

**Army Regulation 190–47**

**Military Police**

# **The Army Corrections System**

**Headquarters  
Department of the Army  
Washington, DC  
15 June 2006**

**UNCLASSIFIED**

# ***SUMMARY of CHANGE***

AR 190-47

The Army Corrections System

This rapid action revision, dated 15 June 2006

- o Revises policy on Pretrial confinement review procedures (para 3-2(c)3.)
- o Corrects typographical errors through the publication.

This rapid action revision, dated 13 December 2005--

- o Clarifies and defines federally approved confinement facilities (para 3-2i).
- o Changes the grade of the Disposition board chairman and authorizes a civilian employee in the grade of GS-7, or above to substitute for a noncommissioned officer member on a Disposition board (para 5-4c(9)).
- o Changes are consistent with DODI 1325.7M, Sentence Computation Manual, dated 27 July 2004 (para 5-8b).
- o Distinguishes differences between Initial Screening and Health Appraisal for newly confined prisoners (para 7-2c), (7-2d) and (7-2e)).
- o Specifies when return to duty recommendations for approval are processed, the applications will be forwarded to commanders with GCM convening authority-exercising jurisdiction over the facility (para 8-3h(2) and 8-3h(6)).
- o Eliminates the Chief of Engineers as the approval authority on designs for new construction or modifications of existing structures for incarceration purposes to designs meeting the American Corrections Association (ACA) standards(para 9-4a).
- o Changes the allocation of authorized space per prisoner for reduced and emergency minimum space allocations (para 9-6b-c).
- o Adds cell size for individual cells or rooms (para 9-6d).
- o Eliminates the use of male and female personnel supervising prisoners of either gender outside immediate living areas (para 9-9h).
- o Identifies the Army Centralized Information System (ACIS) utilization for daily reporting on DA Form 3997 and the alternative solution to not using ACIS (para 10-4c(1)).
- o Defines pre-paid calls and calling cards and their usage (para 10-11).

- o Allows support medical officer to authorize usage of trained correctional personnel to dispense prescribed medication to prisoners when medical personnel are not available (para 11-8c).
- o Authorizes facility commanders to establish procedures to subdivide custody grades for incentive purposes (para 12-2b).
- o Adds prisoners in suicide risk status will be observed continuously (para 12-6d(5)).
- o Adds a time limit of 6 days for prisoners to consult with an attorney prior to disciplinary boards (para 12-11a(4) and (12-12c(2)(a))).
- o Eliminates the term "highest quality" when discussing evidence that the disciplinary board members must have in support of their recommendations (para 12-13b(1)).
- o Revises the policy on military sexual offender notifications to read as directed in DODI 1325.7 (paras 14-1b and 14-2).

This revision, dated 5 April 2004--

- o Makes a correction that will improve the victim-witness overall operational effectiveness and cost efficiency (para 13-2g).
- o Modifies the requirement that all notifications must be made by certified mail (para 13-2g).

This revision, dated 26 February 2004--

- o Establishes Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA (M&RA)) as the responsible agency for the functions and operations of the Army Corrections Council, the governing body of the Army Corrections System (ACS) (para 1-4a).
- o Establishes sitting committee members by agency for the Army Corrections Council (para 1-4a).
- o Establishes the Surgeon General and Chief of Chaplains as invitational advisors on the Army Corrections Council (para 1-4a).
- o Eliminates the Hospital Prisoner Ward as a separate component of ACS (para 2-2).
- o Eliminates the United States Disciplinary Barracks as the only ACS facility authorized to provide permanent incarceration for posttrial officer prisoners (para 2-2c).

- Establishes that associated facilities must adhere to regulatory requirements of AR 190-47 when applicable (para 2-3).
- Establishes the requirement to have a memorandum of agreement or a contract in place before incarcerating pretrial prisoners in a Federally approved civilian facility (para 3-2c).
- Establishes that installations without ACS facilities can confine a prisoner in a Federally approved local civilian jail for 10 days. Also delegates authority to the installation commander to make exceptions for prisoners with sentences to confinement locally for 30 or fewer days in a Federally approved civilian facility (para 3-2i).
- Establishes Department of the Army Provost Marshal General, as the centralized agent to determine place of incarceration for prisoners with sentences of more than 30 days confinement within the ACS facilities (para 3-3).
- Modifies disposition of prisoners to be confined in Federal institutions (para 3-4).
- Modifies and integrates classification plans and adjustment programs to establish criteria of considerations for prisoner custody levels (para 5-4).
- Establishes procedures for professional services support, health care services, and prisoner initial screening (para 7-2c).
- Establishes the facility commander's responsibility to develop policies and procedures for chaplain support and handling of confidential material (para 7-4).
- Substantially modifies the requirements for professional services, research, and evaluation (para 7-5).
- Adds to disposition board actions the requirement that a prisoner have employment or assistance finding employment (para 8-9c(2)(e)).
- Modifies the standards for facility management, physical plant, and equipment (para 9-4).
- Establishes the ACS facility commander's responsibility to develop policy procedures to implement fire prevention program (para 9-5a).
- Establishes authorization for ACS facilities to use oleoresin capsicum pepper spray as a use of force technique (para 9-7b).
- Eliminates the prohibition against the use of rifles or automatic weapons as security measures (para 9-7c).
- Eliminates the prohibition against the use of pistols and revolvers as security measures (para 9-7f).
- Eliminates MACOM authority to approve temporary exceptions and establishes a centralized approving authority for provisions in chapter 9 (para 9-8).

- Establishes criteria for management staffing requirements to be based on maximum capacity, mission, and operational requirements (para 9-9a).
- Specifies criteria that persons with felony convictions will not be employed on the permanent, paid staff of ACS facilities (para 9-9b).
- Establishes criteria for ACS commanders to develop a volunteer program (para 9-9f).
- Establishes requirements for corrections personnel to be trained to respond to health-related situations within 4-minute response time (para 9-9g).
- Establishes requirements for ACS facilities personnel training to maintain written orders for every security post (para 9-10c).
- Specifies guidelines for DNA analysis processing (para 10-1b(20)).
- Eliminates correctional treatment file requirement to maintain DD Form 512 (Installation Parole/Minimum Custody Agreement) (para 10-5).
- Establishes the requirement that prisoner personal property and funds be held in a transparent 16x12 inch envelope for storage of prisoner personal property (10-7a).
- Authorizes prisoner mail to be handled by a certified mail handler, regardless of rank (para 10-10b(2)).
- Establishes referral of prisoner mail rejection appeals to the facility commander or the next level in the chain of command (para 10-10b(6c)).
- Eliminates authorization for property and funds to receive second-party checks (para 10-10b(8)).
- Eliminates authorization to open prisoner mail with civilian or individual military counsel listed on DA Form 2569-R (Attorney of Record Designation (Civilian and Individual Military Counsel)), unless there is reasonable doubt of its authenticity or reasonable certainty that the mail contains contraband (para 10-10b and c).
- Rewrites portions of pay, subsistence, and gratuities procedures (para 10-17).
- Eliminates the requirement that escorts of pretrial officer prisoners be of equal or greater ranks (para 10-19h(9)).
- Authorizes ACS commanders to develop procedures for movement of maximum custody prisoners incarcerated in their facilities (para 11-3b(2)).
- Rewrites procedures for security of controlled items (para 11-8).
- Establishes the requirement that, during coordination for transport of prisoners by escorts, information about the prisoner must be provided to the passenger service officer (para 11-9b(1)).
- Rewrites procedures for hospitalizing prisoners (para 11-12).

- Establishes that prisoners in disciplinary segregation held for periods exceeding 60 days will be provided the same program services and privileges as prisoners in administrative segregation (para 12-4e).
- Establishes authority for prisoners submitting appeals as a result of Disciplinary and Adjustment Board actions within 15 working days at a minimum (para 12-5b).
- Establishes that prisoners considered suicide risks be checked at least every 5 minutes (para 12-6d(5)).
- Establishes that prisoners in segregation will be allowed a minimum of 1 hour per day, 5 days a week, of physical exercise (para 12-6d(7)).
- Establishes that the facility commander is responsible for investigation of incidents and must develop policies and procedures to guide appropriate investigations and establish timelines for investigating violations (para 12-10a).
- Eliminates the requirement for a victim-witness coordinator to provide a cover letter with DD Form 2705 (Victim Witness Notifications) (para 13-2a).
- Establishes the requirement that when the victim-witness coordinator does not receive DD Form 2704 (Victim/Witness Certification and Election Concerning Inmate Status) within 48 hours of a prisoner's arrival, the coordinator should immediately contact DAPM central repository manager or the victim/witness liaison at the location where the prisoner was court-martialed (para 13-2a).
- Makes Department of the Army, Provost Marshall, responsible for a monthly report to other service central repositories of program enrollments at ACS facilities not later than the 25th day following the closing month (para 13-7b).
- Establishes the policy for ACS facilities on sex offender registration (chap 14).
- Rescinds DA Form 1478 (Prisoner's Summary Continuation Sheet).

Effective 15 July 2006

**Military Police**


**The Army Corrections System**

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By Order of the Secretary of the Army:

PETER J. SCHOOMAKER  
*General, United States Army*  
*Chief of Staff*

Official:

  
JOYCE E. MORROW  
*Administrative Assistant to the*  
*Secretary of the Army*

**History.** This publication is a rapid action revision. The portions affected by this rapid action revision are listed in the summary of change.

**Summary.** This regulation covers policies governing the Army Corrections System and implements DOD Directive 1325.4.

**Applicability.** This regulation applies to the Active Army, the Army National Guard/Army National Guard of the United

States, and the United States Army Reserve unless otherwise stated.

**Proponent and exception authority.**

The proponent of this regulation is the Provost Marshal General. The Provost Marshal General has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The Provost Marshal General may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency of the proponent agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

**Army management control process.**

This regulation contains management control provisions and identifies key management controls that must be evaluated.

**Supplementation.** Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Office of the Provost Marshal General (DAPM), 2800 Army Pentagon, Washington, DC 20310–2800.

**Suggested improvements.** Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Office of the Provost Marshal General (DAPM), 2800 Army Pentagon, Washington, DC 20310–2800.

**Distribution.** This publication is available in electronic media only and is intended for command levels C, D, and E for the Active Army and D and E for the Army National Guard/Army National Guard of the United States and the United States Army Reserve.

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\*This publication supersedes AR 190–47, dated 13 December 2005.

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## **Glossary**

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# Chapter 1

## The Army Corrections System

### 1–1. Purpose

This regulation establishes policy, procedures, and responsibilities associated with the U.S. Army Corrections System (ACS).

### 1–2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

### 1–3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

### 1–4. Responsibilities

*a.* The Assistant Secretary of the Army for Manpower and Reserve Affairs (ASA)(M&RA)) will exercise Army Secretariat oversight for Army corrections, parole, and clemency functions. Additionally, the ASA(M&RA) has responsibility for the functions and operation of the governing body of the Army Corrections System, the Army Corrections Council, which is composed of the following members:

- (1) Deputy Assistant Secretary of the Army (Installations and Housing), Office of the Assistant Secretary of the Army (OASA) (Installations and Environment).
- (2) Senior Deputy Counsel, Office of General Counsel.
- (3) Deputy Assistant Secretary of the Army (Military Personnel Management & Equal Opportunity Policy), OASA (Manpower and Reserve Affairs (M&RA)).
- (4) Deputy Assistant Secretary of the Army (Army Review Boards).
- (5) OASA (M&RA).
- (6) Provost Marshal General (DAPM).
- (7) Office of the Deputy Chief of Staff, G–1 (one representative).
- (8) Office of the JAG (one representative).
- (9) Office of the Assistant Chief of Staff for Installation Management (one representative).
- (10) Assistant Chief of Staff for Base Operations Support, U.S. Army Training and Doctrine Command.
- (11) Surgeon General (invitational advisor only).
- (12) Chief of Chaplains (invitational advisor only).

*b.* The Army General Counsel will provide legal advice regarding Army corrections activities to the Secretariat.

*c.* The Provost Marshal General (DAPM), will provide policy for—

- (1) Annual technical staff inspections of ACS facilities under their jurisdiction.
- (2) Operational oversight for the ACS.

*d.* The Judge Advocate General (TJAG) will provide advice on ACA legal issues; provide advice on legal issues of confinement and corrections to the DAPM; and ensure that the necessary support is provided to meet the legal needs of prisoners incarcerated within the ACS.

*e.* The Surgeon General will establish procedures for ensuring availability of health care to prisoners in Army custody, consistent with that provided to active duty Soldiers. Transfers of prisoners, whether temporary or permanent, outside the Department of Defense (DOD), will be coordinated with and approved by DAPM.

*f.* The Chief of Chaplains will ensure the necessary support to meet the religious and pastoral needs of prisoners incarcerated within the ACS.

*g.* Commanders of major Army commands (MACOMs) will—

- (1) Implement and execute the ACS, as delineated in this regulation and announced by DAPM.
- (2) Supervise the operation and administration of ACS facilities under their jurisdiction, per this and other applicable regulations.
- (3) Provide logistical and budgetary support of ACS operations.

*h.* Commanders of installations having ACS facilities are responsible for the safe operation of local ACS facilities and will ensure compliance with the policies set forth herein. Pursuant to this responsibility, commanders will provide health, legal, religious, recreational, employment, educational, training, food service, and transportation support to ACS facilities on their installations consistent with resources available.

(1) The correctional custody facility (CCF) officer in charge (OIC) will ensure that correctional custody is properly administered.

(2) The commander of the installation medical activity will inspect health services and sanitation monthly, when the facility is occupied.

(3) The installation provost marshal will exercise staff supervision over the CCF and, when the facility is occupied, inspect it monthly.

### **1-5. Policy**

a. The ACS is an integral part of the military justice system and assists commanders in the maintenance of discipline and law and order by providing a uniform system of incarceration and correctional services for those who have failed to adhere to legally established rules of discipline.

b. ACS facilities provide intensive custody and control of military offenders while providing access to basic education, offense related counseling, selected academic courses, and training necessary to prepare military prisoners for return to military duty or to the civilian community.

c. All ACS facilities will strive to be accredited by the American Corrections Association.

### **1-6. Army Corrections System objectives**

The objectives of the ACS are to—

a. Provide a safe and secure environment for the incarceration of military offenders.

b. Protect the community from offenders.

c. Prepare military prisoners for their release whether return to duty or civilian status with the prospect of becoming productive Soldiers/citizens by conforming to military or civilian environments.

### **1-7. Reports**

a. *Monthly Correctional Report (Requirement Control Symbol CGSPO-450)*. The Correctional Facility Statistical Report will be prepared by all ACS facilities at the end of each month and forwarded to the Office of the Provost Marshal General (DAPM-MPD-CI), 2800 Army Pentagon, Washington, DC 20310-2800, by the 15th day following the closing month, with copy furnished to appropriate MACOMs. This form is prepared as directed by DAPM.

(1) Data for the report will be compiled from 0001 the first day of the month to 2400 the last day of the month.

(2) Reporting format and instructions for the preparation of the report are prescribed by DAPM.

b. *Annual Correctional Report*. This report will be prepared by all ACS facilities at the end of each calendar year and forwarded to Department of the Army, Provost Marshal General (DAPM), by the 15th day of January, with copy furnished to appropriate MACOMs. This report is prepared as directed by DAPM. This report is a supplement to the December monthly report and will consist of data compiled from the previous calendar year using Department of Defense (DD) Form 2720 (Annual Confinement Report).

c. *Annual Historical Summary (Requirement Control Symbol CSHIS-6(R3))*, per AR 870-5.

(1) Annual historical report from each ACS facility will be prepared at the close of each fiscal year (not later than 45 days following the end of the reporting period), and forwarded to DAPM.

(2) This report will include, but is not limited to—

(a) A copy of the latest organizational chart.

(b) Assigned and authorized strengths, as of the beginning and end of the fiscal year.

(c) Major structural improvements in the physical plant, grounds, and facilities during the year, and recommended future improvements, alterations, and or construction programs.

(d) A concise narrative statement concerning activities of each major organizational element describing significant accomplishments, deficiencies, and changes in operating procedures.

(e) A brief summary of correctional treatment programs (for example, employment, training, education, counseling, recreation, work abatement, work release, special temporary parole).

(f) Statistical summary information concerning the receipt and release of prisoners.

(g) Clemency actions during the year (remission and suspension of sentences, return to military service, and parole, DD Form 2720-1 (Annual Clemency/Parole Report).

(h) In-service training for assigned personnel during the year.

(i) Financial summaries will illustrate operating costs of the facility

(j) A brief statement concerning problems and significant incidents (fires, riots, disturbances, investigated incidents of assaults of inmates on cadre and cadre on inmates, attempted escapes) encountered during the fiscal year.

d. *Monthly report on victim and witness notifications*. ACS facility commanders will submit a report by the 15th of each month to DAPM. The report will follow the guidelines stated in paragraph 13-7.

e. *Annual Report on Victim and Witness Assistance (Report Control Symbol DD-P&R(A)1952)*. ACS facility commanders will submit statistical data using DD Form 2706 (Annual Report on Victim and Witness Assistance), items 4 and 5, and DOD Instruction (DODI) 1030.2 to DAPM. The report will be submitted by January 10 for the preceding calendar year.

f. *Serious incident reports*. Serious incidents will be reported in accordance with AR 190-40. Escapes, major disturbances, prisoner and detainee deaths, and substantiated allegations of prisoner and detainee abuse will be reported as serious incidents.

*g. Telephonic reports.* Escapes and major prisoner disturbances occurring within ACS facilities will be reported telephonically to DAPM immediately.

## **Chapter 2 Organizations and Functions**

### **2-1. Types of facilities**

The ACS is composed of confinement facilities, Regional Corrections Facilities (RCFs), and a centralized, long-term corrections facility, the United States Disciplinary Barracks (USDB).

### **2-2. Components of the Army Corrections System**

*a. Confinement facilities (Level I).* Level I confinement facilities provide pretrial and short-term posttrial confinement support. Level I confinement facilities are generally limited to 90 or fewer days. When necessary, Level I facilities may confine prisoners more than 90 days, but not to exceed 1 year. Level I facilities provide custody and control, administrative support, and limited counseling support for military prisoners.

*b. Regional corrections facilities (RCF) (Level II).* Level II RCFs provide multifaceted correctional treatment programs, vocational and military training, administrative support, basic educational opportunity, employment, selected mental health programs, custodial control, and training to prepare military prisoners for return to duty, if determined suitable, or to civilian society as a productive citizen. RCFs provide local installation pretrial confinement support. Pretrial confinement from other installations may be coordinated through the Office of the Provost Marshal General (DAPM-MPD-CI).

*c. USDB.* The USDB is the ACS maximum custody facility that provides long-term incarceration for military prisoners for all services. It is the only ACS facility authorized to incarcerate permanently posttrial prisoners with a prison sentence of death.

### **2-3. Associated facilities**

The facilities listed below are not part of ACS; however, they must adhere to regulatory requirements of AR 190-47 when applicable.

*a. CCFs.* CCFs are established to implement the provisions of Article 15, Uniform Code of Military Justice (UCMJ), and AR 27-10, which provide commanders with means other than court-martial for disciplining Soldiers who commit minor infractions for which deprivation of liberty is warranted, without the stigma of confinement.

*b. Detention cells (D Cells).* Provide for the temporary detention of personnel under military police jurisdiction and temporary confinement of military prisoners when a military corrections or confinement facility is not available.

## **Chapter 3 Confinement of Military Prisoners**

### **3-1. Prisoner status**

*a.* A person subject to the UCMJ who is properly ordered to confinement pursuant to Manual for Courts-Martial (MCM) 2005, Part II, Chapter III, Rule 304, pending referral of charges, disposition of charges, or trial by court-martial, or a person properly ordered to confinement while awaiting trial by a foreign court, is a pretrial prisoner.

*b.* A person whose sentence to confinement has been announced in open court but not yet approved by the convening authority is an adjudged prisoner.

*c.* An individual becomes a sentenced prisoner when the convening authority takes action to approve the confinement portion of the sentence. A prisoner becomes a discharged prisoner upon completion of appellate review and execution of the punitive discharge.

### **3-2. Authorized place of confinement**

*a. Sentence to confinement.* A sentence to confinement adjudged by a court-martial or other military tribunal, whether the sentence includes discharge or dismissal and whether the discharge or dismissal has been executed, may be served in any place of confinement under control of any Armed Forces or in any Federally approved penal or correctional institution under the control of the United States, or which the United States may be permitted to use.

*b. Confinement of prisoners under sentence to death.* Except in time of war, the USDB is the only ACS facility authorized to incarcerate prisoners under the sentence of death. This does not preclude the temporary incarceration of prisoners under sentence of death pending their transfer to the USDB. During time of war, other facilities may be designated by the Secretary of the Army to confine such prisoners.

*c. Incarceration of pretrial prisoners.* Soldiers ordered into pretrial confinement will be confined in Army confinement facilities whenever practicable. When memorandums of agreements/contracts are established, pretrial prisoners may be confined at any Federally approved civilian confinement/corrections facility. Pretrial prisoners may not be confined at the USDB.

(1) A person will not be placed in confinement solely to await the outcome of administrative discharge proceedings. Confinement, other than that adjudged by a previous court-martial, will not be imposed pending trial or retrial unless permitted by military law.

(2) Prior to placing an individual in pretrial confinement, the commander ordering such confinement should inform the individual of the specific wrong of which he is accused. In the event the commander ordering pretrial confinement is unable to inform the individual prior to confinement, immediate steps will be taken to ensure the individual is informed of the specific wrong of which accused.

(3) Pretrial confinement review procedures will be followed in accordance with the Manual for Courts-Martial (2005), R.C.M. 305(h)(2).

(4) Standards for determining the appropriateness of pretrial confinement and procedures for placing a person in pretrial confinement are set forth in AR 27-10 or, where appropriate, in the applicable regulations of the other services.

*d. Hospitalized prisoners.* Hospitalized prisoners will be placed in a specifically designated medical treatment area for proper custody and control unless the hospital commander directs otherwise.

*e. Incarceration with enemy prisoners of war.* Members of the Armed Forces of the United States will not be incarcerated in immediate association with enemy prisoners of war (EPW) or other foreign nationals not members of the Armed Services of the United States, unless the EPW or foreign nationals are being detained under military control for suspected or proven criminal conduct.

*f. Female prisoners.* The procedures of this and other Army regulations that address incarceration, restoration, clemency, and parole apply to female prisoners with the following exceptions:

(1) ACS facilities designated for incarceration of female prisoners will be modified, to provide for separate living and personal hygiene areas from male prisoners.

(2) Female prisoners will be incarcerated in ACS facilities when directed by DAPM.

*g. Prisoners of other services.* Prisoners of other Armed Services of the United States can be incarcerated in Army facilities, per DOD directives and other appropriate inter-service support agreements (ISA) administered by DAPM and other services. Other service prisoners incarcerated in ACS facilities are subject to the policies contained in this regulation, except as directed by DAPM.

*h. Correctional custody.* ACS facilities will not be used to carry out correctional custody as defined in the MCM, Part V, para 5c(4), nor will correctional personnel (military occupational specialty 95C) be used to operate correctional custody facilities.

*i. Installations without ACS facilities.* Installations are authorized to contract to incarcerate pretrial prisoners in federally approved local civilian jails when military facilities are not available. Federally approved is defined as a facility used or approved by the Federal Bureau of Prisons, U.S. Marshals, or Immigration and Customs Enforcement and it is accredited by ACA. Installation commanders may authorize contract will local jails for prisoners with sentences to confinement of 30 or fewer days, followed by notification of DAPM of such action. Local jails may not be used to confine sentenced prisoners beyond 30 days without prior approval from DAPM. Agreements with civilian jurisdictions will provide for the segregation of pretrial Army prisoners by officer, noncommissioned officer, and enlisted, sex, and post trial status. Copies of agreements will be forwarded to DAPM.

### **3-3. Determination of place of incarceration**

Based on operational requirements and programs, DAPM will determine place of incarceration for prisoners who are sentenced to more than 30 days. DAPM will develop and announce specific prisoner assignment criteria and direct prisoner transfers, as appropriate. Copies of changes in the assignment criteria will be forwarded to Clerk of Courts, ATTN: JALS-CCZ, U.S Army Court of Criminal Appeals, U.S, Army Legal Services Agency, 901 North Stuart Street, Arlington, VA 22203.

### **3-4. Transfer of prisoners to be confined in Federal institutions**

*a.* Recommendations to confine ACS prisoners in Federal institutions will be forwarded to DAPM. Incarceration of a prisoner in a Federal institution may be approved regardless of whether the convening authority has approved the sentence to confinement. ACS facility commanders will deliver prisoners under their control to Federal institutions. The commander of the losing facility will act as the custodian of all records of that prisoner confined in Federal institutions.

*b.* Prisoners proposed for temporary transfer to a Federal Bureau of Prisons facility (FBOP) for medical or psychiatric care will be coordinated with DAPM.

(1) *Pretrial prisoners who require mental treatment.* Army personnel who are determined unfit to stand trial or not guilty through reason of insanity, and in instances where the mental treatment requirements are beyond the custodial abilities of the ACS, may be transferred into the Federal system to receive mental treatment as directed by the



convening authority of a General Courts Martial or determined by the appropriate health authority within the ACS. Upon receipt of the verdict, the installation Staff Judge Advocate will notify DAPM to initiate and coordinate an administrative action with the Federal Bureau of Prisons (FBOP) to obtain the appropriate treatment and place of incarceration.

(2) *Posttrial prisoners who require mental treatment.* If the ACS facility commander determines, based upon evaluation of a medical authority, that a prisoner suffering from a mental disease or defect requires inpatient psychiatric care or medical treatment beyond that available within the ACS, the prisoner will be notified in writing of the intention to seek temporary transfer of the prisoner to the custody of the Attorney General for care or treatment. Upon determination, the ACS commander will notify DAPM to initiate and coordinate an administrative action with the FBOP to obtain the appropriate treatment and place of incarceration.

c. Action on psychiatric determination will include the following actions.

(1) Once a prisoner is provided the notice prescribed above, the ACS facility commander will request the installation commander to direct a hearing be held to determine whether the prisoner should be transferred to the custody of the Attorney General for care. The request will state the factual basis for the determination that the prisoner requires care beyond that available within the ACS and will include all relevant documentation that provides the basis for the determination.

(2) The installation commander may disapprove the request only for good cause. If approved, they will direct a hearing be held to determine whether the inmate suffers from a mental disease or defect that requires inpatient psychiatric care beyond that available within the ACS.

(3) The instrument directing the hearing will designate an officer as the presiding official who is certified by The Judge Advocate General for service as a military judge authorized to try General Courts-Martial under provisions of UCMJ, Art. 26 (c) (10 United States Code (USC) 826(c)).

(4) The prisoner will be represented by an officer of TJAG Corps certified as competent to serve as defense counsel at General Courts-Martial, pursuant to UCMJ, Art. 27(b)(2) (10 USC 827(b)(2)). The Government will be represented by a military or Department of the Army (DA) civilian attorney detailed by the installation Staff Judge Advocate. The installation Staff Judge Advocate will request detail of a military judge and counsel for the prisoner having requisite qualifications, detail a court reporter, and promptly provide the prisoner written notice that a hearing will be held, to include an explanation of the prisoner's procedural rights.

(5) The Chief, United States Army Trial Judiciary, and Chief, United States Army Trial Defense Service, will detail the military judge and counsel for the prisoner, respectively. Such detailing will be done in writing. Once detailed, the military judge will schedule a hearing date, affording reasonable notice to counsel and the prisoner.

(6) A prisoner may consent or object to the contemplated transfer but the prisoner may not waive the hearing to determine whether transfer to the custody of the Attorney General for care is appropriate.

d. Hearing procedures involve the following steps.

(1) The prisoner will be afforded timely written notice of the hearing and of his or her procedural rights. The prisoner will be afforded a personal hearing before an impartial decision maker, with the opportunity to present testimony and documentary evidence in his or her own behalf, and confront and cross-examine Government witnesses. Appointed military or civilian counsel of his or her own choice at no expense to the Government will represent the prisoner. The prisoner will be provided a copy of the written findings.

(2) At the hearing, the military judge will advise the prisoner of the purpose of the proceedings and inform him or her that if the Government establishes by the preponderance of evidence that the prisoner suffers from such mental disease or defect, the prisoner may be temporarily transferred to the custody of the Attorney General. The military judge will ensure the prisoner understands the procedural rights specified 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 Attorney General. The military judge, within his or her discretion, may direct further examination of the prisoner by a different psychiatrist or clinical psychologist. This is an administrative proceeding to which the Military Rules of Evidence do not strictly apply. Evidence will be admissible subject to the guidance and limitations applicable to the conduct of formal investigations under AR 15-6.

(4) The military judge will determine whether, by a preponderance of the evidence, the prisoner suffers from a mental disease or defect for which inpatient care and treatment is required beyond that available within the ACS. The military judge will 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 temporarily transferred to the custody of the Attorney General.

(5) A verbatim transcript of the hearing will be prepared. All exhibits offered in evidence will be attached to the hearing record in the manner normally employed in trial by courts-martial.

(6) The installation commander will review the hearing record and approve or disapprove the findings and recommendations of the military judge. Following his or her action upon the hearing record, the hearing record and action will be transmitted to the ACS facility commander for retention in the prisoner's correctional treatment file or transmittal to the Attorney General, as appropriate. If transmittal to the Attorney General is appropriate, a request for

temporary transfer of the prisoner with the hearing record and action, will be forwarded through the Office of the Provost Marshal General (DAPM-MPD-CI), 2800 Army Pentagon, Washington, DC 20310-2800, and HQDA, Office of the Judge Advocate General (OTJAG) (DAJA-CL), Washington, DC 20310-2213, to the General Counsel, Federal Bureau of Prisons, Department of Justice, 320 1st Street, NW, Washington, DC 20534.

*e.* Army prisoners transferred to Federal correctional institutions who later are determined to possess military service potential may be returned to the ACS for possible return to duty upon approval of DAPM.

### **3-5. Sentence computation**

Computation of sentences will be per AR 633-30 and DOD Instruction (DODI) 1325.7.

### **3-6. Sentence notifications**

When the court-martial order promulgating the sentence is received and when a court-martial order remits or suspends a sentence or vacates a suspended sentence, the ACS facility commander or a designated representative will read each prisoner's sentence to the prisoner. The prisoner will acknowledge that the court-martial order was read by signing a statement entered on the order containing the date of acknowledgment and the name and grade of the person who read the order. The signed order will be placed in the prisoner's file. If a prisoner refuses to sign, the ACS facility commander, or a designated representative will make an annotation to that effect. Any supplemental orders, suspensions of confinement, or final orders received by the facility after the Soldier is placed on excess leave will be mailed, return receipt requested, to the prisoner's leave address.

## **Chapter 4**

### **Administration of Other Service Prisoners within the ACS**

#### **4-1. Purpose**

This chapter sets forth general policies and responsibilities concerning the confinement of other-service personnel within the ACS.

#### **4-2. Policies**

*a.* ACS commanders remain responsible for the control and correctional treatment of all prisoners confined in their facilities regardless of service affiliation. Other-service prisoners will be employed and receive professional services support at a level equal to that provided to Army prisoners.

*b.* Other-service prisoners in ACS facilities will be evaluated with respect to clemency, parole, and return to duty per DODI 1325.7 and an appropriate ISA. When disposition boards are conducted, the membership will include, at the option of the parent service, a member of the parent service.

*c.* The parent service of other-service prisoners in the ACS will be notified of all actual or alleged serious incidents, accidents, criminal acts, misconduct, or disturbances involving other-service personnel or prisoners through liaisons established according to service level ISA.

*d.* Other-service prisoners will be attached to an appropriate ACS facility for rations and quarters upon convening authority action approving the sentence. General court-martial convening authority will remain with the parent service until such time as the prisoner is formally discharged. Upon execution of the prisoner's discharge, the prisoner will be reassigned to the general court-martial (GCM) authority of the Army facility in which the prisoner is incarcerated.

*e.* As established in service-level ISA, the services of prisoners confined in ACS facilities will—

(1) Process service-unique administrative actions associated with prisoner shipments to other facilities and provide escorts required for their transfer.

(2) Escort prisoners to and from ACS facilities for service-unique and service-directed requirements.

(3) Provide service-unique administrative support for prisoners in ACS facilities to include maintenance of pay, health, and personnel and legal records.

*f.* Issues involving other service prisoners requiring special management will be resolved by DAPM and the respective service headquarters.

#### **4-3. Criteria for incarceration of other-service prisoners in Federal institutions**

Other-service prisoners recommended for transfer to a Federal institution will be coordinated by DAPM. Concurrence of the appropriate service secretary is required.

#### **4–4. Disciplinary action**

Other-service prisoners confined in ACS facilities are subject to all administrative disciplinary measures prescribed in this regulation and the rules of the facility.

## **Chapter 5 Correctional Programs**

### **5–1. Scope**

The ACS provides the environment, opportunities, and assistance to enhance living skills among posttrial prisoners, in preparation for their release from confinement. This chapter provides guidance and direction for commanders charged with operating ACS facilities, and does not create any right or other entitlement for any prisoner.

### **5–2. Prisoner activities**

All prisoners, unless precluded because of disciplinary, medical, or other reason determined appropriate by the facility commander, will engage in useful employment supplemented by appropriate supervision, mental health programs, professional evaluation, education, training, and welfare activities. However, activities established and resources allocated to meet these requirements are not to be less arduous or more generous than for military personnel not incarcerated.

### **5–3. Inmate classification**

Correctional evaluation and classification will be based, at a minimum, on an individual prisoner's offense, attitude, aptitude, intelligence, personality, adaptation to incarceration, record of performance prior to incarceration, and potential for further military service. Level I (incarcerating prisoners in excess of 90 days) and Level II facilities will use classification forms in DODI 1325.7, paragraph 6.4. Level III facilities will use classification procedures in accordance with DODI 1325.7, paragraph 6.5

### **5–4. Classification plans**

*a. Policy and procedure.* The facility commander will establish an inmate classification plan that covers policy and procedure for inmate classification. The plan will specify objectives and methods for achieving goals to include monitoring and evaluating the classification process. The plan will be reviewed and updated annually. The classification plan, at a minimum, will contain and or implement the following:

- (1) Assessment of a prisoner's adjustment and progress to confinement.
- (2) Ensuring prisoners are assigned to a staff member/team to ensure supervision and personal contact.
- (3) Review of prisoner's classification at least every year.
- (4) Ensuring criteria and procedures for determining and changing an inmate's classification status to include at least one level of appeal.
- (5) Ensuring all prisoners appear at their classification hearing and are given notice 48 hours before the hearing, unless the potential security of the facility or others is at serious risk.
- (6) Ensuring prisoners have the opportunity to request and receive authorization, from the ACS commander or his designated representative, a review of progress and classification status as noted on the DD Form 2712 (Inmate Work and Training Evaluation).
- (7) Risk assessment of the inmate.

*b. Classification review boards.*

- (1) Classification review boards will consider and make recommendations to the facility commander or a designated representative regarding each prisoner's correctional treatment program including custody grade, quarters, training, work, planned disposition, and special treatment.
- (2) When background information has been gathered, the classification review board will review and consider cases of prisoners to determine their individual correctional treatment program and initial assignment.
- (3) Special reviews, those conducted within the cycles described below, may be conducted when directed by the facility commander.
- (4) The prisoner classification review and DD Form 2711–1 (Custody Classification) will be used by the assignment board to report findings and recommendations and the action by the facility commander or a designee.
- (5) Recommendations made by classification review boards will not be divulged to any person not having a need to know.
- (6) Classification review boards will be chaired by an E8/GS–12 or above with two enlisted members (staff sergeant or above). A civilian employee in the grade of GS–7 may be substituted for one of the noncommissioned officer members.
- (7) Classification boards will review and make recommendations in the following areas:

(a) *Review of custody and security grade assignments.* Board members will carefully review previous custody and grade assignments and recommend changes as may be appropriate based upon special circumstances.

(b) *Domicile accommodations.* Quarters to be occupied by a prisoner normally will be dictated by safety, security, custody grade and controlled by work assignment and the general housing plan of the facility.

(c) *Prisoner training needs.* Assignments to vocational training shops, schools, and other details specifically for training or subsequent transfer from such assignments will be made on the approved recommendation of the assignment board, or a panel of the board.

(d) *Prisoner work assignments.* A prisoner's work assignment will be determined on the basis of training needs, use of existing military or civilian occupational skills, and planned disposition, with due consideration for institutional needs and support activities, custodial requirements and similar limitations.

(e) *Treatment reviews.* Assignment to a treatment program may involve referral to a mental health professional who deals with group or individual therapy, scheduled counseling, corrective counseling in family or personal problem areas, or special types of occupational or training assignments to meet a particular custodial, health, therapeutic, or control requirement. Special treatment may preclude normal work and training assignments in order to best meet special needs of the prisoner.

*c. Disposition boards.*

(1) Disposition boards will consider and make recommendations to the facility commander regarding clemency actions (clemency, restoration and return to duty) and requests for parole.

(2) Disposition boards will be conducted per policies established in 5-4c.

(3) Procedures for conducting boards are established by the facility commander.

(4) A general orientation for prisoners will be presented to ensure that the prisoner fully understands the purpose and procedures of the board, to determine any unusual or special factors of importance, which should be brought to the attention of the board.

(5) Disposition board personnel will ensure that records and material prepared for the board are complete.

(6) A prisoner's refusal to appear before the board will be noted in the board record.

(7) Relatives or other nonstaff individuals will not be permitted to appear before the board.

(8) At a minimum, a mental health report will be prepared by mental health personnel for each prisoner appearing before the board who is confined for the following offenses murder, rape, aggravated assault, aggravated arson, sexual offenses, child abuse, or the attempt to commit any of these offenses. These reports will require approval by a psychiatrist, clinical psychologist, or social worker. Other prisoners appearing before these boards will require a mental health report prepared by a member of the mental health staff at the discretion of the facility commander.

(9) Disposition boards will be chaired by an E8/GS-10 or above with two enlisted members (staff sergeant or above). A civilian employee in the grade of GS-7 may be substituted for one of the noncommissioned officer members. When requested by the respective service, a member of the prisoner's service will be a board member. If a member of the Navy or Coast Guard is not available, a Marine will usually sit as a board member.

(10) A board schedule will be established to ensure receipt of current recommendations by the disposition board and the facility commander by the Army Clemency and Parole Board (ACPB), 1941 Jefferson Davis Highway, Room 222, Arlington, VA 22202, not earlier than 30 days in advance a prisoner's maximum eligibility date for consideration by the secretary of the service concerned. Disposition evaluations and recommendations being submitted for annual consideration will be forwarded 30 days in advance of annual consideration dates. Minimum eligibility dates for consideration will be determined per references cited in DODI 1325.7. The disposition board will consider prisoners for restoration or reenlistment, clemency, and parole. The board will make a recommendation regarding restoration or reenlistment only if the prisoner has applied for restoration or reenlistment.

(11) The board will make recommendations regarding clemency for each prisoner requesting clemency consideration. Consideration for parole will be per AR 15-130 and chapter 8 of this regulation. Annual clemency and parole review dates will occur per AR 15-130 and chapter 8 of this regulation, except when an interim consideration for parole or clemency is directed. When interim consideration occurs, a new annual review date will be established as of the date of the interim consideration. When action on restoration/reenlistment, clemency, or parole has been taken, the prisoner will be promptly informed of the decision.

(a) The disposition board will review DD Form 2710 (Inmate Background Summary), DD Form 2715 (Clemency/Parole Submission), DD Form 2715-1 (Disposition Board Recommendation), DD Form 2715-2 (Inmate Summary Data), DD Form 2719 (Continuation Sheet), or computer-generated reports will be prepared for use in compiling and presenting information regarding the prisoner, which becomes available following preparation of initial admission summary or a prior progress summary. Additionally, the board will review the original copy of a prisoner's DA Form 1704-R (Parole Statement) and/or a letter application for restoration/reenlistment, as appropriate, will be forwarded to the ACPB with classification material. A single copy of reports prepared by U.S. probation officers exercising supervision over parolees will be forwarded with progress summaries and basic incarceration data. Basic incarceration data will contain no reference to race or national origin and will provide an update on the current status or disposition of codefendants, if any. In unusual circumstances, a record may not be available. In those cases, the ACPB will be notified and further instructions requested.

(b) The facility parole officer's recommendation, when applicable, will be included for review by the disposition board.

d. *Future reviews.* An approximate date will be established for review of each prisoner's progress. Custody classification will be conducted annually at a minimum; boards may recommend earlier reviews as appropriate.

## **5-5. Prisoner counseling**

a. Counseling is a continuing process, which often involves every member of the staff and cadre. However, no right is afforded by this regulation to any prisoner regarding participation in any particular counseling or treatment program.

b. ACS facilities will establish prisoner counseling programs commensurate with staffing levels and the policies set forth in this regulation. Counseling will, at a minimum, be available in all facilities for immediate problem solving and crisis intervention. ACS regional facilities and the USDB will, at a minimum, provide the following counseling/treatment programs:

- (1) Chemical abuse counseling.
- (2) Anger management counseling.
- (3) Stress management training.
- (4) Adjunct therapy programs, that is, Alcoholics Anonymous (AA) and Narcotics Anonymous (NA).
- (5) Impact of crimes on victims training.
- (6) Other programs consistent with staffing, professional support, and prisoner needs.

c. RCF will rely primarily on those counseling/treatment programs available to all Soldiers. Those installations unable to provide the basic regional counseling services will request a waiver from DAPM.

## **5-6. Prisoner employment**

a. *Nature of work.* Prisoners will be employed in maintenance and support 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 correctional requirements, and installation/facility needs.

b. *Coordination of work projects.* Close coordination between the facility commander and the garrison commander or equivalent will be maintained to establish worthwhile work projects for the employment of prisoners. Approval for and assignment of prisoners to work on projects are the responsibilities of the facility commander.

c. *Employment activities.* Prisoners may be employed in the manufacturing and processing of items of equipment, clothing, and other useful products and supplies for DOD activities or other Federal agencies, in agricultural programs, in manufacturing, or in preparing items to meet institutional or installation needs.

d. *Vicinity of work.* Prisoners will not work away from the installation or subinstallation on which the facility is located, except as part of an approved work release program per chapter 6, or upon the facility commander's approval.

e. *Selection of projects.* Care will be exercised in the selection and approval of work projects for prisoners to avoid involving the Army in controversies with organized labor, employers, and agricultural groups. Prisoners will not be assigned to work projects that are inherently unsafe.

f. *Public exhibitions.* Prisoners may participate in public exhibitions, such as county or state fairs, through the display of products produced in prisoner work projects, unless a victim/witness lives within a 50-mile radius of the event location.

g. *Length of workday.* When not engaged in prescribed training or counseling, prisoners will be required to perform a full day of useful, constructive work. In general, prisoners will be employed through a standard 40-hour workweek. Supervisors may determine that failure to complete 40 hours was due to factors outside the control of the prisoner, such as weather, sickness, and so on. This restriction is not intended to limit the authority of commanders to direct extra work during emergencies, to prevent the assignment of prisoners to details that normally encompass weekends, or to prevent prisoners from volunteering for extra work.

h. *Work assignment.* Prisoners may be employed on any work assignment that is consistent with the intent and purposes of this regulation. Individuals designated by the facility commander, usually the supervisor of the work activity involved, will render specific job placements and work evaluation reports. Reassignment of a prisoner from the activity will be approved by the facility commander or a designee, except in cases involving an alleged rules violation related to the work assignment or that may have bearing on the security and safety of the prisoner or ACS.

i. *Motor vehicle operation.* Prisoners may be employed as operators of Army and civilian motor vehicles and vehicles undergoing maintenance on military installations only, provided they have been issued driving permits and have demonstrated the necessary proficiency. Security considerations will be carefully evaluated before authorizing a prisoner to operate a vehicle. Prisoners employed in the work release program may operate vehicles off the military reservation, subject to the restrictions of the facility commander.

j. *Work restrictions.*

- (1) A pretrial prisoner will not be assigned work details with posttrial prisoners.
- (2) Prisoners will not attend children; exercise dogs, except as part of authorized duties on properly established and recognized work details; clean and polish others' shoes, except in shoe repair and shoe shine projects operated by an ACS facility; do laundry work except in the installation or ACS facility laundry; act as cooks or serve meals in

individual quarters; cultivate or maintain private lawns or gardens; or make beds and perform orderly or housekeeping duties in Government or privately owned quarters.

(3) Prisoners will not perform labor that results in financial gain to prisoners or other individuals, except as specifically authorized by the garrison or ACS facility commander.

(4) Prisoners will not be given work assignments that require the handling of, or access to, personnel records, classified information, drugs, narcotics, intoxicants, arms, ammunition, explosives, money or institutional keys. Prisoners will not have access to automation equipment unless approved by the ACS facility commander and properly supervised.

(5) Prisoners will be required to perform useful work to the same extent as Soldiers available for general troop duty. However, they will not be used on work such as police details, area maintenance, janitorial duties, or kitchen police within unit areas. Such work projects may be performed in direct support of the ACS facility and of other installation functions, when approved by the garrison commander or equivalent.

(6) Prisoners will not be placed in any position where discharge of duties may reasonably be expected to involve the exercise of authority over other prisoners. Skilled prisoners may be used as assistant instructors to help other prisoners with academic work and vocational education/training.

(7) Prisoners may be employed in work assignments in exchanges, clubs, or in comparable work in other service-regulated activities on a military installation, provided such employment does not violate the prohibited practices listed above.

### **5-7. Vocational training and education**

Organized vocational training and academic classes will be conducted at ACS facilities when resources are available.

*a. Vocational training.* Vocational training includes preparation for training in trades, industry, business, and other vocations designed to assist prisoners for assumption of employment in private industry upon release. Vocational training and supporting academic instruction may include the following:

(1) Practical work/vocational training projects, under the supervision of a trained instructor or a skilled employee of the DOD. These will be organized and operated per applicable educational, military, or industrial standards and should be designed to be self-sustaining. Such programs may provide for both practical and classroom instruction.

(2) Maintenance details using skilled supervision and modern equipment available on the installation. Detailed training objectives will be developed whenever a maintenance detail is to be designated as a vocational training position. Related military or civilian correspondence course participation to supplement the work experience will be permitted.

(3) Individual vocational/academic counseling closely correlated with work placement opportunities upon the prisoner's release.

*b. Academic vocational programs.* Prisoners may be permitted to pursue other nonmilitary correspondence courses at no expense to the Army. Prisoners may be required to participate in formal, vocational training classes and correspondence courses.

*c. Apprenticeship Training Program.* The Apprenticeship Training Program, in coordination with the Department of Labor, Bureau of Apprenticeship and Training, and craft labor unions, may be established at ACS facilities.

*d. Prisoners in vocational or trade training.* Most prisoners entering a vocational or trade training shop will be inexperienced and will need close supervision, instruction in principles/techniques of the trade, and supervised practice in the fundamental skills of the trade before engaging in actual work. To meet this need, each vocational training activity will plan and develop projects designed to continually evaluate the prisoner's progress and development according to clear performance standards.

*e. Textbook and teaching aids.* Whenever applicable, Army publications will be used. When appropriate and available, textbooks, job instruction sheets, industry standard textbooks, and teaching aids/devices may be furnished by the ACS facility.

*f. Vocational training funds.* Appropriated funds may be used to pay for vocational training programs per this regulation and may be supplemented with the use of nonappropriated funds (NAF) per appropriate NAF regulations. Vocational training funds may be established and operated to sustain practical work experience projects for prisoners. Prisoner generated NAF revenues will be used to support only those programs approved by the ACS facility commander per appropriate NAF regulations.

### **5-8. Prisoner compensation**

Prisoners may be compensated for demonstrated excellence in work, according to policies established below. Only prisoners in a nonpaying status may receive wage compensation.

*a. Appropriated funds.* When authorized by public law or other regulation, appropriated funds available to the ACS facility may be used to pay prisoners for work performed. When authorized, DAPM will issue specific pay for work policy.

*b. Good conduct time.* Good conduct time will be accorded each prisoner serving a sentence(s) imposed by a court martial or other military tribunal for a definite term or terms of confinement. Prisoners who have a life sentence will

not receive good conduct time. Good conduct time will be credited monthly with a deduction from the term of sentence(s) beginning with the day that the sentence begins. The military services may elect to calculate an anticipated release date at the beginning of a prisoner's sentence to confinement based on the regular good conduct time that could be earned for the entire period of the sentence. A parole or probation violator, on return to confinement, will earn good conduct time at the rate applicable to the sentence in effect at the time of violation of parole or probation. Good conduct time will be credited in accordance with AR 633-30 and at the rates described below:

- (1) Five days for each month of the sentence, if the sentence is less than one year.
- (2) Six days for each month of the sentence, if the sentence is at least one year but less than three years.
- (3) Seven days for each month of the sentence, if the sentence is at least three years, but less than five years.
- (4) Eight days for each month of the sentence, if the sentence is at least five years but less than ten years.
- (5) Ten days for each month of the sentence, if the sentence is ten years, or more. All sentence computation will follow DOD 1325.7M, dated 27 July 2004, except for inmates adjudged prior to 1 January 2005. Facilities will convert sentence computation that used tables in AR 633-30 to those in DOD 1325.7M by 1 January 2006.

*c. Earned time (ET) abatement.* Facility commanders can grant ET as an additional incentive, from the schedule at paragraph 5-8d, to prisoners who demonstrate excellence in work, educational, and or vocational training pursuits. The facility commander will designate jobs for which ET is granted, in writing. Facility commanders will require work supervisors to report the prisoner's conduct and work performance at least quarterly. Work evaluations will be used to award ET. Those prisoners enrolled in earned timed programs who receive unfavorable evaluations or who otherwise do not work because of disciplinary reasons will not be awarded ET.

*d. ET computation.* ET for actual work in assignments for which ET has been authorized will be awarded at the below listed rates. ET will be awarded effective the first day of the month following eligibility so that increases occur on the first of the month. As a one-time occurrence, when closing out records, a prisoner will receive prorated credit for the month in which he/she is being released.

- (1) Level 1: Those prisoners continuously employed 1 to 5 months receive 1 day per month.
- (2) Level 2: Those prisoners continuously employed for 6 to 10 months receive 2 days per month.
- (3) Level 3: Those prisoners continuously employed for 11 to 15 months receive 3 days per month.
- (4) Level 4: Those prisoners continuously employed for 16 to 20 months receive 4 days per month.
- (5) Level 5: Those prisoners continuously employed for 21 to 25 months receive 5 days per month.
- (6) Level 6: Only applicable to prisoners in level 6 earning rate prior to publication date of this revision on AR 190-47 and per authorization of DODI 1325.7. Those prisoners serving as assistant instructors/supervisor's assistants, following attainment of Level 5, may receive 6 days per month. Prisoners, including trustees, who lose an assistant instructor/supervisor assistant position will be reduced to level 5 or the earning level held prior to elevation, whichever is less.
- (7) Level 7: Only applicable to prisoners in level 7 earning rate prior to publication date of this revision on AR 190-47 and per authorization of DODI 1325.7. Those trustees who have maintained level 6 for 6 months may be upgraded to 7 days per month. The one-level increase will be removed if the prisoner is removed from trustee status.
- (8) Prisoners receiving earned abatement at earning levels 6 and 7 computations prior to the date this revised publication is published will continue to have the opportunity to earn abatement at the level 6 or 7 rate. However, prisoners that lose their earning rate on or after the publication date of this revised AR 190-47 will not be eligible to regain the level 6 or 7 earned rate computation.

*e. Enumeration qualifications.* For the purposes of pay and ET credit, a prisoner will be considered as actually employed when regularly assigned to work or training for which ET has been authorized. Pay and ET will not be allowed merely because of assignment to the detail, but must be earned and allowed per this regulation. To receive abatement for a month, the prisoner must have spent at least 85 percent of the duty days on the job. Prisoners assigned to earned time detail (ETD) who are absent through no fault of their own for more than 5 work days may have a pro-rata share of their monthly credit removed. Allowance of ET may be disallowed or downgraded for any month a prisoner fails to meet the established and published work standards.

*f. ET credit.* Credit will be allowed by approval of the ACS facility commander or a designee. Half-day employment is considered part time. The facility commander may authorize prorated share ET for details that are less than full time.

- (1) The forfeiture and restoration of ET will be per AR 633-30.
- (2) Forfeiture of ET that may be earned in the future is not authorized. An additional abatement may be authorized for participation in community service programs, over and above that which is normally scheduled; special projects supportive of institutional goals or missions; or other activities as specifically designated, in writing, and approved by the facility commander. Such ET will be awarded in a lump sum amount. Facility commander may authorize up to 5 days additional abatement.

*g. ET records.* ET will be recorded separately from good conduct time. A record of ET for each prisoner working on an authorized ETD will be maintained.

*h. ET time for prisoners with life sentences.* Prisoners with life sentences may earn ET. Such ET will be held in

abeyance and only credited if the life sentence is reduced to a determinate sentence length. ET so held may be subject to forfeiture/restoration.

## **5-9. Academic instruction**

*a. Program establishment.* Facility commanders will establish academic programs that ensure eligible prisoners are afforded the opportunity to participate. Facility commanders must establish a system/procedure, or when available, use external resources to ensure academic programs are assessed and validated to determine quality of instruction and academic instruction standards are met every 3 years. Upon availability of resources, community facilities, and local businesses, the program will contain, at a minimum, the following requirements:

- (1) Educational philosophy and goals.
- (2) Communication skills.
- (3) General education.
- (4) Basic academic skills.
- (5) GED preparation.
- (6) Special education.
- (7) Vocational education.
- (8) Postsecondary education.
- (9) Other education programs as dictated by the needs of the prison population.

*b. Prisoners with disabilities.* Prisoners that possess physical, mental, emotional, and or learning disabilities and have the desire to participate in academic and vocational programs will have the same opportunities as other prisoners.

*c. Vocational training integration with academic programs.* Facility commanders must ensure vocational training programs are integrated with academic programs and are relevant to the vocational needs of prisoners and to employment opportunities in the community.

*d. Academic courses.* Academic courses offered for general education will be designed to contribute to the prisoner population's social adjustment.

(1) All prisoners without a high school education, or equivalent, will be afforded the opportunity to complete the general education development (GED) program. Those with serious reading and/or writing deficiencies will be afforded the opportunity to pursue Army-sponsored, locally available remedial training.

(2) Enrollment in postsecondary courses will be voluntary, normally at no expense to the Government. The College Level Examination Program, Defense Activity for Nontraditional Education Support, and similar Army sponsored programs may be made available to prisoners. Class schedules will be arranged to reduce conflict with work schedules, whenever possible. Weekend and nonduty hour classes will be encouraged.

*e. Educational counseling.* As an integral part of the initial assignment procedure, each prisoner will be counseled with respect to educational opportunities/needs. A definitive education and career plan to meet personal needs will be established and every practicable opportunity to complete it will be provided.

*f. Prisoner instructors.* The facility commander may approve the use of qualified prisoner instructors when qualified military or civilian personnel are not available. In addition to full-time personnel, part-time services of qualified instructors recruited from the surrounding community, such as high school and college teachers, will be used whenever possible.

*g. Testing.* Educational testing, diagnosis, and appraisal of factual information concerning the prisoners' academic and vocational education will be conducted as an essential part of planning academic and vocational training programs during in-processing.

(1) As soon as possible and within available resources, all prisoners will be given educational achievement tests, as well as tests to determine their educational level and mechanical aptitudes. In addition, a brief presentation of educational and vocational opportunities will be given each new prisoner. On the basis of resources available, a training program suited for each particular prisoner will be recommended.

(2) Physical handicaps discovered as a result of medical examination and their bearing on training will be considered in formulating a prisoner's academic training program.

(3) Brief statements on the results of testing, interviewing, and proposed training recommendations will be included in the prisoner's admission summary.

*h. Academic file.* The facility will maintain an academic file on each prisoner, to include achievement test results, interview sheets, and school records.

## **5-10. Prisoner welfare activities**

*a.* Facility commanders will establish policy and procedure and implement a comprehensive recreational program that includes leisure-time activities and outdoor exercise. Additionally, the program will describe policy and procedures for the selection, training, and use of inmates as recreation program assistants.

*b.* Welfare activities will include provisions for reading material and physical recreation facilities. Prisoners will be



authorized to retain in their possession the following welfare items, with reasonable restrictions as to quantities and sizes as directed by the facility commander:

(1) Bibles, prayer books, religious pamphlets, and other scriptures appropriate to the prisoner's faith, as recognized by the Office of the Chief of Chaplains.

(2) Textbooks and appropriate military and vocational training manuals.

(3) Books and magazines approved by the facility commander or a designee.

(4) Personal letters and photographs.

(5) Official and personal documents.

(6) Writing materials. Facility commanders may, for good cause, designate the type of writing instrument, such as a ballpoint pen or pencil.

c. ACS facilities will maintain and/or provide access to comprehensive 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 institutional staff and prisoners. Facility commanders will establish policy that defines the principles, purposes and criteria used in selection and maintenance of library materials. Additionally policy will outline the selection, training and use of prisoners as library assistants. Library services must be available daily, including evenings and weekends. A branch or field library, with sufficient legal material, to include the Manual for Courts-Martial (MCM) and other legal resources to support the prisoner population of the ACS facility, will be established at ACS facilities or made reasonably available through installation or locally available assets. Installation librarians and the Staff Judge Advocate will provide technical advice to the facility commander and assist in providing adequate and suitable library resources. The facility library should contain a varied and authoritative collection of reading material aimed at encompassing the various reading levels, interests, and cultural backgrounds of the prisoners confined.

d. Facility commanders will establish written policy, procedure, and implement recreation programs for activities that are initiated by inmates and carried out under staff supervision. Additionally, equipment that supports the recreation program will be suitable for the planned leisure of activities and is available in proportion to the inmate population and maintained in good condition. The prisoner's schedule will be considered to avoid unnecessary conflict with work, training, and education activities. The prisoner recreation program may include sporting events, hobby shops, radio, television, indoor games, motion pictures, videocassettes, creative writing, painting, and other appropriate activities. In accordance with AR 215-1, ACS facilities are exempt from the provisions that prohibit the use of arts and crafts facilities and equipment for the making of articles for private resale. Prisoners are required to purchase raw materials when the end product is for personal use or sale. Spectator events will also be part of the recreational program.

e. Free admission motion picture or videocassette service may be provided to Army confinement and correctional facilities under the provisions of AR 60-10 and AR 60-20.

f. American Red Cross (ARC) assistance will be requested from the ARC representative serving the host installation.

g. Facility commanders will establish policy, procedure, and implement health care (sick call) support that is conducted by a physician and/or other qualified personnel and is available to all inmates. Health services will be available to the inmates daily and will include at a minimum daily triage of inmates requesting health services by a health care professional. Clinical services will be provided to inmates in a clinical setting at least 5 days a week by a physician or other qualified health care professional.

(1) Prisoners reporting on sick call will receive medical attention at the facility, where practical. Those segregated for disciplinary or administrative reasons will be visited daily by a medic.

(2) When a prisoner is hospitalized in a medical treatment facility, a custody and conduct history will be briefed to the medical treatment facility commander or a designee if required.

(3) When a posttrial prisoner is hospitalized, the ACS facility will provide appropriate guard services, unless the prisoner is to be hospitalized in a prisoner ward where an established guard force exists. Properly trained guards of the prisoner's assigned unit will secure pretrial prisoners. Properly trained guards of the prisoner's parent unit will secure prisoners hospitalized outside the continental United States (OCONUS).

(4) Religious services will be provided to prisoners, who will be allowed to worship according to their faith, subject to the security and safety of their confinement, this regulation, and AR 600-20

## **Chapter 6**

### **Work Release Program**

#### **6-1. Establishment**

a. Work release programs provide for the conditional and part-time release of selected trustees for voluntary employment or training within NAF activities, appropriated fund activities, and civilian firms while serving sentences to incarceration. Trustees enrolled in work release programs may be compensated by the employing activity.

*b.* The Commander, USDB, is authorized to establish work release programs. RCF commanders may establish work release programs in coordination with the garrison commander.

## **6-2. Objectives**

The objectives of the work release program are to—

*a.* Assist selected trustees in the development of better attitudes, improved motivation, self-discipline, and employment skills.

*b.* Provide an extension to the individual correctional treatment program through community-based employment on a conditional basis.

*c.* Provide a transitional work environment to help selected trustees adjust to the environment anticipated on their release from confinement.

## **6-3. Policies**

*a.* Trustees may be assigned to work release programs, provided—

(1) Local labor union officials are consulted.

(2) Such employment will not result in the displacement of employed workers; be in applied skills, crafts, and trades in which there is a local labor surplus; or impair existing contracts for services.

(3) Such employment meets the requirements specified in paragraph 5-6.

*b.* When compensation is paid to the prisoner, he/she will receive established minimum wage for work performed, or additional pay for working in conditions that are less than minimum acceptable standards. Prisoners will not be exploited in any manner.

*c.* For the purposes of accountability, participating trustees will remain in the custody of the ACS facility commander. A participating trustee who is willfully absent from his work assignment will be placed in an escapee status.

*d.* All work proposals will be analyzed to determine their validity, suitability, and potential to fulfill objectives of the work release program. The work will be integrated into the participating trustee's individual correctional treatment goals, and, where feasible, the trustee will be placed in work related to prior vocational training, previous work experience and anticipated employment on release from confinement. A work agreement with an employer does not constitute or imply a contractual agreement between the employer and the Army or the Government, although a mutual responsibility is recognized.

*e.* Prior to employment of a participating trustee, the ACS facility commander will ensure that the employer's liability insurance policy recognizes the participating work release trustee as an employee for whose acts the employer's insurance company will respond.

*f.* While fully recognizing the employer's rights of hiring and dismissing an employee, approval for participation or removal of a trustee from the program is within the sole authority of the ACS facility commander. When approved for participation in the program, a trustee will be furnished a list of standards of conduct and work performance and will be advised that noncompliance with those standards may be the basis for termination of participation in the program.

## **6-4. Selection criteria**

*a.* Care will be exercised in screening and selecting trustees for participation in the work release program. Safeguards will be established to protect the military and civilian community from the potential hazards of the work release program.

*b.* Any trustee, except one against whom charges are pending, may apply for participation in the program as prescribed by the ACS facility commander.

*c.* Criteria for participation are as follow:

(1) Prisoner trustee status is a prerequisite for participation in the program.

(2) Applicants must be physically and mentally qualified to perform duties required in proposed work assignments.

*d.* Applicants for specific types of employment will be approved for participation in the program on a best qualified basis.

*e.* The restrictions imposed in chapter 5 of this regulation, regarding prohibited work activities, apply to work release programs.

*f.* Each participating trustee will be required to sign an agreement setting forth conditions prescribed by the ACS facility commander for participation in the program. Each participating trustee will carry a copy of the agreement when outside the ACS facility.

*g.* Trustees receiving any portion of their military pay are excluded from participation in the work release program.

*h.* To be eligible for consideration for appropriated fund employment, the trustee must have been discharged from the military service.

*i.* To be eligible for, or remain in, the work release program, the trustee must not have waived parole consideration or refused an approved parole release. Facility commanders may, however, retain a trustee in the program to complete any time period previously coordinated with the work release employer.

## **6-5. Transportation**

a. Participating trustees will not be permitted to operate privately owned vehicles but may be permitted to use commercial or employer-provided transportation. If commercial or employer-provided transportation is not available or feasible, vehicles owned by the ACS NAF may be used for transportation to and from the place of employment. Government transportation may be used only when authorized by the garrison commander.

b. Cost of transportation will be borne by the trustee, to include reimbursement for the use of ACS, NAF, or other Government vehicles. The ACS facility commander will establish, in coordination with the appropriate installation transportation officer or director of logistics, standard transportation fees when ACS funds, NAF, or Government vehicles are used.

c. Participating work release trustees are not authorized to transport other work release trustees.

## **6-6. Work-site visits**

The ACS facility commander will designate a senior member of the staff to make unscheduled periodic visits to work sites where participating prisoners are employed.

## **6-7. Financial procedures**

a. The ACS facility commander or a designated staff member will administer all individual and special financial transactions in connection with the program.

b. All trustees selected to participate in the program will execute written assignments or agreements for collection and disbursement of their wages, salaries or any other stipend received in the course of their work. The agreement will contain provisions for direct transmittal of wages by check from the employer to the custodian of each prisoner's personal deposit fund for credit to the participating trustee's account.

c. If a participating trustee needs money for the purchase of suitable clothing, tools, equipment, or other expenses pursuant to employment, the employer may agree to advance or loan the trustee the money or the ACS facility commander may determine that another source is more appropriate. In either case, the trustee must agree to repay the full amount promptly. Funds may be advanced to fill the participating trustee's immediate needs only. Future needs will be paid for with funds from the trustee's accumulated balance in each prisoner's personal deposit fund.

d. The ACS facility commander may authorize participating trustees pocket money to cover miscellaneous daily expenses.

e. Participating trustees may not open charge accounts or time credit installment accounts unless such action has direct connection with or is a necessity for employment, and then only when authorized by the ACS facility commander. Opening of savings accounts or purchase of U.S. Saving Bonds is authorized provided that deposits, withdrawals, purchases, and redemption are transacted under provisions of this regulation.

## **6-8. Tools and equipment**

If the work approved requires procurement of special tools or equipment, the cost will be borne by the participating trustee and items accounted for as personal property. Arrangements will be made to store the items at the work site; however, if such storage cannot be accomplished and the items are returned to the ACS facility, arrangements will be made to secure them in a manner that does not compromise the security of the ACS facility.

# **Chapter 7 Professional Services Support**

## **7-1. Functional relationships**

The services of psychiatrists and other medical doctors, dentists, psychologists, social workers, lawyers, chaplains, and other professional specialists are essential ingredients in the corrective process. At some facilities, selected specialists may be assigned to the staff of the facility commander. At other facilities, all professional service support will be provided by the installation. Facility commanders will request and installation or medical treatment facility commanders will approve the appointment, on orders, of those specialists not authorized or on hand at the correctional or confinement facility in sufficient numbers to accomplish their necessary functions.

## **7-2. Health care services**

a. *Health services support.*

(1) MACOMs responsible for health services will ensure that health services support is provided to all ACS facilities. Medical personnel in support of an ACS facility will assist in providing medical and mental health care, counseling, and social services.

(2) Medical officers, nurse clinicians, or physician assistants will perform medical examinations to determine the fitness of any newly confined prisoners and those who have been outside military control for more than 24 hours; these

examinations will be completed within 24 hours of their initial arrival/return to confinement. Examinations should take place at the ACS facility.

(3) Dental services will be provided, as required, for all prisoners.

(4) A person from a healthcare provider or medical technician designated by the commander of the supporting medical treatment facility, will perform a monthly inspection of the facility, to ensure that the operation of the facility is consistent with accepted preventive medicine standards. The facility commander or designated representative will be provided a copy of all such inspection results at the time of the inspection.

(5) Routine and emergency psychiatric treatment is the responsibility of the medical treatment facility commander. Personnel who provide health care services to prisoners must have appropriate State and Federal licensure, certification, or registration requirements and restrictions. The duties and responsibilities of these personnel are governed by written job descriptions approved by the health authority. Facility commanders will verify current credentials and have job descriptions on file in the facility.

(6) A medical officer, nurse clinician, physician assistant or medic will evaluate each prisoner in segregation daily, per paragraph 12-6.

(7) Within established parameters for protection of medically sensitive information, supporting medical treatment facility commanders will provide ACS commanders with diagnosis, prognosis, and current status of prisoner patients undergoing treatment.

*b. Army medical department personnel.*

(1) Licensed professional officers in the health care disciplines and professional specialties will be provided to assist in the evaluation of prisoners, especially those who show difficulty in adjusting to their confinement. They will provide guidance and recommendations on the correctional treatment requirements of individual posttrial prisoners, provide professional supervision for behavior science specialists and assist in the training of correctional personnel.

(2) Medical officers, nurse clinicians, or physician assistants will be provided daily to conduct medical examination, evaluation, and treatment of prisoners at ACS facilities. Medical facilities equivalent to an outpatient dispensary will be established at all ACS facilities. If more extensive medical treatment is required, prisoners will be transferred under appropriate custodial supervision to a medical treatment facility.

*c. Initial screening of prisoners.* Medical personnel will evaluate prisoners within 24 hours of entering administrative or disciplinary segregation.

*d. Health Appraisal.* Upon the prisoner's arrival at the facility, qualified health care personnel will perform medical, dental, and mental health initial screening on all prisoners within 14 days of arrival at the facility. Dental screening will be performed within seven days. All findings will be documented and approved by the health authority. When screening prisoners, prisoners that were identified for alcohol and drug abuse problems must undergo a thorough assessment and reassessment to determine the treatment needs for the prisoner. The screening, at a minimum, will cover—

(1) Current illness and health problems, including venereal diseases and other infectious diseases.

(2) Dental problems.

(3) Mental health 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) Past and present treatment or hospitalization for mental disturbance or suicide.

(6) Possibility of pregnancy.

(7) Other health problems as designated by the responsible physician.

(8) Review of prescribed medication the prisoner consumes.

(9) Observation of:

(a) Behavior, including state of consciousness, mental status, appearance, conduct, tremor, and sweating.

(b) Body deformities, ease of movement, and so on.

(c) Condition of skin, including trauma markings, bruises, lesions, jaundice, rashes and infestations, and needle marks or other indications of drug abuse.

(10) Medical disposition of prisoner:

(a) General population.

(b) General population with prompt referral to appropriate health care service.

(c) Referral to appropriate health care service for emergency treatment.

*e. Professional care during pregnancy.*

(1) At a minimum, facility commanders will implement policy and procedures that address the following areas regarding pregnancy for female prisoners:

(a) Pregnancy testing.

(b) Routine prenatal care.

- (c) High-risk prenatal care.
- (d) Management of the chemically addicted pregnant inmate.
- (e) Postpartum follow-up.

(2) While confined, pregnant prisoners will be provided prenatal, natal, and postnatal care as appropriate. Arrangements for placement of any child born while the mother is in custody will be made as soon as possible after the pregnancy is known, but in no case later than the seventh month of pregnancy. AR 40-400, paragraph 2-18, governs abortions performed in military treatment facilities at Government expense.

### **7-3. Legal services support**

a. The installation Staff Judge Advocate will supervise the administration of military justice and provide legal assistance services for prisoners. Whenever possible, these services will be provided within the facility. Prisoners will be kept informed concerning the status of their cases or sentences and other pending legal matters.

b. The installation Staff Judge Advocate will serve as legal advisor to the facility commander and staff and will assist in providing the legal materials necessary to support prisoner needs for access to legal libraries.

### **7-4. Chaplain support**

Facility commanders will establish policy, procedure, and religious support where prisoners have the opportunity to participate in practices of their faith deemed essential by the faith's judicatory. Practices of religious faith must not cause disruption to the order and discipline within the institution and/or pose a threat to the safety of persons involved. Commanders will ensure adequate space and equipment are available for the conduct and administration of religious practices. Commanders will make provisions for regularly scheduled worship of the major faith groups. Commanders will make religious practice provisions for other than major faith groups as resources dictate. The senior facility chaplain is the commander's staff officer responsible for performing or providing opportunity for religious faith practices for prisoners. The installation chaplain is responsible for performing or providing religious opportunities for religious practices and pastoral care facilities without a Unit Ministry Team authorization. Chaplains in an authorized confinement facility position must have completed four quarters of clinical pastoral education. Annually, the facility Chaplain submits a Command Master Religious Plan (CMRP) to the Commander for signature. The facility Chaplain forwards the CMRP to the installation Chaplain. Requirements for volunteers and/or contractors for religious support must be included in the CMRP and comply with the provisions of AR 165-1. Except in cases of privileged communication, chaplains provide observations and recommendations pertaining to individual prisoners to the Commander or appropriate staff officers.

### **7-5. Research and evaluation**

All requests to conduct research and evaluation among ACS prisoner populations will be forwarded for review by DAPM-MPD-CI prior to approval. When conducting research, facility commanders will—

a. Ensure research is compliant with professional and scientific ethics and with state and Federal guidelines for the use and dissemination of research findings.

b. Review and approve all institutional research projects before implementation to ensure it conforms to policies and Army regulations.

c. Ensure prisoners only volunteer to participate in nonmedical, nonpharmaceutical, and noncosmetic research programs.

### **7-6. Mental health support**

Social workers and psychologists will provide ongoing mental health, social work, and consultative services in support of the correctional treatment program. At those facilities where a mental health or social work professional is not assigned, the Chief, Community Mental Health, of the supporting medical facility will serve as consultant to the facility commander on all matters pertaining to mental health, welfare, and personal well-being of individuals referred for services.

## **Chapter 8**

### **Return to Duty, Parole, and Clemency**

#### **Section I**

#### **Temporary Parole and Clemency**

##### **8-1. Temporary parole**

a. *Emergency home parole (EHP)*. ACS facility commanders may authorize EHP for prisoners that require a home visit for extreme emergency reasons. Prior determination must be made that circumstances exist that justify such special action and that such action is consistent with correctional requirements and public safety. A prisoner who

requires overnight quarters will reside in Federally approved facilities only. Victim witness notification will be made in accordance with chapter 13, paragraph 13-3e. Travel and subsistence expenses of a prisoner incident to home visit will be borne by the prisoner. Travel and subsistence expense of any accompanying guard(s) determined by the facility commander to be necessary will be borne by the Government, subject to the availability of funds. Normally, visits will be granted only in the case of critical illness or death of an immediate relative. The facility commander will consider limiting the number of days necessary. EHP usually will not exceed 1 week, inclusive of travel time. For this purpose, "immediate relative" will include spouse, dependent children, parents, brothers and sisters, and persons in loco parentis.

*b. Temporary home parole (THP).* In addition to EHP, the facility commander may authorize THP not to exceed 7 days per 12-month period for selected prisoners. The purpose of THP is to strengthen family relationships and provide an incentive and reinforcement to positive behavior and morale. Notification of victims and witnesses participating in the witness/victim notification program will be made by the most direct means practicable, prior to the release of prisoner on THP. Telephonic notification will be confirmed with written confirmation. Prisoners eligible for THP have been sentenced to at least 1 year in confinement and must—

- (1) Have served a minimum of 6 months of the sentence.
- (2) Be within 2 years of eligibility for parole.
- (3) Have served at least one-sixth of the total sentence, or 10 years (whichever comes first), and have more than 90 days remaining upon return.
- (4) Be in trustee or equivalent status and agree to such restrictions as the facility commander may deem necessary for reasons of security, custody, and control.
- (5) Possess sufficient personal funds to defray the cost of round trip transportation.
- (6) Reside with members of immediate family while on home parole and provide a telephone number at which the prisoner can be reached. Facility commanders may waive the requirement to reside with members of immediate family as necessary.
- (7) Sign an agreement to abide by the THP instructions published by the facility commander.
- (8) In addition to meeting the requirements listed above, prisoners will submit in writing to the facility commander, no later than 90 days prior to departure, justification for being released on THP.

*c. Additional considerations.* Additional considerations include the prisoner's background, offense(s) of which convicted, sentence, progress while confined, the effect of the release upon the victim's mental/physical welfare, potential for positive adjustment to society, and compliance with any applicable violent offender or sex offender reporting. Additionally, prisoners under consideration for THP must demonstrate to the ACS facility commander compliance with court-ordered support payments, payment toward military fines and/or debts, restitution payment to victims, and payment toward other debts and obligations.

## **8-2. Clemency, restoration, and reenlistment**

Prisoners within the ACS will be considered for clemency per AR 15-130. Non-Army prisoners will be considered for clemency per their parent service regulations. Clemency actions include the mitigation, remission, and suspension of courts-martial sentences and return to military service (restoration/reenlistment) of prisoners with approved sentences. All U.S. Army prisoners will be evaluated for return to military service. Neither clemency nor parole is a right. The programs set forth in this chapter and in AR 15-130 are primarily for the benefit of the Army, not for any individual prisoner. All prisoners will be clearly informed that there is no right to either clemency or parole.

*a. Authority to grant clemency.* A convicted Soldier may request clemency from the general court-martial convening authority, TJAG, and the Secretary of the Army, under the provisions of AR 27-10 and 15-130, and Article 74, UCMJ. ACS facility commanders should consult these regulations to determine what, if any, responsibilities the facility has in forwarding command recommendations or other matters, with the prisoner's clemency request, to the clemency authority.

*b. Procedures for prisoners within ACS facilities.* ACS facility commanders will convene disposition boards per paragraph 5-4c to consider prisoners confined within their facilities for clemency in such a manner as to ensure timely consideration of each case by the Army Clemency and Parole Board (ACPB). Prisoners may be recommended for clemency at any time following formal sentencing action by the convening authority. Prisoners with approved sentences will be considered, at a minimum, at intervals specified in AR 15-130.

*c. Consideration of other category prisoners.* All prisoners confined in Federal institutions, those who are hospitalized, and those released on parole who remain on the rolls of an ACS facility will be considered for clemency action per AR 15-130 by the ACS facility to which the prisoner remains assigned.

*d. Waiver of clemency review.* Prisoners may waive clemency review in writing and the ACPB will be notified of such waivers. ACS commanders will ensure persons eligible for clemency review are given a free choice in requesting or waiving clemency review each time their cases are subject to review. ACS commanders will assure that clemency packets are prepared and forwarded to the ACPB for each prisoner who waives clemency considerations.

*e. Written application for special consideration.* In addition to considerations for clemency otherwise required, written application for a special clemency consideration that sets forth a basis for the application and contains sufficient grounds for further clemency consideration may be made by the prisoner, or on behalf of a prisoner at any time. If the

facility commander deems the application worthy, the facility disposition board prior to the next regulatory date of consideration will hear the application. Prisoners confined in Federal penal or correctional institutions may request special clemency considerations through the warden of the confining institution to the commander, USDB, who will, if the request is deemed appropriate, forward Federal recommendations with the prisoner's case file to the ACPB. If a special consideration requested by a prisoner is approved and a board held, a new annual review date will be established as of the date of the special consideration.

*f. Victim/witness impact statement.* Commanders of ACS facilities will offer the victim(s) or witness(es), the sponsor(s) of underage (minor) victims, and the next of kin of victims enrolled in the Victim Witness Program the opportunity to submit an impact statement for inclusion in clemency considerations. In cases of espionage, the U.S. Government will be considered the victim, and victim notification will be provided the appropriate service through DAPM. The victim witness impact statement will be included in packets provided any disposition board, all officials making a recommendation concerning clemency, and the ACPB. If the victim declines to make a statement or cannot be located, the commander will include a statement in the clemency and parole packet explaining why a victim impact statement is not included. If parole and clemency are later approved, the victim/witness will be notified prior to the prisoner's release. Telephonic notification will be followed by written confirmation.

*g. Clemency considerations for prisoners on parole.* A prisoner released on parole will be considered for clemency, as well as restoration/reenlistment, 12 months after release on parole and, upon request, annually thereafter until expiration of the full term of sentence or sentences. Discontinuance of annual reviews will not preclude special clemency reviews at the request of the individual prisoner.

*h. Announcement of clemency actions.*

(1) To preclude possible irregularities in departmental documents announcing clemency actions (that is, reduction, remission, or suspension of sentences, or mitigation or suspension of discharge) each document received will be carefully scrutinized to determine its authenticity. Any apparent irregularity will be reported to the appropriate court-martial convening authority or the ACPB for advice prior to taking action on the document(s) therein.

(2) A prisoner will be promptly notified of clemency action taken.

(3) With the exception of return to military service, a clemency action affecting a sentence imposed by court-martial announced in a departmental directive becomes effective when delivered to the prisoner concerned. Secretary of the Army approval of restoration is implemented through the completion of the following actions, all of which are contingent upon the other.

(a) The unexecuted portion of the sentence to confinement is remitted.

(b) Simultaneously, the individual completes the enlistment process to include the enlistment oath. Because restoration to duty is a voluntary action, the individual may elect to withdraw the request any time prior to completion of the enlistment process. In that event, remission of the sentence to confinement will not become effective, but the prisoner will be eligible immediately to submit a request for clemency in the form of parole per this regulation. Once implemented, a clemency action may not be revoked unless it is determined that the original action was in error or upon reconsideration by the Secretary per (2), above.

(c) Completion of return to duty training determined appropriate by the appropriate ACS commander per paragraph 8-4.

### **8-3. Return to military service**

*a. Policy.* In the spirit and intent of public law, the Army may return to military service those Army prisoners and parolees who are physically, mentally, and morally qualified and possess the requisite potential for successful reintegration into the active force. Actions to return a prisoner to military service include restoration and reenlistment, which are defined below:

(1) *Restoration to duty.* Defined as the return to active duty status of an individual whose court-martial sentence does not include a punitive discharge or includes a punitive discharge that is either suspended or unexecuted.

(2) *Reenlistment.* Defined as the return to active duty status of an individual whose court-martial sentence includes an executed punitive discharge.

*b. Consideration of cases.* Decisions to return prisoners to military service will be made on individual merit, with due regard to the effect restoration to duty or reenlistment will have on the esprit and good name of the service. The prisoner's civil, military, and confinement records will be considered in determining suitability for this action. In the absence of exceptional circumstances, conviction of a crime generally recognized as a felony or serious offense in civil law, or a serious crime perpetrated under circumstances showing disregard for the rights or feelings of others that is willfully malicious, brutal, heedless, and lacking in serious provocation will ordinarily disqualify that prisoner for restoration to duty or reenlistment. Desertion or absence without leave with intent to avoid hazardous or important service or, regardless of offense of which convicted, a history of repeated drunkenness, narcotic addiction, or continued difficulty in adjusting to military life may also disqualify a prisoner for restoration to duty or reenlistment. Exceptional circumstances that may be considered include—

(1) A demonstrated behavioral change in the prisoner's demeanor from that evidenced at the time of the commission of the offense(s) for which convicted, supported by an established motivation for honorable service.

(2) A demonstrated ability to perform military duties in a creditable manner and a positive potential for honorable service.

(3) A substantially clear civil and military record.

(4) A reputation for honesty, integrity, and good behavior.

(5) Age at time of offense(s) for which convicted.

*c. Evaluations.* All return to military service evaluations will include consideration of the prisoner's performance in offense related counseling and training, work assignments, and behavior performance reports while incarcerated.

*d. Service category.* Prisoners and parolees eligible for return to military service must have been an enlisted member of the active Army at the time of conviction. Reserve Component personnel called to active duty who later become prisoners or parolees are not eligible for return to military service. Officer and warrant officer prisoners are not eligible for restoration in their former status. Restoration approval for such personnel will be for duty in an enlisted status and will not become effective until dismissal or discharge has been executed. Individuals in this category may submit an application for waiver to permit enlistment under procedures outlined in AR 601-210.

*e. Restoration standards.* A prisoner will not be recommended for return to military service unless the minimum physical, mental, and administrative standards for enlistment of prior service personnel as prescribed in AR 601-210 are met. Necessity for maximum utilization of available manpower during hostilities may warrant exception to these restrictions. In any case, the needs of the service govern return to duty programs, not the desires of individual prisoners. No prisoner who is not selected for such a program may appeal or otherwise contest nonselection.

*f. Additional training.* Restored or reenlisted personnel may be required to repeat basic combat training or basic training subsequent to their return to duty when the period of confinement has exceeded 12 months.

*g. Term of service.* Army enlistment resulting from restoration action constitutes a new term of service. Unless otherwise directed by the Secretary of the Army, enlistment will be in the lowest enlisted grade for a period of 1 year and will not afford any choice of enlistment option. Individuals will be advised that restoration has no bearing on legal appeals and is a new term of service that leaves the earlier term of service unaffected, including the character of any approved, executed punitive discharge.

*h. Restoration and reenlistment procedures.* All prisoners confined in the ACS will be evaluated for restoration to duty and or reenlistment potential per paragraph 8-3b. The Secretary of the Army is the approval authority for the restoration of prisoners. The appropriate ACS facility commander through the general court-martial convening authority will forward all prisoner requests for restoration to the ACPB.

(1) *Application.* Prisoners desiring restoration will submit a written application for consideration. Applications will include a statement that the prisoner understands that restoration may be subject to a period of limited training at an ACS facility or completion of formal training at an Army training center. Prisoners applying for restoration may also apply for parole. However, applications for restoration must include a statement from the prisoners acknowledging that if restoration is approved, parole will not be executed if approved. Prisoners applying will be considered for restoration whenever eligible for clemency consideration.

(2) *Board procedures.* Upon receiving a written application for restoration from a prisoner incarcerated in an ACS facility, the facility commander will submit the application for review by the facility disposition board. If the facility commander recommends approval, the disposition board's recommendation and that of the commander will be forwarded to the GCM convening authority-exercising jurisdiction over the facility. If reviewed by the GCM authority, the application will be forwarded to the ACPB following review and comment. Those not approved for restoration by the Secretary of the Army will remain in confinement until formally released per this regulation.

(3) *Approved recommendations.* Upon approval for restoration, the prisoner will be removed from the prisoner population pending actions specified at paragraph 8-2h(3) and provided minimum training determined appropriate per paragraph 8-4c by the facility commander. The GCM authority will remit the unexecuted portion of the sentence and request assignment instructions. Secretary of the Army approval will constitute a waiver to the enlistment qualification criteria.

(4) *Reenlistment procedures.* ACS commanders, per the criteria specified at paragraph 8-3b and 8-3c, will evaluate prisoners with an executed punitive discharge, for reenlistment. Those with potential for continued service may reenlist upon approval of the GCM authority. Prisoners who reenlist normally will have the unexecuted portion of their sentences suspended; however, at the discretion of the approving authority, the unexecuted portion of the sentence may be remitted. A sentence may be suspended for a period not to exceed 1 year or expiration of the Soldier's term of service, whichever is less. The action suspending the sentence should specify the period of suspension (for example 1 May 1993 until 2 May 1994) and contain a provision for automatic remission unless the suspension is sooner vacated. At any time it is warranted, the officer exercising GCM jurisdiction over the service member may remit a suspended sentence. Action to remit or vacate suspension may be postponed pending disposition of any current charges.

(5) *Duty status.*

(a) *Commissioned and warrant officer prisoners.* An Active Army officer who has been sentenced to dismissal (commissioned) or dishonorable discharge (warrant officer who is not commissioned) will not be discharged prior to completion of appellate review without the prior approval of the CG, HRC (see AR 600-8-24, paragraph 1-17). An RA officer whose sentence includes dismissal or dishonorable discharge may be returned to duty or processed for



excess leave while appellate review is pending (see AR 600–8–24, paragraph 1–17). An RA officer whose sentence does not include a dismissal or dishonorable discharge will be returned to duty upon release from confinement. A reserve officer whose sentence includes a dismissal or dishonorable discharge may be released from active duty prior to completion of appellate review, upon completion of confinement (see AR 600–8–24, paragraph 2–35b). When the sentence after final appellate review does not include dismissal or discharge, the officer will be returned to active duty, under the provisions of AR 600–8–24, paragraph 2–35c.

*(b) Enlisted prisoners.*

1. If a sentence to confinement expires before receipt of notification that the appellate review is complete, an enlisted prisoner with a remaining service obligation reverts to a duty status, unless the prisoner is pending a punitive discharge and is placed on excess leave. If the Soldier's enlistment or service obligation expires prior to completion of appellate review and the Soldier is pending a punitive discharge, the Soldier will be retained on active duty until appellate review is complete (see AR 635–200, paragraph 1–22d). In that case, the Soldier may be returned to duty or placed on excess leave until appellate review is complete and the punitive discharge is executed.

2. Prisoners in an enlisted status who are returned to duty prior to completion of appellate review will be returned to duty under their previous enlistment or service obligation; however, a Soldier who is pending a punitive discharge may not be discharged before appellate review is complete, unless so directed by HQDA (see AR 635–200, paragraph 1–22d). Enlistees with less than 1 year obligation remaining may be required to extend their enlistment to serve out at least 1 year at the discretion of the approving authority. Prisoners who entered the service under the Universal Military Training and Service Act, as amended, may not voluntarily extend their term of service. Such individuals having an insufficient service obligation remaining to demonstrate entitlement to an honorable discharge will be granted a waiver to reenlist or extend in the RA for a term of service, per AR 601–280. Administrative action on extension will not be taken until the appellate review process affirming discharge has been completed. The final court-martial order will incorporate the return to duty/remission action.

*(6) Processing.*

*(a)* If approved by the facility commander, the recommendations for return to duty of prisoners confined in ACS facilities will be submitted to the commander having GCM jurisdiction over the prisoner.

*(b)* Prisoners designated for return to duty may be required to complete training specified at paragraph 8–4 under direction of the ACS commander as directed by the approving authority.

*(c)* If a sentence to confinement expires prior to receipt at the place of confinement of notification that appellate review is complete, a prisoner, other than a nonregular commissioned or warrant officer who has been relieved from active duty, reverts to a duty status unless the prisoner is pending punitive discharge and is placed on excess leave.

*(d)* A sentenced prisoner's status changes to civilian when he is retained under military jurisdiction after discharge or expiration of a confinement sentence pending additional charges or transportation to continental United States (CONUS). Such individuals are authorized the same medical care as those who have been discharged, but have not completed their sentence.

*i. Assignment upon return to military service.*

(1) Assignments for personnel in ACS facilities who are to be returned to military service will be requested from CG, U.S. Total Army Personnel Command (appropriate career division). Soldiers returned to military service may be granted ordinary leave providing that the leave is not in excess of that authorized by law and regulation.

(2) Such personnel will be considered as immediately available for assignment and reported as such, per instructions contained in AR 614–200, AR 614–30, or other directives as applicable.

(3) When formal training is required, as determined by the GCM authority, assignment at a formal Army training center will be requested.

(4) Assignment of returned personnel, including reassignment to the major command of origin or to overseas or continental Army commands, will be based on current screening criteria and on overall requirements of the command concerned. Assignments will be determined based the needs of the Army. Soldiers, returned to duty, except as otherwise provided in this regulation, will be assigned, trained, and employed as any other enlisted person. Commanders who have such enlisted persons under their control will ensure they are treated in the same manner as other enlisted personnel of their command. Segregation in any form will not be practiced.

(5) When the court-martial sentence to dismissal or punitive discharge of an officer or warrant officer is set aside without a rehearing, disapproved, commuted to a lesser sentence, or remitted, the facility will request assignment telephonically, to be followed by message, from the same branch or service as that in which serving when tried by court-martial. The headquarters directing an assignment, change of assignment, or release from active duty of a commissioned or warrant officer prisoner will immediately notify by telephone the facility; the assigned command; the commander; the Clerk of Courts, ATTN: JALS–CCZ, U.S. Army Court of Criminal Appeals, U.S. Army Legal Services Agency, 901 North Stuart Street, Arlington, VA 22203; and the Human Resources Command, to be followed by message or facsimile transmission.

(6) When the court-martial sentence to a punitive discharge of a noncommissioned officer (NCO) or enlisted Soldier is set aside without a rehearing, disapproved, commuted to a lesser sentence, or is remitted, the Soldier will be

assigned to the same branch of service, if he or she has not passed the date of his or her expiration of term of service (ETS).

(7) The officer exercising immediate general court-martial jurisdiction over the command in which the accused is assigned or attached will notify U.S. Army Judiciary by electronic or other expeditious means of communication of expiration of the appeals period if an accused officer prisoner does not file a timely petition for grant of review (not applicable to warrant officers). (This notification is exempt from reports control under AR 335-15.)

#### **8-4. Prerestoration/return to duty training**

*a.* Training is provided to prisoners who, as a result of the length of their incarceration, require reorientation with general military subjects prior to returning to a military unit. It is not intended to provide prisoners basic Soldier or military occupational specialty (MOS) skills. Only prisoners who have been incarcerated for a period of more than 2 years may be eligible for formal training at an Army Training Center.

*b.* Restoration/return to duty of those prisoners who do not successfully complete training may be rescinded by the GCM authority

*c.* Training will include, as a minimum, the following subjects:

- (1) Physical training.
- (2) Military courtesy.
- (3) Drill and ceremonies.
- (4) Uniform Code of Military Justice.
- (5) Use of the chain of command.
- (6) Benefits of an honorable discharge.

*d.* Restoration/return to duty trainees will wear the battle dress uniform.

*e.* Training will be conducted by cadre of the ACS facility.

## **Section II**

### **Parole of Prisoners**

#### **8-5. Policy**

Army prisoners will be released from confinement at the times and under the conditions most likely to ensure their earliest assumption of responsibilities as productive law-abiding citizens.

#### **8-6. Procedures**

Policy and procedural guidance for parole of U.S. Army prisoners is contained in AR 15-130. ACS commanders will convene disposition boards to evaluate and make recommendations regarding prisoners confined in Army facilities, per criteria established by the ACPB. Disposition boards will refer to the considerations in AR 15-130 when evaluating ACS prisoners for parole consideration.

#### **8-7. Jurisdiction**

*a.* A prisoner on parole will remain under the legal supervision and control of the releasing facility and a local United States probation officer assigned by the Probation Division of the U.S. Courts, until the expiration of the full term or aggregate terms of the sentence without credit for abatement.

*b.* The U.S. Parole Commission, Department of Justice, has jurisdiction over Army prisoners confined in Federal penal and correction institutions in matters concerning parole.

*c.* Prisoners from an ACS facility who have parole approved will remain under the releasing facility's control at the time of release on parole, unless otherwise directed. Hard copy records will be transferred by U.S. mail or most expeditious means. The facility commander or designee will electronically notify the USDB in advance, but not later than the day prior to the date of release on parole. Such notification will include, at a minimum, the inmate's name, parole address and contact number, probation officer, confining offenses and sentence, victim/witness information, and projected parole expiration date.

#### **8-8. Preliminary parole consideration**

Each eligible prisoner will execute a DD 2715-3 (Inmate Restoration/Return to Duty, Clemency, and Parole Statement) or equivalent automated form in duplicate, indicating whether parole is desired. The original of the form will be forwarded to the ACPB and the duplicate copy retained in the prisoner's correctional treatment file.

*a.* In cases of prisoners who do not desire parole, only sections I, II, and IV of the form will be completed. If the prisoner is unable or refuses to sign the parole statement, it will be forwarded with an appropriate explanation..

*b.* In cases of prisoners who do not desire parole, only sections I, II, and IV of the form will be completed. If the prisoner is unable or refuses to sign the parole statement, it will be forwarded with an appropriate explanation.

*c.* Each prisoner desiring parole will complete all sections of the form and submit it to the commander or designated representative at least 5 days, but not earlier than 45 days, prior to local parole consideration. The prisoner will be

provided necessary assistance in developing a satisfactory tentative parole plan, and will be encouraged to take the initiative in developing a parole plan. The prisoner will agree in writing to abide by that plan. Officials of the Federal Probation Service will not be requested to establish or verify any element of the prisoners tentative parole plan prior to parole approval.

*a.* Processing of requests for parole will not be discontinued or delayed because of inability to develop a satisfactory parole plan. In such instances, the tentative parole plan representing the best efforts of the prisoner and the correctional facility staff will be used in processing the prisoner's requests.

*a.* Prisoners who do not desire parole when eligible, or prisoners whose previous requests for parole were disapproved by HQDA, may request consideration prior to their next annual eligibility date, if sufficient justification exists for an interim consideration of their cases as determined by the ACS facility commander.

### **8-9. Disposition board action**

*a. Request for parole.* Normally, requests for parole will be considered by the disposition board and forwarded to the ACPB to arrive not later than 30 days prior to the prisoner's parole eligibility date. Requests may be considered as much as 120 days in advance of eligibility date when such action will permit concurrent consideration of remission of sentence or restoration to duty. Requests for parole will be accompanied by documentation described in AR 15-130, chapter 4, to include a Victim Impact Statement if appropriate.

*b. Institutional action.*

(1) The disposition board will consider each parole applicant on an individual basis in consonance with the policy and objectives of parole, as specified in AR 15-130 and this regulation. The board's recommendations for or against parole will include a statement whether the policy and objectives of parole will be accomplished by release on a specific date.

(2) Prior to convening the disposition board, the facility commander or designated representative will advise appropriate victims and witnesses of the parole consideration and inform the victims/witnesses of the address to which impact statements may be forwarded.

(3) Inmates under consideration for parole must acknowledge in writing that they will comply with state violent or sexual offender reporting or registration requirements. Similarly, candidates for parole should demonstrate compliance with court-ordered dependent support or restitution to victims or have made arrangements to the courts' satisfaction.

(4) The ACS facility commander or a designee will review the disposition board's recommendation to ensure the policy and objectives of parole have been considered in the evaluation and recommendation. Whenever the ACS facility commander's parole recommendations differ from those of the Disposition Board, the reasons will be stated.

*c. Action prior to dispatch.* The following matters will be considered carefully in preparing material and forwarding recommendations for final action:

(1) Special precaution should be taken to not place the Army in a position of approving or condoning illegal or immoral relationships in the proposed community of residence. Particular care will be taken to ensure that information submitted concerning the prisoner's marital status is both clear and adequate.

(2) In cases where parole is recommended because of family hardship, the progress summary will include, wherever practical, verification of the following:

*(a)* The amount and source of income or assistance being received by dependents, including salaries, public assistance grants, or contributions by relatives and others, and whether this income is sufficient to meet the family needs.

*(b)* Immediate relatives who are in a position to assist dependents.

*(c)* Extent to which the prisoner contributed to family welfare prior to entrance into service, while in service, and during absence from service.

*(d)* Whether the family conditions were aggravated by the prisoner since coming into service, or whether the present hardship has been created by circumstances surrounding the family.

*(e)* Ensure the prisoner has employment or has assistance in obtaining employment.

### **8-10. Departmental actions**

*a.* The ACPB will approve or disapprove Army parole applications submitted to that board, using a DA Form 4459 (Parole Action Record) to record its determinations.

(1) Announcement of parole will include authenticated copies of a DD Form 2716-1 (Certificate of Parole).

(2) Prisoners who are denied parole will be provided written notification of the reason(s) their request was denied. The ACPB will make notification to the prisoner through the ACS facility commander within 30 days of the board's decision.

*b.* Using DD Form 2716 (Parole Acknowledgement Letter), the ACS facility commander will ensure that prisoners are informed of the denial and given the opportunity to appeal the decision. The prisoner will sign and date the notification of parole denial, in memorandum format, upon receipt.

*c.* Release on parole is conditioned upon approved parole and completion of a parole plan considered to be satisfactory to the U.S. Probation Service.

*d.* Misconduct subsequent to receipt of parole approval may delay or preclude release on parole. The ACS facility commander may, with the approval of the ACPB or the ASA(M&RA), delay the normally scheduled parole release date and may recommend to the ACPB that the parole approval be rescinded in the event of a major violation of institutional rules.

#### **8-11. Appeal of parole disapproval**

*a.* A prisoner whose application for parole has been denied may submit an appeal through the ACS facility commander, within 30 calendar days of receipt of written notification of the denial. New or additional material information, which was not previously considered, should be included in the appeal.

*b.* The Secretary of the Army or a designee will inform the prisoner of the action on the appeal. Decisions of the Secretary will be final.

#### **8-12. Completion of parole plan**

On receipt of notification that parole has been approved, and prior to release, the Federal Probation Service will be requested to establish the validity of the residence arrangement, employment, and other elements of the tentative parole plan. The officer will be promptly furnished complete information concerning the proposed parole plan, including proposed residence, proposed employment, the names and addresses of close relatives, and admission and progress summaries.

#### **8-13. Employment requirements**

Unless a waiver is granted for cogent reasons, no prisoner will be released on parole until satisfactory evidence has been furnished that the prisoner will be engaged in a reputable business or occupation. Employment requirements for release on parole will be deemed to have been met when one of the following applies.

*a.* A prospective employer has executed a letter offering employment.

*b.* A recognized trade union or similar organization has provided documentation that, subsequent to release on parole, the prisoner will be considered a member of the organization in good standing and that, through the normal functions of the organization, the prisoner will be afforded employment rights and assistance equal to that furnished other members in good standing.

*c.* A Federal probation officer has given assurance that a job has been secured for the prisoner.

#### **8-14. Waiver of employment**

*a.* Prior to furnishing employment agencies information from a prisoner's record, the written authorization of the prisoner will be obtained. If, after parole approval, every effort to obtain employment has been made without success, the ACS commander with the approval of the ACPB or DASA, may grant a waiver of employment in accordance with the following:

(1) If a reputable prisoners' aid, welfare, or employment organization has given assurance that it will assist the prisoner in getting employment after release on parole and will assure the prisoner's livelihood pending permanent employment, a waiver may be granted. Because of the heavy burden already carried by prisoners' aid organizations and similar agencies, the use of these agencies will be limited to those cases in which such action appears absolutely essential to a suitable release plan.

(2) State and/or local agencies may be considered in granting waivers of employment since these agencies are unable to obtain and offer assurance of employment for individuals prior to release from confinement and personal interview. The use of these agencies will be limited to the following conditions:

*(a)* When known factors, such as the particular qualifications and experience of the individual, demonstrated placement ability of these agencies, and employment opportunities in the community, give reasonable assurance that employment will be available to the prisoner following release.

*(b)* When an adequate means of support is available for the prisoner until suitable employment is obtained.

*(c)* When an officer of the probation service concurs with the release without the promise of employment and agrees to furnish necessary assistance in obtaining employment.

*b.* In addition to the types of waivers authorized in *a* above, waiver of employment may be granted for—

(1) Those prisoners who have been approved for on-the-job training or schooling under the laws authorizing Government-sponsored benefits.

(2) Those prisoners who present evidence of adequate means of support and sufficient funds to defray the expense of education, and have been accepted by an accredited educational institution.

#### **8-15. DD Form 2716-1**

On a date approved by the ACPB and specified on the Certificate of Parole, or as soon thereafter as an acceptable plan is completed, the prisoner will be released.

*a.* The prisoner will be required to execute a written agreement of the specific conditions of parole. All copies of this agreement will be signed by the prisoner and witnessed by the ACS facility commander or an authorized

representative. The parole agreement appears on the reverse side of DD Form 2716-1. The prisoner will be instructed to execute and return a Notification of Arrival of Parolee on arrival at parole destination. Additional conditions may be added as conditions of parole as directed by the ACPB.

*b.* The ACS facility commander or a designee will complete and sign the endorsement portion of the Certificate of Parole and deliver the original copy of the certificate to the prisoner. A signed copy of the completed Certificate of Parole and Parole Agreement, together with front and side view identification photographs of the prisoner, if not previously provided, will be furnished to the Federal Probation Officer under whose supervision the prisoner is to be released. Distribution of the remaining copies of the form will be made according to instructions appearing at the bottom of the certificate.

#### **8-16. Medical examinations**

Prisoners being released on parole will be given a medical examination per AR 40-501.

#### **8-17. Identification card**

If release is implemented prior to completion of appellate review, the prisoner will be furnished DD Form 2A (Active Duty Military Identification Card), completed to show rank and expiration date not to exceed 1 year from issue. Family member identification card will bear the same expiration date as that of the prisoner. The ACS facility commander will instruct the prisoner to return all identification cards through the Federal Probation Officer on completion of appellate review.

#### **8-18. FBI Form I-12 (Flash-Cancellation Notice)**

The Federal Bureau of Investigation (FBI) Form I-12 provides a uniform means of filing requests with the FBI to ensure notice to the ACS facility commander of the arrest of an individual on parole by an apprehending officer who files prints with the FBI. The ACS commander will ensure that flash notices are prepared on each prisoner released on parole and that indication is made on the form that the USDB is to be notified of any arrests reported to the Federal Bureau of Investigation. Box 2 'Flash' of the form will be checked and all available information requested on the form for filing flash notice will be provided. The form will be forwarded directly to the U.S. Department of Justice, Federal Bureau of Investigation, ATTN: Identification Division, Washington, DC 20537.

#### **8-19. Parole limits**

Geographical areas in which a prisoner released on parole will reside and the U.S. Probation Office will prescribe limits of movement, unless otherwise directed by the ACPB.

#### **8-20. Gratuities**

Prisoners will be furnished gratuities set forth below upon release on parole:

*a.* Prisoners in a nonpay status will be provided one pair of civilian pants, one civilian shirt, and one civilian coat (if required), gratuitously at the time of release.

*b.* Transportation to parole destination, per Joint Federal Travel Regulations (JFTR).

*c.* A cash discharge gratuity, per DOD 7000.14-R.

#### **8-21. Supervision of prisoners on parole**

Individuals released on parole (parolees) are under the direct supervision of Federal probation officers.

#### **8-22. Clemency considerations**

*a.* Parolees are eligible for and will continue to receive clemency consideration on the established annual review date. The ACS facility commander will obtain a report of a parolee's adjustment from the probation officer concerned. This information will be included in the recommendations submitted to the ACPB for clemency consideration by the Secretary of the Army. The probation officer and the commandant will furnish recommendations relative to restoration to duty if the parolee personally submits an application for restoration to duty. A deposition will be forwarded through the probation officer to the commandant in cases where the parolee is unable to pay all or part of a fine. The deposition will be forwarded, with a recommendation to the Clemency and Parole Board, which will determine whether or not the individual is liable for the fine.

*b.* The date of the parolee's next annual clemency review will appear on all correspondence concerning clemency and parole from the ACS facility to the probation officer, subsequent to the prisoner's release on parole.

#### **8-23. Change in status**

*a.* If the sentence to confinement of a parolee expires prior to completion of appellate review, the commander, USDB will—

(1) Transfer the prisoner to an excess leave without pay status. A DA Form 31 (Request and Authority for Leave) is required to grant excess leave.

(2) Furnish the individual information and instructions regarding the change in status, the address of the military

commander of the unit to which assigned, and other information that clearly establishes the status change and obligation.

*b.* If, on completion of the appellate review, the parolee's sentence is ordered executed, the commander, USDB will—

- (1) Obtain a medical examination for the parolee as prescribed in AR 40–501, if required.
- (2) Process separation document, DD Form 214 (Certificate of Release or Discharge from Active Duty).
- (3) Furnish the individual instructions regarding the appellate action and request the return of identification cards that were furnished for use pending completion of the review of the case.

#### **8–24. Medical care**

*a.* Individuals on parole pending completion of appellate review, or whose parole changes to excess leave status following completion of sentence to confinement while on parole, are members of the military service. Accordingly, they are authorized the same medical care provided other service members. At the time of release, the parolee will be instructed to seek medical care, as needed, from the closest uniformed service medical treatment facility.

*b.* An individual on parole whose latest military service was terminated by a punitive discharge is not a member of the military service. Individuals in this category are authorized medical care only in exceptional cases as approved by the Secretary of the Army. When the need for hospitalization in exceptional cases occurs, such as further treatment for an injury incurred in line of duty or as a military prisoner, the case, with complete information, should be forwarded to Medical Command for consideration. A parolee requiring hospitalization before a decision can be obtained should seek admittance to a civilian hospital, consistent with the individual's ability to pay. In no case will the Department of the Army be responsible for such hospitalization.

#### **8–25. Line of duty determination**

While an individual is on parole pending completion of the appellate review of the case, the ACS facility commander from where the prisoner was confined when paroled is responsible for the proper determination of line of duty for all injuries, diseases or deaths suffered. The appointing authority may request, through channels, that the Provost Marshal responsible for the area in which the prisoner is located conduct the investigation (see AR 15–6, para 2–1a(6)).

#### **8–26. Termination of parole**

*a. By expiration.*

(1) Parole will terminate at expiration of sentence. If a discharge has been executed and the parolee has complied with the conditions of parole, the parolee will be discharged from supervision when the full term of the sentence(s) is completed.

(2) When the sentence expires before completion of appellate review, the unit commander designated by the ACS facility commander will assume supervision and the precompleted DD Form 2717 (Department of Defense Voluntary/Involuntary Appellate Leave Action) is activated.

(3) On completion of the aforementioned actions, DA Form 1708–R (Certificate of Release from Parole) will be prepared in duplicate. The original copy, signed by the commander, will be forwarded to the probation officer by a letter of transmittal for delivery to the parolee. The duplicate copy of the certificate will be retained for file.

*b. By suspension.*

(1) When departmental authorization for assignment of a parolee to a military retraining course for ultimate restoration to duty is received, the chairman, ACPB, is authorized to suspend parole without prejudice returning the parolee to military custody for necessary training and further consideration for qualifications for restoration to duty. (Transportation costs incident to return to military custody under these conditions will be borne by the Government).

(2) Whenever it appears reasonably certain the conditions of parole have been materially violated (including failure to pay a fine ordered into execution while the parolee is under supervision), the ACS facility commander will transmit by the most expeditious means information concerning the alleged violation and personal recommendations concerning suspension of parole to the Assistant Secretary of the Army (M&RA), ATTN: Army Clemency and Parole Board, for a determination as to whether suspension of parole should be authorized. If it is determined that parole should be suspended, and if it is deemed necessary to assure the presence of the parolee pending determination of the parolee's status, on receipt of such authority, the ACS facility commander will execute suspension order issued by the chairman, Army Clemency and Review Board, to have the violator taken into custody. Upon issue of the warrant, the facility will contact DAPM. DAPM will notify the facility from which the prisoner was initially paroled for further action and disposition.

*c. Additional administrative actions.* Subsequent administrative actions to adjudicate an alleged violation of parole will be conducted per AR 15–130. In cases of suspension or revocation of parole, this regulation provides no benefit or right of any prisoner whose parole is suspended or revoked. Computation of sentence remaining to be served will be computed under AR 15–130 and AR 633–30. This also applies to Army prisoners who have been transferred to the Federal Bureau of Prisons.

*d. Revocation of parole.*

(1) ACPB decision regarding parole revocation actions will be transmitted by the most expeditious means to the commanders of ACS facilities, who will notify the prisoner(s) if returned to military custody or the parolee through the probation officer concerned if not returned to military control.

(a) If parole is revoked and the parolee is confined in a civil institution, a detainer will be lodged by the USDB with civil authorities. If the parolee has remained at large in the district of violation pending decision on revocation, the ACS facility commander, will initiate action to have the parolee return to the custody of the Army at Government expense.

(b) If a flash notice, filed per paragraph 8-18, is to be canceled because of parole termination by clemency action or revocation prior to the original date of expiration, the applicable portion of the FBI Form I-12 will be completed and forwarded directly to the Department of Justice, FBI

(2) Personnel records and allied papers of Army parolees confined in civil institutions following revocation of parole, or of parolees whose whereabouts remain unknown for 90 days after suspension of parole, will be forwarded to the Commanding Officer, U.S. Army Enlisted Records and Evaluation Center, ATTN: PCRE-RP, 8899 E. 56<sup>th</sup> Street, Indianapolis, IN 46249-5301. Correctional treatment records will be retained at the USDB.

(3) A parolee who has violated the parole agreement to the extent that the parolee's activities can no longer be monitored or controlled by the assigned parole officer is termed a parolee at large. Parolees in this category whose paroles have been suspended or revoked, or are pending such action, except where suspension is without prejudice, will be considered the same as escaped military prisoners whose return to military control is desired. When individuals in this category are apprehended, DAPM will be notified and disposition instructions requested.

(4) In posting the FBI Form I-12 "Wanted" notice on a parolee whose apprehension or location is desired, a check should be inserted in the first box, "Wanted for." The reason for posting the notice should be given, such as "Wanted for" alleged parole violation. Filing an FBI Form I-12 "Wanted" notice does not mean the FBI will initiate the arrest of a wanted parolee; the FBI will merely notify DAPM of arrests coming to the attention of the FBI's Identification Division. When the parolee has been apprehended, the "Wanted" notice will be canceled in the same manner indicated in (2) above.

### **8-27. Prerelease program**

a. A prerelease training program designed to prepare prisoners for return to military duty or the civilian community will be established at each ACS facility. Facility programs will be designed to prepare the prisoner for reintroduction to his family, friends, and community and to help him to anticipate and cope with problems upon his reintroduction. Emphasis will be placed on development and self-understanding, toleration of frustrations and disappointments, and the importance of initial motivation toward the new environment. Practical training, such as checkbook maintenance, resume preparation, and military benefits, will be included. Provisions will be made for limited prerelease preparation for prisoners who, by reason of their aggressive, antisocial, impulsive behavior and extremely disruptive influence are not amenable to the prerelease program. Prisoners arriving with short sentences will attend only as much of the prerelease program as the facility commander deems appropriate.

b. Each prisoner will be interviewed approximately 90 days prior to his or her release date and assisted in preparing and forwarding applications to prospective employers and other agencies or services that provide such assistance. Subject to the prisoner's written authorization, information will be furnished employment agencies or employers regarding the prisoner's occupational experience and training.

c. Each prisoner will be interviewed to ensure compliance with applicable state laws concerning violent or sex offender registration requirements and completion of the impact of crimes on victims training prior to release

d. When releasing prisoners, facility commanders must ensure operation procedures contain, at a minimum, the following requirements:

(1) Verification of identity and release papers.

(2) Completion of all release arrangements, including notification of the parole authorities in the jurisdiction of release.

(3) A personal effects check on all prisoners to ensure that no facility property leaves the facility.

(4) Review of pending legal actions, that is, grievances or claims for damages or lost possessions.

(5) Medical screening and arrangements for community followup where needed.

(6) Forwarding of prisoners' mail.

## **Chapter 9 Facility Management**

### **Section I Policies and Administration**

#### **9-1. Policies**

- a. ACS facilities will be operated and administered on a corrective rather than a punitive basis.
- b. Military prisoners will not be subjected to any form of punishment except as specifically provided for by law and regulation. Facility commanders will ensure policy and procedures protect inmates from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment.
- c. Personnel assigned to operate and administer Army confinement and correctional facilities will be specifically trained in corrections management and operations. They will be fully oriented on the missions, objectives, and policies set forth in this regulation, prior to assuming such duties.

#### **9-2. Establishment, change of designation, and discontinuance of facilities**

Commanders of major Army commands desiring to establish, close, reduce, or increase the scope of operations of ACS facilities will submit requests (exempt from report control per AR 335-15) to Office of the Provost Marshal General (DAPM-MPD-CI) 2800 Army Pentagon, Washington, DC 20310-2800.

#### **9-3. Correctional holding detachments**

- a. Correctional holding detachments (CHDs) and personnel control facilities (PCFs) will be established and organized at each RCF and the USDB. The Troop Program Sequence Number for a CHD is 78391. The Unit Identification Code (UIC) will be a derivative UIC of the unit to which the cadre of the facility are assigned.
- b. CHD and PCF provide the organizational structure against which Army prisoners confined in the ACS are assigned. Prisoners confined in other-service facilities will be assigned to a personnel control facility designated by MACOM. Discharged prisoners from other services will be assigned to the CHD. Facility cadre and support staff will not be assigned to a CHD.
- c. Commanders of ACS facilities, or their designees, will serve as commanders of a CHD as an additional duty. A senior noncommissioned officer, under the supervision of the facility commander or their designee, will serve as the detachment first sergeant as an additional duty. Personnel management and military pay functions for prisoners assigned to a CHD for which the detachment has not been staffed will be performed by the facility's assigned higher headquarters.

### **Section II Standards for ACS Facilities**

#### **9-4. Physical plant and equipment**

- a. *Physical plant and equipment.* The physical plant requirements for confinement and correctional facilities include buildings for administration of the facility, housing of prisoners, training, recreation, employment, and the means for making the buildings and areas secure against escape. Designs should strive to meet ACA standards.
- b. New construction or modification of existing structures for incarceration purposes will be based on designs approved by the chief of engineers.
- c. ACS facilities should be located away from installation perimeter fences, public thoroughfares, gates, post headquarters, swimming pools, post exchanges, theaters, family quarters, troop billets, service clubs, open messes, foliage or wooded areas, active firing ranges, or any facility or activity where persistent noise levels would interfere with normal sleeping hours for prisoners.
- d. Minimum standards for buildings used for billeting or segregation of prisoners are as follows:
  - (1) Separate accommodations will be provided for female prisoners and prisoners in a pretrial status. Officers in pretrial status will be segregated from other pretrial status prisoners.
  - (2) There should be sufficient disciplinary and administrative segregation cells to house prisoners equal to 15 percent of the facility capacity, based on the standard allocation. Means for artificial lighting will be provided to the same extent (minimum of 20 foot-candles) provided to prisoners not in segregation. A minimum of 10 cubic feet per minute (CFM) of outside air will be circulated per cell. Construction after 1 January 1995 requires a minimum of 15 CFM of outside air. The temperature in each cell will be maintained per installation standards. A prison-type toilet and lavatory will be provided in each cell. Prisoners must have access to the following:
    - (a) Toilets and hand-washing facilities 24 hours per day, to include toilet facilities without staff assistance when they are confined in their cells/sleeping areas. Toilets are provided at a minimum ratio of one for every 12 inmates in male facilities and one for every eight inmates in female facilities. Urinals may be substituted for up to one-half of the



toilets in male facilities. All housing units with three or more inmates have a minimum of two toilets. These ratios apply unless national or state building or health codes specify a different ratio.

(b) Operable wash basins with hot and cold running water in the housing units at a minimum ratio of one basin for every 12 occupants, unless national or state building or health codes specify a different ratio.

(c) Operable showers with temperature-controlled hot and cold running water at a minimum ratio of one shower for every eight inmates. Water for showers is thermostatically controlled to temperatures ranging from 100 degrees to 120 degrees Fahrenheit to ensure the safety of inmates and to promote hygienic practices. The floors, walls, and ceilings of these cells will be of smooth surface and free of physical hazards. Windows and doors will be of maximum-security type. The use of chains and padlocks in securing cell doors is prohibited.

(d) Commanders will ensure policy and procedures provide for single occupancy cells/rooms to be available for prisoners that meet the following criteria:

1. Severe medical disabilities
2. Suffering from serious mental illness
3. Sexual predators
4. Prisoners likely to be exploited or victimized by others
5. Prisoners who have other special needs for single housing.

(e) Commanders will ensure that policy and procedures specify the means for the immediate release of inmates from locked areas in case of emergency and provide for a backup system. Standards for locking devices will meet established safety and security requirements as described in appropriate Army engineer guide specifications. In combustible buildings, manually operated locking devices permitting the opening and closing of all cells simultaneously will be installed on each line of three or more cells. Noncombustible buildings with power-operated locks will have a manual backup system to provide a means for the immediate release of inmates in case of emergency. This requirement includes exit or corridor doors throughout the facility. Lightweight locks in the builders' hardware class are not authorized for use in securing prisoners. The security and management of keys and locks will conform to the policy and procedures outlined in AR 190-51, appendix D.

(3) Facilities will be provided for the safeguarding of tools and equipment. In facilities of permanent type construction where the arms, tool, and supply rooms are in the secured area, inaccessibility is to be achieved by using security doors to isolate prisoners from these rooms.

(4) A visitors' room will be provided and will not be divided by any type barrier to keep visitors separated from general population prisoners. High-risk prisoners may be required to visit in a secured area utilizing an intercom system and transparent barrier to keep prisoners and visitors separated. A locked storage area will be provided for securing visitors' hand-carried items during visits.

(5) Double exterior fencing will be installed around all facility recreation, exercise, and work yard areas. Fencing will be constructed of a type indicated in appropriate engineering guide specifications. Fencing will be a minimum of 12 feet in height plus an 18 to 24 inch top guard, preferably spring-type, constructed on all vertical perimeter fences and on interior fences when added security is desirable. Based on local determination, some fencing may require installation of a double overhang (overhang fencing both outward and inward). Razor or concertina wire may be substituted for overhangs when determined appropriate by the ACS commander. Perimeter fencing will be installed so that escape underneath the fence is not possible. A minimum 12-foot clear zone will be maintained between perimeter fences. A minimum 20-foot clear zone will be maintained on the exterior of the outer most perimeter fence. The use of concertina or razor wire as additional barrier protection at the top and bottom of perimeter fencing is authorized.

(6) Guard towers should be constructed of materials that are compatible or the same as the overall facility's material and will be spaced so guards have an uninterrupted view of a minimum of 80 yards in any direction along the perimeter fence. The entire perimeter should be completely observed as well as all parts of the exercise yard. The towers will be of such height that the exercise yard exterior fencing and the roofline of the confinement facility can be observed.

(7) Security lighting will be provided as follows:

(a) Adequate outside security lighting will be provided and will have wire mesh or safety glass covering for protection against breakage by thrown objects. Lights will be focused or shaded to prevent a glare in the eyes of guards at fixed posts. Perimeter and interior lighting will be used to ensure observation of all likely avenues of attempted escape.

(b) An emergency power generator will be provided and will be located outside the perimeter fence, when possible. If located inside the perimeter fence, the generator will be adequately secured and controlled. A weekly inspection and a monthly load-bearing test of the generator will be conducted and made a matter of record in the daily blotter.

(8) Patrol roads or paths will be provided around the perimeter of the facility, as required for access by motor or foot patrols. Equipment required for effective administration and operation of the facility will be provided. This includes—

- (a) Necessary tools for prisoner work and vocational training projects as well as tool repair and storage space.
- (b) Space and equipment for producing identification photographs and fingerprints.

(c) An intercommunications system, independent of and in addition to an adequate telephone system, for communication among guard towers, gates, prisoner living and segregation areas, prisoner processing areas, dining facility, and a central communication station.

(d) Adequate space and necessary equipment/supplies for religious services.

(e) Recreational equipment, recreational equipment space, and secure outdoor areas for prisoner recreation and training programs.

(f) Riot control devices will be readily available in the event of an emergency. Such items will be secured and located in an area separate from the prisoner population.

(g) First aid kits, medical protective clothing and equipment, and medical litters will be placed where they are readily available to custodial personnel.

(h) Appropriate space and necessary equipment will be provided for outpatient health services support activities.

(i) Space will be allocated for attorney interviews.

(j) Prisoner cell furnishings will be of the prison style (metal and/or hard plastic/rubber) construction, not combustible. Specifications for the selection and purchase of facility furnishings indicate the fire safety performance requirements of the materials selected.

(k) Phones to which prisoners have access will be of commercial, heavy duty, prison type construction and operation.

### **9-5. Fire prevention and protection**

*a. Emergency evacuation plans.* Facility commanders will establish policy and procedure for and implement fire prevention programs. Programs include but are not limited to the following:

(1) Provision for an adequate fire protection service.

(2) System of fire inspection and testing of equipment at least quarterly or at intervals approved by the authority having jurisdiction, following the procedures stated for variances, exceptions, or equivalencies.

(3) Annual inspections by local or state fire officials or other qualified person(s).

(4) Availability of fire protection equipment at appropriate locations throughout the institution.

*b. Noncombustible storage/disposal containers.* ACS facilities must be equipped with noncombustible receptacles for smoking materials and separate containers for other combustible refuse at accessible locations throughout living quarters. Special containers are provided for flammable liquids and for rags used with flammable liquids. All receptacles and containers are emptied and cleaned daily.

*c. Fire safety inspections.* Facility commanders will ensure comprehensive and thorough monthly inspections of the facility by a qualified fire and safety officer for compliance with safety and fire prevention standards. Additionally, a qualified staff member conducts weekly fire and safety inspections. These policies and procedures are reviewed annually and updated as needed. Fire prevention and protection will be provided per AR 420-90.

*d. Evacuation drills.* Coordinated emergency plans for evacuation of personnel, control of fire, and salvage of property will be prepared. Evacuation drills will be conducted at irregular times at least once each month and will be recorded in the facility blotter. Prisoners will not be moved from the controlled area of confinement or correctional facilities during the conduct of the evacuation drill.

*e. Automatic sprinkler systems.* Both local and transmitted water flow alarms will be provided for all automatic sprinkler systems except for patient-occupied areas of hospitals where local alarms will be omitted. Transmittal alarms will activate at continuously attended duty desks (in addition to those at fire department headquarters). Where feasible, automatic sprinkler systems will be installed in buildings of combustible construction confining military prisoners under lock and key, and in prison shops regardless of the type of construction.

*f. Automatic fire alarm systems.* Automatic fire alarm systems will be installed for the protection of life and critical material. They will be installed at isolated small locations requiring installed protection, but where automatic sprinkler protection is not feasible. Automatic fire alarm systems will also be installed in combustible buildings confining military prisoners under lock and key, if automatic sprinkler protection is not feasible. (Both local and transmitted alarms must be provided for these systems.)

*g. Fire reporting telephone systems.* Normally in all built-up areas, exterior fire reporting facilities will consist of fire reporting telephone systems. Where economically justified, fire alarm systems of the telegraphic type may be authorized, in lieu of fire reporting telephones. Extensions of existing systems will be compatible with existing equipment. Fire reporting telephone systems, including switchboards, enunciators, telephones, and connecting circuits, will be installed and maintained per AR 420-90.

*h. Smoke detectors.* Hard-wired detectors will be used. Battery powered detectors may be used as an interim measure. If battery powered detectors are used, monthly checks for proper operation are required.

### **9-6. Space allocation for prisoners**

Criteria to be used in determining space allocation for prisoners in Army confinement and correctional facilities follow.

*a. Standard allocation.*

(1) *Maximum custody and segregation prisoners.* Single cells are required for inmates assigned to maximum custody and segregation. All cells in which inmates are confined will conform to the following requirements:

(a) There must be 35 square feet of unencumbered space for the single cell occupant.

(b) When confinement exceeds 10 hours per day, there must be at least 80 square feet of total floor space per occupant.

(c) "Unencumbered space" is usable space that is not encumbered by furnishings or fixtures. At least one dimension of the unencumbered space is no less than 7 feet. In determining unencumbered space, all fixtures must be in operational position and must provide the following minimum areas per person: bed, plumbing fixtures, desk, and locker.

(2) *Minimum/medium custody prisoner.* Single cells/rooms and multiple-occupancy cells/rooms may be used for housing inmates in medium/minimum custody when the classifications system, cell/room size, and level of supervision meet the following requirements:

(a) There must be 35 square feet of unencumbered space when there is one person and 25 square feet of unencumbered space when there are 2 to 250 persons.

(b) When confinement exceeds 10 hours per day, there must be at least 80 square feet of total floor space per occupant.

(c) Housing units should strive to be in compliance with applicable ACA standards.

(d) Medium-security inmates housed in multiple-occupancy cells/rooms require direct supervision. A classification system is used to divide the occupants into groups that reduce the probability of assault and disruptive behavior. At a minimum, the classification system evaluates the following: mental and emotional stability; escape history; history of assaultive behavior; medical status; age; and enemies of record.

(e) Male and female inmates are housed in separate cells/rooms. Prisoners will be allocated space per this standard except under circumstances described in *b* and *c* below.

*b. Reduced allocation.* While not desirable, it is recognized that, under certain conditions, the standard allocation is not possible. A reduced allocation of 20 square feet of unencumbered space per prisoner, except those in close confinement, is authorized when priority conditions exist that preclude the use of standard allocations. In determining unencumbered space, all fixtures must be in operational position and must consider the following minimum furnishing per person: bed and locker. The reduced allocation will be used to determine mobilization prisoner capacities for the facility. MACOM commanders may approve operations under the reduced space allocation rule.

*c. Emergency minimum allocation.* Under conditions of temporary peak confinement facility population periods, not to exceed 7 consecutive days, an emergency minimum allocation of 17 square feet of unencumbered space per prisoner is authorized, excluding the segregation area. As in the reduced allocation, in determining unencumbered space, all fixtures must be in operational position and must consider the following minimum furnishing per person: bed and locker. Only DAPM may approve emergency minimum space operations for any period beyond 30 consecutive days.

*d. Individual cells.* Space allotment for individual cells or rooms constructed prior to 1 January 1995 will be at least 8 feet long, by 6 feet wide, by 8 feet high (minimum inside measurements).

## **9-7. Prohibited security measures**

The following actions are prohibited for use on prisoners:

*a.* Dogs to guard prisoners. Patrol dogs may be used to track escaped prisoners.

*b.* Chemicals, except for riot control agents and OC pepper spray.

*c.* Machine guns, at guard towers or fixed posts, except in times of war or declared hostilities and only as a means of defending the facility from enemy or hostile action by a belligerent power.

*d.* Electrically charged wire.

*e.* Securing a prisoner to a fixed object, except in emergencies or when specifically approved by the facility commander to prevent potential danger to the prisoner, correctional personnel and/or the community. Medical authorities should be consulted to assess health risk to prisoners.

*f.* Use of restraining devices, such as leg irons, during prisoner employment to create a chain gang.

## **9-8. Reporting requirement**

Facilities that fail to meet the minimum standards established in this regulation will be reported by the appropriate MACOM to DAPM. Reports will detail the areas where standards are not met.

## **Section III Personnel**

### **9-9. Personnel staffing**

*a.* Staffing requirements at ACS facilities will be based on maximum capacity, mission and operational requirements, as established by the MACOM concerned and in consonance with ACS mission requirements established by DAPM. Staffing requirements will be reviewed at least annually and adjusted as required.

*b.* Prisoner work supervisors within ACS facilities may be either military or civilian, but will be selected on the basis of capability to train, supervise, or oversee. Personnel, other than correctional (MOS 95C) personnel, may be used to supervise prisoners upon approval of the ACS commander. Persons with civilian felony convictions will not be employed on the permanent, paid staff of ACS facilities. A record of noncustodial supervisors who are trained to supervise prisoner work details will be maintained. Each noncustodial supervisor authorized to supervise prisoner work details will complete refresher training at least annually.

*c.* All corrections personnel will be trained in self-defense and the use of force. As part of their duties, corrections personnel will be qualified for the weapon with which they are assigned, at least annually, and will complete a specialized training course on guard duties and responsibilities conducted by the ACS facility prior to commencing duties as prisoner guards. Training will consist of the use, safety, and care of firearms and the constraints on their 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.

*d.* Personnel assigned to ACS facilities normally will not be assigned duties other than those in direct support of the facility's mission. If facility personnel are assigned other duties not in direct support of the facility, the performance of such duties will not degrade, or otherwise compromise the security of the confinement facility.

*e.* Male and female personnel may be used to supervise or guard prisoners of either sex.

*f.* A volunteer program is recommended and will be conducted in accordance with 10 USC 1588 and DODI 1100.21. When volunteers are used, they will be recruited from persons who are representative of the community. Each volunteer will complete an appropriate, documented orientation and/or training program established by the ACS facility prior to assignment. All volunteers will agree in writing to abide by all facility policies, particularly those relating to security and confidentiality of information. Suggestions and comments regarding the establishment of policy and procedure for the volunteer service program are welcomed from volunteers. Volunteers may perform professional services only when they are licensed or certified to do so.

*g.* Corrections personnel will be trained to respond to health related situations within a 4-minute response time. The training program will include administration of CPR, methods of obtaining assistance, signs, symptoms of illness or deviant behavior and recognition of potential illness requiring immediate emergency assistance and actions to take in potential emergency situations.

## **9–10. Personnel training**

*a.* Commanders of ACS facilities will establish and conduct a continual in-service training program of at least 40 hours annually designed to ensure all personnel assigned duties at the facility are trained in the custody, control, management and correctional treatment of prisoners. Training records will be maintained on all cadre per applicable regulations.

*b.* Facility commanders will establish standing operating procedures (SOPs) and conduct training on cadre standards of conduct. This training will become a part of cadre training records.

*c.* There will be written orders for every correctional security post. The orders will be reviewed at least annually and updated as required. Personnel will read the appropriate post order and/or SOP each time they assume a new post, and will sign and date acknowledging they have read and understood the order.

## **Chapter 10 Administration and Management of Military Prisoners**

### **Section I Admissions and Records**

#### **10–1. Admission procedures**

*a.* Commanders will establish policies and procedures for the admission of inmates new to the system. At a minimum these procedures include—

- (1) Determination that the prisoner is legally committed to the institution.
- (2) Thorough search of the individual and possessions.
- (3) Disposition of personal property.
- (4) Shower and hair care, if necessary.
- (5) Issue of clean, laundered clothing as needed.
- (6) Photographing and fingerprinting, including notation of identifying marks or other unusual physical characteristics.
- (7) Medical, dental, and mental health screening.
- (8) Assignment to housing unit.
- (9) Recording of basic personal data and information to be used for mail and visiting list.

- (10) Explanation of mail and visiting procedures.
  - (11) Assistance of prisoners in notifying their next of kin and families of admission.
  - (12) Assignment of registered number to the prisoner.
  - (13) Provision of written orientation materials to the prisoner.
  - (14) Documentation of any reception and orientation procedure completed at a central reception facility.
- b. The inmate in-processing checklist will be used to document prisoner admissions. The following actions will be taken:
- (1) All newly assigned prisoners will be briefed on facility rules and regulations, parole and clemency procedures, counseling procedures, educational opportunities, earned time accumulation procedures, UCMJ and disciplinary authorities and procedures, and work assignment procedures as soon as possible. Rights of prisoners and procedures governing presentation of complaints and grievances per AR 20-1 will be fully and clearly explained.
  - (2) Pretrial prisoners will be oriented as to their status, rights, and privileges, including the following factors:
    - (a) Control, custody, employment, training, health, and welfare.
    - (b) Incarcerated officer and noncommissioned officer prisoners will not exercise command or supervisory authority over other persons while confined. They will comply with the rules and regulations of the ACS facilities to the same extent as other prisoners. They will not be permitted those special privileges normally associated with those of equal rank.
  - (3) Newly incarcerated prisoners will be segregated from other prisoners while they undergo processing. ACS commanders will implement procedures to ensure in-processing is complete as soon as practical to minimize the duration of segregation for new pretrial prisoners.
  - (4) Prisoners will be required to bathe and will be strip-searched for unauthorized articles, at the time of in-processing. Tattoos, scars and identifying marks will be noted on the inmate's background summary record. Those facilities without an automated system will use DD Form 2710. Each prisoner will be interviewed to obtain information for completion of DD Form 2710.
  - (5) All of the prisoner's clothing, money, official papers, documents, and personal property will be examined. Only items of clothing, as prescribed by AR 700-84, and other articles, as determined appropriate by the facility commander, will be returned to the prisoner. A receipt for the retained articles will be furnished to the prisoner.
  - (6) Health and comfort supplies will be provided within 24 hours after the prisoner is incarcerated. When necessary, authorized health and comfort supplies will be provided immediately.
  - (7) Each prisoner will be examined and human immunodeficiency virus (HIV) testing and tuberculosis screening will be initiated by a medical officer, physician assistant, or nurse clinician, within 3 duty days after initial incarceration. The HIV test and the results of the tuberculosis screening will be recorded on DD Form 503 (Medical Examiner's Report).
  - (8) When record checks have not been conducted prior to the prisoner's incarceration, files will be requested, per AR 190-27. Army investigation records may be requested by letter addressed to Director, Crime Records Center, ATTN: CICR-FP, 2301 Chesapeake Avenue, Baltimore, MD 21222-4099. These requests must include full name, date of birth, social security number and, when computerized criminal history records are requested, full justification.
  - (9) Individual identification photographs will be taken of all prisoners. The prisoners will use a name board, if available. The last name, first name, and middle initial will be on the first line with the SSN on the second line. A prisoner registration number may be added on the third line. Two front and two profile pictures are required.
  - (10) Routine in-processing of prisoners at ACS facilities within CONUS will include an operational inquiry of the National Crime Information Center (NCIC) wanted person file if one has not already been accomplished. Whenever the prisoner is in the NCIC "Wanted" person file as an Army deserter, the U.S. Army Deserter Information Point will be notified immediately of the subject's status. The date and results of the NCIC check will be maintained in the prisoner's correctional treatment file.
  - (11) Routine in-processing of prisoners will include checking prisoners against accompanying confinement or transfer orders to ensure positive identification. An institutional registration number may be assigned to each prisoner.
  - (12) A safe arrival form letter or locally approved equivalent will be prepared and forwarded to the primary next of kin upon in-processing of the prisoner.
  - (13) A review of the prisoner's records will be conducted to determine appropriate victim/witness notification requirements in accordance with Chapter 13.
  - (14) Urinalysis testing of prisoners during in-processing is authorized.
  - (15) A summary admissions report will be completed on all newly assigned prisoners. The admission report will include: special need, summary of criminal history, if any, special medical and/or dental needs, recommended evaluations and areas in need of followup or special emphasis.
  - (16) DD Form 2709 (Privacy Act Statement) will be completed on each prisoner.
  - (17) During prisoner in-processing, a sentence computation, DD Form 2710-1 (Inmate Sentence Information) will be completed and explained to the prisoner. The prisoner will acknowledge in writing he/she understands the computation.

(18) DD Form 2711 (Initial Custody Classification) and DD Form 2711-2 (Custody Initial/Reclassification Summary Addendum) will be completed when during the classification process.

(19) Prisoners that are convicted sex offenders requiring registration with the state and local law enforcement will be informed of this requirement by completing DD Form 2791 (Notice to Prisoners subject to Sex Offender Registration).

(20) DNA analysis for qualifying offenses will be processed only with the findings of a general court-martial (10 USC 818) or special court-martial (10 USC 819) and after the action the court-martial convening authority pursuant please see appendix B for offenses.

## **10-2. Fingerprint cards**

Fingerprint cards will be prepared as follows:

*a.* FBI Form FD 249 (U.S. Department of Justice Arrest Card) will be prepared and mailed to the Federal Bureau of Investigation, ATTN: Automatic Fingerprint Division, Washington, D.C. 20537-9700, requesting an offender's criminal history record, if not previously obtained. The block "REPLY REQUESTED" must be marked "Yes" to receive a criminal history report. The form must also show the charge, final disposition, and sentence related to the offender's current confinement. Each FBI Form FD 249 will include the originating agency identifier (ORI) of the facility making the submission and will be mailed directly to the FBI. Facilities without an ORI will request an ORI assignment as prescribed in AR 190-27, chapter 3. In the interim, criminal history checks will be coordinated with the Director, Crime Records Center, ATTN: CICR-ZA, 2301 Chesapeake Avenue, Baltimore, MD 21222-4099.

*b.* On receipt of a final judicially approved sentence that meets any criterion set forth below, action will be taken to report a prisoner's offense(s) and sentence for entry on FBI records, per *c*, below.

(1) Any sentence that includes dismissal or punitive discharge.

(2) Conviction of an offense that carries a possible sentence of confinement of 1 year or more in confinement. (The length of the actual sentence adjudged has no bearing on whether the information is to be forwarded. The criterion is conviction of an offense for which the maximum possible sentence includes confinement of one year or more.) Convictions for military unique offenses, such as, absent without leave will not be reported.

*c.* FBI Form R-84 (Final Disposition Report) will be prepared and submitted to the Director, Federal Bureau of Investigation, ATTN: Identification Division, Washington, DC 20637, according to paragraph 10-2*b* above. FBI Form R-84 will show the charge(s) and final judicial disposition. All information included in the report must be similar to that reported on FBI Form FD 249. Fingerprint cards will be submitted for all prisoners whose offense(s) meet the criteria set forth in paragraph *b* above and whose sentence to confinement expires prior to completion of appellate review and affirmation of sentence. On receipt of the final appellate review and affirmation of sentence, FBI Form R-84 will be forwarded to the FBI.

## **10-3. Alien notification**

In all cases where non-U.S. citizens convicted of crimes are confined in an ACS facility, information on charge(s), final judicial action, and place of incarceration will be forwarded to the Bureau of Citizenship and Immigrations Services (BCIS), ATTN: Investigations Division, 4420 N Fairfax Drive, Arlington, VA 22203. Additionally, facilities will coordinate with the BCIS to review records for possible deportation of prisoners. Access to diplomatic representatives will be made available to foreign nationals.

## **10-4. Facility records**

*a. Automation.* When available, facilities will use an automated system, as the primary means of information management within ACS. All outputs of the system will be maintained, per the provisions of The Army Records Information Management System (ARIMS). Records and reports required below will be developed and maintained. ACS facilities may use computer-generated forms with like information.

*b. DD Form 506 (Daily Strength Record of Prisoners) (RCS CSGPA-1365).* This record will be prepared at all ACS facilities. Those facilities not equipped with an automated system will use DD Form 506.

(1) This form will be prepared each day for the 24-hour period beginning 0001 and ending 2400.

*(a)* Section I-Part A—Gains will reflect persons incarcerated during the period, or received on transfer from other facilities.

*(b)* Section I-Part B—Losses will reflect losses (by release, transfer, death, escape, or other action) during the period.

*(c)* Section I-Part C—Changes will reflect changes of each prisoner in status and custody grade. (Sick in hospital and return from hospital, are examples of changes in status.)

*(d)* Section II—Summary, "Brought Forward" (column b), will contain figures from column "e" of the previous day's report. In additional columns, appropriate changes will be entered. Column "e" entries will be total of "Brought Forward" (b) and "Gains" (c) column, less the "losses" (e) column. Total "Present" column (column o) will be total in "Hospital" (m) and total in "Confinement Facility" (n) column.

(2) ACS facility commanders will advise unit commanders to whom prisoners may be assigned or attached of any change in status of prisoners that should be submitted as a Standard Installation/Division Personnel System change.

(3) If incorrect entries are discovered on previously completed strength reports, a statement of correction will be entered in Section I, Part C, for example: "DD Form 506 (Daily Strength Record of Prisoners), 30 June 1993 as reads 20 should read 120. Correction had been incorporated in the present strength report and noted on the file copy as a pen and ink addition."

*c. Blotter report.*

(1) A daily chronological record of ACS facility activity will be maintained using ACIS. Facilities without ACIS will prepare the daily report using DA Form 3997 (Military Police Desk).

(2) The facility blotter will provide a record of activities at the facility and will include as a minimum the following events:

- (a) Head counts, bed checks, and roll calls.
- (b) Staff visits and inspections.
- (c) Tests of emergency plans and equipment.
- (d) Fires, escapes, riots, disorders, suicides, or serious injuries, and other similar incidents.
- (e) Each change of relief of the guard.
- (f) Admissions and releases from confinement, to include temporary releases.
- (g) Any other information deemed of value by the facility commander.

*d. Visitors' register.* A record of all visitors to the prisoners at the facility will be contain the following:

- (1) Date.
- (2) Name of visitor.
- (3) Time in.
- (4) Time out.
- (5) Address or organization.
- (6) Prisoner visited.
- (7) Relationship of visitor to prisoner.

*e. Prisoner medication issue register.* A record of all medication dispensed to prisoners per the medical officer's instruction will be maintained to reflect—

- (1) Date.
- (2) Name of prisoner.
- (3) Medication issued (name and quantity).
- (4) Time and frequency of issue.
- (5) Printed name and signature of person issuing medication.
- (6) Prisoner's acknowledgment for receipt of medication.

*f. Roster of prisoners.* The Roster of Prisoners Report will be generated as of 2400 the last day of each month. Those facilities without Army Corrections Information System (ACIS) will use DD Form 515 (Roster of Prisoners). The report will provide an alphabetically ordered roster of prisoners confined. Names of prisoners subsequently incarcerated will be added to the list in the order in which they are incarcerated. Sufficient space will be left above the name of the first prisoner incarcerated during each 24-hour period for notation of date of incarceration (for example, "Incarcerated 30 June 93"). The following instructions apply to applicable columnar entries:

- (1) Entries in the "Sentence" column will be made immediately after information becomes available.
- (2) When a prisoner is released, transferred, escapes, or dies, a notation will be made in the "Remarks" column, stating date and authority for release or transfer, or date of escape or death. The prisoner's name will be lined out and initialed by the facility commander or a designee.
- (3) Entries in the "Minimum Release Date" column will reflect minimum release date.
- (4) Orders modifying a sentence and forfeiture or restoration of good conduct time will be entered in the remarks column opposite the name of the prisoner affected. Date of expiration of sentence recorded will be adjusted by appropriate entry in the column for minimum release date.

## **10-5. Correctional treatment file**

*a.* A correctional treatment file (CTF) will be established and maintained for each prisoner in the ACS. At a minimum, the CTF will include the prisoner's records as outlined in 10-5*b* and any requirements for counseling, special training, employment needs, and or personal problems that may affect treatment. Records required below will be of the format at those facilities supported by the automated system. The CTF may include other documents as determined appropriate by the facility commander.

*b.* Individual personnel documents regarding a prisoner's correctional treatment will be maintained in a file folder separate from personnel records contained in DA Form 201 (Military Personnel Records Jacket, U.S. Army) or corresponding file for prisoners of other services, for each prisoner. Disposition of these records will be per AR 25-400-2. All ACS facilities will operate in accordance with AR 25-400-2 and as prescribed by this regulation.

- (1) *DD Form 2718 (Inmate's Release Order).*

(a) DD Form 2718 will be used as authority to release a prisoner from confinement. The facility commander or designated representative with prisoner release authority may authenticate DD Form 2718 but only in the cases of prisoners who have been acquitted or have had charges against them dropped; or whose sentences have been mitigated or otherwise released by proper authority for return to their unit without armed guard.

(b) DD Form 2718 will not be used when a prisoner is transferred to another confinement location. Orders will be sufficient authority for accomplishing transfer of prisoners. When entering data on reason for release, terminology contained in appendix B will be used. DD Form 2708 (Receipt for Prisoner or Detained Person) will be executed at the time of release of the prisoner for transfer.

(c) Temporary release of prisoners will be accomplished using the Receipt for Prisoner or Detained Person form. DD Form 2708 may be used at those facilities not supported by the automated system.

(d) When a prisoner is hospitalized in a medical facility, the travel orders pertaining to the prisoner and a properly executed DD Form 2708 will be sufficient authority for confinement in the hospitalized area so designated for hospitalized prisoners and upon release for return to a designated place of incarceration.

(e) A DD Form 2718 will not be required for those individuals being transferred on orders from another ACS facility.

(2) *DD Form 2707 (Confinement Order)*. DD FORM 2707 will be executed per instructions contained thereon for each prisoner on initial incarceration. The DD Form 2707 also includes the medical certificate, to be completed on each prisoner within 24 hours after initial incarceration by a medical officer, physician assistant, or nurse clinician. This form will be completed each time, subsequent to initial incarceration, that the prisoner is given a medical examination or placed in disciplinary segregation. The authority ordering an individual into confinement or a designated representative will deliver to the ACS facility two copies of a properly executed DD Form 2707 at the time the individual is incarcerated. The DD Form 2707 will contain the name, grade, and organization of the individual and the specific offense(s) of which the person was convicted or accused. The officer ordering confinement will sign DD Form 2707.

(3) *DD Form 2710*. DD Form 2710 may be used in lieu of the ACIS-generated report when the facility is not automated. The report will be prepared within the first duty day following the prisoner's incarceration. Information not available initially will be entered as it becomes available. The DD Form 2710 will accompany the prisoner upon transfer to any subsequent place of incarceration both in hardcopy and automated diskette formats.

(4) *DD Form 504 (Request and receipt for health and comfort supplies)*. DD Form 504 will be used when the facility is not supported by the automated system. DD Form 504 will be—

(a) Used for requesting health and comfort supplies by gratuitous issue, by purchase from a prisoner's personal funds, or by deduction from a prisoner's pay account.

(b) Prepared in duplicate for gratuitous issue; one copy will be placed in prisoner's correctional treatment file and one copy will be retained for file.

(c) Prepared in duplicate when supplies are purchased from a prisoner's personal funds; one copy will be placed in a prisoner's correctional treatment file and one copy will be forwarded to the custodian of the Prisoner's Personal Deposit Fund.

(d) Prepared in triplicate when the cost of supplies is to be deducted from prisoner's pay. The form will be annotated with the account to be credited with the collection. One copy of the form will be placed in the correctional treatment file; one copy will be forwarded to the facility's supply section; and one copy will be furnished to the personnel officer of the unit to which the prisoner is assigned for preparation of the military pay order.

(5) *DD Form 508 (Report of/or Recommendation for Disciplinary Action)*.

(a) This form will be prepared in triplicate for each prisoner at the time disciplinary action is imposed or recommended.

(b) The original copy of the form will be forwarded to the appropriate commander for action or information and returned for inclusion in the prisoner's correctional treatment file after the approved action or acknowledgment is recorded thereon. The commander's action will be annotated on all copies. One copy will be filed chronologically in the facility records in an ACS facility record folder. The third copy is given to the prisoner.

(6) *DD Form 509 (Inspection Record of Prisoner in Segregation)*.

(a) DD Form 509 will be prepared for each prisoner in disciplinary segregation. It will also be prepared for those prisoners in administrative segregation considered suicide and escape risks, prisoners in restraining devices, and in circumstances where the commander considers such a record necessary.

(b) DD Form 509 will be signed each day by the ACS facility commander or designated representative, medical officer, nurse clinician or physician assistant, and duty officer when they inspect the prisoner.

(c) Special instructions will be entered relative to the prisoner's behavior.

(d) Part II (Hourly Inspection Record) of DD Form 509 will be initialed, at least every 30 minutes and or on an irregular schedule, by cadre personnel as required by local policy and this regulation.

(e) Upon completion, DD Forms 509 will be maintained in the prisoner's CTF.

(7) *DD Form 510 (Request for Interview)*.

(a) This form will be used by prisoners who desire an interview or communicate with ACS staff.



(b) Approval or disapproval and pertinent remarks relative to the interview will be entered on the form. DD Form 510 will be filed in the correctional treatment file.

(c) Depending upon the complexity of the request, responses to prisoner requests for interviews will normally be provided within 10 working days. The specific action taken by the individual specified in response to the prisoner's request will be recorded in the "Remarks" portion of DD Form 510.

(8) *Inmate Classification Approval List and Inmate Classification Profile Report.* These reports will be generated and added to the prisoner's CTF each time a review of the prisoner's classification is conducted.

(9) *Inmate In-processing and Release Checklists.* Reports will be generated, completed, and posted at the time of in and out-processing from the facility.

(10) *Inmate Transfer Checklist.* This report will be generated, completed, and posted to the CTF upon transfer of the prisoner to another ACS or other facility of incarceration.

(11) *Inmate Release Date Computation Report and Inmate Release Date Change Notification.* These reports will be generated and included in the CTF at the occurrence of a change in release dates.

c. Facility commanders will ensure record management within the facility adhere to policy and procedures and act in accordance with ARIMS. The establishment, use, and content of prisoner records; right to privacy; secure placement and preservation of records; and schedule for retiring or destroying inactive records will be strictly enforced. These policies and procedures will be reviewed annually.

(1) CTFs are privileged and will be safeguarded from theft, compromise, and unauthorized disclosure. These files are used, among other purposes, to assist the ACS in making parole and clemency determinations and recommendations. The files are therefore considered part of a law enforcement file and access to these files by prisoners is limited. Access to information in these files by others is governed by AR 25-55 and AR 340-21.

(2) Information in the correctional treatment file obtained under an expressed or implied promise of confidentiality will not be released to the prisoner if release would reveal the source of the information.

(3) In the event the facility commander is served with a subpoena ordering the production of a prisoner's correctional treatment file or any information contained within, the supporting Staff Judge Advocate or legal advisor should be promptly notified. AR 27-40 will govern all actions concerning the subpoena.

d. Prisoners transferred from one institution to another, with exception FBOP, will have their CTFs/records transferred simultaneously or mailed not later than 72 hours after departure from the losing facility.

## **Section II**

### **Personal Property and Funds**

#### **10-6. Prisoner clothing**

All prisoners confined in corrections facilities will wear the distinctive prisoner uniform as prescribed in CTA 50-900. Clothing will be properly fitting, climatically suitable and durable when possible. Markings affixed to the uniform may include the designation of the facility at which the prisoner is confined and a white name tag with black letters spelling the last name of the prisoner over the right pocket of the shirt. Commanders of ACS facilities may designate a distinctive female uniform and may prescribe color variations of the distinctive uniform to reflect custody levels. Markings affixed to distinctive uniforms will not be degrading or otherwise subject the prisoner to ridicule. Pretrial prisoners will wear a different color badge than posttrial prisoners.

a. All prisoners, except those with executed discharge, will wear their appropriate class A service uniform during appearance before a court-martial.

b. Distinctive clothing for prisoners incarcerated in the ACS facility will be furnished at the expense of the Government.

c. Issue and expense of clothing supplied to prisoners and distinctive clothing prescribed for the ACS will be per AR 700-84 and CTA 50-900. DA Form 3078 (Personal Clothing Request) will be maintained on personnel with fewer than 6 months active duty service and on personnel receiving clothing on an issue-in-kind basis. Organizational clothing, within allowances prescribed in CTA 50-900, may be provided to prisoners per AR 710-2.

d. Clothing of prisoners will be laundered or dry cleaned without charge per AR 210-130.

#### **10-7. Personal property and funds**

a. *Personal property.* Prisoners may be permitted to place in safekeeping personal property not authorized for personal retention by the facility commander. Such items may include wallets, pictures, official papers, drivers license, keys, and pens. Items of value such as checks, savings bonds, charge cards, and jewelry will be retained in personal property. The number of items stored will not exceed the capacity of a 16- × 12-inch transparent envelope, unless the facility commander grants exception. Personal property will be accounted for per DOD Financial Management Regulation, volume 5, chapter 27 Army Annex. Disposition of civilian clothing, excess military clothing the property of the prisoner, and other personal property that prisoners might have in incarceration will be per paragraph 10-8. Personal property held in safekeeping for the prisoner will be returned to the prisoner upon release.

b. *Personal funds.*

(1) Personal funds of prisoners will be placed in the prisoner deposit fund of the facility and will be safeguarded per DOD Financial Management Regulation, volume 5, chapter 27 Army Annex. Prisoners will not be permitted to have money in their personal possession, except as attendant to an authorized work release program. The facility commander will appoint, in writing, a person to witness the clearing of a prisoner's personal deposit account in the absence of the custodian.

(2) Subject to approval of the facility commander, prisoners with funds on deposit that are greater than their anticipated needs may withdraw excess monies from their account in the personal deposit fund for investment in U.S. savings bonds or for transfer to a personal savings accounts in banks insured by the Federal Deposit Insurance Corporation or in banks or branches eligible to be designated a U.S. depository under provisions of 12 USC 265. Administrative procedures for withdrawal of funds from a personal deposit fund for investment purposes will be limited to transactions authorized per DOD Financial Management Regulation, volume 5, chapter 27 Army Annex. A personal deposit fund custodian will not act as a co-depositor or as an operating agent between a prisoner and a commercial banking or investment institution. Care will be exercised to ensure that such outside banking does not result in unauthorized financial transactions between prisoners.

(3) A prisoner may be permitted to spend personal funds in amounts established by the facility commander for such additional items as the purchase of educational material, remittance to dependents, payment of legitimate debts, and other special purposes approved by the facility commander. Prisoners in a pay status or with available funds are required to provide financial support to dependents in accordance with AR 608-99.

(4) Prior to the prisoner's release date, the prisoner's personal deposit fund will be closed and reconciled.

(5) Prisoners departing upon expiration of sentence or excess leave will normally be provided a Government-furnished ticket for the least expensive mode of transportation to his home of record, last place of enlistment, or anywhere of equal or lesser amount, which includes a ticket for transportation from the place of confinement to the nearest bus station or airport. However, reimbursement will be for the least expensive mode of transportation. Other service prisoners in ACS facilities will apply for and be reimbursed per individual service procedures.

#### **10-8. Disposition of clothing and personal property**

Any conflict between accounting procedures described in this chapter and AR 700-84 will be resolved by following AR 700-84.

*a.* Upon confinement, Army prisoners outside continental United States (OCONUS) will be transported to the appropriate facility with personal military clothing items listed in AR 700-84. Civilian clothing, excess military clothing, and other items of personal property will be retained at the inmates assigned unit for safekeeping.

(1) Prior to an individual's departure to a CONUS corrections facility, a clothing inventory and inspection will be conducted in accordance with DA Pam 710-2-1 by an officer, warrant officer, or NCO (staff sergeant to sergeant major) of the parent unit. DA Form 3078 will be used to document the following:

- (a) Excess military clothing retained at the unit for safekeeping.
- (b) Civilian clothing and personal property retained at the unit for safekeeping.
- (c) Clothing (military and civilian) accompanying the prisoner (see AR 700-84).

(2) Inventory listings will be prepared in four copies. All copies will be signed by the unit commander or a designated representative and the prisoner; the original will be placed with the individual's personal clothing; the second copy will be placed in the unit administration record; the third copy will be given to the prisoner to retain; and the fourth copy will be forwarded for filing at the ACS facility. In the case of individuals with fewer than 6 months active duty, the inventory listing will be prepared in four copies. For individuals released from incarceration for return to duty or discharge, all copies of the clothing list will be destroyed; the original will be receipted by the individual being released and retained by the unit, filed with unit administration records.

(3) Unit commanders will ensure that authenticated inventory listings of excess military clothing and personal property accompany the prisoner when reporting to the ACS facility. The commander will also explain to the prisoner the options available concerning the disposition of excess military and personal property.

*b.* Subsequent to court-martial, the losing unit commander will perform the following actions, as appropriate:

(1) For individuals sentenced to unsuspended punitive discharges, all items of excess personal outer military clothing and personal equipment retained at the unit will be turned in through supply channels.

(2) If the individual has a suspended punitive discharge, or no discharge, military clothing retained in the unit pursuant to *a*, above, will be shipped to the correctional facility at Government expense.

(3) The unit commander will dispose of civilian clothing and excess military clothing and other personal property retained at the unit for safekeeping, per instructions received from the prisoner. Copies of such instructions will be attached to the inventory listing prepared at time of initial confinement. Prisoners will be informed of the alternative dispositions of clothing should the prisoner refuse to give instructions. If the prisoner refuses to give disposal instructions for property, it will be disposed of by the unit commander per *f*, below. Authorized options for disposal of prisoner's personal property are as follows:

(a) Ship at the prisoner's expense to a person designated by the prisoner. Such property will be assembled, carefully identified, and securely packed before shipment. Prisoners may be authorized shipment of personal property and

household goods. Such shipment may be made to the member's home of record or place entered on active duty. If the member requests shipment to a further point, all excess costs will be at the member's expense. Copies of shipping receipts/documents will be forwarded to the prisoner upon shipment (see the JFTR, paras U5125, U5240-F, U5360, and U5370-F).

(b) Property may be sold, and the money from such sales deposited to the prisoner's account. Members of ACS facility staff will not purchase a prisoner's personal property from either the prisoner, his family or a third party acting as an agent for the prisoner.

(c) Donated to a charitable organization.

(d) Donated to another individual, not a prisoner or a member of the facility staff.

(e) Destruction of such property.

(f) Disposition of as abandoned or unclaimed property, per DOD 4160.21-M.

(g) Prisoners transferred will be sent with only those military garments necessary for health and comfort during travel, within a time limit designated by the facility commander.

(4) When a prisoner has personal property located outside of the unit and such property will not be retained at the unit for safekeeping, the unit commander will obtain a written statement from the prisoner that states—

(a) The prisoner was counseled on safeguarding his or her property at the unit.

(b) The prisoner disposed of the property outside of the unit.

(c) Details of the disposition of the property including name of recipient, location of the property, and nature of the property. The statement will be prepared in two copies with the original placed in the unit administration record, and the second copy retained by the prisoner.

c. Items of clothing and personal property authorized for retention at the facility, together with clothing records, will accompany the prisoner to the facility, where clothing will be retained in safekeeping or for use per the requirements of the facility. Clothing records will be maintained per AR 700-84.

d. ACS facility commanders will ensure that proper disposition of all a prisoner's effects is accomplished prior to his or her transfer to another ACS facility.

e. If a sentence to confinement is set aside on appellate review and the individual is returned to duty status, the individual will be issued only a seasonal uniform. Initial allowances will be reissued at the new duty station. This authorization does not apply to prisoners who have no punitive discharge and who continue to receive a monetary clothing allowance while incarcerated.

f. Questions concerning the disposition of household goods and dependent travel will be referred to the prisoner's prior unit commander and the supporting transportation officer. The JFTR apply.

## **10-9. Health and comfort supplies**

a. *Basis of supply and stockage.* Supplies necessary for the personal hygiene and health and comfort of prisoners will be furnished on either a reimbursable or gratuitous basis. Items directly related to the inmate's personal hygiene/health may not be taken away from the prisoner except when based on destructive tendencies or safety and security reasons. Those prisoners in a military pay status or work release will be charged for such supplies; those not in a pay status will be furnished the supplies gratuitously. The monthly value of the supplies issued, exclusive of postage and haircuts, will not exceed an amount per prisoner established by DAPM. The health and comfort item inventory will be maintained at a minimum level. Stockage levels will be replenished based on issue documents. Health and comfort supplies will be purchased through normal procurement channels. Replenishment of health and comfort supplies directly from post exchanges or other sole source procurement actions without the approval of the local contracting official is unauthorized. Prisoners may use personal funds to purchase approved personal items from the post exchange system.

b. *Items of issue.*

(1) When such items are not already in the prisoner's possession, all prisoners committed to ACS facilities will be issued the following personal hygiene/health items, which will be made available to all persons per limits established by the ACS Commander:

(a) Disposable razor. (An electric razor may be substituted at the discretion of the ACS Commander.)

(b) Toothbrush.

(c) Toilet soap, soap dish.

(d) Towel (bath and face).

(e) Toothpaste.

(f) Shaving cream.

(g) Shower shoes.

(h) Deodorant.

(i) Sanitary napkins/tampons (female prisoners).

(j) Shampoo.

(k) Nail clipper (without file).

- (l) Lip balm.
- (m) Hairbrush or comb.
- (n) Toothbrush holder.
- (2) The following comfort items may be stocked for purchase at the option of the ACS commander.
  - (a) Cigarettes, pipe tobacco, or cigars (only one selection is authorized).
  - (b) Matches (safety, if no permanent lighter has been affixed to the facility or another means has been established to light items).
    - (c) Shoe polish and brush.
    - (d) Skin lotion.
    - (e) Face cream.
    - (f) Hair brush or comb.
    - (g) Pipe.
    - (h) Writing instrument (as approved by the facility commander).
    - (i) Writing tablet.
    - (j) Envelopes.
    - (k) Stamps.
    - (l) Detergent (if no laundry detail).
    - (m) Panty liner.
    - (n) Hair grease.
    - (o) Curlers (sponge).
    - (p) Barrettes/hair ties.
    - (q) Underwear (male and female) (boxer or briefs).
    - (r) T-shirts (brown or white).
    - (s) Socks (white or black).
    - (t) Tennis shoes (high top or low).
    - (u) Other items as determined by the facility commander.

(3) Food items (which may be used as an incentive for custody grade) may include potato chips, candy bars, crackers, soda, and cookies. This is not an all-inclusive list. ACS commanders may approve additional food items per sanitation standards. Other items may be authorized at a particular place of confinement. Generic items may be purchased as a means of controlling cost. ACS commanders will designate in facility standing operating procedures who is authorized specific items. Health and comfort items will be issued at a frequency prescribed by the facility commander. Prisoners will not be required to purchase an item for purposes of uniformity.

*c. Issue to prisoners in an unverified pay status.* Until acknowledgment is received from the finance and accounting officer stating that the prisoner is either in a verified pay status or a verified nonpay status, the activity issuing required health and comfort supplies will forward the DD Form 504 to the appropriate unit personnel officer or finance and accounting officer for entry on the pay voucher. Those requests marked "gratuitous issue" by the finance and accounting officer will be returned to the issuing activity for filing.

*d. Issue to persons in a pay or work release status.* The activity issuing health and comfort supplies will forward the DD Form 504 to the appropriate unit personnel officer or finance and accounting officer for entry on the pay voucher or record.

*e. Issue to persons in a nonpay status.* Health and comfort supplies furnished to persons in a nonpay status will be paid from appropriated funds.

*f. Health and comfort items to accompany prisoners on transfer or hospitalization.* As a minimum requirement, prisoners will be issued health and comfort items in amounts deemed adequate for a 3-day period.

*g. Forfeiture of health and comfort items.* Should a prisoner lose or damage Government and or private property temporarily entrusted to the Government, he or she will be held financially accountable. If the loss resulted from misconduct, Disciplinary and Adjustment Board proceedings may be initiated. The affected prisoner will forfeit his or her monthly health and comfort allotment up to the amount of the depreciated value of the loss but no more than 25 percent of his or her monthly allotment for 4 months.

*h. Obtaining and safeguarding supplies.*

(1) The least expensive source of health and comfort supplies will be used. Purchases may be made from a prisoner's personal funds furnished for this purpose.

(2) All health and comfort supplies will be retained in bulk storage for issue to prisoners. Schedules for issue will be established to assure that prisoners have necessary health and comfort items in their possession. At least once each month a physical inventory will be reconciled and balanced with the record of the previous inventory, supplies received, and those issued to prisoners in the intervening period. The facility commander will verify this inventory, in writing, or a specifically designated commissioned or warrant officer. Excessive inventory balance will be avoided.

*i. Postage.* Prisoners may, at the discretion of the facility commander, be permitted to have postage stamps in their

possession. Those commanders not permitting prisoners to maintain stamps will use DD Form 499 (Prisoner's Mail and Correspondence Record) to ensure proper accountability of individual stamp accounts.

(1) Prisoners in military pay or work release status will be required to pay the postage on all personal outgoing mail.  
(2) Postage for all personal outgoing mail of prisoners in a nonpay status will be furnished at Government expense subject to the following:

(a) Official envelopes secured through normal supply channels not to exceed 10 envelopes per month, must be used.  
(b) Return addresses will show a post office box or building number and the installation.  
(c) Mail may not exceed 1 ounce in weight and will be limited to first-class mail not requiring special services, such as airmail and special delivery. Pictures and clippings that are incidental to the message of the letter sent may be enclosed therein. Christmas cards and other seasonal greeting cards will not be transmitted under the official mail indicia.

(3) All mail to commercial suppliers/vendors will be at the prisoner's expense regardless of pay or work release status.

*j. Hair care for prisoners.* Facilities operating barber shops or hair care facilities for women as training activities will furnish hair care gratuitously to all prisoners. Where such activities are not operated, prisoners in a military pay status will be required to pay for hair care. Prisoners in a nonpay status will be furnished hair care at Government expense. Prisoner haircut standards will comply with AR 670-1.

## **10-10. Prisoner mail**

Prisoner mail privileges will be limited only by security, control, and corrections requirements. Restrictions on mail will not be imposed as a disciplinary measure.

*a. Correspondents.* No limitations will be imposed as to the number of persons who may be approved for the purpose of corresponding with a prisoner except as necessary to maintain security and control. A prisoner's spouse, children, parents, brothers, and sisters should uniformly be approved unless disapproval is required in the interest of safe administration, the prisoner's welfare, or furtherance of his correctional treatment. Other persons may be approved as correspondents when this appears to be in the best interest of the prisoner, providing that such correspondence does not pose a threat to the security and control of the individual or the facility. Prisoners are prohibited from soliciting pen pals through the mail. Mail to and from unauthorized correspondents will, however, be rejected or censored only per paragraph 10-10b(3), below.

### *b. Mail.*

(1) Prisoners will be authorized to retain reasonable quantities of mail in their immediate possession. They will not be required to destroy excess retained mail, but will be given the opportunity to forward it at personal expense to an authorized correspondent for retention. If unable to forward, mail will be destroyed.

(2) Prisoners' nonprivileged mail (nonprivileged envelopes and packages, both incoming and outgoing) may be opened and the correspondence read by the certified handler. The mail may be rejected for mailing or delivery on the basis of content per (3), below. A certified mail handler may examine the outside portion of both privileged and nonprivileged mail to determine the authenticity of the addressee.

(3) Rejection of mail, incoming or outgoing, on the basis of content is authorized only when it is determined detrimental to the security, good order, discipline, or correctional mission of the institution, or it might facilitate criminal activity. Mail that may be rejected on the basis of content includes but is not limited to material which meets one of the following criteria:

(a) Any material that violates postal regulations or contains obscenity, blackmail, contraband or threats. Obscenity is defined as writings or pictures that, taken as a whole under contemporary community standards, appeal to prurient interest in sex, are offensive because they depict sexual conduct in a patently offensive way and, taken as a whole, lack serious literary, artistic, political, or scientific value. Any material advocating criminal activities, violence, or racial and ethnic unrest.

(b) Any material that contains plans for criminal activities or plots for escape.

(c) Any material pertaining to gambling or a lottery.

(d) Codes or plans for activities in violation of confinement or correctional facility rules.

(e) Solicitation of prohibited gifts or money.

(f) Solicitation of pen pals.

(4) Additionally, failure of correspondence to conform to the following guidelines may be the basis for rejection or censorship:

(a) As far as possible, all letters will be written in English, but every effort should be made to accommodate those prisoners who are unable to write in English or whose addressees would not be able to understand a letter written in English. The criminal sophistication of the prisoner and the relationship of the prisoner to the correspondent are factors to be considered in deciding whether correspondence in a foreign language should be permitted.

(b) No prisoner may be permitted to conduct a business while incarcerated but may initiate the correspondence necessary to protect personal property and funds legitimate at the time the prisoner was committed to the facility.

(c) In addition, incoming letters may also be rejected if the letter contains material that would cause severe psychiatric or emotional disturbance to the prisoner. Rejection of a letter for this reason will be based on the opinion of a qualified officer of the Army Medical Department following consultation with the prisoner's social worker or counselor.

(5) Neither outgoing nor incoming mail may be rejected solely on the grounds that it contains criticism of the institution or its personnel. Caution will be exercised before rejecting correspondence because of its religious, philosophical or social views. A decision to exclude material expressing such views must be based on a clear showing that it would promote violence and thereby seriously affect the good order of the facility. The commanding officer of the ACS facility will make a record of the reasons for an exclusion of this type for the facility's administrative files.

(6) If mail, outgoing or incoming, is rejected or censored, the following procedures will apply:

(a) A prisoner must be notified of the rejection or censorship of all incoming or outgoing correspondence.

(b) The prisoner writing or receiving a rejected letter, must be advised of the reason that the mail is determined to be objectionable.

(c) Appeals will be referred, in accordance with facility policy and procedures, to the facility commander or the next level in the chain of command, whose decision will be final.

(d) Envelopes bearing the official mail indicia may be used for returning rejected incoming mail to addressee.

(7) Mail material diverted to investigative agencies will be handled and processed as evidence under the provisions of AR 195-5.

(8) Prisoners will inform their prospective correspondents of articles they are permitted to receive as determined by the facility commander. Valuables or other costly articles received through the mail that are not authorized will be returned to the sender at the prisoner's expense or destroyed. The prisoner will be notified, in writing, and a notation entered on his or her DA Form 1132-R (Prisoner's Personal Property List Personal Deposit Fund). Upon receipt of articles not authorized for retention, other than valuables or costly articles, the prisoner will be required to authorize disposition by storage with personal property if space is available, by return to the sender at personal expense; or by destruction. Only certified checks and money orders will be deposited to his personal account.

(9) Stationery and envelopes used by prisoners will be free from any indication that the prisoner is confined. The prisoner's return address on envelopes will show a post office box number, building number, or other appropriate designation. Inspection stamps or marks will be placed on prisoners' incoming or outgoing mail that has been read or censored. Such stamps or marks will not be placed on envelopes.

(10) Privileged correspondence is defined as follows:

(a) Privileged mail is defined as all mail between a prisoner and the President, Vice President, Members of Congress, Attorney General, TJAG (or their representatives), State and Federal Courts, defense counsel, or any military or civilian attorney of record. Correspondence with any attorney, for the purpose of establishing an attorney-client relationship, or for any purpose once an attorney-client relationship is formed, and all correspondence with the inspector general or members of the clergy, will be regarded as privileged. Privileged mail may be opened by a certified mail handler when there is a reasonable basis for confinement facility personnel to believe that the mail contains contraband or when there is reason to doubt its authenticity. Privileged mail must be opened in the presence of the prisoner and the correspondence may not be read by anyone other than the prisoner without the prisoner's permission.

(b) Correspondence addressed to, or received from, the appropriate appellate agency of TJAG of the department concerned will be delivered or forwarded without inspection except when there is reason to doubt its authenticity or when there is reason to believe that the correspondence contains contraband.

(c) The prisoner will complete DA Form 2569-R (Attorney of Record Designation (Civilian and Individual Military Counsel)) as soon as possible. Confinement facility personnel must not open prisoner's mail with civilian or individual military counsel listed in DA Form 2569-R, unless there is a reasonable basis for such personnel to believe the mail contains contraband. Completion of the DA Form 2569-R is not required for military appellate defense or trial defense counsel detailed to represent the prisoner.

(d) The commander of the facility may determine the authenticity of counsel, if necessary, by any appropriate means subject to the provisions of (a), above.

*c. Reading material.* Prisoners will be permitted to subscribe to newspapers, periodicals, magazines, and books per paragraph 10-10b, and in quantities to be established by the facility commander. Approved publications must be received directly from the publisher or commercial vendor. These materials are not considered privileged mail.

## **10-11. Telephone communication**

Telephone calls to prisoners at the expense of the caller may be permitted in emergencies or when the facility commander or designated representative deems it desirable for the prisoner's welfare. These calls may be monitored or recorded unless they are between the prisoner and an individual who is considered a privileged correspondent under paragraph 10-10b(10). When telephone conversations are monitored, the tape will be retained for at least 30 days. In the absence of an automated recording capability, a memorandum of record will be used. Prisoners are authorized to make collect and prepaid calls, as permitted by the facility commander. Prepaid calls are defined as calls made from a

correctional phone system that allows prisoners to pay the phone company in advance. Calling cards are only authorized at OCONUS facilities where the correctional phone system may not be available.

### **Section III Public Affairs**

#### **10–12. Public access to facilities**

Access by the public to ACS facilities should be limited to authorized tours and visits. Care should be taken to avoid criticism on grounds of defamation, embarrassment, and mental anguish to prisoners confined within the facility resulting from visit and tour policies.

*a. Photographing prisoners.* Prisoners will not be photographed, except in support of medical documentation and for official identification purposes. Photography that does not reveal the identity of individual prisoners when undertaken for official purposes and that will not reflect adversely upon the Army may be authorized per paragraph 10–12*b*(1) below.

*b. Photographing facilities.* Photographing ACS facilities is not permitted unless authorized by the facility commander as an exception to policy when the stated purpose justifies such action. When photography is authorized, it will not include—

- (1) Areas where detailing fences, restraining walls, bar, locks, and other restraining devices are located.
- (2) Scenes including prisoners who are identifiable.
- (3) Scenes depicting prisoners under custodial control.
- (4) Use of irons or similar restraining devices.

*c. Prisoner communications with the news media.* Face-to-face and telephonic communications between military prisoners and members of the news media (print and broadcast) are not authorized. Written communications including those prepared by prisoners for publication on the internet, are permitted subject to the provisions of paragraphs 10–10 and 10–13*d* of this regulation.

*d. Release of material prepared by prisoners for publication.*

(1) Written material prepared by prisoners for publication, in whole or in part, in print or through the broadcast media, other than clearly identified expressions of personal opinion, must be submitted for review prior to release under the criteria contained in paragraph 10–11 of this regulation.

(2) In addition, such material may, as appropriate, be subject to national security and policy review under the provision of AR 360–1.

*e. Institutional publications.* MACOMs may approve establishment of institutional publications containing prisoner prepared articles when such publications are for use within a facility only.

#### **10–13. Visits**

*a. Authorized visits (number and length).* Restrictions on the number and length of visits and/or the number of authorized persons permitted to visit at any one time will be limited to those necessary for the safe handling of visits, prisoner control, and those made necessary by operational routines or limited facilities. Prisoners who do not desire a visit will not be made available.

*b. Authorized visitors.* The prisoner's spouse, children, parents, brothers, and sisters should be uniformly approved unless disapproval is required in the interest of safe administration, the prisoner's welfare or furtherance of his or her correctional treatment. Other persons may be permitted to visit subject to the above conditions. Visits will not be authorized when the commander determines them contrary to good order and discipline within the facility or likely to bring discredit upon the U.S. Army.

*c. Visits by members of civilian support organizations.*

(1) Members of civilian support organizations may be approved to visit any prisoner who requests such a visit. However, commanders will not permit advertisement of the availability of such organizations nor grant personnel representing such organizations routine access to prisoners.

(2) Members of civilian support organizations who desire to visit a specific ACS facility will submit written applications to the commander of the facility. Applications will include documentation identifying the organizational affiliation of the requester, the names of the prisoners to be visited, and a statement as to whether a visit has been requested by each listed prisoner. When a prisoner has not requested a visit, the commanding officer of the facility will have the prisoner interviewed to determine if a visit is desired.

(3) Approved visitors will contact facility commanders in advance of their visits. Written correspondence between approved visitors and prisoners is not considered privileged communication.

*d. News media visits.* Incarceration of any individual is a sensitive matter and the Army is morally obligated to treat information concerning incarceration as confidential. For this reason, news media visits to ACS facilities normally are not authorized. Instances may arise when it is in the best interest of the prisoners and the Army to authorize special visits to designated facilities by media having a legitimate public information purpose. Visits of this type may prove enlightening to the public and help correct false impressions gained by hearsay and other unreliable sources. In such

instances, ACS facility commanders for the purpose of making available specific information about the facility, program, or activities may authorize media visits. Commanders' approval for media visits will be based on coordinated information from the public affairs officer and other staff members concerned regarding the impact of such visits. In authorizing these visits, it should be noted that approval given to news agencies requires equal consideration be given to all news agencies. DAPM will be contacted 72 hours prior to any programmed news media at an ACS facility.

*e. Briefings.* When authorized, news media representatives will be advised to make advance appointments for visits. Specific staff members of the facility will be designated as guides. Such staff members may respond to requests about facilities, programs, and activities but will refer all questions about policy and individual prisoners to the commander of the facility. The ACS commander of the facility or designated representative will brief personnel on the total operation of the facility prior to the tour, and ensure minimum disruption of facility operations.

*f. Members of Congress.* Visits to ACS facilities by Members of Congress and their staff are authorized per AR 1–20. Identifying credentials for members of Congress and written authorization for staff representatives of a member of Congress should be verified through the tenant installation prior to such visits.

*g. Official visits by service representatives.* Visit requests and requests for interviews of prisoners confined in ACS by service representatives will be forwarded to HQDA (DAPM) for approval.

*h. Individual or group orientation visits.*

(1) Individual and group orientation visits may be authorized by the ACS facility commander and will be coordinated with appropriate installation representatives.

(2) Regular tours are authorized as a means of informing the local community of the mission and functions of the facility. Care will be taken to ensure that the prisoner population is not put on display or subjecting them to ridicule or other forms of real or perceived public curiosity.

(3) Additional considerations prior to approval are—

(a) Requests for special tours/visits must be made in advance and include the stated purpose and intent of the visit.

(b) Approval of a special visit will cite time, date, and conditions of the visit.

(c) A senior staff member of the facility normally will be designated as guide for all tours.

(d) Individuals or groups approved for a visit to facilities will be informed that a violation of conditions of the visit will be cause for termination of the visit.

(e) The taking of still or motion pictures will be per paragraphs 10–12a and b.

(f) Tours will be planned to avoid occupied prisoner living areas.

(g) The personal histories and offenses of individual prisoners will not be discussed. Normally, individual prisoners will not be identified.

(4) Restrictions are not imposed on official visits except that they should be scheduled by appointment, where practical, to avoid any interference with work or training.

*i. Visits by civilian clergy.* Religious needs of certain prisoners may be such that chaplains (assigned to the facility) cannot fill them. In this event, the prisoner may consult the commander of the facility for assistance in securing visitation of civilian clergy.

(1) Clearance of civilian clergy to give religious counsel to prisoners must be obtained from the facility commander or a designated representative. Criteria for clearance by the facility commander or a representative include—

(a) An individual concerned must be the personal pastor of the prisoner or an authorized representative of the denomination of the prisoner.

(b) Civilian clergy must present proper credentials to attest to the fact they are actively engaged in religious work. The facility/installation chaplain should authenticate these credentials.

(2) Any member of the civilian clergy may request clearance per (1), above, for the purpose of visiting a prisoner of a specific parish or congregation.

#### **10–14. Complaints and interviews**

*a.* Prisoners will be advised at the time of their incarceration of their rights to submit complaints and grievances to the facility commander or a designated representative and the inspector general under provisions of AR 20–1.

(1) Complaints will be submitted to the facility commander or a designated representative on DD Form 510.

(2) The facility commander or a designated representative will promptly advise the prisoners on the action taken regarding their complaints.

(3) A copy of the notice prescribed by AR 20–1 will be permanently posted on the prisoner's bulletin board.

*b.* Facility commanders will establish procedures whereby individual prisoners can request interviews or assistance from responsible officials. Such procedures will be explained to the prisoner and will include a system, which is responsive to the prisoner's desires to be heard. Requests made by prisoners and responses taken or not taken will be recorded and made a part of the prisoner's correctional treatment file.

*c.* Prisoner's letters containing accusations, charges or complaints will be forwarded through proper channels to the



official who is empowered to correct the complaint or alleged wrong. Petitions or writs for release addressed to the proper authority will be forwarded through normal mail channels.

#### **10–15. Smoking**

ACS commanders will comply with the provisions of DODD 1010.1 and AR 600–63.

### **Section IV**

#### **Pay, Subsistence, and Gratuities**

##### **10–16. Pay and allowances**

Prisoners will be paid per the provisions of their sentences. Such payments will be placed with the prisoner's personal fund account and held in safekeeping per DOD Financial Management Regulation, volume 5, chapter 27 Army Annex. Upon release, any money remaining in the prisoner's account will be returned to the prisoner.

##### **10–17. Subsistence**

*a.* All prisoners normally will be supplied the full complement of eating utensils (for example, a knife, fork, and spoon). They will be provided with wholesome and sufficient food. The facility commander must approve nonissue of eating utensils for security or other reasons.

*b.* Facility commanders will ensure that a qualified nutritionist or dietician ensures meals meet the nationally recommended allowances for basic nutrition and reviews the institution's dietary allowances at least annually. Institution food service supervisory staff verify adherence to the established basic daily servings and conducts menu evaluations at least quarterly.

*c.* Food service staff will plan menus in advance and substantially follow the plan, ensuring that the planning and preparation of all meals take into consideration food flavor, texture, temperature, appearance, and palatability. Additionally, special diets as prescribed by appropriate medical or dental personnel will be available for prisoners, to include religious beliefs that require the adherence to religious dietary laws.

*d.* At least three meals (including two hot meals) are provided at regular meal times during each 24-hour period, with no more than 14 hours between the evening meal and breakfast. Variations are authorized based on weekend and holiday food service demands, but basic nutritional goals must be met.

*e.* Alternative meal service may be provided to a prisoner in segregation who uses food or food service equipment in a manner that is hazardous to self, staff, or other prisoners. Alternative meal service is on an individual basis, is based on health or safety considerations only, meets basic nutritional requirements, and occurs with the written approval of the facility commander and responsible health authority. The substitution period will not exceed 7 days. At no time will food be used as a form of punishment.

*f.* Facility commanders will ensure meals are served under conditions that minimize regimentation, although there should be direct supervision by staff members.

*g.* Facility commanders will establish a health and hygiene program that implements adequate health protection for all prisoners and staff in the facility and other persons working in food service. The program will include—

(1) In accordance with Army regulations, food service personnel will receive a preassignment medical examination and periodic reexaminations to ensure freedom from diarrhea, skin infections, and other illnesses transmissible by food or utensils; all examinations are conducted in accordance with Army regulations.

(2) In the event food services are provided by an outside agency, the facility has written verification that the provider complies with Army regulations regarding food service.

(3) All food handlers are instructed to wash their hands upon reporting to duty and after using toilet facilities.

(4) Prisoners and other persons working in food service are monitored each day for health and cleanliness by the food services supervisors or designated representatives.

##### **10–18. Release gratuities**

Discharged prisoners released from the service by punitive discharge, whose sentences include confinement, may be furnished the gratuities set forth below on release:

*a.* Enlisted prisoners may receive a discharge gratuity as provided in DOD 7000.14–R, volume 7A, chapter 35, table 35–11.

*b.* Prisoners separated from the service with a punitive discharge or an other than honorable discharge may be provided civilian outer clothing, if needed, in accordance with AR 700–84, paragraph 12–8.

##### **10–19. Transfer and disposition of prisoners**

*a.* Except in those instances where suitable military ACS facilities are not available, all military prisoners will be incarcerated initially in military facilities. Authority to transfer prisoners to ACS or to Federal institutions is retained by DAPM. Cost of transportation and subsistence incurred in the transfer of a military prisoner from place of trial to initial

place of incarceration will be at the expense and responsibility of the losing unit. Any other subsequent place of incarceration for the convenience of the Government, to include Federal Institutions, will be at Government expense.

*b.* Pretrial prisoners will be retained at a local ACS, other-service or other Federally approved civilian facility through completion of courts-martial. Eligible posttrial Army prisoners will be expeditiously transferred to the appropriate correctional facility within 7 working days (coordinate with DAPM for OCONUS facilities) following courts-martial unless exceptional circumstances, as determined by the GCM Convening Authority, warrant deferring transfer. Exceptional circumstances include, but are not limited to—

(1) Prisoner's presence is required within the command's jurisdiction subsequent to court-martial to complete procedures essential to judicial and administrative requirements, or to appear as accused in civil or criminal proceedings under the provisions of Articles 14 or 58 of the UCMJ or to appear as a witness at the request of the local district attorney.

(2) Convening authority has initiated clemency action in the form of remitting or suspending prisoner's sentence to confinement.

(3) Prisoner's command has initiated administrative discharge procedures for the prisoner under the provisions of AR 635-200.

*c.* If a prisoner whose sentence as initially promulgated includes confinement and punitive discharge or dismissal and he or she is transferred to another command prior to completion of appellate review, the command transferring the prisoner will inform the Clerk of Courts (ATTN: JALS-CCZ), U.S. Army Court of Criminal Appeals, U.S. Army Legal Services Agency, 901 North Stuart Street, Arlington, VA 22203 by expeditious means. Should the decision of the Clerk of Courts (ATTN: JALS-CCZ), U.S. Army Court of Criminal Appeals, U.S. Army Legal Services Agency, be received in the command from which the prisoner was transferred, that commander will forward expeditiously the decision of the court to the officer exercising general court-martial jurisdiction over the prisoner. An information copy of the endorsement will be provided the Clerk of Courts (ATTN: JALS-CCZ), U.S. Army Court of Criminal Appeals, U.S. Army Legal Services Agency. Information concerning status of a prisoner's case may be obtained from the Clerk of Courts (ATTN: JALS-CCZ), U.S. Army Court of Criminal Appeals, U.S. Army Legal Services Agency, Clerk of Courts (ATTN: JALS-CCZ), U.S. Army Court of Criminal Appeals, U.S. Army Legal Services Agency, 901 North Stuart Street, Arlington, VA 22203 whenever doubt exists as to whether final action has been taken by the Clerk of Courts (ATTN: JALS-CCZ), U.S. Court of Criminal Appeals, U.S. Army Legal Services Agency, or the Court of Appeals for the Armed Forces.

*d.* Transfer notifications will be conducted as outlined below:

(1) Before actual transfer of prisoners, a minimum of 2-duty days advance notice will be given to the appropriate service agency/CHD or commander of the gaining facility. Notification will include time and place of arrival, mode of transportation, number of prisoners being transferred, number of accompanying guards, and any additional information (for example, escape risk, medication). Direct coordination between commanders of ACS facilities is authorized. Prisoners will be delivered to ACS facilities during normal duty hours, when possible. Prisoners will not be transferred prior to publication of official permanent change of station (PCS) orders.

(2) When the transfer is to the USDB, the prisoner will be assigned to the CHD or other services administrative agencies.

(a) Prisoners transferring to RCFs will be assigned to the PCF servicing the RCF, as prescribed in AR 600-8-11. Prisoners will be attached to the RCF for courts and boards.

(b) Commanders of PCFs, upon receipt of prisoner orders, should review the files and consider initiating chapter action proceedings against prisoners without an adjudged punitive discharge.

(3) A prisoner who has completed a sentence to incarceration at the USDB and who has been adjudged a punitive discharge not yet ordered, executed will be placed on excess leave and allowed to depart to their release address. A prisoner who completes a sentence in an RCF will be sent to the PCF of assignment.

*e.* Prior to transfer of any prisoner, the following action will be completed by the transferring commander:

(1) The prisoner's pay status will be reviewed and any payments due will be placed with the prisoner's personal funds for transfer to the receiving facility. The financial documents will be placed in a DA Form 2356 (Payroll Suspense Documents Envelope) and will accompany inmates to ACS facilities, unless the convening authority has approved total forfeiture, in which case the final pay voucher will be filed in the personal financial record and forwarded to Claims Division, Settlement Operations, Defense Finance and Accounting Service, Indianapolis, IN 46249.

(2) Action will be taken to reinstate Serviceman's Group Life Insurance, when appropriate.

(3) Prisoner's personal funds will be transferred as prescribed in DOD Financial Management Regulation, volume 5, chapter 27 Army Annex.

(4) The commander of an ACS facility from which a prisoner is transferred has the responsibility to ensure that the prisoner's military clothing listed in AR 700-84 is serviceable and transferred with the prisoner.

(5) Prisoners will not be transferred prior to issue of permanent change of station orders directing the prisoner's official movement by the losing unit.

*f.* In all cases where posttrial or officer prisoners are transferred to ACS facilities, commanders will—

- (1) Establish procedures to expedite completion of convening authority action and subsequent transmittal of court-martial orders.
- (2) Ensure prisoners arrive accompanied by documentation that clearly indicates their legal status and sentence as imposed by the military court (or as modified by subsequent convening authority action), copies of pretrial agreements, and a description of the offense involved, accurate documentation of pretrial confinement data, explanation of judicially ordered administrative audit per MCM (2005), part II, chapter III, Rule 305(K), deferment orders, record of trial, and documentation relative to any emotional or behavioral problems.
- (3) Protect the legal rights of prisoners by establishing procedures to notify ACS facilities immediately when proper authority has modified the legal status or court-martial sentence of a transferred prisoner. Notification may be made by telephone and confirmed by followup written or electronic communication. ACS facility representatives may be contacted telephonically; however, no prisoner will be released on the basis of an unverified telephone call.
  - g. ACS facility commanders will send with the guard the following items in a sealed package:
    - (1) Letters covering transmittal of items and showing disposition of all personal property.
    - (2) Permanent change of station orders directing travel and reassignment of the prisoner to the gaining facility.
    - (3) Orders promulgating or modifying sentences. In addition to promulgating orders, a properly executed and authenticated report of result of trial will be sent. The result of trial report should detail the offense(s) involved or be amplified by comments, which do so, and include pretrial agreements, if applicable.
    - (4) Statement of conduct, including amount of good conduct time and abatement earned, forfeited, or restored to date of transfer, mental status, escape risk, disruptive behavior, sexual deviation tendencies, suicide risk, gang affiliation, civilian charges/detainer, and any additional sentences or charges pending against the prisoner.
    - (5) The personal financial record for military personnel whose sentences do not include total forfeiture of pay, or who are awaiting action of the convening authority.
    - (6) Statement indicating the date the prisoner's pay account was closed and amount of money received by the prisoner or amount due the Government. If payment cannot be made prior to member's departure, the statement will indicate that Claims Division, Settlements Operations, Defense Finance and Accounting Service (DFAS-I), Indianapolis, IN 42649, will close the member's account. This statement will be furnished in cases of all military personnel whose sentences include total forfeitures, which have been ordered into execution.
    - (7) A voucher and check covering personal money of the prisoner per DOD Financial Management Regulation, volume 5, chapter 27 Army Annex.
    - (8) A copy of the assignment order, DA Form 268 (Report to Suspend Favorable Personnel Action (Flag)), and medical and dental records will be hand carried by the escorts. AR 600-8-104 governs the transmittal of these records with the guard.
    - (9) Signed copies of DD Form 553 (Deserter/Absentee Wanted by the Armed Forces) and DD Form 616 (Report of Return of Absentee) or other documentary evidence that reports escapes and return to military control in all cases where escape affects a prisoner's release date.
    - (10) All psychological psychiatric evaluation reports.
    - (11) Reports on file, which might be appropriately considered in connection with classification, clemency, restoration to duty and parole. If applicable, enclose a copy of the reports any disposition boards conducted.
    - (12) Lists of clothing, equipment, and health and comfort items in possession of, or accompanying, the prisoner on departure.
    - (13) Prisoner's CTF.
    - (14) Decision of the Clerk of Courts (ATTN: JALS-CCZ), U.S. Army Court of Criminal Appeals, U.S. Army Legal Services Agency, 901 North Stuart Street, Arlington, VA 22203, in the case of a prisoner for whom a decision has been received and not finally disposed of by promulgation of a supplementary court-martial order.
    - (15) Status of appellate review to include an indication as to whether the sentence was affirmed and ordered into execution.
    - (16) A statement indicating whether the prisoner has petitioned the Court of Appeals for the Armed Forces for a grant of review.
    - (17) Notice of any additional sentence pending promulgation.
    - (18) Any detainer for prisoner's return to military custody or to civilian authorities.
    - (19) DA Form 268.
    - (20) Listing of authorized visitors, showing current address and relationship.
    - (21) Notice of special problems or risks (for example, suicide, escape, special diet).
    - (22) Victim/witness notification file.
  - h. Actions required at the time of prisoner transfers include—
    - (1) Ensuring that documents, records, and other items required in the preceding paragraph, which do not accompany prisoners on transfer, are listed on the letter of transmittal and forwarded as expeditiously as possible to the gaining Army facility.

(2) Making group shipments, when possible, utilizing Government or chartered transportation to reduce costs and to provide for greater security.

(3) Providing guards from point of origin within their commands to the gaining facility. Major commanders and subordinate commanders in whose jurisdiction ports of arrival are located are responsible for assisting in scheduling travel within CONUS and providing billets for guards and detention facilities for prisoners during temporary layover periods. Notification of transfer made by the overseas commander to the ACS facility commander will also be made to the CONUS commander in whose area ports of arrival are located.

(4) Ensuring that medical personnel examine the prisoner and all appropriate documents, to include health record, prior to shipment. Those prisoners determined by a medical officer to be mentally unstable will be segregated from other prisoners. A medical officer will determine whether a medical attendant should accompany the guard. If a prisoner appears to require special medical attention en route, transfer will be accomplished through medical channels and required guard personnel will be furnished to assure custody.

(5) Making arrangements for obtaining qualified guard personnel. When possible a female guard will be assigned to the movement detail whenever a female prisoner is to be moved.

(6) Requiring the movement senior escort to report to the point of origin of shipment in sufficient time to inspect adequacy of transportation equipment, guards, security plan, and preparation of prisoners.

(7) Ensuring that prisoners' clothing and equipment are serviceable and adequate, and that both guards and prisoners are in proper dress prior to departure; that documents required to accompany prisoners on transfer are in the possession of guard personnel, and that guards understand the penalty for allowing a prisoner to escape.

(8) Immediately prior to departure and in the presence of the senior escort, having prisoners and their effects searched thoroughly for unauthorized articles.

(9) Ensuring guards are knowledgeable of their assigned duties and responsibilities. Guards will be instructed as follows:

(a) A prisoner who cannot be controlled will be turned over to the military police or civilian police authorities for safekeeping until assistance can be obtained.

(b) Escorting prisoners through crowds, or actions calling public attention to the status of prisoners will be avoided.

(c) When a stopover occurs, or it becomes necessary for guards to rest, they may turn their prisoners, records, and personal effects over to the nearest military ACS facility or military police station having the capability to provide detention. With the concurrence of civilian police authorities concerned, guards may place their prisoners, records, and personal effects in civilian jails for safekeeping. Payment for cost of such confinement will be accomplished by processing of Standard Form 1034 (Public Voucher for Purchases Other Than Personal).

## **10–20. Appearance of prisoners as witnesses in civil proceedings**

In legal proceedings in which the Federal Government does not have an interest, temporary absence of prisoners from ACS facilities for appearance as witnesses requires prior approval of the ACS facility commander. In certain cases, appearance may be directed by DAPM pursuant to AR 27–40, chapter 7. Approving authorities will cooperate to the extent practicable with civil authorities in the appearance of prisoners as witnesses in civil criminal legal proceedings. There are no provisions whereby prisoners can be released from the control of the Department of the Army for this purpose; therefore, the cost of transportation, housing, and subsistence (to include health and comfort items for prisoners) of prisoners and accompanying guards must be borne by the requesting civil authorities. A formal acknowledgment of these provisions will be required before approval and release of a prisoner for this purpose.

## **Chapter 11 Custody and Control**

### **11–1. Custody procedures**

*a. Degree of Custody.* The degree of custodial supervision appropriate for individual prisoners will be based on a review of all available records pertaining to the prisoner, including DD Form 2713 (Inmate Observation Reports), DD Form 2714 (Inmate Disciplinary Report), DODI 1325.7, and recommendations of correctional supervisors and professional services support personnel. Prisoners will not be assigned to a permanent custody grade based solely on the offenses for which they were incarcerated. Classification will be at the minimum custody grade necessary to be consistent with sound security requirements and DODI 1325.7.

(1) Custody grades include trustee, minimum, medium, and maximum-security classifications. Facility commanders may subdivide these custody grades, as required to facilitate additional security controls. Special consideration will be given to the potential for suicide, escape, and the safety of all other prisoners and correctional personnel. ACS facilities will place prisoners under sentence of death into administrative segregation until they are prepared for transfer to the USDB. Every precaution will be taken to protect the prisoner and others from possible injury by lessening the possibility of escape and suicide.

(2) A posttrial prisoner who requires little custodial supervision may be classified as a trustee. Trustees may be permitted to live, work, and train with minimum supervision, and may be granted other privileges, as deemed appropriate by the facility commander. Trustees will be required to execute a locally devised agreement prescribing area and time limitations deemed necessary for correctional treatment, training, and control purposes.

*b. Custodial segregation.*

(1) Pretrial prisoners will be segregated from other prisoners in employment and recreation areas. Pretrial prisoners will be billeted separately from posttrial prisoners.

(2) A noncommissioned officer in a pretrial status will be segregated from other pretrial prisoners unless he or she voluntarily waives, in writing, the right to be segregated and the waiver is approved by the facility commander.

*c. Screening.* Prisoners will be assessed for risk to preclude assignment of escape-risk and prisoners who present a danger to the community to work details outside of the facility.

## **11–2. Restrictive procedures**

*a.* ACS facility commanders may restrict the movement and actions of prisoners and may take measures necessary to maintain control of prisoners and to ensure the orderly administration of the facility. All reported infractions of institutional rules and violation of the articles of the UCMJ will be properly investigated, as will escapes and major disorders.

*b.* The welfare and safety of the military and civilian communities in which ACS facilities are located necessitate establishment of adequate controls to protect those communities from potentially dangerous prisoners. Accordingly, the following criteria for approval of prisoner trustee status are established:

(1) The prisoner must have served at the facility, unless granted an exception by the facility commander.

(2) Prisoners with sentences of 1 year or less may, as an exception, be elevated to resident status at the direction of the ACS facility commander.

(3) The prisoner has received a minimum custody classification.

(4) For prisoners convicted of murder, rape, aggravated assault, arson, child abuse, or sex offenses, the following additional criteria apply:

(a) A positive recommendation must be made by a facility classification board and approved by the facility commander.

(b) If favorably recommended by the facility commander, the installation commander may approve the recommendation. Favorable board recommendations will then be forwarded to the installation commander for final approval.

(c) Elevation to trustee status for prisoners convicted of violent crimes will be based on careful evaluation of their overall record, to include adjustment to incarceration, stability, physical and mental conditions, and potential for trouble-free behavior.

(5) Prisoners will not be granted trustee status until local victim/witness have been notified.

(6) Prisoners with life sentences are not eligible for trustee status.

*c.* Evaluation of maximum custody grade prisoners will be as follows:

(1) Prisoners who have been classified as maximum custody for lengthy periods of time often experience difficulty in adjusting to the routines and rigors of residing within the general population.

(2) Facility commanders may develop programs whereby prisoners thought to be ready for custody elevation are provided a period of social adjustment.

(3) Prisoners may be allowed to attend work, training, recreation, and other activities for a designated period of time to enhance their adjustment to increased responsibility and to provide a means for sound prognostic evaluation of their ability to return to the general population.

## **11–3. Control procedures**

*a. Strength verification.*

(1) The facility commander or a designated representative will conduct physical counts of prisoners each day as specified below. Physical counts will include at a minimum—

(a) Roll call, or a similarly accurate accounting method at the morning, noon, and evening formations.

(b) Head count immediately on the return of all prisoners from work details.

(c) Bed check between taps and midnight, and again between midnight and reveille.

(2) The correctional facility staff duty officer or military police duty officer will conduct a bed check between midnight and reveille, and at such other times as the installation or facility commander may direct. The reports made by the military police duty officer to the installation and facility commanders will include the report of verification of the prisoner strength.

*b. Movement control.*

(1) Normally prisoner movement within a facility will be under escort or guard. A facility commander may, if necessary, establish an intrafacility pass/badge system to control prisoner movement without escort.

(2) When movement is necessary for prisoners requiring escort, no pass need be issued. The facility commander

may authorize maximum custody prisoners to move without escort but will require an escort when departing the facility. Hand irons or other restraining devices may be used during movement within an ACS facility.

(3) Facility commanders will establish specific procedures to ensure control of mass group formations and movements.

(4) Correction specialist requirements for prisoners being transported outside an ACS facility by means of foot, motor vehicle, or aircraft (other than AIREVAC or U.S. Marshals Service (USMS) aircraft) are as follows:

(a) *Trained correctional, military police or security personnel.* Under maximum custody circumstances, there will be one correctional specialist per restrained prisoner, two unarmed correctional specialists or one armed correctional specialist guard per unrestrained prisoner. Under medium custody circumstances, there will be one guard per five prisoners. In minimum custody circumstances there will be one guard per ten prisoners. The ACS facility commander will determine trustee corrections officers.

(b) *Noncorrectional escorts.* It is required that at least one escort be a sergeant or above. Under maximum custody circumstances, prisoners will have two guards per prisoner. In medium custody circumstances, prisoners will have one guard per two prisoners, and in minimum custody circumstances there will be one guard per five prisoners.

(5) Medium and minimum custody level prisoners assigned to work details will be supervised at a level of supervision determined appropriate by the facility commander. Civilian supervisors, upon completion of formal training, may supervise prisoner work details.

(6) Pretrial prisoners temporarily released from ACS facilities and posttrial prisoners from OCONUS facilities under unit guards will have both leg and hand restraints applied. Both restraints may be removed only when directed by a judge during official judicial proceedings or when requested by a physician to facilitate medical treatment. Hand restraints may be removed at other times when approved by the facility commander to allow the prisoner to complete essential administrative requirements.

(7) Unit guards and other noncorrectional personnel will be thoroughly indoctrinated regarding these rules before being allowed to assume custody of pretrial prisoners. They will certify in writing that they have been provided a copy of written instructions prior to assuming control of a pretrial prisoner.

(8) When a military prisoner is to be temporarily removed from the facility to under trial or for other purposes, the prisoner's unit commander will assure safe custody, control, and welfare of prisoner during such period. Normally, a prisoner who is to be removed from a facility will be placed in immediate custody of mature military personnel of the command who will provide for the prisoner's physical welfare and ensure humane treatment. On request, the confinement facility commander will provide technical advice and equipment (hand and leg irons, and so on).

*c. Visit supervision and control.*

(1) All visits of prisoners will be supervised.

(2) Communication between the prisoner and military or civilian counsel will be respected as confidential. Where practical, a private visitation room will be made available to facilitate client/attorney visits.

(3) Visitors will be briefed on, or provided a copy of, published rules on arrival at the facility.

(4) The visitor room/area will be searched before and after visits.

(5) Normally, visitor searches will be limited to checks of their person with a metal detection device and checks of handbags and parcels, before entering the facility. The facility commander or his designated representative (SFC or above) has discretion to direct physical searches of visitors when deemed appropriate. Visitors who have preapproved articles for prisoners will deliver them to the facility commander or a designated representative for subsequent inspection, prior to delivery to the prisoner.

(6) The facility commander or designated representative will determine if an inmate will be authorized contact or noncontact visitation. Noncontact visitation may be authorized in those instances of substantiated security risks. Physical contact between visitors and prisoners will be limited to a short embrace at the beginning and termination of the visit and to holding hands during the visit.

(7) All prisoners will be frisk-searched immediately before entering and strip-searched immediately after leaving the visitor area.

(8) Visitation may be canceled at any time for intentional violation of facility visitation rules.

*d. Urinalysis testing.* ACS facility commanders will establish procedures to administer urinalysis testing of prisoners.

*e. Body cavity searches.* Body cavity searches are to be conducted only when there is a reasonable belief that the inmate is carrying contraband or other prohibited material, and only by medical personnel. Body cavity searches will be conducted by a member of the same sex as that of the inmate being searched and must be authorized by an appropriate level supervisor (as designated by the ACS facility commander).

#### **11-4. Escape and return from escape**

All ACS facilities will establish escape and apprehension plans and test them at least semiannually. Tests of escape and apprehension plans will be recorded in the facility blotter.

*a. Escape.*

(1) For purposes of apprehension and return to military control, any prisoner who is absent from custody or confinement, including violations of trustee agreements; fails to return from temporary parole; or has been released on parole as provided in chapter 8 and fails to return after proper authority has suspended or revoked the parole, except those suspended without prejudice, will be considered as being in an escape status.

(2) In cases of prisoners who are members of other services, procedures in this paragraph regarding reporting, disposition of records, and detainers should be modified to meet requirements of the service of which the prisoner is a member.

(3) A prisoner who escapes will be reported on DD Form 553 (Deserter/Absentee Wanted by the Armed Forces). The form will be prepared and distributed pursuant to the provisions of AR 190–9. In addition, the facility commander, installation commander, or a designated representative will communicate directly and expeditiously with the military or civilian police agency of the military installation nearest an escaped prisoner's home of record, home of prisoner's spouse, close friends, and other logical sources to request assistance in apprehending the escaped prisoner.

(4) When an escaped prisoner is located in the custody of civil authorities, a detainer will be placed with the civil authorities for return of the prisoner to military control for the completion of any remaining period of incarceration. DD Form 616 (Report of Return of Absentee) will be completed and distributed per instructions in AR 190–9.

(a) Correspondence placing detainers on prisoners who escape will contain a request that the facility commander be notified 30 days prior to release of the prisoners.

(b) The correspondence placing the detainer will also be accompanied by a request for complete information from civil authorities as to the offense committed, the length of sentence and pertinent social history. On receipt of the information, consideration should be given to determining whether return of the prisoner to military control following release by civil authorities is in the best interest of the Army and the prisoner. If it is determined that return to military control is not desirable, necessary action should be taken to remit the unexecuted portions of the sentence to confinement, if appropriate, discharge the prisoner from military service, if appellate review has been completed, and cancel the detainer.

(5) The personnel records and personal property and funds of prisoners in escape status will be disposed of as follows:

(a) Personnel records and associated papers will be disposed of per AR 630–10 in case of escape from ACS facilities.

(b) Correctional treatment records will be retained at the facility.

(c) Personal property and funds of escaped prisoners will be disposed of per DOD Financial Management Regulation, volume 5, chapter 27 Army Annex.

(d) Clothing of escaped prisoners will be disposed of per AR 700–84.

(6) If a prisoner being transferred escapes, the installation from which he or she transferred will be responsible for the procedure indicated above as well as telephonic notifications and reporting serious incident. For OCONUS prisoners who escape in CONUS, the gaining installation will be responsible.

(7) All escapes and major disorders will be formally investigated.

*b. Return from escape.* The commander of the installation to which the prisoner is returned will accomplish the following:

(1) Have the prisoner examined by a medical officer, physician assistant, or nurse clinician for signs of communicable or contagious diseases. HIV and drug testing will be completed within 72 hours of a prisoner's return.

(2) Verify the prisoner's status and determine the location of the facility from which the prisoner escaped.

(3) Notify the nearest provost marshal or staff law enforcement officer, who will notify the United States Army Deserter Information Point pursuant to instructions contained in AR 190–9, and initiate serious incident reporting procedures per AR 190–40.

(4) In the case of prisoners who escaped from an ACS facility, disposition will be directed per AR 630–10.

(5) Unless otherwise directed by DAPM, CONUS prisoners who escape will be returned to the installation from which they escaped.

*c. Dropped from rolls.* Escaped prisoners who are not captured within 90 days will be dropped from the rolls of the facility.

## **11–5. Use of force**

*a.* Instruction on the use of force will be incorporated in orders, plans, standing operating procedures, and instructions at all Army confinement and corrections facilities. These procedures will protect prisoners from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment. Only such force as is reasonably necessary under all attendant circumstances will be employed. The use of firearms or other means of deadly force is justified only under conditions of extreme necessity as a last resort.

*b.* No person will use physical force against a prisoner except in self-defense, to prevent an escape, to prevent injury to persons or damage to property, to quell a disturbance, to move an unruly prisoner, or as herein otherwise authorized.

*c.* In the event of imminent group or mass breakout from an ACS facility, or other general disorder, it will be made

evident to the prisoners concerned that authority prevails, that order will be restored, and that means are available to restore it by vigorous application of force, if necessary. If the situation permits, an attempt will be made to reason with prisoners engaged in any disorder prior to the application of any force. If reasoning fails, or if the existing situation does not permit reasoning, a direct order will be given to prisoners to terminate the disorder. This order will not be given until it can be enforced effectively by application of force as the situation may require. Before escalating beyond a show of force, prisoners not involved in the disturbance may be given an opportunity to voluntarily assemble in a controlled area away from the disturbance.

*d.* When use of force is necessary, it will be exercised according to priorities of force and limited to the minimum degree necessary. AR 190–14 prescribes the use of deadly force. The application of any or all the priorities of force listed below, or the application of a higher numbered priority without first employing a lower numbered one, will depend on and be consistent with the situation encountered during any particular disorder. Priorities of force for confinement and correctional facilities include—

- (1) Verbal persuasion.
- (2) Show of force.
- (3) Chemical aerosol irritant projectors/nonlethal munitions (subject to local and host nation restrictions).
- (4) Use of physical force, other than weapons fire.
- (5) Presentation of deadly force capability.
- (6) Deadly force.

*e.* Installation commanders having ACS facilities under their command will take necessary action to designate in appropriate plans, order, SOPs, and instructions, their specifically designated representative(s) authorized to direct the use of firearms and riot control agents in the event of a riot or other disturbance. Such instructions will specify types of weapons to be used, which need not be limited to the shotguns and pistols used for guarding prisoners. In any event, when weapons fire or use of chemical aerosol irritants are employed, a written report will be submitted to the ACS facility commander or a designee no later than the end of shift tour when the usage of weapons or irritants occurred.

*f.* In those instances when a prisoner refuses to bathe or comply with haircut or shave standards, refuses to eat, accept necessary medical attention, or be vaccinated in accordance with Army health regulations, the prisoner may be restrained with the reasonable force necessary to administer the appropriate action. Whenever it is necessary to use reasonable and necessary force for this purpose, the following will be accomplished:

(1) A properly licensed barber, or in the case of female prisoners, beautician, as established by the Army/Air Force Exchange System, will be used if available. If no exchange barber or beautician is available, a senior correctional supervisor may administer haircuts or shaves. Senior female correctional supervisors will be used in this case when haircutting for female prisoners is required. A vocational barber instructor may be used to cut the hair of male and female prisoners.

(2) The prisoner must be advised that failure to comply will result in the application of force to accomplish the act. The ACS facility commander or a designated representative must approve the application of force in such cases.

(3) An officer or senior noncommissioned officer from the facility will be designated to witness the action.

(4) The haircut or shave or other necessary action will be administered away from the general prisoner population.

(5) Electric hair clippers and shavers will be used exclusively.

(6) An entry will be made in the facility blotter, DA Form 3997, to record actions taken as authorized above.

*g.* All applications of physical force will be recorded in the facility blotter. All applications of planned use of force (force cell move team) will be recorded on videotape, to include preparatory announcements and warnings to the prisoner. A restraint chair is an approved item of equipment that may be used for situations listed above.

*h.* A detailed written report will be initiated to document action taken.

#### **11–6. Use of weapons to prevent an escape from a confinement or corrections facility**

Before using deadly force in response to an attempted prisoner escape, the prison official must balance the need to maintain order against the risk of harm inherent in the use of deadly force. Corrections officers may use deadly force to prevent an escape only if they reasonably believe that the escaping prisoner poses a threat of serious bodily harm either to security personnel or other prisoners or have committed a violent offense or threatened death or serious bodily harm.

*a.* Each corrections officer will be provided with a whistle or such other means of alarm as may be suitable.

*b.* The use of firearms to prevent an escape is justified only per AR 190–14 and when there is no other reasonable means to prevent escape.

*c.* In the event a prisoner attempts to escape from the confines of the facility, the guard will take action according to the following priorities:

(1) Alert other corrections officer personnel of the attempted escape by blowing three short blasts on a whistle or by sounding such alarm signal as is suitable.

(2) In a loud voice, three times order the prisoner to halt.

(3) Fire only at such time as the prisoner has passed all barriers of the facility and is continuing the attempt to escape.



(a) Location of barriers will be determined by the physical arrangement of each facility. Normally, this will include barriers such as fences or walls enclosing athletic, drill and recreational areas, and prisoner housing areas in which administrative buildings are located.

(b) A corrections officer will not fire on an escapee if the fire will endanger the lives of other persons.

(c) When necessary to fire, the correctional specialist will direct shots that are aimed to disable rather than to kill the prisoner.

(d) Instructions for the use of firearms by corrections officers escorting prisoners outside the facility are the same generally as those for the use of firearms at the facility proper.

### **11-7. Weapons**

Facility commanders will ensure that all correctional specialists are trained in the use of the weapon with which they are armed. All personnel will be thoroughly oriented on policies regarding the use of force and the provisions of AR 190-14.

a. M-16/M-4 rifles and only 12-gauge shotguns with cylinder (unchoked) barrels will be issued for the use by ACS guards. Barrels will not exceed 20 inches in length.

b. Authorized ammunition for armed corrections officers (perimeter and escort corrections officers) is number 9 shot in trap loads of 2 3/4 grams equivalent of powder, 1 1/8 ounces of shot for shotguns, and 5.56 ball ammunition for M-16/M-4 rifles. Tower guards may use number 00 buckshot ammunition.

c. Tower and escort corrections officers will be instructed that the shotgun can be fired to prevent prisoner escapes. Such instructions will appear in prisoner guard training programs and in special instructions prepared for corrections personnel.

d. The 9-mm pistol may be used when prisoners are under escort.

e. Machine guns and submachine guns will not be used to supervise military prisoners.

f. Weapons will not be taken inside the controlled area of the ACS facility except at the expressed direction of the facility commander or designated authorities.

### **11-8. Security of controlled items**

a. Facility commanders will establish policy, procedures, and implement guidance that provides for the proper management of pharmaceuticals and address the following subjects:

(1) Formulary specifically developed for the facility.

(2) Prescription practices, including requirements that—

(a) Psychotropic medications are prescribed only when clinically indicated as one facet of a program of therapy.

(b) “Stop order” time periods are required for all medications.

(c) The prescribing provider reevaluates a prescription prior to its renewal.

(3) Procedures for medication receipt, storage, dispensing, and administration or distribution.

(4) Maximum security storage and periodic inventory of all controlled substances, syringes, and needles.

(5) Dispensing of medicine in conformance with appropriate Federal and State law.

(6) Administration of medication by persons properly trained and under the supervision of the health authority and facility administrator or designee.

(7) Accountability for administering or distributing medications in a timely manner, according to physician orders.

b. Medical supplies in a clinic or treatment room, particularly alcohol, narcotics, dangerous drugs, hypodermic syringes, and needles, will be properly stored, controlled, dispensed, and disposed of in accordance with AR 190-51 and AR 40-61.

c. Medicines prescribed for prisoners on an outpatient basis will be delivered to the corrections supervisor at the ACS facility and will be maintained in a locked container and dispensed by medical personnel, per instructions of the medical officer. Only medicines currently prescribed for prisoners will be kept in this locked cabinet and medicines no longer required will be returned to the clinic. A record of the use of medication by prisoners will be maintained, per paragraph 10-4e. Medical personnel are preferred to issue medications, if medical personnel are not available, the supporting medical officer may train and authorize custodial personnel to issue medications, per specific medical instructions.

d. Alcohol, flavoring extracts, and those products from which alcoholic beverages may be brewed, such as vegetables, sugar, yeast, raisins, prunes, grain, and other dried or fresh fruit, will be controlled. Close and constant supervision by dining facility personnel will be maintained to prevent theft or diversion of items, which may be converted into intoxicants.

e. Pesticides and janitorial supplies, including compounds used for pest and rodent control, cleaning powders and liquids, bowl cleansers, soap, and detergents will be secured and dispensed under close supervision. All pesticides must be stored in the original container with a U.S. Environmental Protection Agency label and in a secure space, which can be locked. Accurate inventories of pesticides and poisons will be maintained per AR 420-70 and AR 40-5.

f. Paints, varnishes, thinners, “ditto” fluid, and antifreeze solutions will be secured and only such amounts as are

necessary for work will be dispensed. Mixing of paints or varnishes requiring use of commercial thinners or alcohol will be done under immediate supervision of cadre personnel. Bulk storage of these items will be in approved paint storage areas outside of buildings used for quarters, offices or shops.

g. Tools will be issued each day on a check-in and checkout record. Tools will be accounted for daily and inventoried at least twice a month.

h. Kitchen knives, cleavers, and similar kitchen equipment will be locked in a secure container when not in use. Supervisors must be able to account for such equipment at all times. Knives, cleavers, silverware, and similar dangerous kitchen equipment will be inventoried following each meal.

i. Precautions will be taken to prevent prisoners from converting items of equipment into weapons of attack or escape tools. Potentially dangerous equipment will be eliminated from the facility or modified with the concurrence of the responsible supply agency.

#### **11-9. Movement of prisoners by aircraft**

When aircraft transfers prisoners, plans for guarding prisoners at transfer points and at points of debarkation will be coordinated with the commander concerned prior to the movement. Each escort officer will be equipped with hand irons, additional restraining devices (for example, leg irons and restraining jackets) as required. The use of hand and leg irons aboard aircraft will conform to air carrier rules and regulations. Escort officers will not secure prisoners to any portion of an aircraft nor will they carry mace, tear gas, or weapons. Personnel escorting prisoners on aircraft will not be armed. Weapons and ammunition considered necessary for that portion of the movement not performed by air will be stored in a locked container not accessible to prisoners and secured aboard the aircraft as specified by the aircraft commander.

##### *a. Commercial aircraft.*

###### *(1) General provisions.*

(a) At least 24 hours prior to boarding a prisoner(s) on a commercial aircraft, guard personnel will coordinate with a responsible representative of the air carrier (for example, the duty supervisor in charge of passenger service) of the pending transfer of prisoner(s) and coordinate plans for complying with specific air carrier requirements, unless such requirements are in direct conflict with the provisions of this regulation.

(b) The air carrier will be notified at least 1 hour before departure of the prisoner(s), the flight on which the prisoner(s) will be carried, and whether the prisoner(s) needs to be restrained during flight.

(c) The noncommissioned officer in charge/officer in charge (NCOIC/OIC) will assure the air carrier that the prisoner has been searched.

(d) Escort officers and prisoner(s) will be seated in the rearmost passenger seats that are not located in a lounge area or next to or directly across from an aircraft exit.

(e) The air carrier may not serve food or beverages or provide metal eating utensils to prisoners unless authorized by the escort officer.

(f) Escort officers will be thoroughly briefed on their responsibilities and procedures and a seating plan developed to ensure maximum surveillance of prisoners and security.

(g) Escort officer(s) and prisoner(s) will board the aircraft in advance of other passengers.

(h) Prisoners will remain in their seats at all times, except to use the latrine facilities. No more than one prisoner will be allowed to move to the latrine at any one time. They will be escorted and kept under surveillance when visiting the latrine.

(i) Escort officers will be positioned to allow optimal control of the prisoners at all times.

(j) Neither the guard nor the prisoner will drink intoxicating beverages.

(k) Escort officers will not take action during a hijacking attempt unless requested to do so by the captain of the aircraft.

(l) The escort officer(s) and the prisoner(s) will deplane after all departing passengers have left the aircraft.

###### *(2) Requirements for prisoners considered dangerous and for maximum custody prisoner.*

(a) Each prisoner considered dangerous or in a maximum custody grade will be escorted in accordance with paragraph 11-3b(4) and will remain adequately restrained throughout the flight.

(b) Prisoners considered dangerous, or in a maximum custody grade, will not be transported with other prisoners on the same commercial aircraft, unless traveling aboard a U.S. Marshal Service or privately contracted prisoner shipment flight.

(c) In addition to the requirements identified in paragraph 11-3b(4), there will be one NCO in charge (sergeant or above) per 10 prisoners.

##### *b. Military aircraft.*

(1) Maximum custody prisoners may be transported on the same aircraft with medium or minimum custody prisoners, as long as the proper guard to prisoner ratio is maintained. The passenger service officer will be furnished a list containing the name, rank, and social security number of prisoners and escorts, at least 24 hours prior to the movement.

(2) Prisoners who are in patient status will normally be transferred by aero-medical evacuation. Two guards will normally accompany each dangerous or maximum custody prisoner-patient while in the aero-medical evacuation system. Applicability of other provisions of this paragraph will be determined by the aero-medical evacuation control center, after consultation with the originating physician. The medical crew director will be responsible for supervising control of prisoner/patients aboard aero-medical aircraft. Prisoners determined to be psychotic normally will be moved in a patient status. If aero-medical evacuation is not available, psychotic prisoners may be moved as a maximum custody shipment with four escorts assigned each psychotic prisoner.

(3) Provisions of this regulation pertaining to the search of prisoners also pertain to searching prisoners in aircraft.

(4) The area approaching the flight deck or crew compartment will be declared off limits to prisoners. If the configuration of an aircraft permits, a separate latrine should be designated for prisoners. The lock will be removed from the door and loose equipment or gear removed and secured elsewhere.

(5) Escort officer personnel will be thoroughly briefed on their responsibilities, procedures, and seating plan developed to ensure optimal surveillance of prisoners and security.

(6) The aircraft will be inspected before loading to ensure that all equipment or gear that could be used as a weapon is removed or secured.

(7) Prisoners will remain in their seats at all times, except to use the latrine. No more than one prisoner will be allowed to move to the latrine at any time.

(8) While on board aircraft, dangerous, escape risk, and maximum custody prisoners are escorted at all times. Other prisoners may move about, subject to the restrictions of (7), above, without escort, but will be kept under surveillance at all times.

(9) Escort officer requirements are as previously outlined for commercial aircraft.

*c. Chartered aircraft.* Use of U.S. Air Force Air Mobility Command aircraft charter and military aircraft and special assignment airlift mission aircraft is authorized. Normally, prisoners are not transported on Air Mobility Command category B missions. Aircraft chartered through commercial carriers is also authorized. Guard requirements are identified above. Maximum custody prisoners may be transported on the same aircraft with medium and minimum custody prisoners, as long as the proper guard to prisoner ratio is adhered to. No more than one prisoner in this category should be on an aircraft, if carrying other (nonprisoner) passengers.

*d. USMS.*

(1) *Air transportation.*

(a) At least 72 hours in advance of USMS movement, a manifest of prisoners and guards will be provided to the USMS prisoner transportation division by DAPM after coordination with the shipping facility. The manifest will include name, Social Security number, and any special remarks/classifications for each prisoner.

(b) USMS personnel will assume responsibility for military prisoners who board the USMS aircraft. Prisoners will be afforded the same treatment as other Federal prisoners being transported by the USMS.

(c) The senior military guard (OIC or NCO in charge) with the prisoners will coordinate with the supervisory Deputy U.S. Marshal for identification and a briefing on USMS procedures prior to having prisoners board the aircraft.

(d) Prisoner records will be maintained by the military OIC or NCOIC of the movement.

(e) For each destination for military prisoners, a maximum of two escort officers will accompany the prisoners unless DAPM has granted exception. The OIC and NCOIC of the movement will travel with the military prisoners to the last destination where military prisoners are transported by USMS aircraft.

(2) *Ground transportation.*

(a) Ground transportation to the USMS airfield location from the losing ACS facility and from the USMS airfield to the gaining ACS facility is the responsibility of the ACS facility involved in the movement.

(b) Escort officer ratios and other requirements for ground movement are per paragraph 11-3b(4).

(3) *Notifications.* DAPM will be immediately informed of any deviations from the arranged USMS movement or any changes in the prisoner manifest data.

## **11-10. Emergency planning**

Facility commanders will publish formal plans for the apprehension of escaped prisoners; fire prevention; evacuation of the facility and quelling of prisoner riots and disorders; nuclear, biological, and chemical evacuation; and procedures for conducting special confinement or prisoner processing operations. Plans will be tested every 6 months. All emergency plans tests will be recorded in the facility blotter. These plans and the essential elements of each are set forth below:

*a.* Alarm, notification, and escape validation procedures.

*b.* Manning of critical points on the exterior of the facility, for example crowd control, likely escape routes, and observation points.

*c.* Procedures to secure prisoner population during execution of emergency plan.

*d.* Both prisoner and cadre recall procedures as well as the means of organizing forces (for example, search parties and riot control teams).

- e.* Designation and coordination of installation activity support of the plan.
- f.* Procedures to terminate the plan and followup actions, for example, reporting investigation.

### **11–11. Suicide prevention**

All correctional facilities will have a detailed suicide prevention plan that addresses each of the following components:

- a.* Training.
- b.* Identification/screening.
- c.* Communication.
- d.* Housing and special clothing/bedding requirements. If applicable, a suicidal prisoner should be provided a suicide blanket and smock to wear.
- e.* Levels of supervision.
- f.* Intervention.
- g.* Reporting.
- h.* Followup/administrative review.

### **11–12. Hospitalized prisoners**

The commanders of medical treatment facilities may provide treatment within the medical treatment facility or other facilities approved by DAPM for hospitalized prisoner patients. The following policies apply to the custody and control of hospitalized military prisoners:

- a.* Custody and control of hospitalized pretrial prisoners and OCONUS posttrial prisoners are the responsibility of the prisoner's parent unit commander.
- b.* Inpatient psychiatric prisoner patients may be treated only in a military, Department of Veterans Affairs, State, or Federal prison facility approved by DAPM.

## **Chapter 12**

### **Administrative Disciplinary Measures and Disciplinary Action Procedures**

#### **Section I**

#### **Administrative Disciplinary Measures**

##### **12–1. Administrative control and operation**

Subject to the limitations of public law and this chapter, ACS facility commanders are authorized to restrict the movement and actions of prisoners and to take other action, as required, to maintain control; to protect the safety and welfare of prisoners and other personnel; and to assure the orderly operation and administration of the ACS facilities.

##### **12–2. Privileges**

*a.* A prisoner is considered in an on-duty status except for periods of mandatory sleep and meals and during reasonable periods of voluntary religious observations, as determined by the facility commander in coordination with the installation chaplain. Therefore, as part of an administrative disciplinary action, a prisoner who has been determined not to deserve the recreation time privilege may be required to perform duties deemed necessary by appropriate authority. Such performance of duties is not a performance of extra duty.

*b.* Privileges will be withheld from prisoners on an individual basis, without regard to custody requirements or grade, and only as an administrative disciplinary measure authorized by this regulation. When a prisoner in segregation is deprived of any usually authorized item or activity, a report of the action is filed in the prisoner's case record. The facility commander will determine attractiveness of living quarters and the type or amount of material items that may be possessed by prisoners. Facility commanders may subdivide custody grades to provide incentives for custody elevation.

##### **12–3. Salute**

Post trial prisoners are denied the privilege of rendering the military salute. Pretrial prisoners will salute when in appropriate service uniform.

##### **12–4. Authorized forms of administrative discipline**

The only authorized forms of administrative disciplinary action and punishments to be administered to military prisoners are those described in this chapter and in the UCMJ. Procedures, rules, regulations, living conditions and similar factors affecting discipline will be constantly reviewed in reference to violations and disciplinary problems. Physical or mental punishments are strictly prohibited. Authorized administrative disciplinary actions and category (major or minor) include—

- a. A written or oral reprimand or warning (minor).
- b. Deprivation of one or more privileges. Visits may be deprived or restricted as a disciplinary action only when the offense involves violations of this particular privilege. Restrictions on mail will not be imposed as a disciplinary measure (60 days limit) (minor).
- c. Extra duty on work projects (may not exceed 2 hours per day or 14 consecutive days). Extra duty will not conflict with regular meals, sleeping hours, or attendance at regularly scheduled religious services (minor).
- d. Reduction of custody grade or classification (major).
- e. Disciplinary segregation may be imposed for an indefinite period but normally should not exceed 60 consecutive days. Prisoners held in disciplinary segregation for periods exceeding 60 days will be provided the same program services and privileges as prisoners in administrative segregation and protective custody. Prisoners will be informed as to the reason(s) for being placed in segregation and that they will be released when the segregation has served its intended purpose. Segregated prisoners will receive the same diet as the prisoners who are not segregated except for nonessential items, such as soft drinks and candies, which are an addition to the basic diet (major).
- f. Forfeiture of all or any part of earned military good conduct time or extra good conduct time will be per AR 633–30 (a forfeiture of good conduct time first, then extra good conduct time). Both forms of abatement may satisfy forfeiture; however, forfeiture will be taken from good conduct time before it is taken from extra good conduct time (major).
- g. Vacation of any previous suspended punishment (minor or major depending on the suspended punishment being vacated).

### **12–5. Authority to impose disciplinary measures**

- a. ACS facility commanders are authorized to administer punishments per paragraphs 12–4. Authority may be delegated by the facility commander to a subordinate officer (captain or above). The installation commander is empowered to act upon recommendations for disciplinary segregation, reduction in custody, vacations of suspended punishment, and/or forfeiture of accrued good conduct time. The installation commander may delegate this authority to the first field grade officer in the ACS facility chain of command empowered to administer UCMJ punishment. This authority may not be further delegated. At the USDB, the commandant will act upon all recommendations for disciplinary segregation, reduction in custody, and forfeiture of good conduct/extra good conduct time. The USDB commandant may act or may delegate the authority to a subordinate officer (captain or above) to act upon all recommendations per paragraph 12–4.
- b. Prisoners may appeal only those punishments specified at paragraph 12–4e and f. Appeals will be submitted, not later than 15 working days after notification of punishment. Appeals will be submitted to the next commander in the ACS facility chain of command beyond the commander approving the punishment. Other punishments ordered per paragraph 12–4 may not be appealed.
- c. Appeals will be acted upon and results communicated to the prisoner within 30 days of submission. Failure to process an appeal within this period is not grounds for reversing approved disciplinary and management actions. Prisoner will be promptly notified.

### **12–6. Segregation**

Segregation measures provide special billeting for prisoners requiring additional controls. Segregation includes administrative segregation, disciplinary segregation, assignment to special quarters, and special restrictions resulting from a sentence to death.

#### *a. Administrative segregation.*

- (1) An ACS facility commander or designee may direct administrative segregation for prisoners for medical reasons, protective custody, prevention of injury to the prisoner, or while prisoners are pending investigation or final disposition of an alleged offense. Prisoners placed in administrative segregation will be advised as to the purpose of the action.
- (2) Prisoners who may require administrative segregation include those who demonstrate aggressive homosexual behavior; those with psychological disorders who do not adjust to living with other prisoners; and those who otherwise cannot be controlled. They will be provided normal cell furnishings, full rations, medical care, and normal privileges, including recreation, so far as health, welfare, control, and physical facilities permit. Beds, bedding, and other cell furnishings will not be removed while prisoners are confined therein, except as provided for in paragraph 12–7.
- (3) A prisoner may be placed in administrative segregation during the preliminary investigation of a case when the facility commander or designee determines that such action is required to maintain order, protect evidence or testimony, or when necessary to expedite the investigation. In such cases, the individual will be released from administrative segregation immediately upon determination that it is no longer required.
- (4) Prisoners requiring administrative segregation on a 24–hour basis may be assigned available work within the segregation area, if such work is consistent with the control and purpose of their segregation and if reasonable facilities and resources are available.
- (5) Some prisoners, including those under investigation, those requiring protection from other prisoners, and those who are easily influenced by other prisoners, may require segregation only at night. These prisoners will participate in

normal work and training activities. They do not require hourly observation or medical examinations, as required for prisoners in disciplinary segregation. DD Form 509 need not be maintained on these prisoners.

(6) A prisoner may, for any other valid reason, request in writing to be placed in administrative segregation. The facility commander or a designee will act upon requests for administrative segregation.

(7) ACS facility commanders will ensure policy, procedure, provide for a review of the status of prisoners in administrative segregation and protective custody by the classification committee or other authorized staff group every seven days for the first two months and at least every 30 days thereafter. Additionally, facility commanders or designee will review all cases of administrative segregation in an effort to keep the use of these restrictions to a minimum.

(8) A review will be conducted concerning the need for continued administrative segregation of the prisoner within 72 hours following its imposition. The review will be conducted by a member of the facility staff appointed by the facility commander to review and make recommendations to the commander. The facility commander or designee will advise in writing the prisoner of any decision to continue administrative segregation beyond the initial 72-hour period. This notification will include the reasons the measure is necessary. The classification committee or other authorized staff group will conduct a review of the status of prisoners in administrative segregation and protective custody every seven days for the first 2 months and at least every 30 days thereafter. A qualified mental health professional will personally interview and prepare a written report on any prisoner remaining in segregation for more than 30 days. If confinement continues for an extended period, a psychological assessment is made at least every 3 months.

(9) Prisoners in segregation will receive laundry, barbering, and clothing and linen exchange on the same basis as prisoners in general population. Exceptions will be recorded and justified in writing.

*b. Prisoners under sentence of death.* Prisoners who have been adjudged a sentence of death will be segregated from the remainder of the prisoner population at all times. These prisoners will not be commingled with other than death sentence prisoners in billets, recreation, employment, or subsistence that is separate from general population.

*c. Special quarters.*

(1) Prisoners may be quartered in an area used for administrative segregation, if their emotional state, adjustment to confinement, or mental or physical characteristics warrants such action. Normally, special quarters will be determined based upon recommendations of the professional support staff or correctional treatment staff or medical authority.

(2) If determined necessary by a medical authority, prisoners designated for special quarters should be allowed to participate in work/training activities, consume meals with the general population, and participate in recreation programs. Special quarters will be terminated as soon as it is determined that the prisoner can be quartered satisfactorily within the general population.

*d. Disciplinary segregation.* Disciplinary segregation is a formal disciplinary measure and will be administered per paragraph 12-4e.

(1) The detention of prisoners in disciplinary segregation for long periods is considered undesirable and will be avoided. Prisoners in disciplinary or administrative segregation will be kept under close supervision. Medical staff will assess each prisoner's medical history within 24 hours of the prisoner's entry into administrative or disciplinary segregation. Medical staff representatives will visit each prisoner at least once daily to observe the prisoner's health and the sanitary conditions of the area. Such visits will be recorded in the facility blotter and DD Form 509 as applicable. The facility commander will be informed immediately of all unhealthy or unsanitary conditions. A noncommissioned officer, experienced in correctional supervision, will be in charge of the administrative and disciplinary segregation areas at all times.

(2) Special precautions will be taken in the preparation, equipping, inspection, and supervision of administrative and disciplinary segregation cells to prevent escapes, self-inflicted injury, or other serious incidents or unhealthy conditions of confinement. Standards for segregation cells are prescribed in paragraph 9-4.

(3) Disciplinary segregation may be terminated as a disciplinary measure if a medical officer, physician assistant, or nurse clinician certifies that a deterioration of the prisoner's health is anticipated as a result of continued segregation.

(4) In addition to visits specified, persons who require an Inspection Record of Prisoner in Segregation (DD Form 509) will be visited once daily by a chaplain and a counselor and twice daily by the facility duty officer, the facility commander, or a designated representative.

(5) Prisoners in disciplinary segregation (administrative segregation when considered necessary by the facility commander or a medical officer, physician assistant, or nurse clinician) will be observed at random intervals no more than 30 minutes apart, by on-duty custodial staff personnel. Prisoners considered as suicide risks will be observed continuously. A record of such visits and observations will be maintained and posted on DD Form 509.

*e. Other considerations.*

(1) The medical officer, nurse clinician, or physician assistant, facility commander or a designated representative, and duty officers will inspect all occupied segregation cells during each visit to determine the adequacy of sanitation, ventilation, lighting, heat, and other conditions which may adversely affect the health of the prisoner. Medical personnel will keep the facility commander advised regarding the state of health and conditions of confinement of prisoners in segregation and will recommend changes in diet or conditions of segregation as necessary, to preserve the health of prisoners. Such recommendations will be acted upon without delay.

(2) Prisoners placed in segregation will be required to clean their own quarters. They may be permitted to do

constructive work within the segregated area. Prisoners placed in administrative segregation or special quarters may be employed in work or required to undergo training consistent with their custody and classification and the circumstances necessitating their segregation. Prisoners in segregation will be allowed a minimum of 1 hour per day of physical exercise per 5 days a week unless security or safety considerations dictate otherwise. The facility commander may deny physical exercise, outside their individual cell, to prisoners classified as intractable.

#### **12-7. Temporary removal of cell furnishings**

*a.* The facility commander or designee (SFC or above) may control the property authorizations for prisoners in segregation. Prisoners in segregation will be provided adequate clothing and sleeping accommodations with sufficient bedding, and religious books if requested by the prisoner, except when the facility commander or designee determines that the temporary removal of such articles is necessary to prevent damage to property or injury to the prisoner or others. If the prisoner shows sufficient destructive tendencies that preclude the use of a bed, a sleeping board, elevated from the floor and constructed with heavy materials to keep damage to a minimum, may be provided at the discretion of the facility commander or designee (SFC or above). Sleeping boards will not be used routinely when disciplinary segregation is prescribed.

*b.* When a suicidal or destructive tendency is suspected, those articles of clothing or cell furnishings with which the prisoner could do personal bodily harm will be removed as a temporary safety measure. The facility commander or designee (SFC or above) may order removal of beds, bedding, and other essential cell furnishings when the prisoner demonstrates suicidal or destructive tendencies, or when the prisoner is classified as intractable. Removal of furnishings will be reviewed every time the prisoner status is reviewed.

#### **12-8. Intractable prisoners**

*a.* ACS facility commanders or designee appointed by the commandant, USDB, may designate a prisoner as intractable. Such designation may be imposed when a prisoner is consistently destructive, or when he or she consistently and flagrantly refuses to comply with orders and instructions issued by the custodial staff. Intractable designations will be fully justified, in writing, and will be maintained in correctional treatment files. If the above named personnel are not available, authority to designate a prisoner intractable may be extended to the facility staff duty officer (SDO). The facility commander will review facts relevant to the intractable designation on the succeeding duty day.

*b.* The intractable designation will be immediately removed when the prisoner demonstrates that destructive or flagrant refusal to comply with rules and instructions has ceased. The facility commander will review the intractable designation every 72 hours.

*c.* Prisoners designated as intractable will remain within the confines of their immediate quarters. They may be denied physical exercise outside the confines of their individual cell. They may leave their immediate quarters only when authorized by the facility commander or a designated representative.

*d.* Prisoners to be designated as intractable will be advised of the reason(s) for such action. This notice will include the reasons for the designation and an explanation of those actions on the part of the prisoner, which will cause revocation of the designation.

#### **12-9. Prohibited punitive measures**

- a.* Clipping prisoner's hair excessively close.
- b.* The lock-step.
- c.* Requiring silence at meals.
- d.* Breaking rocks.
- e.* The use of irons, restraining straps and jackets, shackles, hand irons, or leg irons as punishment
- f.* Removing prisoner's underclothing, clothing or other debasing practices.
- g.* Flogging, branding, tattooing, or any other cruel or unusual punishment.
- h.* Domicile in a tent as a means of punishment.
- i.* Any strenuous physical activity or body position designed to place undue stress on the prisoner.
- j.* The use of hand irons, leg irons, belly chains or the like to create or give the appearance of a chain gang.

## **Section II Disciplinary Measures**

#### **12-10. Investigation of incidents**

*a.* Facility commanders will establish policy and procedures for when an alleged rule or UCMJ violation is reported. An appropriate investigation will begin within 24 hours of the time the violation is reported and will be completed without reasonable delay, unless there are exceptional circumstances for delaying the investigation.

*b.* In cases where a prisoner is alleged to have committed a serious rule violation or a series of violations that might

warrant major disciplinary action, ACS commanders should consider conducting the investigation in accordance with the procedures of AR 15–6.

*c.* Before being interviewed, prisoners suspected or accused of violations will be advised of their right under Article 31, UCMJ. If requested, arrangements will be made for the prisoner to meet with an attorney as soon as practical. Relevant witnesses will be interviewed as deemed appropriate by the investigator. Written sworn statements will be obtained when necessary. The investigation will be completed expeditiously and a disciplinary report will be submitted to the facility commander or designated representative.

*d.* Upon receipt of the disciplinary report, the facility commander or designated representative will take action to reduce the report to a memorandum for record; refer the case for counseling and or reprimand; refer the case to the discipline and adjustment board; or take other appropriate action.

#### **12–11. Notice to prisoners**

*a.* If a three-member discipline and adjustment board is to be convened, the prisoner will be notified in writing—

- (1) That a discipline and adjustment board will be convened to decide the case.
- (2) Of the time and place the board will be held.
- (3) Of the right to present relevant evidence before and during the hearing, both in defense and in extenuation and mitigation.

(4) That he/she may have a reasonable time to consult with an attorney before undergoing disciplinary board proceedings, normally within 6 working days notice, but there is no rights to have an attorney represent the prisoner at the board.

(5) Of the right to call witnesses and present relevant documentary evidence in his/her defense when it would not be unduly hazardous to institutional safety or correctional goals. Correctional officials must have the necessary discretion to keep the hearing within reasonable limits and to refuse to call witnesses who may create a risk of reprisal or undermine authority, as well as to limit access to other prisoners to collect statements or to compile other documentary evidence.

*b.* Notification to prisoners of one-member boards will conform to the provisions of paragraph 12–12c(1), except that, pursuant to paragraph 12–12c(1)(a), the prisoner is not entitled to counsel.

#### **12–12. Discipline and adjustment boards**

*a.* A discipline and adjustment board will be convened for the purpose of evaluating facts and circumstances surrounding alleged prisoner violations of institutional rules set forth in the facility handbook and for violations of the UCMJ. Based on its findings, the board will make recommendations to the appropriate commander for corrective action. The board will recommend action that will have a constructive effect on the individual prisoner’s attitude and behavior and contribute toward the prevention of future violations or misconduct. Each case will be considered individually on its particular merits. Infractions that are relatively minor may be adjudicated by a one-person board, where as more serious infractions warrant a three-person board. Recommendations will be based on a thorough and impartial evaluation of all relevant facts and circumstances. Discipline and adjustment boards will be scheduled as soon as possible after the alleged violation.

*b.* Actions taken in connection with discipline and adjustment boards do not preclude trial by court-martial or action under Article 15, UCMJ.

*c.* For all instances wherein formal resolution is required, staff members will prepare a disciplinary report and forward it to the designated person. These reports will contain specific rules violated, statement of charges, unusual prisoner behavior, staff witnesses, physical evidence and its disposition, any immediate action taken, including use of force, and the reporting staff signature and date and time of the report. The administrative disciplinary measures recommended will be forwarded to the facility commander or a designee (captain or above) for review and appropriate action.

(1) One-member boards are empowered to recommend warning or reprimand, deprivation of one or more privileges for up to 60 days, extra duty on work projects not to exceed 2 hours per day for 14 consecutive days, or vacation of previously suspended minor administrative disciplinary actions.

(a) Prisoners who are scheduled for a hearing at a one-member board will not be offered the opportunity to request a three-member discipline and adjustment board nor are such prisoners entitled to consult with Government counsel or be represented by counsel at the board.

(b) The ACS facility commander may appoint a master sergeant or above to serve as a one-member discipline and adjustment board. The person appointed to serve as a one-member board will be impartial. Any person who witnessed or investigated the alleged violation or who took part in the initiation of the incident report will be disqualified from serving as a one-member board.

(c) Approval authority to impose administrative disciplinary measures (reprimand or warning, deprivation of one or more privileges, extra duty on work projects not to exceed 2 hours per day not to exceed 14 days and vacation of previously suspended minor administrative disciplinary action) rests with the ACS facility commander or an appointed officer (captain or above). The approving authority may not impose punishments greater than recommended by the



one-member board. Actions taken or approved by the approval authority, the facility commander or a designee (captain or above) will be effective immediately.

(d) A board recorder may be present to record the proceedings and prepare a summarized record of the testimony presented. The use of a tape recorder for this purpose is not authorized.

(e) Recommendations of the board are advisory; however, the approving authority may not impose punishments greater than those recommended by the board.

(f) The appointing or approving authority may not reverse a finding of not guilty by a one-member board.

(2) The three-member Discipline and Adjustment Board consists of any combination of officers and NCOs (SFC or above). A civilian GS-7 or above may be substituted for either an officer or NCO member, except for the board president, who will be E8 or above. If appropriate, reasonably available, and requested by the service, one member of the prisoner's respective service will sit on the board. If a member of the Navy or the U.S. Coast Guard is not available, a Marine may sit for this purpose.

(a) Prisoners appearing before a three-member board may have a reasonable time to consult with their attorney, normally within 6 working days notice, before undergoing a disciplinary board, but there is no right to have an attorney represent the prisoner at the board.

(b) A board recorder may be present to record the proceedings and prepare a summarized record of evidence presented. The use of a tape recorder for this purpose is not authorized.

(c) The president of the board will ensure that each member of the board is impartial and will disqualify any member who witnessed or investigated the alleged violation or who took part in the initiation of the incident report.

(d) Members of the staff who wish to attend the board are encouraged to do so.

(e) Recommendations of the board are advisory in nature however; the approving authority may not impose punishments greater than those recommended by the board.

(f) The appointing or approving authority may not reverse a finding of not guilty by a three-member board.

(g) Three-member boards are empowered to recommend all forms of administrative discipline set out in paragraph 12-4.

### **12-13. Discipline and adjustment board procedure**

a. The following are minimum guidelines for the conduct of discipline and adjustment boards.

(1) Written notice of the charges will be given the prisoner, at least 24 hours before the discipline and adjustment board meets to consider the case. A prisoner may waive, in writing, the 24-hour notice requirement. If the offense charged occurs during the prisoner's final 24 hours of confinement, written notice of the charges will be given the prisoner, as soon as possible, and the board may be convened during the period.

(2) There must be a written statement by the fact finders that cites the evidence relied upon to reach its conclusions (or that it is omitted for individual or institutional security) and the reasons for the disciplinary actions taken.

(3) Except as specifically provided for in this paragraph, prisoners will be allowed to question adverse witnesses through the board president; to call witnesses for the presentation of relevant evidence; and to present documentary evidence in their defense. The prisoner's rights to question the witness, to call witnesses, and to present relevant documentary evidence is not absolute and may be denied when the discipline and adjustment board specifically finds and indicates on the record of proceedings that:

(a) The confinement or correctional security would otherwise be jeopardized.

(b) The safety of informers would otherwise be jeopardized.

(c) Informants may be called by the board president 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 properly registered confidential sources.

(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 sworn statement may be taken during board proceedings, provided the identity of the witness has been verified and a speaker amplifier is used.

(4) In all cases, the prisoner has the right to appear and make a statement in defense and to be present during all open sessions of the board, except as provided in 3(b) above.

(5) The prisoner has the right to consult with an attorney at no cost to the Government prior to the convening of the three-member board but there is no right to legal representation at the board. When a prisoner is having difficulty comprehending English or the complexity of the issues requires special assistance, a request may be made to have a competent staff member act as an interpreter, advisor, or spokesperson and assist in presenting evidence. If the prisoner is verified illiterate or if the issues are complex, the staff will assist the prisoner. This may include appointing a spokesperson for the prisoner.

(6) The discipline and adjustment board should consider, but is not bound to give credit for, the time spent in administrative segregation pending investigation in reaching an appropriate disposition.

(7) The board will not hear the results of polygraph examinations or evidence that the accused requested or refused the opportunity to take a polygraph.

b. The prisoner will be present for all open sessions of the discipline and adjustment board hearing unless the prisoner refuses to appear or must be removed due to misconduct and except as provided in paragraph 12–13a(3)(b) above. The president of the board will inform the prisoner of the charges against him. Documentary evidence to be considered will be shown or read to the prisoner. All witnesses will be sworn in by the president of the board.

(1) The proceedings will be conducted so that evidence reasonably obtainable and available will be used and considered. Formal rules of evidence need not be adhered to. All oral or written material that is relevant to the case will be admitted into evidence without regard to technical rules of admissibility.

(2) The prisoner will be informed of the right to make a statement to the board and advised that anything said may be used in the board's determination.

(3) The prisoner will not be questioned or called by the board to testify without consenting to do so.

(4) When all evidence has been presented, the board will enter closed session to consider its findings and recommendations. Each finding of the board will be supported by substantial evidence and by a greater weight of evidence than supports any different conclusion. If found not to have committed the alleged misconduct, the prisoner will be acquitted of any charges and no entry concerning the proceedings will be placed in the correctional treatment file. The board must provide a written statement as to the evidence relied on for their findings and reasons for the disciplinary action recommended.

c. A majority vote of all board members is required for a finding of guilty. Appropriate recommendations concerning corrective action will be decided by majority vote. When the board completes its deliberations, it will reconvene in the presence of the prisoner who will be advised of its findings and recommendations.

d. Proper recommendations of the board may include any or all of the following administrative disciplinary or management actions subject to the limitation of paragraph 12–12c(1):

(1) *Administrative disciplinary actions.*

(a) Reprimand or warning (minor).

(b) Extra duty not to exceed 2 hours per day and for not more than 14 consecutive days (minor).

(c) Deprivation of one or more privileges for a specified period of time not to exceed 60 days (minor).

(d) Disciplinary segregation for an indefinite period, normally not to exceed 60 days for any single discipline and adjustment hearing (major).

(e) Reduction of custody grade or classification (major).

(f) Forfeiture of all or part of good conduct time and earned time abatement (major).

(g) Vacation of suspension of previously suspended disciplinary actions (minor or major).

(2) *Management actions.*

(a) An Article 72 board be convened to determine whether a suspended sentence concerning punitive discharge and or forfeiture of pay and allowances should be vacated.

(b) Trial by court-martial.

(c) Recommended suspension of any action imposed for not more than 180 days.

(3) *Other recommendations.* In addition to the measures described above, the board may recommend a work detail change, a domicile change, a change in classification, or make any other recommendations that seems to be meritorious considering the circumstances of the prisoner or the violation.

## **12–14. Appeals**

Prisoners may appeal only those punishments enumerated in paragraph 12–4d, e, and f. Such appeals must have substantive merit and will not be acted upon by the appeal authority if the appeal is submitted pro forma without any substantive merit.

a. Approved disciplinary actions may be ordered into execution without regard to appeal procedure.

b. Appeals must be submitted through command channels within 15 calendar days subsequent to notification of approval action. The 15 calendar days begin the day after the prisoner is notified of the approval action. Appeals will be addressed through the commander who imposed the punishment to the next higher authority. Formal appeal procedures will be established and posted at each ACS facility designating the appeal authority.

c. Appeals will be acted upon and results communicated to the prisoner normally within 30 days of submission. Failure to process an appeal within this period is not grounds for reversing approved disciplinary and management actions.

d. Prior to accepting an appeal, the prisoner will be informed that—

(1) The appeal will not be acted upon if it is without substantive merit.

(2) Classification actions, including appearance before boards and pending action by commanders or Secretaries of the service involved, will not be suspended pending outcome of the appeal action.

e. Appeal action that results in modification or disapproval of disciplinary action taken will cause all records and correctional treatment files to be corrected and modified as appropriate.

## **Chapter 13**

### **Victim/Witness Notification Program**

#### **13-1. Establishing program**

ACS facility commanders will establish a victim and witness notification program in accordance with DODD 1030.1 and DODI 1030.2. Procedures described herein apply to prisoners of all services who are confined in Army correctional facilities. Facility commanders will appoint, in writing, a victim/witness coordinator (VWC). Prior to assumption of duties, the VWC will be thoroughly familiarized with all duties and responsibilities associated with the position as stated in this regulation and AR 27-10, chapter 18. The VWC must be a mature individual who will be sensitive to the needs of victims and witnesses and will ensure strict confidentiality. Appointment orders will be forwarded to the Army Central Repository (DAPM) within 10 days of assignment.

#### **13-2. Initial contact**

a. Within 5 duty days of receiving the DD Form 2704 (Victim/Witness Certification and Election Concerning Inmate Status) from the Staff Judge Advocate, the facility VWC will prepare a DD Form 2705 (Victim/Witness Notification of Confinee Status) to notify victims and witnesses of their enrollment into the program. Once a VWC advises an enrolled victim or witness of their obligation to inform VWC of any changes of address, the burden of maintaining an accurate and current address on file rests with the enrolled victim or witness. Enrolled victims or witnesses should notify the VWC with whom they are working of any change of address. If the DD Form 2704 is not received by the ACS facility within 48 hours of the prisoner's arrival, the VWC should immediately contact the Army central repository manager or the victim/witness liaison at the location where the prisoner was court-martialed.

b. Requests for notification received by an ACS facility directly from a victim or witness will be honored by the VWC who will annotate the name and address in the appropriate DD Form 2704 and enroll the victim or witness into the program, provided the record of trial is available to verify the victim or witness status. When the record of trial is not available, the VWC will contact the Staff Judge Advocate to verify status. The VWC will notify the Army central repository manager of the direct enrollment.

c. In the absence of specific statutory or regulatory authority permitting or requiring disclosure, the identity of a victim or witness will not be disclosed to the prisoner or any unauthorized third party at any time.

d. The VWC will maintain a secure, confidential, victim/witness notification file for each victim and witness who elects to receive notifications. The VWC will notify victims and witnesses in accordance with paragraph 13-3 below and maintain records of each notification and victim/witness input into correctional decisionmaking. All contacts (written or verbal) with a victim or witness, including unsuccessful attempts, will be documented in the victim/witness notification file.

e. The VWC will ensure the prisoner's CTF is discreetly flagged or annotated indicating the requirement for victim or witness notification.

f. The VWC will create and maintain confidential files for each enrolled victim or witness. Such files may be exempt from disclosure under the Freedom of Information Act, and Privacy Act Release. The file will include enrollment election forms, notification forms, records of telephonic contacts, and correspondence received from the victim or witness.

g. All facilities using ACIS for victim and witness tracking and notification are not required to make notifications by certified mail, return receipt. Notifications will be made by first class mail. Those facilities not using ACIS for victim and witness tracking and notification must continue to use certified mail, return receipt requested, when making notifications and to maintain receipts in victim-witness files.

#### **13-3. Notification procedures**

a. *Release.* The VWC will notify victims and witnesses 45 days prior to the prisoner's projected release from confinement. Notification will include prisoner's tentative release date, reason for release and, if known, the city and state the prisoner has provided as a release destination. If the prisoner is unexpectedly released, the VWC will, as soon as feasible, notify the victim or witness, by telephone, of the release and send a letter containing the same information as soon as possible thereafter. There are certain occasions when a prisoner's release date will change. This may result because of clemency, the loss of good conduct time, or the earning or forfeiture of earned good conduct time. The victim or witness will be notified when there is a change of more than 30 days in a prisoner's release date from the last notification.

b. *Death.* The VWC will notify victims and witnesses of the date of death of a prisoner, as soon as possible after the death.

c. *Escape.* Victims and witnesses will be notified telephonically of the escape of a prisoner, no later than 4 hours

after the discovery of the escape. If telephonic notification is not possible, assistance from local law enforcement officials in the area where the victim or witness resides will be requested. Victims and witnesses will be notified of apprehension and return to confinement by the same means.

*d. Clemency and parole hearings.* Notify victims and witnesses that a hearing is to be held by the service's Clemency and Parole Board. Requests received by the facility from victims and witnesses to appear before a parole hearing will be referred to the appropriate service Clemency and Parole Board. Victim/Witness Impact Statements may be considered at facility Disposition Boards. The Impact Statements and the most current DD 2705s Victim/Witness Notification of Inmate Status will be forwarded to the appropriate service Clemency and Parole Board for consideration.

*e. Temporary home parole.* Every attempt should be made to notify the victim or witness, in writing, prior to the prisoner's release on THP. If circumstances do not permit advance written notification, telephonic contact will be made.

*f. Transfer.*

(1) If a prisoner is transferred to another confinement facility, victims and witnesses will be notified in advance of the planned transfer and location of transfer. Regardless of service, victim and witness information will be forwarded via separate correspondence to the commanding officer of the receiving facility. A letter of transmittal is required. The cover page of the transmittal for the prisoner record will clearly state "Victim Notification Required."

(2) Upon receiving victim and witness information on a prisoner transferred from another facility, the gaining facility program coordinator will notify the victims and witnesses of the prisoner's new location. The coordinator will also inform them that they have been enrolled in the facility's notification program and confirm their desire to continue in the program.

(3) If a prisoner is transferred to the FBOP, notification will be sent to the Victim/Witness Notification Coordinator, FBOP, 320 First Street, NW, Washington, DC 20534.

*g. Parole.* Victims and witnesses will be notified of any prisoner being released on parole.

#### **13-4. Canceling the notification request**

*a.* Victims and witnesses may request removal from the notification program by submitting a request in writing to the VWC or service central repository. If the request is submitted to the facility, a copy will be forwarded to DAPM with the monthly report.

*b.* Prior to terminating a victim/witness from the notification program because of the inability to contact the victim or witness, the VWC will document in the file the reasons for believing the file is no longer active and the efforts made to contact the victim or witness. If nondeliverable certified mail is returned, the VWC will attempt to telephone the individual, using directory assistance if necessary. If neither mail nor telephonic attempts to contact the victim or witness are successful, the VWC will inactivate the file and prepare for disposition in accordance with paragraph 13-5 below.

#### **13-5. Disposition of files**

*a.* ACS facilities will seal the files in a separate envelope and identify as victim/witness files.

*b.* The envelope will be clearly labeled "May be EXEMPT from Freedom of Information Act and Privacy Act Release."

#### **13-6. Pretrial confinement**

*a. Review by military magistrate.* If a military magistrate determines a prisoner should be released from pretrial confinement and the offenses with which the prisoner is charged indicate a victim or witness may exist, the prisoner's commanding officer will be informed of the need to notify any potential victim or witness of the release.

*b. Escape.* In the event of an escape while in pretrial confinement, the Staff Judge Advocate will be notified within 4 hours of detecting the escape and be informed of the need to notify any potential victims or witnesses.

#### **13-7. Reports**

*a.* Facility commanders will submit a monthly report by the 15th of each month to DAPM. Information provided will include:

(1) Name, social security number, and service of the prisoner involved, minimum release date and parole eligibility date.

(2) Date of confinement (indicate whether a new confinement or transfer from another facility).

(3) Date of admittance into the program and the number of victims or witnesses for each prisoner.

(4) Location (command) where court-martialed.

(5) Number of victims/witnesses notified, if any, and the reason for notification for each prisoner status change during the month.

(6) Information regarding the inability to contact a victim/witness.

(7) Copies of the enrollment and terminating DD Forms 2705 used for notification during the reporting period. Facilities with no prisoners involved with the program will submit a negative response.

b. DAPM will provide a monthly report to other service central repositories of their service members confined in Army facilities no later than the 25th day following the closing month. They will also receive copies of the DD Form 2705.

c. In accordance with AR 27–10, paragraph 18–27*b*, DAPM will provide a report no later than 15 January of each year utilizing DD Form 2706 to the OTJAG (DAJA–CL) 1777 North Kent Street, Rosslyn, VA 22203.

### **13–8. Training**

All ACS personnel will receive preservice and annual training concerning staff responsibilities associated with the victim/witness program.

### **13–9. Internal control**

It is the responsibility of the facility commander to establish internal controls to ensure that information submitted by victims and witnesses remains confidential and that no unauthorized person has access to victim/witness files. The Victim/Witness Notification Program will be included in the facility standard operating procedures.

## **Chapter 14**

### **Notice to Prisoners Subject to Sex Offender Registration**

#### **14–1. Requirements**

a. Facility commanders will establish a system to track and ensure compliance with registration requirements of all prisoners who are required to register.

b. Facility commanders will ensure that all available records concerning a prisoner are reviewed upon entering the facility to determine if the prisoner has been convicted of a sexually violent offense or criminal offense against a victim who is a minor. Upon final release from confinement, facility commanders will advise prisoners convicted of an offense, in accordance with DODI 1325.7, requiring registration as a sex offender in the State in which the prisoner will reside upon release from confinement. The notice provided to a prisoner will contain information that the prisoner is subject to a registration requirement as a sex offender in any State where the person resides, employed, carries on a vocation, or is a student. Confinement facilities will obtain the prisoner's acknowledgement, in writing, that informs the prisoner in using DD Form 2791. The documentation will be part of the prisoner's CTF and be maintained in accordance with AR 190–47.

#### **14–2. DD Form 2791 (Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements)**

Prior to release of prisoners convicted of sexually violent offenses or criminal offenses against a victim who is a minor, facility commanders will provide written notice of the release to the chief law enforcement officer of the State; the chief law enforcement officer of the local jurisdiction in which the prisoner will reside; and to the State or local agency responsible for the receipt or maintenance of a sex offender registration in the State or local jurisdiction in which the person will reside. The chief law enforcement officer of the local jurisdiction is the appropriate municipal or county law enforcement agent with jurisdictional authority consistent with the prisoner's release address. When multiple jurisdictions have overlapping authority, the most geographically specific agency should be notified. The facility commanders may refer to the Directory of Law Enforcement Administrators to identify appropriate State and local chief law enforcement officers. A copy of DD Form 2791 will be forwarded to DAPM–MPD–CI at the time of notification to the state and local law enforcement agencies by the releasing confinement facility.

#### **14–3. Written notifications**

The written notice will include the place where the prisoner intends to reside and information that the prisoner will be subject to registration. The notice will also include the criminal history including a description of the offense of which the prisoner was convicted and any restrictions or conditions of release. Notices will be provided at least 5 days before release date, if the expected place of residence is known. Notice about a subsequent change of residence by a prisoner falling within this subsection during any period of supervised release or parole will be provided to the agencies and officers identified in paragraph 14–2, above. For parolees under supervision of the U.S. Parole Commission, the Commission will make the notice of changes in a parolee's residence while on parole. Notification to State officials is not required for prisoners transferred to another correctional facility. However, upon the transfer of a military prisoner who is subject to this paragraph to a facility under the control of the Bureau of Prisons, the facility of the prisoner will provide written notification to the Bureau that the prisoner was convicted of a sexually violent offense or an offense against a victim who is a minor. If a military prisoner remains confined in a facility under the control of the Bureau of

Prisons until the time of release, the Bureau of Prisons will provide notice of release and inform the prisoner concerning registration obligations.

## **Chapter 15**

### **Correctional Custody**

#### **Section I**

##### **General, Management, and Operations**

##### **15-1. Objectives**

The goals of correctional custody are to:

- a.* Provide a closely supervised military setting to administer the correctional custody and extra duties of the nonjudicial punishment authorized by Article 15, UCMJ.
- b.* Improve conduct, attitude, and modify behavior through correctional treatment programs.
- c.* Act as a deterrent to further offenses.

##### **15-2. Standards**

- a.* CCFs should be established at division or installation level to provide for more efficient treatment programs and use of resources. Facilities may be located contiguous to regular troop areas but must be separate.
- b.* Facilities must have a sufficient number of sleeping and assembly rooms to provide adequate housing of correctees and efficient conduct of work and treatment programs. Female correctees will be housed separate from male correctees.
- c.* The housing area should provide a minimum of 72 square feet of space for each correctee. There will be adequate heating, lighting, and air circulation to meet the standards established in housing regulations. Beds, bedding, and latrine facilities will be provided. Buildings must conform to fire, safety, and emergency evacuation standards.
- d.* Physical barriers such as heavy wire window screening, fencing, concertina wire, or guard towers will not be used.
- e.* No doors of the facilities will be locked, except those required to secure the property of the correctees.
- f.* Physical restraining devices are not authorized.

##### **15-3. Personnel staffing**

- a.* The commander establishing a CCF has the responsibility to provide qualified personnel to maintain and operate the facility and its treatment program.
- b.* Unit commanders should involve officers, noncommissioned officers, and other selected personnel in the treatment process of correctees.
- c.* Operations of CCFs will not be assigned to military police or confinement facility personnel as an additional duty. They may, however, be used as technical advisers or in an inspection role.
- d.* Post chaplains, judge advocates, social workers, psychologists, and other qualified personnel should be used to perform counseling and related services.

##### **15-4. Personnel not acceptable for correctional custody**

- a.* Soldiers in the rank of specialist or corporals and above.
- b.* Personnel who were correctees on two prior occasions.
- c.* Personnel with physical profiles that prohibit physical training, marching, or outside work for more than 72 hours.
- d.* Personnel within 30 days of ETS or pending discharge.
- e.* Personnel who have a history of emotional disturbance or are under psychiatric treatment.

#### **Section II**

##### **Treatment Program**

##### **15-5. General**

The overriding purpose of correctional custody is correction, not punishment. The program will consist of normal and extra duties, counseling, and referral services. Correctees will enjoy the full status of Soldiers, wear the service uniform appropriate to assigned duties, and render salutes when appropriate. Use of armbands or other distinctive devices to identify correctees is prohibited.

##### **15-6. Duty time**

Correctees may work and train with their units or in the CCF, at the discretion of the unit commander. When at the

facility, individuals must be allowed sufficient time for eating and personal hygiene and a minimum of 8 hours sleep each night. All other time should be used for duties and training along with other aspects of the treatment program. Extra duties will be administered in accordance with AR 27–10, paragraph 3–19b(5), and will not be hazardous, harmful to health, or demeaning to the individual Soldier.

### **15–7. Counseling**

*a. Counseling and referral services.* The OIC of the facility, in coordination with utilizing commanders, will develop a comprehensive program of counseling and referral services. The general program may be altered or supplemented to meet individual needs. The program should include group and individual counseling by chaplains, commanders, legal assistance officers, and behavioral science specialists. Use of available services (such as mental health, Red Cross, Alcohol and Drug Prevention and Control Program, Army Emergency Relief, and Army Community Service) is recommended. The facility cadre members will also counsel personnel regularly.

*b. Inprocessing counseling.* All personnel placed in correctional custody will receive a thorough orientation concerning—

- (1) CCFs SOPs and other rules of the facility.
- (2) Procedures to register complaints and grievances and the local agencies available to assist in issue resolution.
- (3) Available social assistance agencies and programs.

*c. Unit counseling.* The unit commanders play the central role in the counseling and treatment process. Unit commanders and first sergeants will visit correctees weekly at the CCF and remain informed of each individual's progress by reviewing the performance reports and through discussion with the facility staff.

## **Section III Conduct**

### **15–8. Privileges**

Correctees will be permitted to—

- a.* Send and receive mail without inspection or restrictions.
- b.* Have writing and reading material authorized by the CCF OIC.
- c.* Attend religious services and have visits with friends and relatives.
- d.* Have interviews with unit commander or representatives.
- e.* Address oral or written complaints through proper channels.

### **15–9. Supervision**

Correctees will be under the immediate supervision of the CCF cadre members when billeted at the facility or performing correctional custody duty. They will not be employed, trained, or secured by armed guards. Female personnel will supervise female correctees when privacy is required in their billeting areas.

### **15–10. Discipline**

*a. Unit commander.* Maintenance of discipline is a function of command. Additional correctional custody will not be imposed for additional offenses committed during the custodial period.

*b. Facility OIC.* The facility OIC will ensure the unit commander is informed of the correctee's conduct when formal disciplinary action is appropriate. The facility OIC may impose nonpunitive measures for minor infractions, including reprimand or warning and loss of consideration for a recommendation for clemency or remission of punishment. The dignity of the individual will be respected at all times. Repressive regimentation and degradation is prohibited.

### **15–11. Use of force**

Use of force or physical contact by cadre personnel is prohibited, unless necessary to prevent harm or injury to an individual or to prevent destruction of Government property. Use of force will be in accordance with AR 190–14. Sufficient supervisory personnel must be used to control unruly persons in order to preclude the necessity for striking or inflicting injury.

## **Section IV Administration**

### **15–12. Clemency actions**

Commanders establishing CCFs will design merit systems to mitigate, remit, or suspend the unserved punishment for correctees whose duty performance and record indicate that correction has been accomplished. This merit system

should rely on DA Form 4407–R (Correctional Custody Daily Performance Report). The report should reflect evaluation used by cadre and other personnel to accomplish treatment goals.

### **15–13. Standing operating procedure**

Every CCF will have a written SOP posted where accessible to all cadre personnel and correctees. The SOP will cover the mission, designation and duties of cadre personnel, administration and disciplinary rules, program outlines, reports required, and standards expected of correctees.

### **15–14. Reports**

*a.* Commanders will notify Office of the Provost Marshal General (DAPM–MDP–CI), 2800 Army Pentagon, Washington, DC 20310–2800, through command channels, when a CCF is established or closed. Reports will include the designation, location, and capacity of the facility.

*b.* A DA Form 4407 will be maintained on each correctee. The first performance report is required upon completion of 5 days at the CCF. However, this does not preclude the OIC from submitting reports any time an objective evaluation can be made.

## **Chapter 16 Detention Cell Operations**

### **Section I General**

#### **16–1. Purpose**

This section prescribes policies and responsibilities applicable to the detention of personnel under Army police jurisdiction and establish design standards for military police detention cells.

#### **16–2. Objective**

The objective of this section is to standardize military police detention operations to ensure that detained personnel remain in custody only when necessary, for minimum periods, under proper supervision, are treated in a humane manner and in an environment, which will not impair their health or subject the detainee to unreasonable discomfort.

### **Section II Detention Operations**

#### **16–3. Policy**

*a.* Military and civilian personnel apprehended by military police may be detained in a military police detention cell (D cell) only when necessary to prevent escape or to ensure safety of the detainee or others. Detention of military personnel in excess of 24 hours, not to exceed 72 hours, must be approved by a commissioned officer designated by the installation commander, normally the installation provost marshal. At installations where the provost marshal is a civilian, that individual may be designated by the installation commander to approve detention of military personnel in excess of 24 hours, not to exceed 72 hours.

*b.* Detention of civilian personnel must be approved by a commissioned officer or civilian provost marshal and is authorized while pending release to civilian authorities. Detention of civilian personnel will be done only in the case of a serious felony and when the individual is a flight risk, or is a risk to him or others. Civilian authorities should be notified immediately of the detention. In no case will detention exceed 12 hours.

*c.* Use of force will be in accordance with AR 190–14.

*d.* Male and female personnel will not be detained in the same cell simultaneously.

*e.* The use of other military service or civilian detention facilities to detain personnel in military police custody is authorized. When other military service facilities are used, the time limitations and other procedures described above apply. Only those civilian facilities that have been evaluated by the U.S. Marshal Service and deemed appropriate for use will be utilized.

*f.* Juveniles will not be detained in military police D cells.

#### **16–4. Procedures**

*a.* When a person is placed in a D cell while in military police custody, the Military Police Desk Blotter will be annotated to reflect the reason, time and date of the detention, and the name of the person authorizing the detention. If force is used, an entry describing why the use of force was necessary will be made.

*b.* Apprehended personnel will be thoroughly searched before being placed in a D cell. Money, other valuables, and personal property other than clothing and wedding rings will be removed, inventoried, and secured, per procedures



outlined in DOD Financial Management Regulation, volume 5, chapter 27 Army Annex. Items of clothing that could be used to inflict self-injury (such as belts, shoelaces, neckties, garters, and suspenders) will be removed, if determined appropriate by the military police supervisor. All such items will be recorded on DA Form 4137 (Evidence/Property Custodian Document).

*c.* Personnel in military police custody who appear to be heavily intoxicated, under the influence of drugs, injured, or ill will be examined by a medical officer or a physician assistant prior to, or immediately after, being placed into a military police D cell. The name and rank of the attending medical officer or physician assistant and the time and the results of the examination will be annotated in the Military Police Blotter.

*d.* On release from detention, all property taken from the detainee and not seized as evidence will be returned. Such articles will be accounted for in accordance with AR 190–45. The detainee will sign DA Form 4137 acknowledging return of property. If the detainee is released to another individual, that person will sign the DA Form 4137. A military detainee may be released on his own recognizance and ordered to return to their unit. The time and circumstances of release and the disposition of personal property will be recorded in the Military Police Blotter.

*e.* Personnel in military police custody may be visited by legal counsel and a chain of command representative. An officer designated by the installation provost marshal may approve visits by family members and others.

### **Section III Confinement in Detention Cells**

#### **16–5. Temporary confinement**

Temporary confinement will be implemented when—

*a.* A military prisoner in a confined status is returned to an installation without a confinement facility to appear as a witness in a court-martial or a pretrial investigation or to consult with counsel.

*b.* A military prisoner is awaiting transfer to a Department of Defense corrections facility as a result of a court-martial sentence to confinement.

#### **16–6. Pretrial confinement**

Prisoners may be confined, pending trial by court-martial, in Army confinement facilities, the confinement facilities of other services, civilian detention facilities evaluated for and approved for use by the U.S. Marshal Service, or military police D cells. When confined in military police D cells, the following policies apply:

*a.* Approval to direct pretrial confinement must be in accordance with AR 27–10.

*b.* The confinement of pretrial prisoners will be limited to those facilities with cell areas that provide a minimum of 72 square feet per prisoner.

*c.* Standards as described in paragraphs 15–11 and 15–12 apply.

#### **16–7. Administration**

*a.* Confined personnel will not be commingled in D cells with detained personnel. Pretrial prisoners will not reside, work, or be permitted to mingle with prisoners who have been sentenced to confinement.

*b.* A daily chronological record of confinement activity will be maintained for confined personnel, using DA Form 1594 (Daily Staff Journal or Duty Officer’s Log).

*c.* Personnel temporarily confined in military police D cells in accordance with paragraph 16–6 will be examined by a medical officer or physician assistant within 24 hours of confinement. The examination will be recorded on DD Form 503.

*d.* Pretrial and posttrial prisoners confined in military police D cells will use DD Forms 510 to facilitate communications with supervisory personnel. Supervisory personnel will respond to all requests received from prisoners on DD Forms 510, within 48 hours of receipt.

*e.* An abbreviated CTF will be established and maintained for each prisoner confined in a military police D cell, in accordance with paragraph 10–5*a* through 10–5*b*(7). The file will be forwarded to the gaining confinement facility commander upon transfer or return of the prisoner.

### **Section IV Supervision and Inspection**

#### **16–8. Supervision**

Personnel detained or temporarily confined in military police detention cells will be closely supervised. The interior of occupied cells and the activities of detainees/prisoners will be maintained under direct or indirect observation of qualified unit guard or military police personnel. Closed circuit video equipment may be used for this purpose. A normal ration of food and water will be provided. In the event of detention overnight, or detention in excess of 24

hours, appropriate bedding will be provided. Duty personnel will not enter occupied D cells or remain in close proximity wearing firearms, military police clubs, or other weapons.

#### **16-9. Inspection**

D cells will be clean, adequately lighted and ventilated, and maintained in a good state of repair. Required inspections will be recorded on DA Form 1594.

*a.* D cells will be inspected daily by a military police officer or a noncommissioned officer in the rank of staff sergeant or above.

*b.* A representative of the installation health services will conduct a monthly inspection of D cells to ensure operations and the physical plant are consistent with accepted health and environmental standards.

#### **16-10. Emergency measures**

Installation commanders with D cells will develop detailed emergency and evacuation plans in the event of fire or disorder. Appropriate first aid and other emergency equipment will be maintained in close proximity to cell areas.

### **Section V**

#### **Detention Cell Standards**

#### **16-11. Structural standards**

*a.* D cells should not be visible to the general public. Single occupancy cells are preferred and, except as required for pretrial confinement in paragraph 16-6*b*, D cells will adhere to standards set in paragraph 9-4. If multiple occupancy cells are used, a minimum of 40 square feet per detainee will be provided.

*b.* Floors should be of steel or reinforced concrete construction pitched 1 inch to 2 inches above the outside floor, to facilitate drainage and cleaning. Drains must be located outside cells. When equipped with windows, they will be secured by steel bars spaced no greater than 6' apart.

*c.* Sliding doors of steel grill with snap lock as well as key lock is desired. If hinged doors are used, hinges and hinge bolts will be located outside the cell and will be spot-welded to prevent easy removal.

*d.* The use of chains to secure cell furnishings is not authorized. Automatic sprinkler systems or automatic fire alarm systems will be installed in all buildings housing D cells. All water piping, fixtures, switches, conduits, and light and heating controls will be inaccessible to detainees and prisoners.

*e.* Cells will include a bunk permanently affixed to the floor per prisoner. Bedding provided will be of fire-retardant materials.

#### **16-12. Field expedient detention cells**

Detention cells used during field and combat operations will correspond to established design standards to the maximum degree possible under existing conditions. Medical representatives, to ensure that conditions do not impact unfavorably upon the health of prisoners or detainees, will inspect field expedient detention cells weekly.

## **Appendix A References**

### **Section I Required Publications**

#### **AR 15-6**

Procedures for Investigating Officers and Boards of Officers. (Cited in paras 3-4, 8-25, and 12-10.)

#### **AR 15-130**

Army Clemency and Parole Board. (Cited in paras 5-4, 8-2, 8-6, 8-9 and 8-26.)

#### **AR 20-1**

Inspector General Activities and Procedures. (Cited in paras 10-1 and 10-14.)

#### **AR 25-55**

The Department of the Army Freedom of Information Act Program. (Cited in para 10-5.)

#### **AR 25-400-2**

The Army Records Information Management System (ARIMS). (Cited in para 10-5.)

#### **AR 27-40**

Litigation. (Cited in paras 10-5 and 10-20.)

#### **AR 40-5**

Preventive Medicine. (Cited in para 11-8.)

#### **AR 40-501**

Standards of Medical Fitness. (Cited in paras 8-16 and 8-23.)

#### **AR 190-9**

Absentee Deserter Apprehension Program and Surrender of Military Personnel to Civilian Law Enforcement Agencies. (Cited in paras 11-4.)

#### **AR 190-14**

Carrying of Firearms and Use of Force for Law Enforcement and Security Duties. (Cited in 11-5, 11-6, 11-7, 15-11, and 16-3.)

#### **AR 190-27**

Army Participation in the Criminal Justice Information Systems, Federal Bureau of Investigation. (Cited in para 10-1 and 10-2.)

#### **AR 190-40**

Serious Incident Report. (Cited in paras 1-7 and 11-4. )

#### **AR 210-130**

Laundry and Dry Cleaning Operations. (Cited in para 10-6.)

#### **AR 340-21**

The Army Privacy Program. (Cited in para 10-5.)

#### **AR 360-1**

The Army Public Affairs Program. (Cited in para 10-12.)

#### **AR 601-210**

Regular Army and Army Reserve Enlistment Program. (Cited in paras 8-3.)

#### **AR 601-280**

Army Retention Program. (Cited in para 8-3.)

**AR 630–10**

Absence Without Leave, Desertion, and Administration of Personnel Involved in Civilian Court Proceedings. (Cited in paras 11–4.)

**AR 633–30**

Military Sentences to Confinement. (Cited in paras 3–5, 5–8, 8–26, and 12–4.)

**AR 670–1**

Wear and Appearance of Army Uniforms and Insignia. (Cited in para 10–9.)

**AR 700–84**

Issue and Sale of Personal Clothing. (Cited in paras 10–1, 10–6, 10–8, 10–18, 10–19, and 11–4.)

**AR 710–2**

Supply Policy Below the National Level. (Cited in para 10–6.)

**DODI 1325.7**

Administration of Military Correctional Facilities and Clemency and Parole Authority. (Cited in paras 3–5, 4–2, 5–3, and 5–4, 5–8, 11–1, and 14–1.) (Available at <http://www.dtic.mil/whs/directives>.)

**DODI 1100.21**

Voluntary Services in the Department of Defense. (Cited in para 9–9.) (Available at <http://www.dtic.mil/whs/directives>.)

**CTA 50–900**

Clothing and Individual Equipment. (Cited in para 10–6.) (Available at <https://webtaads.belvoir.army.mil>.)

**Section II**

**Related Publications**

A related publication is a source of additional information. The user does not have to read it to understand this publication.

**AR 1–20**

Legislative Liaison.

**AR 5–9**

Area Support Responsibilities.

**AR 27–1**

Legal Services: Judge Advocate.

**AR 27–10**

Military Justice.

**AR 40–61**

Medical Logistics Policies.

**AR 40–400**

Patient Administration.

**AR 60–10**

Army and Air Force Exchange Service General Policies.

**AR 60–20**

Army and Air Force Exchange Service Operating Policies.

**AR 165–1**

Chaplain Activities in the United States Army.

**AR 190-45**

Law Enforcement Reporting.

**AR 190-51**

Security of Unclassified Army Property (Sensitive and Nonsensitive).

**AR 195-5**

Evidence Procedures.

**AR 215-1**

Morale, Welfare, and Recreation Activities and Nonappropriated Funds Instrumentalities.

**AR 215-3**

Nonappropriated Funds Personnel Policy.

**AR 215-4**

Nonappropriated Fund Contracting.

**AR 335-15**

Management Information Control System.

**AR 360-1**

The Army Public Affairs Program.

**AR 420-70**

Buildings and Structures.

**AR 420-90**

Fire and Emergency Services.

**AR 600-8-11**

Reassignment.

**AR 600-8-24**

Officer Transfers and Discharges.

**AR 600-20**

Army Command Policy.

**AR 600-63**

Army Health Promotion.

**AR 608-99**

Family Support, Child, Custody, and Paternity.

**AR 600-8-104**

Military Personnel Information Management/Records.

**AR 614-30**

Overseas Service.

**AR 614-200**

Enlisted Assignments and Utilization Management.

**AR 635-200**

Active Duty Enlisted Administrative Separations.

**AR 870-5**

Military History: Responsibilities, Policies, and Procedures.

**Pam 710–2–1**

Using Unit Supply System (Manual Procedures).

**DOD 7000–14–R**

Disbursing Policy and Procedures. (Available at <http://www.dtic.mil/whs/directives>.)

**DOD 4160.21–M**

Defense Materiel Disposition Manual. (Available at <http://www.dtic.mil/whs/directives>.)

**DOD Financial Management Regulation, volume 5, chapter 27, Army annex**

Financial Regulation. (Available at [http://www.dod.mil/comptroller/fmr/05/05\\_27\\_army\\_annex.pdf](http://www.dod.mil/comptroller/fmr/05/05_27_army_annex.pdf).)

**DOD Financial Management Regulation, volume 7A, chapter 48**

Financial Regulation. (Available at [http://www.dod.mil/comptroller/fmr/07a/07a\\_48.pdf](http://www.dod.mil/comptroller/fmr/07a/07a_48.pdf).)

**DODD 1010.1**

Military Personnel Drug Abuse Testing Program. (Available at <http://www.dtic.mil/whs/directives>.)

**DODD 1030.1**

Victim and Witness Assistance. (Available at <http://www.dtic.mil/whs/directives>.)

**DODI 1030.2**

Victim and Witness Assistance Procedures. (Available at <http://www.dtic.mil/whs/directives>.)

**DODI 1325.7**

Administration of Military Correctional Facilities and Clemency and Parole Authority. (Available at <http://www.dtic.mil/whs/directives>.)

**DODI 7000.14–R, v. 13**

Nonappropriate funds policy and procedures. (Available at <http://www.dtic.mil/whs/directives>.)

**Manual for Courts–Martial (2005)**

See cited sections in text. (Available from [www.apd.army.mil](http://www.apd.army.mil).)

**UCMJ, Art. 14**

Delivery of offenders to civil authorities. (Available at <http://www.au.af.mil/au/awc/awcgate/ucmj.htm>.)

**UCMJ, Art. 15**

Commanding Officer's Non-Judicial Punishment. (Available at <http://www.au.af.mil/au/awc/awcgate/ucmj.htm>.)

**UCMJ, Art. 26**

Military judge of a general or special court-martial. (Available at <http://www.au.af.mil/au/awc/awcgate/ucmj.htm>.)

**UCMJ, Art. 27**

Detail to trial counsel and defense counsel. (Available at <http://www.au.af.mil/au/awc/awcgate/ucmj.htm>.)

**UCMJ, Art. 31**

Compulsory Self-Incrimination Prohibited. (Available at <http://www.au.af.mil/au/awc/awcgate/ucmj.htm>.)

**UCMJ, Art. 58**

Sentences: Reduction in enlisted grade upon approval. (Available at <http://www.au.af.mil/au/awc/awcgate/ucmj.htm>.)

**UCMJ, Art. 74**

Remission and Suspension. (Available at <http://www.au.af.mil/au/awc/awcgate/ucmj.htm>.)

**JFTR, U5125**

Separation from the Service or Relief from Active Duty Except for Discharge with Severance or Separation Pay. (Available at <https://secureapp2.hqda.pentagon.mil/perdiem/trviregs.html>.)

**JFTR U5240–F**

Dependent Travel and Transportation Incident to a Court-Martial Sentence/Administration Discharge under other Honorable Conditions (for members stationed in CONUS). (Available at <https://secureapp2.hqda.pentagon.mil/perdiem/trvlregs.html>.)

**JFTR U5360**

Separation from the Service or Relief from Active Duty Except for Discharge with Severance or Separation Pay. (Available at <https://secureapp2.hqda.pentagon.mil/perdiem/trvlregs.html>.)

**JFTR, U5370–F**

HHG Transportation Under Emergency/Unusual Circumstances. (Available at <https://secureapp2.hqda.pentagon.mil/perdiem/trvlregs.html>.)

**Pub. L. 106–546, 114 stat 2726, 2728 (2000)**

DNA Analysis Backlog Elimination Act of 2000. (Available at <http://thomas.loc.gov/bss/>.)

**10 USC 818**

Jurisdiction of general courts-martial. (Available at <http://www.gpoaccess.gov/uscode/index.html>.)

**10 USC 819**

Jurisdiction of special courts-martial. (Available at <http://www.gpoaccess.gov/uscode/index.html>.)

**10 USC 826**

Military judge of a general or special courts-martial. (Available at <http://www.gpoaccess.gov/uscode/index.html>.)

**10 USC 827**

Detail of trial counsel and defense counsel. (Available at <http://www.gpoaccess.gov/uscode/index.html>.)

**10 USC 1588**

Authority to Accept Certain Voluntary Services. (Available at <http://www.gpoaccess.gov/uscode/index.html>.)

**12 USC 265**

Insured banks as depositaries of public money;duties; (Available at <http://www.gpoaccess.gov/uscode/index.html>.)

**Section III****Prescribed Forms**

The following forms are available on the Army Electronic Library CD-ROM and the APD Web site ([www.apd-army.mil](http://www.apd-army.mil)) unless otherwise stated. DD forms are available from the Office of the Secretary of Defense Web site ([www.dior.whs.mil](http://www.dior.whs.mil)). FBI forms prescribed in this regulation are available from HQ, FBI, Identification Division, 9th Street and Pennsylvania Avenue, NW, Washington, DC 20535.

**DA Form 4407–R**

Correctional Custody Daily Performance Report (LRA)

**DD Form 499**

Prisoner's Mail and Correspondence Record. (Prescribed in para 10–9.)

**DD Form 503**

Medical Examiner's Report (Prescribed in para 10–1.)

**DD Form 504**

Request and Receipt for Health and Comfort Supplies. (Prescribed in para 10–5.)

**DD Form 506 or Automated Equivalent**

Daily Strength Record of Prisoners. (Prescribed in para 10–4.)

**DD Form 508 or Automated Equivalent**

Report of/or Recommendation for Disciplinary Action. (Prescribed in para 10–5.)

**DD Form 509**

Inspection Record of Prisoners in Segregation. (Prescribed in para 10–5.)

**DD Form 510**

Request for Interview. (Prescribed in para 10–5.)

**DD Form 512**

Installation Parolee Minimum Custody (Air Force Only) Agreement. (Prescribed in para 10–5.)

**DD Form 515 or Automated Equivalent**

Roster of Prisoners. (Prescribed in para 10–4.)

**DD Form 2704**

Victim/Witness Certification and Election Concerning Inmate Status. (Prescribed in para 13–2.)

**DD Form 2705**

Victim/Witness Notification of Inmate Status. (Prescribed in para 13–3.)

**DD Form 2706**

Annual Report on Victim and Witness Assistance. (Prescribed in para 1–7*e*.)

**DD Form 2707**

Confinement Order and Medical Examiner’s Report. (Prescribed in para 10–5.)

**DD Form 2708**

Receipt for Inmate or Detained Person. (Prescribed in para 10–5*b*(1).)

**DD Form 2709**

Privacy Act Statement. (Prescribed in para 10–1*b*(16).)

**DD Form 2710**

Inmate Background Summary Data. (Prescribed in paras 5–4 and 10–5.)

**DD Form 2710–1**

Inmate Sentence Information. (Prescribed in para 10–1*b*(17).)

**DD Form 2711**

Initial Custody Classification. (Prescribed in para 10–1*b*(18).)

**DD Form 2711–1**

Custody Reclassification. (Prescribed in para 5–4*b*.)

**DD Form 2711–2**

Custody Initial/Reclassification Summary Addendum. (Prescribed in para 10–1*b*(18).)

**DD Form 2712**

Inmate Work and Training Evaluation. (Prescribed in para 5–4*f*.)

**DD Form 2713**

Inmate Observation Report. (Prescribed in para 11–1*a*.)

**DD Form 2714**

Inmate Disciplinary Report. (Prescribed in para 11–1*a*.)

**DD Form 2715**

Clemency/Parole Submission. (Prescribed in para 5–4*c*.)

**DD Form 2715–1**

Disposition Board Recommendation. (Prescribed in para 5–4*c*.)



**DD Form 2715–2**

Inmate Summary Data. (Prescribed in para 5–4c.)

**DD Form 2715–3**

Inmate Restoration/Return to Duty, Clemency and Parole Statement. (Prescribed in para 8–8.)

**DD Form 2716**

Parole Acknowledgement Letter. (Prescribed in para 8–10b.)

**DD Form 2716–1**

Department of Defense Certificate of Parole. (Prescribed in para 8–10a.)

**DD Form 2717**

Department of Defense Voluntary/Involuntary Appellate Leave Action. (Prescribed in para 8–26a.)

**DD Form 2718**

Inmate’s Release Order. (Prescribed in para 10–5.)

**DD Form 2719**

Continuation Sheet. (Prescribed in para 5–4c.)

**DD Form 2720**

Annual Confinement Report. (Prescribed in para 1–7b.)

**DD Form 2720–1**

Annual Clemency/Parole Report. (Prescribed in para 1–7g.) (Available through normal forms supply channels.)

**DD Form 2791**

Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements. (Prescribed in paras 10–1b(19) and 14–2.)

**Section IV**

**Referenced Forms**

**DA Form 31**

Request and Authority for Leave.

**DA Form 201**

Military Personnel Records Jacket, U.S. Army.

**DA Form 268**

Report to Suspend Favorable Personnel Actions (FLAG).

**DA Form 1132–R**

Prisoner’s Personal Property List—Personal Deposit Fund.

**DA Form 1594**

Daily Staff Journal or Duty Officer’s Log.

**DA Form 1704–R**

Parole Statement (LRA).

**DA Form 1708–R**

Certificate of Release from Parole (LRA).

**DA Form 2569–R**

Attorney of Record Designation (Civilian and Individual Military) Counsel).

**DA Form 3078**

Personal Clothing Request.

**DA Form 3997**  
Military Police Desk Blotter.

**DA Form 4137**  
Evidence/Property Custody Document.

**DA Form 4459**  
Parole Action Record.

**DD Form 2A**  
Active Duty Military Identification Card. (Limited Access Form) (Available through normal forms supply channels.)

**DD Form 214**  
Certificate of Release or Discharge from Active Duty. (Available through normal forms supply channels.)

**DD Form 503**  
Medical Examiner's Report.

**DD Form 553**  
Deserter/Absentee Wanted By the Armed Forces.

**DD Form 616**  
Report of Return of Absentee.

**FBI Form I-12**  
Flash-Cancellation Notice.

**FBI Form R-84**  
Final Disposition Report.

**FBI Form FD 249**  
Department of Justice Arrest Card.

## Appendix B

### DNA Analysis Qualifying Offenses Under Public Law No. 106–546

The following table lists the Federal offenses and the equivalent military offenses that require DNA analysis.

FEDERAL OFFENSE	MILITARY OFFENSE
<b>Murder</b> (18 U.S.C 1111)	<b>Murder</b> UCMJ, Art. 118
<b>Voluntary Manslaughter</b> (18 U.S.C 1112)	<b>Voluntary Manslaughter</b> UCMJ, Art. 119
<b>Other Related Homicide Offenses</b> (18 USC 1113, 1114, 1116, 1118, 1119, 1120 and 1121)	N/A. Conduct otherwise cover by listed UCMJ offenses  Aggravated Assault (with a dangerous weapon or other means or force likely to produce death or grievous bodily harm) UCMJ, Art. 128  Aggravated Assault (in which grievous bodily harm was intentionally inflicted) UCMJ, Art. 128
<b>Sexual Abuse</b> (18 USC 2241–2245)  Sexual exploitation or other abuse of children (18 USC 2251–2252)  <b>Transportation for illegal sexual activity</b> (18 USC 2421, 2422, 2423, and 2425)	<b>Rape</b> UCMJ, Art. 120  <b>Carnal Knowledge</b> UCMJ, Art. 120  <b>Forcible Sodomy</b> UCMJ, Art. 125  <b>Sodomy With a Child</b> UCMJ, Art. 125  <b>Indecent Assault</b> UCMJ, Art. 134  <b>Indecent Acts With Another</b> UCMJ, Art. 134  <b>Indecent Acts or Liberties With A Child</b> UCMJ, Art. 134  <b>Indecent Language To A Child</b> UCMJ, Art. 134  <b>Pandering (By compelling or by arranging or by receiving consideration for arranging)</b> UCMJ, Art. 134  Conviction for conduct described in chapter 117, 18 USC 2421, 2422, 2423, 2425, when charged as UCMJ, Art. 133 or 134, offenses  Conviction for conduct described in chapter 110, 18 USC 2251, 2251A, 2252, when charged as UCMJ, Art. 133 or 134, offenses
<b>Peonage or Slavery</b> (18 USC 1581, 1583, 1592, 1591, 1594, 1961)	Conviction for conduct described in 18 USC 1581, 1583, 1592, 1591, 1594, 1961, when charged as UCMJ, Art. 133 or 134 offenses
<b>Kidnapping</b> (As defined in 18 USC 359(c)(2)(E))	<b>Kidnapping</b> UCMJ, Art. 134
<b>Robbery and Burglary</b> (18 USC 2111–2114, 2116, 2118, and 2119)	<b>Robbery</b> UCMJ, Art. 122  <b>Burglary</b> UCMJ, Art. 129  <b>Housebreaking</b> UCMJ, Art. 130

**Table B-1**  
**DNA Analysis Qualifying Offense Under Public Law No. 106-546—Continued**

FEDERAL OFFENSE	MILITARY OFFENSE
<p><b>Violation of 18 USC 1153</b>                      (re: Murder, Manslaughter, Kidnapping, Maiming, Sexual Abuse, Incest, Arson, Burglary, and Robbery) when committed within Indian Country.</p>	<p>N/A. Conduct otherwise covered by listed UCMJ offenses</p> <p><b>Maiming</b>                      UCMJ, Art. 124</p> <p><b>Arson</b>                      UCMJ, Art. 126</p>
<p><b>Attempt to Commit Above Offenses</b></p>	<p><b>Attempt to Commit Above Offenses</b>                      UCMJ, Art. 80</p> <p><b>Assault With Intent to Commit Murder, Rape, Voluntary Manslaughter, Robbery, Sodomy, Arson, Burglary, Housebreaking</b>                      UCMJ, Art. 134</p> <p><b>Solicitation Of Another To Commit Above Offenses</b>                      UCMJ, Art. 134</p>
<p><b>Conspiracy To Commit Above Offenses</b></p>	<p><b>Conspiracy To Commit Above Offenses</b>                      UCMJ, Art. 81</p>
	<p>Conviction for any conduct similar to the above offenses, any conduct which involves any form of sexual abuse, and any conduct of a sexual nature that involves a minor, when charged as an assimilative offense under UCMJ, Art. 134</p>
	<p>Conviction for any conduct similar to the above offenses, any conduct which involves any form of sexual abuse, and any conduct of a sexual nature that involves a minor, when charged as conduct unbecoming an officer and a gentleman in violation of Article 133, UCMJ or conduct that is prejudicial to good order and discipline or is service discrediting, under UCMJ, Art. 134</p>

## Appendix C Management Control Evaluation Checklist

### C-1. Function

To ensure the evaluation of key management controls for administration of the Army Corrections System (ACS) at HQDA, MACOM and installation level. Major Army Commands will use the biannual technical staff inspection established in AR 190-47, The Army Corrections System, to evaluate above listed key management controls (minimum standard).

### C-2. Purpose

The purpose of this checklist is to assist [users] in evaluating their key management controls. It is *not* intended to cover *all* controls.

### C-3. Instructions

Answers must be based on the actual *testing* of key management controls such as document analysis, direct observation, interviewing, sampling, and simulation. Answers that indicate deficiencies must be explained and corrective action indicated in supporting documentation. These management controls *must* be evaluated at least once every 5 years. Certification that this evaluation has been conducted must be accomplished on DA Form 11-2-R (Management Control Evaluation Certification Statement).

### C-4. Test questions

- a. Have uniform DA policies for the scope and responsibilities of The Army Corrections System been established and coordinated with appropriate/interested DOD elements? (HQDA ONLY)
- b. Are policies updated to reflect changes in public law and DOD guidance to ensure mission compatibility? (HQDA ONLY)
- c. Are U.S. Army prisoners incarcerated in the appropriate confinement facilities in accordance with AR 190-47, chapter 3? (MACOM, and INSTALLATION)
- d. Is the incarceration of other service prisoners within the Army Corrections System being conducted AR 190-47, chapter 4? (MACOM, and INSTALLATION)
- e. Are correctional and work release programs conducted in accordance with AR 190-47, chapters 5 and 6? (MACOM, and INSTALLATION)
- f. Are adequate professional services support being provided to all prisoners at all facilities in accordance with AR 190-47, chapter 7? (MACOM, and INSTALLATION)
- g. Is the consideration and administration of clemency, parole, and restoration to duty, conducted in accordance with AR 190-47, chapter 8? (MACOM, and INSTALLATION)
- h. Are staffing, training, and physical plant standards of confinement and correctional facilities, to include key and lock control, in accordance with AR 190-47, chapter 9? (MACOM, and INSTALLATION)
- i. Is the administration and management of military prisoners, their records, health/comfort supplies, property, funds, and mail, conducted in accordance with AR 190-47, chapter 10? (MACOM, and INSTALLATION)
- j. Is the custody and control of military prisoners conducted in accordance with AR 190-47, chapter 11? (MACOM, and INSTALLATION)
- k. Are the facility's administrative disciplinary measures and disciplinary action procedures conducted in accordance with AR 190-47, chapter 12? (MACOM, and INSTALLATION)
- l. Is the Victim Witness Program administered and managed in accordance with AR 190-47, chapter 13? (HQDA, MACOM, and INSTALLATION)
- m. Are installation detention cells properly managed, operated, and meet the physical standards in accordance with AR 190-47, Chapter 14? (MACOM, and INSTALLATION)
- n. Are prisoner's sentences to confinement computed in accordance with AR 633-30? (MACOM, and INSTALLATION)

### C-5. Supersession

This process replaces the Internal Control Review Checklists for AR 190-47, AR 190-55, and AR 633-30, previously published in DA Circular 11-88-7.

### C-6. Comments

Help make this a better tool for evaluating management controls. Submit comments to Office of the Provost Marshal General, 2800 Army Pentagon, Washington, DC 20310-2800.

## **Glossary**

### **Section I Abbreviations**

**ACA**

American Corrections Association

**ACIS**

Army Corrections Information System

**ACPB**

Army Clemency and Parole Board

**ACS**

Army Corrections System

**AICS**

The Army Inmate Classification System

**AR**

Army regulation

**ARIMS**

The Army Records Information Management System

**ASA**

Assistant Secretary of the Army

**BCIS**

Bureau of Citizenship and Immigration Services

**CCF**

correctional custody facility

**CFM**

cubic feet per minute

**CHD**

correctional holding detachment

**CMRP**

command master religious plan

**CONUS**

continental United States

**CTA**

common table of allowances

**CTF**

correctional treatment file

**D cell**

detention cell

**DA**

Department of the Army

**DAPM**

Department of the Army, Provost Marshal General

**DCS, G-3**

Deputy Chief of Staff, G-3

**DD**

Department of Defense (forms)

**DOD**

Department of Defense

**EHP**

emergency home parole

**EPW**

enemy prisoners of war

**ET**

earned time

**ETD**

earned time detail

**ETP**

earned time programs

**ETS**

expiration of term of sentence

**FBI**

Federal Bureau of Investigation

**FBOP**

Federal Bureau of Prisoners

**GCM**

general court-martial

**GED**

general education degree

**GS**

general schedule

**HIV**

human immunodeficiency virus

**HQDA**

Headquarters, Department of the Army

**ISA**

Interservice Support Agreement

**JFTR**

Joint Federal Travel Regulation

**MACOM**

major Army command

**MCM**

Manual for Courts-Martial

**mm**

millimeter

**MOS**

military occupational specialty

**M&RA**

Manpower and Reserve Affairs

**NAF**

nonappropriated fund

**NCIC**

National Crime Information Center

**NCO**

noncommissioned officer

**NCOIC**

noncommissioned officer in charge

**OCONUS**

outside continental United States

**OIC**

Officer in Charge

**ORI**

originating agency identifier

**OTJAG**

Office of The Judge Advocate General

**PCF**

personnel control facility

**PTF**

patient's trust fund

**RA**

Regular Army

**RCF**

regional correctional facility

**RCM**

rules for courts-martial

**SFC**

sergeant first class

**SOP**

standing operating procedure

**SSG**

staff sergeant

**TAPC**

Total Army Personnel Command



**THP**

temporary home parole

**TJAG**

The Judge Advocate General

**USADIP**

United States Army Deserter Information Point

**UCMJ**

Uniform Code of Military Justice

**UIC**

unit identification code

**USC**

United States Code

**USDB**

United States Disciplinary Barracks

**USMS**

United States Marshals Service

**VWC**

victim/witness coordinator

**Section II****Terms****abatement**

Deduction of time from the term of a sentence to confinement which may be earned for actual work employment, education achievements, life/property saving acts, or for services performed other than that normally associated with regular work assignment.

**appellate/excess leave**

Leave a Soldier may be ordered to take involuntarily when a sentence to an unsuspended punitive discharge/dismissal is pending completion of appellate review.

**administrative segregation**

The incarceration of a prisoner or prisoners apart from the general prisoner population done for the good of the prisoner or good of the larger population.

**approved**

The term used to describe action taken when the convening authority sanctions the findings and the sentence or a part thereof.

**correctee**

A term use to address and report personnel undergoing correctional custody.

**detainee**

A suspect of a crime that is held in temporary custody by the military police while waiting for determination of further status.

**contraband**

Any item accessible by a prisoner forbidden by law, regulation, or directive of the facility commander inside or outside the confinement/correctional facility.

**correctional custody**

The legal restraint of a person during duty or nonduty hours, or both, imposed as punishment under Article 15.

**correctional facility**

A facility providing correctional treatment to military prisoners to motivate them for return to military duty or return to the civilian community.

**deferment of confinement**

Postponement of the service and of the running of the sentence to confinement.

**disciplinary segregation**

The incarceration of a prisoner apart from the general population as a result of punishment for offenses committed while confined at an ACS facility.

**escape**

Any instance of a prisoner breaching the authorized limits of military custody or incarceration before being released by proper authority.

**earned time (ET)**

The abatement earned by prisoners through work performance, program participation, or extraordinary achievements, which is used to reduce sentence to confinement.

**earned time detail (ETD)**

Work programs that the facility commander designates as qualifying for award of ET.

**earned time programs**

A program (E.G., alcohol or drug counseling relating to rehabilitation for certain criminal activity that the facility commander designates as qualifying to be awarded earned time, or a Service mandated program (e.g., remedial reading)

**commander**

An officer appointed by appropriate orders as the commanding officer of an ACS facility. Responsible for the facility's administration and operation. Also oversees the custody, control, and correctional treatment of prisoners assigned to the facility.

**final orders**

Orders publishing the proceedings of courts-martial, and all action taken pursuant to those proceedings binding upon all departments, courts, agencies, and officers of the United States, subject only to action upon a petition for a new trial under Article 73, UCMJ; to action by TJAG under Article 69(b), UCMJ, to action by the Secretary concerned as provided in Article 74, UCMJ, and the authority of the President (R.C.M. 1209(b)).

**good conduct time**

Regulatory deduction from a definite term of sentence awarded to a prisoner for good conduct.

**inoperative time**

Any period(s) of time during which a prisoner is not credited with serving sentence to confinement.

**installation parolee**

Post trial custody grade prisoner requiring minimal custodial supervision.

**maximum custody**

Classification assigned to newly arrived prisoners until an initial assignment board is conducted. Also the classification assigned to a prisoner considered requiring continuous correctional supervision or who is considered extremely violent or an escape risk.

**minimum custody**

Prisoner considered being sufficiently dependable as to require little correctional supervision.

**mitigated sentence**

A sentence that is reduced in either quantity or severity; its general nature remaining the same.

**posttrial confinement**

Confinement adjudged by courts-martial including death or confinement (R.C.M. 1101(b)).

**pretrial**

Any person who is subject to trial by courts-martial and has been ordered by competent authority into pretrial confinement pending disposition of charges.

**pretrial confinement**

Physical restraint imposed by order of competent authority depriving a person of freedom pending disposition of charges. (R.C.M. 305(a)).

**prisoner**

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 ordered approved by the convening authority. A person placed into confinement by competent authority pending trial by court-martial is a pretrial prisoner.

**reenlistment**

Procedures taken to return a prisoner to duty whose sentence includes an executed punitive discharge.

**remission of sentence**

Action whereby any portion of the unexecuted punishment is canceled.

**report of result of trial**

After final adjournment of the court-martial in a case, the trial counsel will promptly notify the immediate commander of the accused, the convening authority, or the convening authority's designee, and, if appropriate, the officer in charge of the confinement facility of the findings and sentence (R.C.M. 1101(a)).

**restoration of duty**

Procedures taken to restore a prisoner to duty whose court-martial sentence does not include a punitive discharge or includes a punitive discharge that is either suspended or unexecuted.

**sentenced**

An individual becomes a sentenced prisoner when the convening authority approves the confinement portion of the sentence.

**suspended sentence**

A sentence or portion thereof held in abeyance by the commander who imposed the punishment or a successor in command.

**setting aside**

Action whereby the punishment or any portion thereof, executed or unexecuted, is set aside and any property, privileges, or rights affected by that portion of punishment set aside are restored.

**unencumbered space**

Usable space that is not obstructed by furnishings or fixtures. In determining unencumbered space, all fixtures must be in operational position and must provide the following minimum areas per person: bed, plumbing fixtures, desk and lockers.

**Section III****Special Abbreviations and Terms**

This section contains no entries.

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