



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

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From: Chief of Naval Personnel  
To: Distribution

Subj: EXCEPTION TO POLICY AND GUIDANCE ON TREATMENT OF OFFICERS  
CONFINED IN NAVY CONFINEMENT FACILITIES

Ref: (a) SECNAVINST 1640.9B of 2 Dec 96  
(b) MOA btwn ASA(M&RA) and ASN(M&RA) of 24 Mar 00  
(c) DODD 1325.4 of 17 Aug 01  
(d) DODI 1325.7 of 17 Jul 01  
(e) NAVPERS 156651, United States Navy Uniform Regulations

1. Purpose. To provide interim waiver to Articles 7103.2b(2)(b) and 7103.2b(2)(c) of reference (a) and guidance relating to treatment of confined officer prisoners and detainees at Navy confinement facilities.

2. Authority. Effective this date, per Article 1302.1 of reference (a), an interim waiver to the provisions of Articles 7103.2b(2)(b) and 7103.2b(2)(c) of reference (a) is provided. Implementing guidance is provided within paragraph 5.

3. Definitions. Officer prisoners/detainees include warrant officers, commissioned officers, cadets, midshipmen, and officer candidates. Hereafter, officer prisoners/detainees are referred to as "officer prisoners" unless otherwise specified. Enlisted prisoners and enlisted detainees, hereafter, are referred to as "enlisted prisoners" unless otherwise specified.

4. Background

a. NAVCONBRIGs Charleston and Miramar have previously confined only Level II prisoners, those with sentences up to 5 years. All female Level II prisoners were confined in Miramar. Per reference (b), NAVCONBRIG Miramar has also assumed the role as DOD Level III female confinement facility, initiating confinement of females of any sentence length, including life imprisonment. Thus, all post-trial DOD Level II/III female officer and female enlisted prisoners, unless otherwise authorized by NAVPERSCOM (PERS-84), are now transferred to NAVCONBRIG Miramar.

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b. Downsizing of the United States Disciplinary Barracks (USDB), Fort Leavenworth, KS, prompted revision to references (c) and (d), deleting the requirement for the Secretary of the Army, as DCD Executive Agent for Level III corrections, to confine all post-trial male officers at the USDB, without regard to length of sentence to confinement. Male officer prisoners with Level III sentences will continue to be transferred to the USDB, Ft. Leavenworth, KS. Those with Level II sentences can now also be confined at NAVCONBRIGs.

c. Current SECNAVINST policy, Articles 7103.2b(2)(b) and 7103.2b(2)(c) of reference (a), separates officer prisoners from enlisted prisoners until an approved sentence to dismissal has been executed. While the distinct status of officer prisoners is recognized, physical separation of officer prisoners from enlisted prisoners can adversely impact the efficient and economical provision of correctional programs and services due to small officer numbers, physical plant capability restrictions, and staffing constraints. To ensure efficient and economical provision of correctional services to all detainees and prisoners, both officer and enlisted, an interim waiver is provided.

##### 5. Implementation

a. Every effort shall be made to provide for the separation of officer prisoners from enlisted prisoners, in recognition of status, without explicit physical separation that inhibits the efficient and economical provision of correctional programs and services. However, the clear requirement for differentiation of pretrial and post-trial officers, from each other, in programs, work and berthing areas, remain per reference (a).

b. Officer prisoners will be treated the same as enlisted prisoners with the following exceptions:

(1) Officer prisoners will be berthed separately from enlisted prisoners. Pretrial officers will be berthed separately from post-trial officers.

(2) Single occupancy cell berthing constitutes appropriate billeting separation. Where multiple berthing (i.e., dorm) must be utilized, separation can be accomplished by segregation of spaces within the same berthing area.

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(3) Officer prisoners shall utilize brig support services areas (e.g., mess decks, library, small stores, etc.) without regard to separation from enlisted prisoners.

(4) Officer prisoners shall participate in those phases of the correctional orientation or treatment program determined by the commanding officer or officer in charge to be necessary to assure their control, custody, employment, training, health or welfare. When participation is deemed appropriate, integration of officer prisoners with enlisted prisoners is authorized.

(5) Officer prisoners will not exercise any command or supervisory authority over other prisoners or confinement facility staff while confined.

(6) Officer prisoners will comply with the rules and regulation of the confinement facility to the same extent as any other detainee or prisoner. They will follow orders of all staff members, regardless of rank.

(7) Disciplinary measures allowed are the same; however, until dismissal has been executed, such measures will be determined by the commanding officer directly. A Discipline and Adjustment Board recommendation is not required.

(8) Officer prisoners are not rendered a salute, not addressed by their rank, do not wear the insignia of their rank and, in order to prevent injury to the officer or others, they do not wear ribbons or collar devices at any time except for attendance at court-martial or official proceedings.

c. When a sentence of dismissal has been executed, the dismissed officer prisoner will continue to be confined with, and otherwise handled as, an enlisted prisoner.

d. Uniform regulations for officer prisoners are contained in Article 6409 of reference (e).

6. Applicability. This interim waiver is applicable to Navy confinement facilities. File a copy of this letter with reference (a) until the next changes to reference (a) are issued. Ensure all personnel concerned with related issues are aware of the contents of this letter.

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7. The point of contact for further information is  
Mr. Tim Purcell, NAVPERSCOM (PERS-84B), at (901) 874-4452/DSN 882.



G. L. HOEWING

Rear Admiral, U.S. Navy  
Deputy Chief of Naval Personnel

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