

NAVCONBRIG MIRAMAR PRETRIAL PRISONER CONFINEMENT INFORMATION

Please be aware per DoDD 1325.04E Pretrial confinement of military prisoners normally will be on a non-reimbursable basis at a confinement facility or MCF nearest to the location of the court-martial proceedings. The closest facility may in some cases (i.e. Air Force) be a civilian facility with an installation-level Memorandum of Agreement. POC for Air Force units is: HQ AFSFC Corrections at DSN 945-5608/16 or 210-925-5608/16. 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 cases of officer confinement (including midshipmen, officer candidates and warrant officers), the officer's command **shall** notify Navy Personnel Command (PERS-00D) for designation of place of confinement.

The following information and checklist is provided to assist you in confining a pretrial prisoner at NAVCONBRIG Miramar:

Permissible Reasons for Authorizing Pretrial Confinement: (MCM R.C.M. 305)

1. An offense by courts-martial was believed to have been committed;
2. It is believed the accused committed the offense;
3. Confinement is necessary because it is believed:
 - a. The pretrial prisoner will not appear at a trial, pre-trial hearing or investigation (**Flight Risk**); or
 - b. The pretrial 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); or
 - c. Less severe forms of restraint (restricted barracks, etc) are inadequate.

When Confinement is NOT appropriate:

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 non-judicial punishment (NJP).

Initial Review Officer (IRO) Hearing Information:

Initial Review Officer (IRO) hearings are required within seven (7) days of initial confinement. Pre-Trial prisoners confined on Tuesdays, Wednesdays, and Thursdays (if early in the day), will most likely have their IRO hearing on the next **Friday** (provided that day is not a federal holiday). Pre-Trial prisoners confined on a Friday, Saturday, Sunday, or Monday will most likely have their IRO hearing on the next **Tuesday** (provided that day is not a federal holiday). IRO hearings are held at the brig at **1300**. Additional hearings are scheduled as necessary.

The confining Commanding Officer's letter to the IRO is due to the Pretrial Administrator **within 72 hours of initial confinement**. The CO or Acting CO must sign justification by the CO for Pretrial Confinement (PTC) **only**. This justification **MAY NOT** be delegated. Please include all supporting evidence for allegations of misconduct.

NOTE: New confinements and permanent releases do **NOT** require certified brig chasers for escort purposes; however, **all** subsequent appointments following initial confinement at NAVCONBRIG 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).

Points of Contact:

(Legal Office)

DSN: 307-7068/9449

COMM: (858) 307-7068/9449

DSN: 307-7143 (Fax)

COMM: (858) 307-7143 (Fax)

Receiving and Release Duty Section

DSN: 307-7011

COMM: (858) 307-7011

DSN: 307-7149 (Fax)

COMM: (858) 307-7149 (Fax)

**NAVCONBRIG MIRAMAR PRETRIAL PRISONER CONFINEMENT
CHECKLIST**

Disclaimer: Failure to provide all required items below at time of confinement may
Delay the confinement process.

Determine the closest DoD confinement facility

Original Confinement Order (DD FORM 2707) Latest Revision

1. Only the current version of the DD FORM 2707 will be accepted.
2. Original Confinement Order must be **completely** filled out. NO copies accepted.
3. Confining offenses **must** be listed on the Confinement Order.
4. “Medical Certificate” section (9a-10d) **must** be signed and stamped by a Medical Officer, Nurse Practitioners (NP), or Physician Assistant (PA), certifying fitness for confinement. Any prisoner under the influence of drugs or alcohol (including withdrawal symptoms) and is **NOT** certified as fit for confinement will be turned away.
5. If a female is being confined, a pregnancy test is required and the results must be indicated on the confinement order.

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

Prisoner Dental Record

Prisoner Medication Requirements – If a pretrial prisoner is currently taking medication, that medication **must** be brought with the prisoner to the brig at initial confinement. The medication **will** remain in the custody of the escort until turned over to brig staff.

Prisoner Uniform / Health and Comfort (H&C) Items Requirements:

- Refer to Uniform Requirements section on webpage.
- Only those (H&C) items that have **not** been previously opened/used will be accepted.