



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1640
Ser 00D/304
11 Jun 19

From: Director, Corrections and Programs Office (PERS 00D)

Subj: DESIGNATION OF PLACE OF CONFINEMENT FOR PRISONERS CONFINED
WITHIN THE NAVY SHORE CORRECTIONS SYSTEM

Ref: (a) My ltr 1640 Ser 00D/052 of 5 Feb 19
(b) SECNAV M-1640.1
(c) NAVADMIN 244/14
(d) DoD Instruction 1325.07 of 11 Mar 13
(e) BUPERSINST 1640.18I

Encl: (1) Prisoner Transfer Funding and Treatment Matrix

1. Purpose. To publish subject guidance.
2. Cancellation. This letter cancels reference (a) and reissues subject guidance.
3. Background
 - a. Authority. Per article 1201.5b(7) of reference (b), the Director, Corrections and Programs Office (BUPERS 00D/PERS 00D) has final authority for designating the place of confinement for all prisoners confined within the U.S. Navy corrections system.
 - b. Types of confinement facilities and confinement parameters. Article 2101.1a of reference (b) refers; however, PERS 00D retains the authority to further restrict confinement parameters as deemed necessary.
 - c. Confinement of pre-trial prisoners
 - (1) Per article 7104.4 of reference (b), pretrial prisoners, regardless of Service affiliation, shall be confined at the nearest or most convenient military correctional facility (MCF). Exceptions include where Navy commands have an existing Memorandum of Agreement (MOA) or Statement of Work with a civilian correctional facility approved in advance by PERS 00D.
 - (2) Per article 7401.1a of reference (b), transfer of pretrial prisoners between correctional facilities is not authorized except when transient individuals are being held for further transfer back to or near their parent command or the command to which assigned for disciplinary action. Exceptions to this policy are if an individual's life or safety is seriously threatened or if the court-martial is to be held in a different location from where the pretrial

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prisoner is presently confined and there is an authorized correctional facility closer to this locale than the present place of confinement.

d. Designation of place of confinement for post-trial prisoners

(1) Navy Prisoners. In the implementation of reference (c), PERS 00D is responsible to designate the place of confinement for all Navy prisoners adjudged with confinement in excess of 30 days or any sentences that include a punitive discharge or dismissal. PERS 00D shall directly coordinate with PERS 40BB for Permanent Change of Station (PCS) orders for Navy enlisted prisoners and applicable detailers for Navy officer prisoners. Paragraph 7 of reference (c) provides information to Navy commands regarding orders for Navy Service members in military confinement.

(a) Prisoners with a confinement sentence of 31 days or more or those with a punitive discharge or dismissal receive PCS orders and have full funding provided by the Line of Accounting (LOA) on the orders for transfer to the designated place of confinement. Once prisoner transfer orders are published by PERS 45, distributed by PERS 00D to Naval Consolidated Brig (NAVCONBRIGs), and then subsequently executed there is no LOA funding for further travel. Personnel Support Detachment Memphis does not fund requests for travel to another place of confinement. Unless otherwise coordinated by PERS 00D, NAVCONBRIGs are responsible for the funding of transfers (after completion of a prisoner's original transfer to the designated place of confinement) to the next place of confinement using Operation and Maintenance (O&M) funding.

(b) NAVCONBRIG Commanding Officers (CO) will request, via official correspondence to PERS 00D, for further transfer of a subject prisoner to another facility, other than the initial designated place of confinement. The request should include rationale to which PERS 00D will respond authorizing or denying the transfer. This process will be used for justification of the expenditure of O&M funds. NAVCONBRIGs are assigned personnel to conduct the mission via their Authorized Manning Document and maintain O&M funds for the mandated transfer after initial designation orders are completed.

(c) In the event a NAVCONBRIG CO determines that a transfer cannot be completed by the estimated date of arrival, as published on the prisoner's transfer orders, the CO will immediately contact PERS 00D.

(2) Other-Service Prisoners. Per reference (d), coordination for transfer from one Service's custody to the facility of another Service must be made with the Service corrections headquarters of the receiving Service at a minimum of 48 hours prior to the transfer. Other Service corrections headquarters have the responsibility of close coordination with PERS 00D for finalizing assignment of the prisoner to an appropriate facility per established MOA and Memorandum of Understanding.

4. Treatment needs affecting transfer. It is the intent and expectation of the Navy corrections program to align post-trial prisoners with direct access to the eligible treatment and educational programs associated with their confining offense(s). PERS 00D recognizes

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that there may be occasions where sentence length remaining after adjudication is insufficient to attend confining-offense related treatment or prisoners may refuse to enroll, actively participate, disrupt, or fail to progress in treatment programs. In these types of cases, prisoners will be distributed throughout the Navy corrections system to allow proper load balancing of prisoner population. Prisoners may voluntarily address other problem areas while in confinement such as sex offender education, substance use, violent offender treatment or education, stress management, and other related rehabilitative and educational programs. All prisoners will be provided guidance on arranging a community-based treatment plan before release.

a. Eligibility criteria for the Sex Offender Treatment Program (SOTP)

(1) The SOTP is an 18-month extensive program administered at NAVCONBRIG Miramar.

(2) The prisoner's confinement time takes into consideration the combined administrative and judicial confinement credit, transfer time, good time abatement credit, earned time abatement credit, general orientation, and up to three months wait time for program entry, assessments, and administration. Thirty one months of post-trial adjusted sentence is required to have sufficient time to complete the program. Prisoners arriving with 30 months or less to serve, upon arrival or at sentencing, will not be enrolled in the SOTP and will be transferred to an appropriate facility based on confinement needs.

(3) Post-trial prisoners eligible to attend the SOTP per paragraph 4a(2), above, must be expeditiously transferred to NAVCONBRIG Miramar. This provides an opportunity for prisoners to be a part of the supportive SOTP culture to encourage active participation in the program.

(4) Post-trial sex offenders who elect to decline treatment at the time of loading into the SOTP must do so in writing on a DD 2719, Continuation Sheet, that contains the following statement. "I have been advised that I meet the eligibility criteria to attend the SOTP that is administered at the Naval Consolidated Brig Miramar, San Diego, CA. I elect to refuse participation in the SOTP. I acknowledge that by refusing to participate, I may no longer be eligible for certain incentives, earned time abatements, and transfers." The DD 2719 must include two signatures: the prisoner and a witnessing correctional facility representative. Prisoners who refuse to sign will be considered treatment refusers and the correctional facility representative will notify the Brig Officer and annotate with their signature, "Prisoner refused to sign" on the DD 2719. The DD 2719 will be filed in the prisoner's record.

(5) Post-trial sex offenders enrolled in the SOTP at NAVCONBRIG Miramar who continually disrupt or fail to satisfactorily progress in the program will be dis-enrolled. PERS 00D will be immediately notified by the NAVCONBRIG CO with a recommendation regarding further disposition.

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b. Sexual Offense Education Program (SOED). SOED is available at all NAVCONBRIGs for those sexual offenders who are not eligible, or deemed as necessary after clinical assessment, for the therapeutic component of the SOTP. SOED provides stand-alone education that assist prisoners in preparing for release.

c. Violent Offender Treatment Program (VOTP). The VOTP is comprised of two programs:

(1) Skills, Techniques, Options, and Plans for Better Relationships Program (STOP). Only prisoners convicted of non-sexual violent offense(s) against intimate partners or family members are eligible to participate in the STOP. The program is a 52 week group which meets the most rigorous state requirements for completion of a domestic violence treatment program. However, for a prisoner with insufficient time to complete the 52 week program, a 26 week group is an endorsed program. STOP completion certificates will reflect the length of the individual program. The STOP program is available at NAVCONBRIG Charleston and NAVCONBRIG Chesapeake. NAVCONBRIG Miramar offers STOP only for those prisoners enrolled in SOTP with a discernable, separate violent offense conviction.

(2) General (Violence) Offenders (GO) Program. Only prisoners convicted of non-sexual violent offense(s) that were not against intimate partners or family members are eligible to participate. The 26 week group sessions program requires either full or partial admission of responsibility for the convicted violent offense(s). NAVCONBRIG Miramar will provide treatment to those convicted of a sexual offense, eligible for SOTP and having a separate violent offense that may also make them eligible for either STOP or GO. NAVCONBRIG Charleston and NAVCONBRIG Chesapeake will provide treatment to all other STOP and GO eligible prisoners.

(3) Sex Offenders convicted of an entirely separate violent offense and unrelated to their sexual offense shall be transferred to NAVCONBRIG Miramar where SOTP and VOTP can be provided. This process should ensure sufficient time to complete both programs and effectively reduce the number of prisoner facility transfers.

5. Transfer to the Federal Bureau of Prisons (FBOP). All discharged prisoners in receipt of a DD 214, Certificate of Release or Discharge from Active Duty, with greater than one year of confinement remaining shall be referred with an accompanying command recommendation to PERS 00D, in coordination with the Service clemency and parole board(s), for possible transfer to the FBOP.

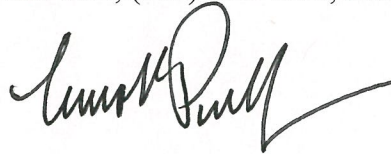
6. Female Prisoners. Regardless of the prisoner's geographic location, reference (c) refers; all post-trial female prisoners with a sentence of 12 months or more remaining to be served shall be confined at NAVCONBRIG Miramar. This requirement includes female prisoners who may ultimately be transferred to the FBOP.

7. Funding Prisoner Transfers. Funding matrix (e.g., who pays for the prisoner transfer) is attached as enclosure (1).

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8. Restrictions. Further restrictions on confinement capability of the Navy corrections system are contained in reference (f).

9. Point of Contact. Mr. Jesse Holmes, PERS 00D, (901) 874-4529, DSN 882, jesse.j.holmes@navy.mil.



T. E. PURCELL

Distribution:

NAVCONBRIG Miramar
NAVCONBRIG Charleston
NAVCONBRIG Chesapeake
NAVCONBRIG Miramar DET Pearl Harbor, HI
PCF, NAS Jacksonville, FL
PCF, FLEACT Yokosuka, Japan

Copy to:

AC&PB
NC&PB
AFC&PB
CDR ACC
CNIC (N142)
HQMC (PSL Corrections)
AFSFC/SFC

Prisoner Transfer Funding and Treatment Matrix

PRISONER STATUS	TRANSFER FROM	TRANSFER TO	PRISONER'S EXPENSES FUNDED BY	ESCORTS PROVIDE BY	ESCORTS FUNDED BY
All Services pretrial confinement	Parent command	An approved DoD / civilian correctional facility	Parent command	Parent command	Parent command
Other Service pretrial or post-trial	Navy correctional facility	Correctional facility as directed by parent command (pretrial) or Service Corrections HQ (post-trial)	Parent command (pretrial) or Service Corrections HQ (post-trial)	Parent command (pretrial) or Service Corrections HQ (post-trial)	Parent command (pretrial) or Service Corrections HQ (post-trial)
Navy initial post-trial confinement	Parent command / non-DoD approved local civilian correctional facility	An approved DoD / civilian correctional facility	Parent command	As coordinated with PERS 00D	Parent command
Navy post-trial (30 days or less)	An approved DoD / civilian correctional facility	An approved DoD correctional facility	Parent command	As coordinated with PERS 00D	Parent command
Navy post-Trial (31 days or more)	An approved DoD / civilian correctional facility	An approved DoD correctional facility	Designated NAVCONBRIG per BUPERSINST 7040.6B	Designated NAVCONBRIG or as coordinated	Designated NAVCONBRIG or as coordinated