record of Medical Care. In those cases where the examining medical officer or physician's assistant finds clinical contradictions to confinement, the prospective prisoner will not be confined at the MCB Brig. Additionally, all confined individuals, even after determined "fit for confinement," will be required to be re-screened by the MCB Medical Clinic located at OCS. The OCS Medical Officer will make final determination of fitness for confinement. With the exception of individuals whose charges would generally result in assignment to maximum custody, in cases where the individual is found to be medically unfit for confinement, the unit will retain custody until the individual is medically fit. When an individual is found medically unfit for confinement, and whose offenses or alleged offenses warrant a maximum custody classification, the CO, Brig Company will make the determination, on a case-by-case basis, of whether to accept the individual into confinement.

b. Female prisoners must have a pregnancy test administered prior to being confined per the guidelines of chapter 4 of this Manual. A pregnancy test will also be administered prior to a female prisoner being released from the confinement facility.

c. The health and dental records of each prisoner must accompany the individual to the MCB Brig at the time of confinement. For those individuals unable to locate their health record locally, the unit shall prepare a temporary health/dental record for confinement purposes. MCB Brig medical personnel will prepare a DD Form 877, Request for Medical/Dental Records or Information, to obtain permanent records for the prisoners confined who have only temporary health and dental records.

d. When an individual is confined who possesses physical or mental characteristics that may require special custodial status, a statement of explanation will be recorded on the reverse side of the confinement order. Individuals with known or suspected suicidal or homicidal tendencies, and individuals with drug or alcohol problems will be brought to the attention of the MCB Brig staff through appropriate remarks on the confinement order.

e. As part of the confinement physical, every prisoner will have a health record review for a valid (less than 12 months old) Human Immune Deficiency Virus (HIV) blood test. If one is not recorded, then a HIV blood test will be performed.

10. The Duty Brig Supervisor will complete the bottom portion of the confinement order. The signature on the return copy of the confinement order is a receipt to the unit for the prisoner.

11. Two copies of the confinement order must be signed. Carbon paper may be used.

12. Pay status, availability of clothing, health and comfort items must be indicated on the reverse side of the confinement order. Valid pay status includes:

a. Full Pay Status. An individual who is in receipt of pay. An individual who is over paid is considered to be in a full pay status.

b. Unknown Pay Status. Individuals with long-term unauthorized absence are in this category. Additionally, this category will apply to any case in which there is doubt concerning the actual pay status of the individual. When a "Checkage of Pay" for required uniform

items is effected on an individual in this category, the disbursing officer will hold the "Checkage" in abeyance, pending determination of actual pay status.

c. Non-Pay Status. This category is reserved for the individual who is in one of the situations listed below upon expiration of current contract:

- (1) Unauthorized absence or period of desertion.
- (2) In hands of civil authorities.
- (3) In a military confinement facility.

d. For individuals who are in a true "Non-Pay" status, and for whom clothing, health and comfort items are required, the cost of such items will be charged against appropriated funds. The MCB Brig staff will prepare the appropriate forms and procure these items once confinement has been effected.

e. Confining commands will include the following statement on the reverse side of the confinement order to indicate the appropriate pay status:

"(Name of prisoner) is in a (Full) (Unknown) (Non) Pay Status."

13. The prisoner's CO is responsible for ensuring delivery of uniform, clothing, and health and comfort items belonging to the prisoner remaining in the unit area, or in government or private quarters in the local area. Figure 2-1 of this Manual lists the minimum uniform clothing, health and comfort items required for confinement.

a. If the individual is confined late at night and items are in the battalion area or the individual's quarters and are not accessible, the prisoner will be picked up by the confining unit on a "Temporary Absence (TA)," the first working day after confinement to obtain these items. One of the following statements will appear on the reverse side of the confinement order:

"(NAME) has in his possession all clothing, health and comfort items available in battalion or quarters area."

"(NAME) has clothing, health and comfort items in the battalion or quarters area, and will be on TA to obtain them."

b. Parent commands remain responsible for providing required items listed in Figure 2-1 for the duration of the individual's confinement. Unless individuals are on a "non-pay status," the MCB Brig will provide gratuitous payment for required health and comfort items.

2002. CONFINEMENT BY AN OFFICER OTHER THAN THE IMMEDIATE CO

1. Service members delivered to the MCB Brig after normal working hours who are members of local major commands, will be delivered to their parent command for determination of restraint required. Officers indicated in paragraph 1004 are authorized to confine such persons.

2. When an individual is ordered into confinement by an individual other than the CO, the individual ordering the confinement will ensure that the prisoner's CO is notified as soon as practicable after such confinement.

2003. REPORTS

1. Court-martial orders promulgated by the convening and higher level authorities must be reported to the MCB Brig administrative office. These actions may reduce, suspend, or remit confinement, and may reduce in severity, suspend, or remit punitive discharges.

a. Occasionally a suspension of confinement that is not immediately reported causes a prisoner to remain inappropriately in confinement past the new normal date of release.

b. Court-Martial Progress Reports are submitted to the Naval Clemency and Parole Board only on individuals with an unsuspended discharge. An administrative burden is created when a report is prepared and forwarded by the MCB Brig staff, when in fact the convening authority has already suspended the punitive discharge.

c. Pretrial agreements that suspend or remit confinement and/or punitive discharges should be reported to the MCB Brig staff immediately following trial.

d. Court-martial orders and pretrial agreements shall be certified true copies.

2. The CO, Brig Company will compile and submit to the SJA, a report of individuals confined or released as of 2359 daily. Confinements and releases from 0001 Friday until 2359 the day prior to the next normal working day shall be consolidated and submitted as of 2359 the day prior to the next working day.

3. The CO, Brig Company will compile and submit to the SJA, a weekly personnel (prisoner) status report, which will be submitted every Monday and distributed to confining commands during weekly command visits at the brig.

4. The CO, Brig Company will compile and submit to HQMC (PSL), an Annual Confinement Report (Report Control Symbol DD-P&R (A) 2069).

2004. COMMAND VISITS AND REQUIREMENTS

1. Weekly. An officer or SNCO will visit each prisoner at least once a week. The purpose of this visit will be to inform the prisoner of their status, e.g., pending court progress, options for expeditious discharge, pay and allowances, CO's clemency, and other pertinent matters. The officer or SNCO selected for this visitation must have a working knowledge of each prisoner's case. The visiting officer or SNCO will direct the CO's attention to problems presented by prisoners as well as the corrective action taken or anticipated, and conduct such follow-up action as required. In order to increase prisoner utilization and administrative efficiency, command visits will be accomplished each Thursday between 0800 and 1630. All prisoners will be placed on hold during this time period by the MCB Brig.

2. Request Mast. COs are encouraged to conduct request mast at the MCB Brig after normal working hours or between 0800 and 1700 on Thursdays.

3. Visits by Legal Counsel

a. Prisoners may be interviewed by their military legal counsel at the MCB Brig, at the prisoner's unit or organization, or the Office of the SJA.

b. Civilian legal counsel will interview prisoners at the MCB Brig. If an outside location is requested, the location will be coordinated by the SJA and the command to which the accused is assigned.

c. Prisoners segregated for disciplinary reasons will not be released for interview. Counsel, military or civilian, will conduct interviews with such prisoners at a location designated by the CO, Brig Company.

d. Visits by legal counsel should be conducted at MCB Brig whenever possible during nonworking hours.

e. Telephone interviews by legal counsel should be minimized. Occupying phone lines for lengthy periods hinders staff from performing daily responsibilities. Short 5 to 10 minute phone calls are acceptable.

2005. HOLD-INS FOR OFFICIAL VISITS OR TEMPORARY ABSENCES (TA). The following procedures will be used when extenuating circumstances preclude visits during the time frames contained in paragraph 2004 above and for TA.

1. A unit must request a "Hold-Ins" to ensure the availability of a prisoner for an official visit or TA.

a. Requests must be made by 1500 on the workday prior to the day of the planned visit or TA.

b. Requests will be made to Prisoner Administration, MCB Brig at 703-784-4241/2040, or DSN 278-4241/2040.

2. "Late Holds" may be requested by calling Master Control, MCB Brig, at extension 2718 or 2719, after 1500 weekdays and any time on weekends. Exceptions for requests after 1500 are absences for scheduled medical appointments, courts-martial, and request must with the prisoner's CG. These requests will be taken as "Late Hold-Ins" by Master Control at 703-784-2718/2719, or DSN 278-2718/2719.

3. "Hold-Ins" for courts-martial, medical appointments, and request must with the prisoner's CG will be requested by specifying the exact time the prisoner will be picked up by the requesting unit. This enables the MCB Brig to ensure that the prisoners are available at the requested pick up time.

CLOTHING ITEMS

- 6 DRAWERS, COTTON WHITE OR BROWN
- 6 UNDERSHIRTS, COTTON, SERVICE APPROPRIATE
- 6 BOOT SOCKS, COTTON, SERVICE APPROPRIATE
- 1 PT SHORTS, SERVICE APPROPRIATE
- 1 PAIR, BOOTS, LEATHER/JUNGLE, NO STEEL TOE
- 1 PAIR TENNIS SHOES
- 3 PAIR ATHLETIC SOCKS, WHITE
- 1 PAIR GREY SWEATS, NO ZIPPERS
- 1 PAIR BOOT BANDS, NON STEEL

AUTHORIZED HEALTH AND COMFORT ITEMS

- 1 PAIR SHOWER SHOES, BASIC ISSUE TYPE, BLACK
- 10 DISPOSABLE RAZORS OR RAZOR HANDLE W/10 CARTRIDGES
- 1 CAN SHAVING CREAM, NO GEL
- 1 TOOTH BRUSH W/HOLDER
- 2 TUBES TOOTHPASTE
- 4 BARS OF SOAP
- 1 SOAP DISH
- 2 FACE CLOTH, WHITE
- 2 BATH TOWELS, WHITE
- 1 BOTTLE SHAMPOO
- 2 DEODORANTS (STICK ONLY)
- 1 COMB, NOT TO EXCEED 4"
- 1 HAIR BRUSH, NO HANDLE
- 1 NAIL CLIPPER
- 2 WRITING PADS
- 30 STAMPED ENVELOPES
- 2 PENS, NON-MECHANICAL
- 1 CAN BOOT POLISH
- 1 BOOT BRUSH
- 1 LAUNDRY BAG

- NO OPEN OR USED H&C ITEMS WILL BE ACCEPTED.
- IT IS RECOMMENDED THAT PERSONS BEING CONFINED HAVE \$75.00

Figure 2-1.--Clothing, Health and Comfort (H&C) Requirement List.

CHAPTER 3

RELEASE FROM CONFINEMENT

	<u>PARAGRAPH</u>	<u>PAGE</u>
GENERAL	3000	3-3
PERMANENT RELEASE	3001	3-3
TEMPORARY ABSENCE (TA)	3002	3-4
ABSENCE FOR EMERGENCY LEAVE	3003	3-4
RELEASE FOR HOSPITALIZATION	3004	3-5
RELEASE FOR TRANSFER TO OTHER DoD CONFINEMENT FACILITIES	3005	3-6
ESCORT REQUIREMENTS FOR RELEASE	3006	3-6
CLEMENCY	3007	3-7

CHAPTER 3

RELEASE FROM CONFINEMENT

3000. GENERAL

1. Rules 304, 305, and 1101 of reference (d) set forth criteria for release from confinement.
2. A CO cannot arbitrarily release a sentenced or adjudged prisoner without first remitting, deferring or suspending the sentence. The CO, Brig Company is the proper authority to effect release of a prisoner from confinement. Therefore, officers requesting release of a prisoner must present correct legal documents to the CO, Brig Company. Valid legal documents (deferment, remission, or suspension of sentence) must accompany a request for the release of a prisoner serving a sentence.
3. The Initial Review Officer may direct the release of a detainee after a hearing, or rehearing, has demonstrated no grounds for confinement.
4. The military judge may direct the release of a detainee upon motion for appropriate relief made by the accused after referral of charge(s) to a court-martial.

3001. PERMANENT RELEASE. The CO, Brig Company, will effect permanent release of a prisoner upon:

1. Expiration of Sentence. To facilitate administration, a prisoner whose release date falls on a Saturday, Sunday, or a national holiday shall have all necessary administrative procedures completed the last working day immediately preceding such days; however, the release will be effected on the actual date of completion of confinement. When a prisoner is to be released on a weekend or a holiday, the prisoner's command will be notified during the week prior to the prisoner's release.

2. Receipt of Valid Legal Documents Directing:

- a. Disapproval of sentence to confinement by appropriate convening or reviewing authority.

- b. Suspension or remission of remaining confinement.

c. Deferment of confinement (only prior to convening authority's (CA) action).

d. Rehearing on findings or sentence.

3. Letter from detainee's CO directing release from confinement due to:

a. Confinement no longer deemed necessary.

b. Member being separated in lieu of trial (SILT).

4. Upon the receipt of the mentioned documents or letter from proper authority, the brig will prepare a release order to effect final release.

3002. TEMPORARY ABSENCE (TA)

1. Request for TA will be coordinated through the MCB Brig Administrative Section at 703-784-2040/4241 no later than the previous workday of the scheduled TA. A properly completed, DD Form 629, Receipt for Prisoner or Detained Person, will be prepared by brig staff to effect temporary custody responsibilities to receiving authority.

2. Valid Reasons for TA Include the Following:

a. Appearance at courts-martial, Article 32 Uniform Code of Military Justice (UCMJ) hearing, Article 72 UCMJ hearing, and office hours.

b. Request mast.

c. Consult with legal counsel.

d. Medical or dental appointments.

3003. ABSENCE FOR EMERGENCY LEAVE

1. The prisoner's convening authority may grant emergency leave, upon the recommendation of the CO, Brig Company, to allow prisoners to attend the bedside of a critically ill immediate relative. Immediate relatives include the prisoner's wife, children, parents, brothers, sisters, or other person standing in loco parents. The relationship and condition of the person being visited will be verified through official sources, the American Red Cross, or other recognized agencies.

2. Travel and incidental costs will be at no expense to the government. The use of available government transportation is authorized. Prisoners on emergency leave generally travel without escort, however, if required, the escort's travel expense and other necessary incidentals must be borne by the government. The prisoner's command is responsible for requesting and coordination of escorts from HQMC (PSL).
3. Prisoners on emergency leave will wear the same uniform as other persons of their service traveling the same route. Periods of emergency leave shall be considered as time served in confinement and the leave will be charged against the prisoner's leave balance, if any, for the period of absence.
4. Authority should not be given for attendance at both the sick bed and later at the funeral unless, in the opinion of the convening authority, upon recommendation of the CO, Brig Company, the circumstances warrant an exception. The visit should be of short duration, ordinarily 24 hours plus necessary travel time.
5. The CO, Brig Company will ensure the prisoner is carefully briefed on their expected conduct while traveling to, from, and at their destination.

3004. RELEASE FOR HOSPITALIZATION

1. Prisoners who are required to be admitted, by competent medical authority, to the local military hospital, shall be transferred from the MCB Brig and delivered per reference (a) and as amplified herein. The CO, Brig Company will ensure that a DD Form 629 is completed and accompanies the prisoner to the hospital. Security for prisoners in the hospital will be provided by the medical facility staff if the visit exceeds 2 hours, per reference (f). Where the CO, Brig Company has determined that the prisoner will be in maximum custody, the Brig shall provide a 24-hour watch of the prisoner.
2. The prisoner's health and comfort items will accompany the prisoner to the hospital. If a prolonged stay is necessary, the prisoner's personal effects and valuables will be inventoried per current directives, and placed in the personnel effects locker at the MCB Brig.
3. A prisoner who is hospitalized while serving a sentence will be considered as serving time in confinement during the period of hospitalization. Upon termination of the period of required hospitalization, a prisoner who has not completed the sentence of

confinement will be re-confined in the MCB Brig. Hospitalized prisoners will not normally be granted convalescent leave from the hospital.

4. Personnel in a detained status who are transferred to a medical facility during working hours shall be permanently released from confinement and will become the responsibility of the detainee's command. In order to re-confine a detainee previously permanently released for medical treatment, the command must comply once again with the confinement procedures contained in chapter 1 of this Manual.

5. With the exception of a maximum custody detainee, detainees who require hospitalization during nonworking hours will be permanently released on the first workday after hospitalization. Once released, security of the individual becomes the responsibility of their unit. Per reference (f), if the detainee is in maximum custody and the unit does not wish to release him/her, then the detainee's unit will provide a 24-hour watch.

3005. RELEASE FOR TRANSFER TO OTHER DoD CONFINEMENT FACILITIES

1. The CO, Brig Company will determine which prisoners meet the transfer criteria established by HQMC (PSL) and reference (b). Names of prisoners meeting the criteria will be submitted to the SJA of the appropriate command for approval to transfer.

2. The CO, Brig Company will implement the administrative procedures for transfer.

3. Coordination for all administrative matters pertaining to the transfer shall be accomplished by the MCB Brig's staff.

3006. ESCORT REQUIREMENTS FOR RELEASE

1. Permanent Release. Escorts are not required for prisoners being released for the following reasons:

- a. Expiration of sentence.
- b. Deferment of sentence.
- c. Clemency action release.

Note: Although an escort is not required, former prisoners should be released to a representative of the unit.

2. Temporary Absence (TA). The officer requesting TA of a prisoner must provide escorts with valid prisoner escort ID cards as issued by the staff of the MCB Brig, and per the prisoner's custody classification.

a. A commissioned officer will not act as an escort without prior approval of the CO, Brig Company.

b. Prisoners will not be transported in private vehicles, nor will escorts drive vehicles and escort at the same time, except as noted in paragraph 3006.2(f).

c. Escorts will ensure that each prisoner on a TA is returned to MCB Brig by 1600. In the event that return by 1600 is not possible, the escort will notify the MCB Brig and ensure that each prisoner is fed during regularly scheduled meal hours.

d. Units will ensure that at least two escorts (not including the driver) are provided for each prisoner in maximum or medium restricted custody classification. Restraining devices will be provided by the MCB Brig per this Manual. Maximum custody prisoners will be restrained with handcuffs, leg irons, and transportation belt. Instruments of restraint will not be removed unless an officer at the Brig authorizes it. However, when a prisoner appears in a courtroom for a hearing, prior to entering the courtroom, all restraints will be removed. Immediately upon exiting the courtroom, all restraints will be re-applied. Brig staff personnel will inform the unit of the number of escorts required for other restricted custody prisoners and levels of restraint.

e. Prisoners who are classified as medium or minimum custody require one escort for every one to five prisoners. Each additional one to five prisoners require an additional escort. Handcuffs will be used only if the prisoner(s) becomes unruly and difficult to control.

f. Prisoners classified as Installation Custody (IC) require no escorts, unless the surroundings and situations deem that it is necessary. If the situation is appropriate, a driver may double as an escort for an IC prisoner.

3007. CLEMENCY. Under authority of Articles 60 and 74, UCMJ, convening authorities are authorized to exercise clemency on summary court-martial, and on special court-martial sentences that do not include punitive discharges.

1. Convening authorities having summary and special courts-martial authority should interview prisoners without punitive discharges midway through their sentence in order to consider them for release. Convening authorities should interview the prisoners at the MCB Brig where they will have access to the Brig records. Should convening authorities find it impractical to conduct interviews at the MCB Brig, they may call the prisoner's counselor at 703-784-2718/2719 or DSN 278-2718/2719, who will provide a summary of the material in the prisoner's record (work and training reports, conduct record, etc.).
2. The basic authority for clemency actions taken by officers exercising general court-martial jurisdiction, as separate from the authority held in the legal review process, is set forth in Articles 60 and 74, UCMJ. Officers designated to exercise general court-martial jurisdiction (beside those listed in Article 22, UCMJ) are shown in the Manual of the Judge Advocate General, Section 0120.
3. Generally, any officer exercising general court-martial jurisdiction over the command to which the accused is attached is empowered to remit or suspend any part or amount of the unexecuted portion of any sentence, including any uncollected forfeitures, other than a sentence approved by the President of the United States, and in cases involving officers and warrant officers. Officers who take such clemency action on any sentence which includes a punitive discharge or confinement of 8 months or more shall coordinate such action with the Naval Clemency and Parole Board per the provisions of reference (g).

CHAPTER 4

CONFINEMENT OF WOMEN

	<u>PARAGRAPH</u>	<u>PAGE</u>
AUTHORIZED FACILITIES	4000	4-3
CONFINEMENT	4001	4-3
ADMINISTRATION.	4002	4-4

CHAPTER 4

CONFINEMENT OF WOMEN

4000. AUTHORIZED FACILITIES

1. Confinement of women in the MCB Brig is not authorized.
2. The following facilities will be contacted in the order listed to determine whether or not space is available.
 - a. Prince William-Manassas Regional Adult Detention Center, Manassas, VA.
 - b. Rappahannock Regional County Jail, Fredericksburg, VA.
3. Confining commands will notify the civilian authority to remit bills directly to the address listed below for Marine Corps prisoners and detainees. The bill must include the daily cost of confinement.

Commandant of the Marine Corps
Headquarters U.S. Marine Corps
Washington, DC 20380-001

4. Commands confining female Navy prisoners and detainees in civilian facilities are responsible for any cost incurred.

4001. CONFINEMENT

1. In the case of pretrial confinement involving a female Marine or Sailor, the necessary documentation must be presented to the Initial Review Officer (IRO) in the same manner as prescribed for male Marines or Sailors. The hearing location will be designated by the IRO.
2. A confinement physical, to include a pregnancy test, must be conducted at a Military Medical Facility prior to confinement of a female Marine or Sailor.
3. A confinement order is the only document necessary to confine female Marines or Sailors in a civilian facility. A release order is the only document necessary to effect release from a civilian facility.

4. Liaison must be made with the confining facility prior to confinement to determine authorized clothing, health and comfort items for confinement. Commanders are responsible for providing transportation and escorts for confined female Marines or Sailors to and from a civilian facility.

5. Command and legal visitation will be accomplished in the same manner as prescribed for male Marines or Sailors, subject to the confining facility's regulations.

4002. ADMINISTRATION

1. Per reference (b), a message report must be submitted to HQMC (PSL) or the Chief of Naval Personnel (PERS-84), as appropriate, upon confinement and release of a female service member from a civilian facility. The officer directing the confinement or release of female Marines or Sailors into a civilian facility must ensure such report is submitted within 24 hours of the action.

a. The message reporting confinement will contain the following information:

(1) Name, grade, and SSN.

(2) Date confined.

(3) Reason for confinement.

(4) Length of sentence, if applicable.

(5) Number of days credit for pretrial confinement and/or judicial credit.

(6) Name, telephone number, location of the confinement facility and a POC at the confinement facility.

(7) Daily cost of confinement.

(8) Projected release date.

(9) Name and telephone number of POC at confining command.

b. When the female service member has been released from the civilian confinement facility a message will be submitted containing the following information:

(1) Name, grade, and SSN.

(2) Date confined and date released.

(3) Name, telephone number, location of the confinement facility and a POC at the confinement facility.

(4) Daily cost of confinement.

(5) Name and telephone number of POC at confining command.

c. It is required that the appropriate SJA be notified in writing within 24 hours of female Marines or Sailors being placed in pretrial confinement.

2. The Brig staff will effect certain administrative procedures once notified by the IRO that the individual will remain in civilian confinement. These procedures are internal to the Brig and are covered by applicable Brig orders. Among the administrative actions to be accomplished by the Brig staff is creation and maintenance of a confinement record on each person confined. As such, the confining command is required to provide the Brig Administrative Section with copies of various documents pertaining to the confined woman, as well as keeping the Brig Administrative Section informed at all times of the current status of the individual. Documents required to be provided to the Brig include:

a. DD Form 2707, Confinement Order.

b. Results of Trial.

c. Convening Authority Action.

d. DD Form 2718, Inmate's Release Order.

e. Visiting Officer's Forms.

f. Message reporting confinement or release of women from civilian facilities.

g. Other documentation applicable or pertaining to the individual's confinement in a civilian facility.

3. The authority to confine women Marines or Sailors is the same as that for the confinement of male Marines or Sailors. Prior to effecting confinement of women Marines, the command will notify HQMC (PSL) of its intention, via telephone DSN 222-4731/4251.

Prior to effecting confinement of women Sailors, the command will notify BUPERS (PERS-84) of its intention, via telephone, DSN 882-4452. Following appropriate notification, women may be placed in pretrial confinement or post-trial confinement serving a sentence of 30 days or less. If circumstances warrant pretrial confinement in a civilian facility in excess of 30 days, message notification must be submitted by the command to proper authority as soon as the situation becomes apparent.

4. Pending decision by the approving authority of the initial telephone and message notification ordering confinement, such individuals may nevertheless be confined in an authorized civilian facility for up to 72 hours. It is, therefore, imperative that such notification is made immediately in order to comply with the commander's intent to confine.

5. In instances of a confined female pending a court-martial where a finding of guilty may result in adjudged confinement exceeding 30 days, prior notification will be made to HQMC (PSL) or BUPERS (PERS-84) of such circumstances. In instances of adjudged confinement exceeding 30 days, notification will be made to HQMC (PSL) or BUPERS (PERS-84) to arrange for transfer per reference (b).

CHAPTER 5

EMPLOYMENT OF PRISONERS/DETAINEES

	<u>PARAGRAPH</u>	<u>PAGE</u>
GENERAL	5000	5-3
POLICY	5001	5-3
PROCEDURES	5002	5-4

CHAPTER 5

EMPLOYMENT OF PRISONERS/DETAINEES

5000. GENERAL. In order to increase the productive utilization of prisoner/detainee labor aboard MCB, area commanders will ensure that productive work is made available and tenant organizations are authorized to solicit prisoners to productive work. Detainees will not work outside the confines of the MCB Brig.

5001. POLICY1. The Following Work Assignments are Prohibited:

- a. Duties that place one prisoner in authority over another, except for training and then only when directly supervised.
- b. Duties that are for the exclusive benefit of a private individual or private organization, including individual staff members of the MCB Brig.
- c. Work that is inherently dangerous or hazardous to the prisoner, except in emergency situations.
- d. Assignments that require the handling of, or access to, drugs, narcotics, intoxicants, uncrated explosives or weapons, money, security equipment, classified material, or personnel records.
- e. Working on or near government housing areas.

2. Suitable Work for Prisoners Includes:

- a. Maintenance and repair of government buildings and facilities.
- b. Salvage and conservation of government property.
- c. Manufacture of articles for government use or approved organizations.
- d. General janitorial tasks are permissible, but do not include cleaning of personal ashtrays, coffee cups, the watering of personal plants/flowers, or the making up of duty bunks.

e. Services for military functions and approved social service organizations (i.e., Red Cross, Navy Relief Society, Command Club Management System, DoD Wives Clubs, Boy/Girl Scouts, Special Services events, and services of a nature that are not for the exclusive benefit or individual gain of a private individual or governmental official).

f. Prisoners can cut firewood, but it is unlawful for individuals or organizations to sell firewood cut by prisoners.

5002. PROCEDURES. Organizations and groups which desire prisoner working parties or have work requests, will have their unit escorts arrive at the rear gate of the MCB Brig at 0700 daily, except for Thursdays, to check out prisoners for work details.