



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
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BUPERS INSTRUCTION 1640.21B

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 (2012 Ed.)
(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

a. 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 on 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 reference (c), article 1640-070, paragraph 101.2c.

b. Major revisions include: migration to a standardized prisoner uniform; retention of service uniform for pre-trial prisoners for wear at official appearances; and not requiring prisoners to salute while wearing the standardized prisoner uniform. This instruction is a complete revision and should be read in its entirety.

2. Cancellation. BUPERSINST 1640.21A.

3. Scope and 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 reference (a), which directs that where a military confinement facility is established such facility must "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 honorable restoration to duty or possible

reenlistment." Reference (e), paragraph 5.3, implements provisions of reference (a) and provides Department of Defense (DoD) policy for the operation and administration of military confinement facilities.

b. The administration of a Navy brig is based on an approach of maintaining the unique societal norms observed by military members. This "military model" approach is a defining characteristic of the Navy Corrections Program and guiding principle for the administration of Navy brig.

c. The Navy Corrections Program is directed towards 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 law-abiding members of a military or civilian community.

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

(1) Reinforce military values, courtesies, and practices that are suitable as behavioral benchmarks which will serve prisoners 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) identifies persons subject to the jurisdiction of the UCMJ, which includes discharged members confined in military confinement facilities.

b. Discipline

(1) 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 results in administrative or disciplinary actions or a loss of

incentives. This approach is directed towards 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 applicable 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 to ensure the proper functioning of the chain of command. In a military corrections environment, discipline and order must 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 will seek to influence them through their own example and leadership and to enlist their willing cooperation. At all times, the treatment of prisoners must 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 the staff simultaneously shares a sense of mission and cares about the retraining and future success of the prisoners, even as they perform a vital correctional security and public safety service to the community.

(2) Billet titles and functions unique to Navy corrections are addressed in reference (b), article 3202, and reference (c), article 1640-030.

d. Military Customs and Courtesies

(1) Traditional military courtesies and discipline must be emphasized and required of prisoners in a Navy brig in the same way 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 will observe military courtesies per Service customs and traditions, as appropriate. They will 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:

(a) Prisoners must 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.

(b) When speaking to staff personnel and to support a uniform method of address, prisoners will address military staff by their military grade and civilian staff by "Mr." or Ms." and last name.

(c) When an officer approaches, pre-trial and post-trial prisoners will give the appropriate greeting. Prisoners at work or engaged in games will provide a greeting only when

addressed by an officer. Prisoners do not salute unless wearing a military Service uniform during official appearances.

(d) When speaking to an officer in formal settings, prisoners will assume the position of attention and address him or her appropriately.

(e) In the following scenarios, prisoners will stand at attention unless seated at a mess or when circumstances make such action impracticable or inappropriate:

1. When addressed by an officer; or

2. When an officer of flag rank, the commanding officer (CO)/officer in charge (OIC), 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.

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

(g) 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.

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

e. Staff and Prisoner Interaction. Professional staff-prisoner relationships are the basis for the smooth operation of any confinement facility. Staff members 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 will 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 will 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 must be informed that any attempt to circumvent the rules and regulations will be punishable as a breach of discipline. The CO, OIC, or chief petty officer in charge (CPOIC) of the brig will ensure that a prisoner rule book is provided to each prisoner. This rule book will identify the rules of conduct and procedures, as well as set forth incentives for compliance and consequences for violations.

f. 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, which includes correctional programming and the schedule of activities, must be published and prominently displayed in places readily accessible to prisoners.

g. Prisoner Program Plan

(1) Military corrections require 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 convictions to reduce the likelihood of recurrence. Offense-specific educational programming on topics such as drugs, alcohol, violence, sex, and victim impact, where offered, will be mandatory for prisoners whose offenses involve such issues. Offense-specific treatment programming for violent offenders and child sexual offenders, where offered, will be considered a mandatory component of the program plan for prisoners with qualifying offenses.

(3) A program plan will be developed between the unit team and the prisoner based upon the needs of each prisoner; resources will be assessed from those available at the facility to provide maximum benefit to the prisoner and community (military or civilian). The program plan 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 will 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 will ensure 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 will be openly negotiated with the prisoner. The prisoners must be able to speak freely and to indicate which components of their

program plan they choose to do or not to do. Prisoners must be informed that failure to commit to an identified program plan component addressing the underlying issues of the confining offenses will result in consequences which include, but are 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.

h. Tracking Program Plans

(1) Program plans will be initiated by the assigned counselor or case manager and accepted by the classification and assignment (C&A) board or unit team only when the board is convinced the goals of the plan accurately address the prisoner's problems and needs.

(2) Staff will 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.

i. Prisoner Personal Appearance

(1) Uniform Standards. A neat and presentable personal appearance is a strong component of a military environment. 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 standardized prisoner uniform, as specified by the Navy Personnel Command (NAVPERSCOM), Corrections and Programs Office (PERS-00D) will be worn and properly maintained. Pre-trial prisoners must also maintain a complete Service dress uniform in their stored personal effects for legal appearances.

(2) Grooming Standards. Within Navy corrections, pre-trial prisoners will wear their hair per current grooming regulations of the prisoner's Service, regardless of gender. Grooming standards for post-trial prisoners confined within Navy briggs will be provided by NAVPERSCOM (PERS-00D) via separate policy.

j. Physical Environment. Per reference (b), article 2304; reference (c), article 1640-020, paragraph 201; and reference (g), a high standard of sanitation and an attractive environment must be maintained at all times. Prisoners must participate in carrying out the POD to keep the facility clean and neat. This is important not only for good appearance but also for the health and safety of staff and prisoners.

k. 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, will participate in personnel and property inspections, to include urinalysis testing, in a manner that emulates normal military routines.

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l. Orderly Movement and Formations. The brig has a legitimate penological interest in facilitating 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 will be limited to that necessary to complete the movement. Prisoners will travel on the right-hand side of passageways and or sidewalks. Prisoners moving in groups of two or more will move in a single-file line whenever possible. Marching or moving in cadence is not required, but order and military bearing is the goal. When waiting in line at the dining facility or other place without a seated waiting area, prisoners will face the front in a single-file line or military formation as directed by staff. Conversations while waiting in line will be limited to those necessary to accomplish the task at hand (e.g., obtaining chow, exchange services, or medical care, etc.).

m. Physical Training. Physical training is a core program required by all Navy shore brig, reference (a), article 1640-060, paragraph 103, applies.

6. Action. Navy brig COs, OICs, and CPOICs must ensure that management and execution of their corrections programs 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, must be managed per Secretary of the Navy (SECNAV) Manual M-5210.1 of November 2012.

8. Review and Effective Date. Bureau of Naval Personnel, Corrections and Programs Office (BUPERS-00D) will review this instruction annually on the anniversary of the effective date to ensure applicability, currency, and consistency with Federal, DoD, SECNAV, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. OPNAV 5215/40 can be obtained from the BUPERS, Directives Manager (BUPERS-01). This instruction will automatically expire 5 years after effective date unless reissued or otherwise canceled prior to the 5-year anniversary date, or an extension has been granted.



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Releasability and distribution:

This instruction is cleared for public release and is available electronically only, via BUPERS Web site, <http://buperscd.technology.navy.mil>