



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON, TN 38055-0000

BUPERSINST 1640.21A
PERS-00D

31 AUG 2012

BUPERS INSTRUCTION 1640.21A

From: Chief of Naval Personnel

Subj: THE MILITARY MODEL OF NAVY CORRECTIONS

Ref: (a) 10 U.S.C., § 951
(b) SECNAVINST 1640.9C
(c) BUPERSINST 1640.22
(d) Manual for Courts-Martial, United States
(2008 Edition)
(e) DoD Directive 1325.04 of 17 August 2001
(f) U.S. Navy Regulations
(g) NAVMED P-5010-2, Sanitation of Living Spaces and
Related Service Facilities

1. Purpose. To identify the philosophy and essential elements of the "military model" approach to administering the Navy corrections program at Navy shore confinement facilities and to comply with references (a) through (d). Unless otherwise noted, the term "prisoner" refers to pre-trial prisoners, post-trial prisoners, and Service members awarded confinement to bread and water under the Uniform Code of Military Justice (UCMJ), article 15. Policy regarding the management of discharged prisoners is contained within reference (b), article 7103.2g, and article 1640-070, paragraph 101.2c of reference (c).

2. Cancellation. BUPERSINST 1640.21.

3. Applicability. Guidance contained herein is directive in nature and applicable to all Navy shore pre-trial and post-trial confinement facilities (i.e., brigs).

4. Background

a. The military corrections mission is defined within military law reference (a) which directs that where a military confinement facility is established, such facility shall "provide for the education, training, rehabilitation, and welfare of offenders confined" and "provide for the organization and equipping of offenders selected for training with a view to their

31 AUG 2012

honorable restoration to duty or possible reenlistment." Paragraph 5.3 of reference (e) implements provisions of reference (a) and provides Department of Defense (DoD) policy and responsibilities to Secretaries of the Military Departments for operation and administration of military confinement facilities.

b. The administration of a Navy brig is based on an approach that the most successful environment to train or treat an offender is the one employed by most normal families, to include the military family; i.e., maintaining the unique societal norms observed by its members. This "military model" approach is the defining characteristic of the Navy corrections program and guiding principle for the administration of Navy brig.

c. The Navy corrections program is directed toward achieving the military corrections mission which is to protect and serve the community, both military and civilian, by releasing prisoners as reformed and retrained individuals who will function productively as members of a military or civilian community.

d. In a Navy brig, the "military model" corrections program serves to:

(1) Reinforce military values, courtesies, and practices that are suitable as behavioral benchmarks which will serve the prisoner well in their return to a military or civilian community;

(2) Teach and emphasize personal responsibility and self-discipline as an integral part of programming and treatment; and

(3) Support an environment where a mature and trained staff set a positive example for prisoners; staff and prisoners are held accountable for their behavior and conduct; and characteristics of integrity, ethical behavior, industry, and positive contributions are encouraged and rewarded.

5. The "Military Model". Guidance contained herein further delineates the Navy corrections program to be implemented in Navy brig and establishes the foundation for the operation and administration of Navy shore brig.

a. Jurisdiction. Reference (d), rule 202, identifies persons subject to the jurisdiction of military law. Military

personnel, to include discharged members confined in military confinement facilities, are subject to the provisions of the UCMJ.

b. Discipline

(1) The word "discipline" comes from a Latin word meaning "to teach." In a military environment, individual members are encouraged to work as a unit. The Navy corrections program utilizes a system of motivation and correction through reward and punishment. Desirable behavior is encouraged by incentives, earned reduction in custody levels, and reduction in length of confinement by application of good conduct time and earned time credits. Undesirable behavior earns the consequences of administrative or disciplinary actions and loss of not earning incentives. This system is directed toward helping internalize military discipline. A person that has internalized military discipline exhibits characteristics such as: personal accountability and integrity; compliance to rules, regulations and orders; loyalty to unit; courtesy to others; respect for authority; and proper wearing of the uniform.

(2) Teaching, developing and maintaining military discipline among personnel is a critical factor for success at all levels of the military, particularly in a military corrections environment, for the proper functioning of the chain of command. In a military corrections environment, discipline and order shall be maintained with firmness, but with no more control than is required for safe custody and well-ordered community life. In the control of prisoners, staff shall seek to influence them through their own example and leadership and to enlist their willing cooperation. At all times, the treatment of prisoners shall be such as to encourage their self-respect and sense of personal responsibility.

c. Hierarchical Structure

(1) Facility leadership and its trained and qualified staff are key to establishing and maintaining an environment in which prisoners and staff lead a safe, organized, and productive daily life. The goal is to create an environment where staff simultaneously shares a sense of mission and care about the retraining and future success of the prisoners, even as they perform a vital safety service to the community.

(2) Billet titles and functions unique to Navy corrections are addressed in reference (b), article 3202, and article 1640.030, paragraph 201 of reference (c).

d. Military Customs and Courtesies. Traditional military courtesies and discipline shall be emphasized and required of prisoners in a Navy brig as they are practiced in a regular military unit or aboard a ship or station. Courtesy reflects attitude and adjustment; all normal rules of military courtesy apply. Prisoners shall observe military courtesies, per Service customs and traditions, as appropriate. They shall not be required to observe or practice military courtesies or other requirements that are unorthodox and not standard military practices. Some examples consistent with references (b), (c), and (f) follow:

(1) Prisoners shall show deference to staff at all times by recognizing their presence and by employing a courteous and respectful bearing and mode of speech toward them.

(2) When speaking to staff personnel and to support a uniform method of address, prisoners shall address them by their military grade.

(3) When an officer approaches, pre-trial and post-trial prisoners will give the appropriate greeting. When outdoors, or Service-specific when indoors, a hand salute with the appropriate greeting of the day will be rendered to the officer approaching. Prisoners at work or engaged in games shall salute only when addressed by an officer who is senior to him or her. Prisoners in formation shall salute only on command.

(4) When speaking to an officer in formal settings, prisoners shall assume the position of attention and address them appropriately.

(5) Prisoner shall stand at attention, unless seated at a mess, or unless circumstances make such action impracticable or inappropriate:

(a) When addressed by an officer senior to them; and

(b) When an officer of flag or general rank, the commanding officer (CO), or an officer senior to the CO in the

chain of command, or an officer making an official inspection enters the room, compartment, or deck space where the staff or prisoners may be.

(c) When at the position of attention, prisoners shall adhere to their Service customs and courtesies per applicable regulations.

(d) If a prisoner is seated at a meal and an officer or staff member speaks to him or her, the prisoner may continue to sit unless directed to do otherwise.

e. The above customs and courtesies are not only consistent with military bearing and protocol, but also have legitimate security interest by demonstrating compliance to military practices and adhering to good order and discipline of the command.

f. Staff and Prisoner Interaction. Professional staff-prisoner relationships are the basis for the smooth operation of any confinement facility. Staff who are consistent in their application of rules and regulations and who are viewed as being firm, fair, impartial, and having a positive, encouraging attitude are the best possible correctional agents.

(1) Staff. Brig staff members are prohibited from fraternizing with prisoners. This restriction shall not prohibit all contact, such as simple conversation between prisoners and staff members. Staff members are expected to treat prisoners as members of the military Service in a subordinate position within the organization.

(2) Prisoners. Prisoners are not free persons and, even in an environment designed to prepare them for a future life free of criminal behavior, there are basic security requirements all are to acknowledge and follow. Prisoners shall not exercise any command or supervisory authority over other prisoners or staff while confined. Further, the following three basic rules are required of prisoners:

(a) Do not escape, attempt to escape, or aid another to escape;

(b) Do not have contraband in your possession; and

(c) Do not engage in disruptive behavior.

(3) Each prisoner is expected to comply with the brig rules and regulations and each shall be informed that any attempt to circumvent the rules and regulations shall be punishable as a breach of discipline. The CO, officer in charge (OIC) or chief petty officer in charge (CPOIC) of the brig shall ensure that a Prisoner Rule Book is provided to each prisoner. This rule book shall identify the rules of conduct and procedures, as well as set forth incentives for compliance and consequences that may result for violations.

g. Plan of the Day (POD). Structure and organization are key factors in the successful management of a confinement facility and are critical elements of the military model. The POD of correctional programming and schedule of activities shall be published and prominently displayed in places readily accessible to prisoners.

h. Prisoner Program Plan

(1) Military corrections require correctional programming in the areas of work, military training, physical fitness, offense-specific education and or treatment, self-improvement, recreation, and religion. Programming details are further identified in references (b) and (c).

(2) Personal responsibility requires addressing the [convicted] offense of record to reduce the likelihood of reoccurrence. Offense-specific educational programming on topics such as drugs, alcohol, violence, sex, and victim impact, where offered, shall be mandatory for prisoners whose offense involved such issues (enrollment required). Offense-specific treatment programming for violent and child sexual offenders, where offered, shall be considered a mandatory component of the program plan for prisoners with qualifying offenses (voluntary enrollment).

(3) A program plan shall be developed between the unit team and the prisoner based on the needs of each prisoner; resources shall be assessed from those available at the facility to provide maximum benefit to the prisoner and community (military or civilian). Contained within the Corrections Management Information System (CORMIS) is a standardized program

plan format and includes the major programming components therein (work, offense-related, education, self-improvement and personal growth, and release planning).

(4) A case management approach to prisoner programming shall be used in developing program plans. Case management is a process aimed at delivering consistent care (e.g., services, treatment, programming, and follow-up) that is targeted at a set of needs identified to be of high priority and in need of change. The case management approach shall ensure that all eligible prisoners are assessed by themselves, working with staff, to determine their risks and needs, and that prisoners help develop an individualized written program plan that addresses their needs within the capabilities of the facility.

(5) A critical element of this process is that the prisoners are responsible for their program plan and for what is expected of them. The program plan shall be openly negotiated with the prisoner. The prisoner shall be able to speak freely and to indicate what components of their program plan they choose to do or not to do. Prisoners shall be informed that failure to commit to an identified program plan component addressing the underlying issues of the confining offense shall result in consequences to include, but not limited to, impact on earned time abatement, ability to earn incentives, custody classification, and recommendations on clemency, parole, or supervised release. Case managers and unit team members must ensure that prisoners understand the various components of the program plan, reasons for their inclusion, and that the prisoner has the responsibility for their achievement.

i. Tracking Program Plans

(1) Program plans shall be initiated by the assigned counselor or case manager and accepted by the Classification and Assignment (C&A) Board or unit team only when convinced the goals of the plan accurately address the prisoner's problems and needs.

(2) Staff shall conduct regular review of prisoners at planned intervals, upon cause, when requested by staff or prisoner, or where noncompliance to the program plan is noted.

31 AUG 2012

j. Prisoner Personal Appearance

(1) Uniform Standards. Military appearance is a strong component of a military atmosphere. Per reference (e), paragraph 4.7, "Prisoners confined in military confinement facilities shall be subject to the rules and regulations of the confining facility regardless of the Service affiliation of the prisoner." The working uniform of their Service branch shall be worn by prisoners with no modifications other than those specified in references (b) and (c).

(2) Grooming Standards. In any DoD-wide program (i.e., Level III; United States Disciplinary Barracks for males, Naval Consolidated Brig Miramar for females) there may be a single grooming standard for all prisoners. Within Navy corrections, pre-trial prisoners shall wear their hair per current grooming regulations of the prisoner's Service, regardless of gender. Grooming standards for post-trial prisoners confined within Navy brigades shall be provided by Navy Personnel Command, Corrections and Programs Branch (PERS-00D), via separate policy.

k. Physical Environment. Per reference (b), article 2304, article 1640-020, paragraph 204, and reference (g), a high standard of sanitation and an attractive environment shall be maintained at all times. Prisoners must participate in carrying out the POD necessary in keeping the facility clean and neat. This is important not only for good appearance but also for the health and safety of staff and prisoners.

l. Inspections. Inspections (e.g., physical plant, security, safety, sanitation, personnel, property, and searches) are crucial to operation, management, and administration. All prisoners, to include discharged prisoners, shall participate in personnel and property inspections, to include urinalysis testing, in a manner that emulates normal military routines.

m. Orderly Movement and Formations. A legitimate penological interest is to facilitate control and orderly movement when prisoners traverse the brig; movement executed in a military manner enhances security and emphasizes the military model. Conversation during movement from point A to point B shall be limited to that necessary to complete the movement. Prisoners shall travel on the right-hand side of passageways and or sidewalks. Prisoner moving in groups of two or more shall

move in a single-file line whenever possible; marching or moving in cadence is not required; order and military bearing is the goal. When waiting in line at the dining facility, or other place without a seated waiting area, prisoners shall face the front in a single-file line or military formation as directed by staff; conversations while waiting in line shall be limited to those necessary to accomplish the task at hand (e.g., obtaining chow, exchange services, medical care, etc.).

6. Action. Navy brig COs, OICs, and CPOICs shall ensure that management and execution of their corrections program are in compliance with references (b), (c), and (d), incorporate the philosophy and elements of the military model contained within this instruction, and follow traditional protocols as practiced in a regular military unit aboard a ship or station.

7. Records Management. Records created as a result of this instruction, regardless of media or format, shall be managed per Secretary of the Navy Manual M-5210.1 of November 2007.



C. A. COVELL

Rear Admiral, U.S. Navy

Deputy Chief of Naval Personnel

Distribution:

Electronic only, via BUPERS Web site
<http://buperscd.technology.navy.mil>