

HOW DO I CONFINE A PRE-TRIAL PRISONER AT BRIG MIRAMAR TODAY ?

****Please be aware that DODI 1325.07 of 11 Mar 2013 “Administration of Military Correctional Facilities and Clemency and Parole Authority” para 6.2 directs all Services of the Armed Forces to confine pre-trial prisoners at the closest confinement facility, regardless of which Service owns and operates that facility in coordination with their Service Corrections Headquarters. The closest facility may in some cases (i.e. Air Force) be a civilian facility with a installation-level Memorandum of Agreement. POC for Air Force units is: HQ AFSFC Corrections at DSN 945-5608/16 or 210-925-5608/16 (and will not contact NCBM directly). Be aware that Marine Corps Brig Pendleton does confine pre-trial prisoners for all services of the Armed Forces. Females will only be confined in facilities authorized to confine females (NAVCONBRIG Miramar does confine females). In case of officer confinement (including midshipmen, officer candidates and warrant officers), the officer’s command shall notify Navy Personnel Command (PERS 00D1) for designation of place of confinement. **Any deviation from this policy requires prior written approval from PERS 00D1; tele: COMM (901) 874-4529/4452******

The following information and checklist is provided to assist you in confining a pre-trial prisoner at Brig Miramar:

Points of Contact:

(Legal Office)

DSN: 267-7068/9449

COMM: (858) 577-7068/9449

DSN: 267-7143 (Fax)

COMM: (858) 577-7143 (Fax)

Receiving and Release Duty Section

DSN: 267-7011

COMM: (858) 577-7011

DSN: 267-7149 (Fax)

COMM: (858) 577-7149 (Fax)

NOTE: New confinements and permanent releases do **NOT** require certified brig chasers for escort purposes; however, **all** subsequent appointments following initial confinement at Brig Miramar (court appearances, medical appointments, dental visits, etc) are the **SOLE** responsibility of the confining command and **do** require certified brig chasers. (See “Chaser Classes” for more info).

DISCLAIMER: Failure to provide **all** required items below at time of confinement may result in your prisoner **being turned away**.

Determine the closest DoD confinement facility

Original Confinement Order (DD FORM 2707 Mar 2013) add link “DD FORM 2707 mar 2013”

1. All previous editions of DD FORM 2707 are **obsolete** and will **NOT** be accepted.
2. DD FORM 2707 must be **completely** filled out. NO copies accepted.
3. “Medical Certificate” section (9a-10d) **must** be signed and stamped by a Medical Officer, certifying fitness for confinement. Any prisoner under the influence of any drug or alcohol (including withdrawal symptoms) is **NOT** fit for confinement and will be turned away.
4. If a female is being confined, a pregnancy test **is** required.

Charge Sheet (DD FORM 458, MAY 2000) add link “DD FORM 458 MAY 2000”

1. All previous editions of DD FORM 458 are **obsolete** and will **NOT** be accepted.
2. DD FORM 458 must be **completely** filled out.
3. Charges **must** be specific and be intended for future Courts-Martial.
4. Safekeeping and restriction at Brig Miramar are **NOT** permitted, and will be reported to CNPC as appropriate for future disciplinary action.

Prisoner Medical Record – if no record is available, provide SF 600 with confinement physical documentation. add link “SF 600”

Prisoner Dental Record

Prisoner Medication Requirements

1. If a pre-trial prisoner is currently taking medication, that medication **must** be brought with the prisoner to the brig at initial confinement. The medication **shall** remain in the custody of the escort until turned over to brig staff.

Uniform / Clothing Requirements – Select appropriate link below:

1. U.S. Army add link “U.S. Army Pre-Trial Prisoner Uniform Requirements”
2. U.S. Navy add link “U.S. Navy Pre-Trial Prisoner Uniform Requirements”
3. U.S. Air Force add link “U.S. Air Force Pre-Trial Prisoner Uniform Requirements”
4. U.S. Marine add link “U.S. Marine Corps Pre-Trial Prisoner Uniform Requirements”
5. U.S. Coast Guard add link “U.S. Coast Guard Pre-Trial Prisoner Uniform Requirements”

- NOTE:** Confining commands have **72 hours** to make up any deficiencies.
- Health and Comfort (H&C) Requirements** add link “Health & Comfort Requirements”
 1. Only those items that have **not** been previously opened/used will be accepted.

 - Ensure **all** requirements of R.C.M. 305 add link “Rule 305 MCM 2012” are followed in regards to Pre-Trial confinement

Permissible Reasons for Authorizing Pre-Trial Confinement:

1. An offense by courts-martial was committed
2. The accused committed the offense
3. Confinement is necessary because:
 - a. The Pre-Trial Prisoner will not appear at a trial, pre-trial hearing or investigation (**Flight Risk**)
 - b. The Pre-Trial Prisoner will engage in serious criminal misconduct (including obstructions of justice such as intimidation of witnesses, threats to the safety of the community and/or command, and threats to the effectiveness, morale, discipline or readiness of the command)
4. Less severe forms of restraint (restricted barracks, etc) are inadequate.

When Confinement is NOT appropriate (MILPERSMAN 1640-020):

1. For safekeeping or protective custody;
2. While awaiting trial by court-martial when the only charge preferred is violation of UCMJ, article 86, unless the number of offenses or the circumstances surrounding the member’s return to military control clearly indicate that confinement is necessary to ensure the member’s presence at trial;
3. While awaiting completion of appellate review after that portion of the sentence relating to confinement has been served;
4. While awaiting administrative discharge solely because of the impending discharge;
5. Solely because of emotional instability; or
6. For offenses that are to be referred to a summary court-martial (SCM) or disposed of at nonjudicial punishment (NJP).

Initial Review Officer (IRO) Hearing Information:

Ensuring the IRO hearing takes place is the confining commands responsibility.

Initial Review Officer (IRO) hearings are required within seven (7) days of initial confinement. Pre-Trial prisoners confined on Wednesdays, Thursdays, Fridays or Saturdays will have their IRO hearing on the next **Tuesday** (provided that day is not a federal holiday). Pre-Trial prisoners confined on Sundays, Mondays or Tuesdays will have their IRO hearing on the next **Thursday** (provided that day is not a federal holiday).

IRO hearings are held at the brig at **0730**. Additional hearings are scheduled as necessary.

The confining Commanding Officer's letter to the IRO is due to the Pre-Trial Administrator **within 72 hours of initial confinement**. Add link "**IRO 72 Hour Letter Template**" Justification by the CO for Pre-Trial Confinement (PTC) **must** be signed by the CO or Acting CO **only**. This justification **MAY NOT** be delegated. Please include all supporting evidence for allegations of misconduct.