



## DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

5212

Ser 84/095

9 Jun 00

From: Commander, Navy Personnel Command  
To: Distribution

Subj: DISPOSITION OF RECORDS

Ref: (a) SECNAVINST 5212.5D, SSIC 1640  
(b) SECNAVINST 1640.9B  
(c) OPNAVINST 1640.7A

1. Reference (a) is the governing instruction regarding the disposition of records in the Navy. Specifically, paragraph SSIC 1640-2 of reference (a) provides guidance regarding the disposition of case file confinement records wherein confinement has been imposed as the result of a court-martial or non-judicial punishment (bread and water, diminished rations or correctional custody). However, there is nothing contained in reference (a) regarding the disposition of case file confinement records for personnel in a pre-trial confinement status who are released from confinement without ever having received a court-martial or non-judicial punishment for the alleged offenses for which they were confined. Article 8114 of reference (b) and article 1310 of reference (c) addresses the disposition of case file confinement records, but does not specifically address the issue of case file records for pre-trial detainees.

2. To clarify how the disposition of each category of case file confinement records is to be handled, the following is provided:

a. **Original case file confinement records for personnel released from confinement after having been confined** as the result of a court-martial (including those who were initially confined in a pre-trial status) or non-judicial punishment (bread and water, diminished rations or correctional custody) shall be disposed of per SSIC 1640-2 of reference (a).

b. **Case file confinement records pre-trial for detainees who are not court-martialed or do not receive a non-judicial punishment** resulting in confinement for bread and water, diminished rations or correctional custody prior to being released from confinement will be retained at the brig for a

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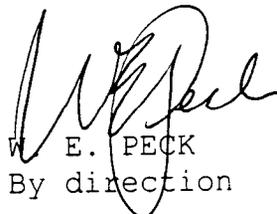
period of two years from the date of release and then destroyed. Victim/Witness records will be retained in a separate file folder accompanying the case file records and shall be destroyed on the same schedule.

c. In transfer cases wherein the transferring brig retains a duplicate copy of the case file confinement record, the case file confinement record will be retained at the transferring brig for a period of two years from the date of transfer and then destroyed.

3. Paragraph SSIC 1640-7 of reference (a) provides guidance on the disposition of records concerning personal property and funds of confined personnel. To ensure all confinement records on an individual are consolidated, the personal property and funds documents shall be included in the case file confinement record and disposed of as provided in paragraph 2 above.

4. These procedures will be reflected in the next changes to references (a) through (c), until then file a copy of this letter with references (a) through (c) and ensure all personnel concerned with the disposition of case files confinement records and personal property and funds documents are aware of the contents of this letter.

5. My point of contact is Mr. H.L. Thomas, DSN 882-4452 or (901) 874-4452.

  
W. E. PECK  
By direction

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