

Army Regulation 190–47

Military Police

The Army Corrections System

**Headquarters
Department of the Army
Washington, DC
17 March 2023**

UNCLASSIFIED

SUMMARY of CHANGE

AR 190–47

The Army Corrections System

This major revision, dated 17 March 2023—

- o Adds responsibilities for the Commanding General, Army Corrections Command, an organizational chain of command structure under Provost Marshal General (para 1–4*f*(3)).
- o Requires Army Corrections Command headquarters and all Army Corrections System facilities be accredited by an external correctional agency approved by Army Corrections Command, Headquarters in coordination with the Deputy Assistant Secretary of the Army (Review Boards) (para 1–6*b* and appendix F).
- o Defines Army Corrections Command Organization and Administrative Functions (para 2–1).
- o Adds Army Corrections Command commanders' critical information requirements to serious incident reports (para 2–3*b*(4)).
- o Adds policy that female post-trial prisoners will not be incarcerated in continental United States facilities in Army Corrections System Facilities unless directed by Army Corrections Command (para 4–3*f*(2)).
- o Adds guidance on the Military Extraterritorial Jurisdiction Act of 2010 (para 4–3*h*).
- o Specifies the Installation Provost Marshal and Director of Emergency Services are accountable for all Soldiers and prisoners confined in local civilian confinement facilities and will maintain accountability through the updated approved electronic (automated) system, Army Corrections Information System (para 4–3*k*).
- o Changes GS–10 to GS–11 in the Disposition Boards procedures (para 7–7*i*).
- o Allows pretrial prisoners to volunteer to work (para 8–2*j*).
- o Adds policy on prisoner marriage ceremonies within an Army Corrections System facility (para 10–9).
- o Authorizes Army Corrections System facility commanders to approve serving non-hot meals (sandwiches) during times of emergency or lockdowns for security and safety reasons (para 16–4*d*).
- o Establishes Special Communications and Contacts Control Measures, per Army Directive 2019–01 (chap 18).
- o Authorizes commissioned officers (including commissioned warrant officers in the grades of W–2 through W–5) the ability to voluntarily waive, in writing, the right to be segregated in pretrial (throughout).
- o Changes the classification board chair from GS–12 or above to GS–11 or above (throughout).
- o Replaces the term 'Emergency home parole' with 'furlough' (throughout).
- o Removes the term 'Temporary Home Parole' from regulation.
- o Reorganization of chapters, paragraphs, and appendices.


Effective 17 April 2023

Military Police
The Army Corrections System

By Order of the Secretary of the Army

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General, United States Army
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History. This publication is a major revision.

Summary. This regulation covers policies governing the Army Corrections System and implements DoDD 1325.04E and DoDI 1325.07. This regulation sets forth operational control of Army Corrections System facilities located worldwide to the United States Army Corrections Command. It mandates use of the Army Corrections Information System, a database automation platform technology, to uniformly collect, record, organize, and process data from Army Corrections System facilities and to report, share and disseminate data. The Army Corrections Information System is used for all facets of facility and agency accountability of prisoners and confined personnel. The United States Army Corrections Command is the primary administrative control of the Army Corrections Information System platform within Army Corrections System facilities.

Applicability. This regulation applies to the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated. In addition, this regulation also applies to all assigned, attached, or operationally controlled Army Corrections Command personnel and all Army Corrections System prisoners incarcerated in Army Corrections System facilities.

Proponent and exception authority. The proponent of this regulation is the Provost Marshal General. The proponent has the authority to approve exceptions or waivers to this regulation consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification including a full analysis of the expected benefits and will include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific requirements.

Army internal control process. This regulation contains internal control provisions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see appendix G).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Office of the Provost Marshal General, 2800 Army Pentagon, Washington DC 20310–2800.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Office of the Provost Marshal General, 2800 Army Pentagon, Washington DC 20310–2800.

Committee management. AR 15–39 requires the proponent to justify establishing/continuing committee(s), coordinate draft publications, and coordinate changes in committee status with the U.S. Army Resources and Programs Agency, Department of the Army Committee Management Office (AARP–ZA), 9301 Chapek Road, Building 1458, Fort Belvoir, VA 22060–5527. Further, if it is determined that an established "group" identified within this regulation later takes on the characteristics of a committee, as defined in AR 15–39, then the proponent will follow all AR 15–39 requirements for establishing and continuing the group as a committee.

Distribution. This publication is available in electronic media only and is intended for command levels C, D, and E for the Regular Army and D and E for the Army National Guard/Army National Guard of the United States and the U.S. Army Reserve.

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*This publication supersedes AR 190–47, dated 15 June 2006, and AD 2019–01, dated 17 January 2019, is rescinded upon publication of this AR.

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Glossary

Chapter 1

The Army Corrections System

1–1. Purpose

This regulation establishes policy, procedures, and responsibilities associated with the U.S. Army Corrections System (ACS).

1–2. References and forms

See appendix A.

1–3. Explanation of abbreviations and terms

See the glossary.

1–4. Responsibilities

a. Assistant Secretary of the Army (Manpower and Reserve Affairs). On behalf of the Secretary of the Army, the ASA (M&RA) will exercise Army Secretariat oversight for Army corrections, parole, mandatory supervised release (MSR), and clemency functions and accreditation. ASA (M&RA) has delegated responsibilities to the Deputy Assistant Secretary of the Army - Review Boards (DASA–RB) for oversight of Army corrections, parole, MSR, clemency functions and accreditation. The DASA–RB as delegated by the Secretary of the Army, will provide oversight of the Army Corrections System. The DASA–RB exercises this authority through the Army Review Boards Agency. During annual technical assistance visits (TAV) and accreditation audit preparation the DASA–RB will provide oversight on behalf of the Secretary of the Army. Additionally, the ASA (M&RA) has responsibility for the functions and operation of the governing body of the ACS, the Army Corrections Council, which is composed of the following members—

- (1) Assistant Secretary of the Army (Installations, Energy and Environment).
- (2) Senior Deputy Counsel, Office of General Counsel.
- (3) Deputy Assistant Secretary of the Army (Military Personnel Management & Equal Opportunity Policy).
- (4) DASA–RB.
- (5) ASA (M&RA).
- (6) Provost Marshal General (PMG).
- (7) Commanding General (CG), Army Corrections Command (ACC).
- (8) Deputy Chief of Staff, G–1 (one representative).
- (9) The Judge Advocate General (TJAG) (one representative).
- (10) Deputy Chief of Staff, G–9 for Installation Management (one representative).
- (11) Commanding General, U.S. Installation Management Command (IMCOM) (one representative).
- (12) The Surgeon General (invitational advisor only).
- (13) Chief of Chaplains (invitational advisor only).

b. The General Counsel. The General Counsel will provide legal advice to the Secretariat regarding Army corrections activities.

c. The Surgeon General. The Surgeon General will establish procedures for ensuring availability of health care to prisoners in Army custody, consistent with what is provided to Regular Army. The installation medical treatment facility will inspect health services and sanitation monthly, when the facility is occupied.

d. The Judge Advocate General. TJAG will provide advice on ACS legal issues; provide advice on legal issues of confinement and corrections to the PMG; and ensure the necessary support is provided to meet the legal needs of prisoners incarcerated within the ACS.

e. The Chief of Chaplains. The Chief of Chaplains will ensure the necessary support to meet the religious and pastoral needs of prisoners incarcerated within the ACS.

f. The Provost Marshal General. The PMG provides authority, direction, and control of the ACS via the Commanding General and staff of the ACC, an agency coordinating functions through OPMG. The PMG provides executive oversight of OPMG resources, and leads and executes policy for all matters relating to Army corrections and detention (to include confinement and correctional programs for U.S. prisoners). The PMG will—

(1) Develop and oversee implementation of corrections policy as functional proponent for AR 190–47, AR 190–55, and AR 633–30.

(2) Ensure operational execution of the Secretary of the Army's Department of Defense (DoD) Executive Agent responsibilities for Level III Corrections (correctional programs and facilities applicable to U.S. military prisoners sentenced to death or to confinement exceeding 10 years).

(3) Through the Commanding General, ACC, the PMG will—

(a) Assume responsibility for and supervision of the administration and operation of all ACS facilities.

(b) Establish services, programs, and policies to promote uniformity, effectiveness, and efficiencies within military correctional programs and correctional facility operations.

(c) Ensure correctional programs, confinement and correctional facilities design, operations, management, and administration are sufficiently equipped, staffed, and administered to provide a safe and secure environment for the incarceration of U.S. military prisoners and others as authorized by proper authority.

(d) Enforce leadership principles and administrative controls necessary to provide ACS facilities with a disciplined, well-trained professional workforce, capable of securing, safeguarding and administering correctional services for U.S. military prisoners and others as authorized by proper authority.

(e) Establish, implement, and maintain an inspection and review program for all ACS facilities which meets accreditation standards of an external national correctional organization agency in coordination with the DASA–RB.

(f) Conduct annual technical assistance visits, periodic inspections and perform accreditation audit preparation in support of all ACS facilities worldwide. Inform and include the DASA–RB in participation as oversight for TAV's and audits, and upon completion the provide findings and recommendations.

(g) Oversee the ACS Victim/Witness Notification Program and facilitate ACC function as the Army Central Repository for archived victim/witness files.

(h) Oversee the identification, verification, and notification of prisoners subject to sex offender registration requirements confined within ACS facilities.

(i) Develop correctional Program Objective Memorandum (POM) requirements for ACS facilities to identify the planning, programming, and budgeting phases for future year's resources to support the ACS, coordinate with Assistant Secretary of the Army (Financial Management & Comptroller) (ASA (FM&C)) for Congressional budget approval. Determine future budget allocations, manage corrections funding and resource distribution.

(j) Review all civilian jail contracts, memorandums of understanding (MOU), memorandums of agreement (MOA) and Intergovernmental Support Agreements relating to confinement and custody of U.S. military prisoners and correctional practices.

(k) Represent the PMG at DoD Corrections Council meetings.

(l) Designate representatives to develop, publish, maintain, and review regulations, policies, procedures, operations manual(s), and guidance on the employment and function of the ACS and distribute appropriately. Conduct review and revision of essential publications and policies at least annually.

(m) Ensure the operational execution of the Secretary of the Army's DoD Executive Agent responsibilities for Level III Corrections (correctional programs and facilities applicable to U.S. prisoners sentenced to death or to confinement for more than 10 years as defined by DoDD 1325.04 and DoDI 1325.07). Operate, fund, and staff facilities for the incarceration of all members of the Armed Forces.

(n) Act as the single point of contact with the Federal Bureau of Prisons (FBOP) for the transfer of all military prisoners in DoD custody to the FBOP.

(o) Act as the single point of contact for liaison with the U.S. Marshal Service.

(p) Only the President of the United States can approve and order the execution of a death sentence. The SECARMY is responsible for providing a facility to carry out executions of military prisoners with approved death sentences. The PMG will coordinate the execution of condemned military prisoners.

(q) Provide a facility to carry out executions of military prisoners with approved sentences to death.

(r) Oversee of the identification, verification, and/or collection of Deoxyribonucleic Acid Analysis (DNA) for those prisoners convicted in a special or general court-martial (GCM) and confined in an ACS facility.

(s) Oversee of the identification, verification, and/or collection of fingerprints for those prisoners convicted in a special or GCM and confined in an ACS facility.

(t) Publish enforcement and reporting policies to ensure Army Continental United States (CONUS) correctional facilities are in compliance with Prison Rape Elimination Act (PREA) National Standards.

(u) Designate by appointment an Exempt Determination Official (EDO) located at the ACC Headquarters, in accordance with the Office of the Provost Marshal General's Human Research Protections Program (OPMG HRPP) for review and support of all research proposals and designs.

g. *Director, U.S. Army Criminal Investigation Division.* The Director, USACID will—

(1) Ensure investigation of the Prison Rape Elimination Act (Part 115, Title 28, Code of Federal Regulations (28 CFR 115)) incidents within Army Correctional Facilities are conducted in accordance with the policies and procedures established in the memorandum of understanding with ACC.

(2) Establish policies and procedures concerning felony criminal investigations with Criminal Investigation Division (CID) purview in accordance with AR 195–2, appendix B, associated with prisoners and employees in the corrections activities.

(3) Ensure the Director, U.S. Army Crime Records Center (USACRC) establishes policies and procedures for processing Federal Bureau of Investigation (FBI) Form FD 249 (Arrest and Institution Fingerprint Cards) and, when applicable, FBI Form R–84 (Final Disposition Report).

(4) Ensure the Director, USACRC establishes policies and procedures for processing DD Form 2791 (Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements).

(5) Ensure the Director, Defense Forensic Science Center (DFSC) establishes policies and procedures for processing deoxyribonucleic acid (DNA) collection for Combined DNA Index System (CODIS) by U.S. Army Criminal Investigation Laboratory (USACIL).

h. Commanding General, U.S. Installation Management Command. CG, IMCOM will—

(1) Provide common levels of administrative and logistical support to ACS facilities and ACC elements on a non-reimbursable basis and in accordance with installation service support agreements. Pursuant to this responsibility, provide health, religious, recreational, employment, educational, training, food service, and transportation support to ACS facilities on their installations consistent with resources available.

(2) Provide installation service requirement base operations support for fire and safety inspections.

(3) When DoD correctional facilities are not available, garrison commanders may establish contracts for pretrial confinement and short term post-trial confinement up to 30 days. Contracts will be forwarded to ACC for review and guidance prior to implementation.

1–5. Records management (recordkeeping) requirements

The records management requirement for all record numbers, associated forms, and reports required by this publication are addressed in the Records Retention Schedule–Army (RRS – A). Detailed information for all related record numbers, forms, and reports are located in Army Records Information Management System (ARIMS)/RRS – A at <https://www.arims.army.mil>. If any record numbers, forms, and reports are not current, addressed, and/or published correctly in ARIMS/RRS – A, see DA Pam 25–403 for guidance.

1–6. Policy

a. ACS facilities provide confinement, custody and control of military offenders while providing access to basic education, offense related counseling, selected academic courses, and training necessary to prepare military prisoners for return to military duty or to the civilian community.

b. All ACS facilities and the ACC headquarters will maintain accreditation by an external national correctional organization agency approved by CG, ACC, in coordination with the DASA–RB. Refer to appendix F for additional information.

1–7. Army Corrections System objectives

The objectives of the ACS are to—

a. Provide a safe and secure environment for the incarceration of U.S. military prisoners and others as authorized by proper authority.

b. Protect our communities by incarcerating U.S. military prisoners and others as authorized by proper authority.

c. Deter those who might fail to adhere to the law or rules of discipline.

d. Provide rehabilitation services to prepare prisoners for release as civilians or for return to duty with the prospect of becoming productive Soldiers/citizens.

1–8. Types and components of the Army Corrections System

The ACS is comprised of the ACC headquarters, U.S. Army Correctional Activities, and Theater Detention Facilities. Army Correctional Activities are designated as three levels of facilities: Level I Regional Correctional Facilities (RCF), including Level I minimum-security Joint Regional Correctional Facilities (JRCF); Level II medium-security RCF and JRCF; and Level III maximum-security facilities. Generally, OCONUS designated Level I and Level II facilities are secured, equipped, and staffed to sufficiently meet Status of Forces Agreement(s) (SOFA) requirements for detention and confinement of offenders within the service region. Figure 1–1 shows types and components of the ACS.

| Correctional activity level | Security level | Pretrial confinement | Post-trial confinement | Post-trial correctional capability | Special populations capability | Field Detention |
|-----------------------------|----------------|----------------------|--|--|---|-----------------|
| Level I | Minimum | Yes | Sentences of up to 1 year. | Crisis intervention, work opportunities, counseling services, behavioral health services, administrative support, religious services and drug and alcohol education | Minimal. Custody and segregation of male/female prisoners. | No |
| Level II | Medium | Yes | Sentences of up to 10 years or less. | Multifaceted correctional treatment programs, vocational and military training, administrative support, basic educational opportunities, employment, recreational programs, religious services, general and law libraries, and training necessary to prepare military prisoners for return to duty, if determined suitable, or to civilian society as a productive citizen | Yes. Custody and segregation management of limited pretrial females only and pre/post-trial male prisoners, at-risk populations, and special healthcare provisions. | No |
| Level III | Maximum | No | Sentences of more than 10 years, including life sentences and death sentences. | Multifaceted correctional treatment programs, vocational and military training, administrative support, basic educational opportunities, employment, recreational programs, religious services, general and law libraries, and training necessary to prepare military prisoners for return to duty, if determined suitable, or to civilian society as a productive citizen | Yes. Custody and segregation management of male prisoners, at-risk populations, and special healthcare provisions. | No |

Figure 1–1. Types and components of the Army Corrections System

a. Level I. Capable of providing pretrial and post-trial confinement of up to one year. Level I RCFs will provide crisis intervention, work opportunities, counseling services, behavioral health services, administrative support, religious services and drug and alcohol education.

b. Level II. Capable of providing pretrial and post-trial confinement for prisoners with sentences to confinement of 10 years or less, unless modified by the DoD Executive Agent for long-term confinement and approved by the DoD Corrections Council. Level II RCFs will provide multifaceted correctional treatment programs, vocational and military training, administrative support, basic educational opportunities, employment, recreational programs, religious services, general and law libraries, and training necessary to prepare military prisoners for return to duty, if determined suitable, or to civilian society as a productive citizen.

c. Level III. Capable of providing post-trial confinement exceeding Level II facilities up to confinement for life, as well as death sentences. Level III facilities provide all the programs and services available in Level II facilities.

d. Theater Field Detention Facility. Theater Field Detention Facilities (TFCF) are not considered ACS facilities. TFCF's are capable of providing necessary pretrial and post-trial confinement for U.S. military prisoners, DoD civilian employees, DoD contractor personnel, and other persons serving with or authorized to accompany the U.S. Armed Forces overseas during declared war and in contingency operations. Post-trial confinement may include temporary custody until the prisoner is evacuated from the theater to a permanent correctional facility or short-term sentences as

determined by the combatant commander. In support of the combatant commanders, ACC may provide support for correctional policy development and operational implementation.

1–9. Army Corrections System facilities

ACC administers ACS oversight through regionally aligned activity facility infrastructure listed in Figure 1–2.

| Region | Correctional activity level | Correctional activity | Facility | Location | Security level |
|-------------------------|-----------------------------|---|--|---|----------------|
| OCONUS - Europe | Level I | U.S. Army Correctional Activity - Europe (USACA-E) | U.S. Army Regional Correctional Facility – Europe (USARCF-E) | Sembach, Germany | Minimum |
| OCONUS – Southeast Asia | Level I | U.S. Army Correctional Activity - Korea (USACA-K) | U.S. Army Regional Correctional Facility – Korea (USARCF-K) | Camp Humphreys, South Korea | Minimum |
| CONUS - Northwest | Level II | U.S. Army Correctional Activity – Joint Base Lewis McChord (JBLM) | Northwestern Joint Regional Correctional Facility (NWJRF) | Joint Base Lewis McChord (JBLM), Washington | Medium |
| CONUS - Midwest | Level II | U.S. Army Correctional Activity – Fort Leavenworth | Midwest Joint Regional Correctional Facility (MWJRCF) | Fort Leavenworth, Kansas | Medium |
| CONUS - Midwest | Level III | U.S. Army Correctional Activity – Fort Leavenworth | United States Disciplinary Barracks (USDB) | Fort Leavenworth, Kansas | Maximum |

Figure 1–2. Army Corrections System Facilities

Chapter 2 Administration and Management

2–1. Army Corrections Command organization and administrative functions

a. Command and control. ACC exercises command and control and operational oversight for policy, programming, resourcing, and support of ACS facilities and assigned units; ACC provides detention units, leaders, and Soldiers to meet combatant commander requirements worldwide. On order, ACC coordinates disposition of all prisoners and mandatory supervised release and parole, as well as execution of condemned military prisoners.

b. Corrections council. ACC will participate in DoD Corrections and Army Corrections Council meetings and will provide updates on the availability of services and programs, make recommendations on policies and procedures to promote uniformity, effectiveness, and efficiency in military correctional programs and correctional facility operations.

c. Coordination of correctional and confinement services. ACC will participate in meetings and conferences with ACS facilities and other DoD organizations as required.

d. Army Corrections Command support to combatant commands. ACC will support combatant commanders by developing well-trained corrections and detention battalions, companies, and Soldiers who combine their experience in corrections with sound war-fighting skills to conduct successful detainee operations.

2–2. Policies

a. Correctional and confinement facility administration. ACS facilities will be operated and administered on a corrective, rather than a punitive, basis.

b. Facility mandate. Health, safety and welfare of personnel confined within ACS facilities is paramount. All prisoners will be treated with dignity and respect regardless of offense, designation, or incarceration status. Military prisoners will not be subjected to any form of punishment except as specifically provided for by law and within this regulation and other regulations as appropriate. ACS facility commanders will ensure policy and procedures protect prisoners from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment.

c. Authority and requirement for written plans, policy, procedure, and facility rules. ACS facility commanders are authorized to establish guidance and publish policies, standardized procedures, rules, and other such guidance relating to facility operations, staff training requirements, emergency action plans, prisoner guidance on conduct and behavior, including discipline standards, penalties, and board procedures for prisoners, and additional plans, policies and guidance consistent with this regulation and accepted practices within correctional settings as specified in nationally recognized correctional organizations. All such publications and establishments will be in accordance with this regulation and other appropriate regulations and laws.

(1) Inspection, technical review and evaluation of such facility plans and publications will be accomplished by CG, ACC through a cyclical technical assistance and accreditation process administered by the Director, ACC, in coordination with DASA–RB and other organizations or agencies as deemed appropriate by the PMG.

(2) ACS facility commanders will establish local policy and guidance informing prisoners of requirement for discipline and military courtesy standards when addressing or interacting with facility personnel, as well as other aspects of behavior expected within facilities, housing areas, whether in an observed or unobserved status.

d. Prisoner conduct and behavior. Prisoners, regardless of service affiliation, tenure, or custodial designation are expected to conduct themselves in a respectful manner, with behavior, decorum and courtesy consistent with AR 600–20, chapter 4, in their interactions with correctional staff, escorts, other prisoners and within facilities, when appearing before boards, and participating in rehabilitative programs, work details, and other activities. Appropriate behavior adjustments are a key indicator of successful correctional rehabilitation and reintegration programs.

e. Army Corrections System facility staff training requirement. Personnel assigned to operate and administer Army correctional facilities will be specifically trained in corrections management and operations. ACS facility commanders will—

(1) Ensure all personnel, including personnel assigned or attached from joint services, are fully oriented on the missions, objectives, and policies set forth in this regulation, prior to assuming such duties.

(2) Establish and employ a training program which prepares newly assigned or attached personnel for missions in contact with confined personnel, specifying adherence to procedures and protocols designed to protect the safety and welfare of staff personnel and confined personnel, and record such training in historical records.

(3) Conduct, at least monthly, a staff meeting with all department heads, and direct all department heads to conduct, at least monthly, a meeting with their key staff members to include refresher training and review of procedures, emergency plans, security and safety topics, and welfare aspects for general and special prisoner populations.

(4) CG, ACC will establish a program designed to promote a professional workforce of correctional personnel within ACS facilities and among ACC organizations; and may authorize, to such extent allowable and practicable, resources and access to nationally recognized training and certification programs for correctional employees, those employed under occupational code 0006, CMF 31E and service equivalent uniformed servicemembers, prisoner support service personnel and leadership; and authorize ACS facility commanders to incorporate memberships to such organizations as deemed appropriate to provide such certification and production of credentials within correctional staff personnel in a manner consistent with federal and nationally recognized corrections industry programs.

2–3. Reports

Status reporting and statistical documentation of facility activity is an important aspect of accountability within the ACS. ACC will collect reporting as required and establish policy, if necessary, to effect comprehensive reporting, document specific required data, and in order to assess the overall effectiveness of the ACS. Generally, reporting is accomplished through daily, weekly, monthly and annual reporting methods. Where practical, ACIS will be used to accomplish reporting requirements.

a. Army Corrections Information System. ACC administers the ACIS, a web-enabled computerized database modernization technology, to uniformly collect, record, organize, and process data from its correctional facilities.

(1) ACIS technology and capability will continue to develop in scale, capacity, capability and interoperability, enabling ACC to automate and modernize various reporting and data management aspects; major capability developments will be communicated by ACC to facility operators as available.

(2) ACS facility commanders will ensure administrative personnel and staff members responsible for accessing, managing, and reporting information regarding facility function, processes and status are fully trained and utilize ACIS for maximum efficiency.

b. Army Corrections Information System required reporting. ACS facility commanders will ensure the following reports are submitted to ACC by the frequency listed. Any discrepancies will be reported to ACC.

(1) *Daily confinement report.* The daily confinement report is processed in ACIS and records statistical data on the facility's prisoner population from 0001 to 2400 of the previous day. The report accounts for prisoner admissions, releases, status changes and demographics.

(2) *Monthly confinement report.* The monthly confinement report is processed in ACIS and records statistical data on the facility's prisoner population from the first day to the last day of the previous month. The ACS facility commander's notes section will be completed in ACIS no later than 23:59:59, Eastern Standard Time, on the 5th day of the following month-end. The ACS facility commander notes will include major developments in each department or administrative unit, major incidents, an assessment of staff and prisoner morale, and identify major problems within the facility and plans for solving them.

(3) *Annual confinement report.* The annual confinement report is processed in ACIS and encompasses a calendar year. It records statistical data on the facility's prisoner population from the previous calendar year using DD Form 2720 (Annual Correctional Report). This report is filed as a supplement to the December monthly report.

(4) *Monthly victim and witness activity reports reporting in Army Corrections Information System.* ACIS will be used to generate and maintain monthly victim/witness activity reports including the number of victims and witnesses notified and the reason for the notification of each prisoner status change during the month.

(5) *Annual facility report on victim and witness assistance.* The annual report on victim and witness assistance is processed in ACIS and encompasses a calendar year. It records statistical data using DD Form 2706 (Annual Report on Victim and Witness Assistance), items 4 and 5, and requirements of DoDI 1030.02 to the ACC. The report will be submitted by January 10 for the preceding calendar year.

c. Army Corrections Command Annual Report on Victim and Witness Assistance. In accordance with AR 27-10, the Army Central Repository Manager will compile cumulative data from all ACS facility victim/witness reports on DD Form 2706 and submit it to the Department of the Army, Office of the Judge Advocate General, Criminal Law Division, (DAJA-CL) Room 3B548, 2200 Army Pentagon, Washington, DC 20310-2200, no later than 15 February of each year.

d. Prison Rape Elimination Act annual reporting. The PREA, a federal law enacted in 2003, defined in 28 CFR 115, was created to eliminate sexual abuse in confinement. The legislation mandated the development of national standards. ACC will establish policy, guidelines and reporting procedures in compliance with the public law. Refer to specific published PREA policy and reporting guidelines issued by CG, ACC.

e. Annual Facility Historical Summary report. The Annual Facility Historical Summary is a fiscal year narrative statistical and descriptive report of each ACS facility activity. ACC will collect each facility's historical summary for inclusion into the annual command history (ACH) report. ACS facility commanders will prepare and submit to ACC an annual historical summary report no later than 45 days at the close of each fiscal year. This report will include, but is not limited to—

- (1) A copy of the latest organizational chart.
- (2) Assigned and authorized strengths as of the beginning and end of the fiscal year.
- (3) Major structural improvements in the physical plant, grounds, and facilities during the year, and recommended future improvements, alterations, and or construction programs.
- (4) A concise narrative statement concerning activities of each major organizational element describing significant accomplishments, deficiencies, and changes in operating procedures.
- (5) A brief summary of correctional treatment programs (for example, employment, training, education, counseling, recreation, work abatement, work release, and special temporary parole).
- (6) Statistical summary information concerning the receipt and release of prisoners.
- (7) Clemency actions during the year (remission and suspension of sentences, return to military Service, and parole).
- (8) In-service training for assigned personnel during the year.
- (9) Statistical summary information concerning professional corrections certifications and credentials earned or held by all military and civilian personnel as defined within accreditation standards of an external national correctional organization agency.
- (10) Financial summaries will illustrate operating costs of the facility.
- (11) A brief statement concerning problems and significant incidents (fires, riots, disturbances, investigated incidents of assaults of prisoners on cadre and cadre on prisoners, and attempted escapes) encountered during the fiscal year.

f. Annual command history report. The ACH is a fiscal year narrative statistical and descriptive report of the ACS. ACC publishes the ACH as a collective report of the headquarters, derived from ACS facility historical summary reports in accordance with AR 870-5. This report will include, but is not limited to—

- (1) A copy of the latest organizational chart.
- (2) Assigned and authorized strengths as of the beginning and end of the fiscal year.
- (3) Major structural improvements in the physical plant, grounds, and facilities during the year, and recommended future improvements, alterations, and or construction programs.

- (4) A concise narrative statement concerning activities of each major organizational element describing significant accomplishments, deficiencies, and changes in operating procedures.
- (5) A brief summary of correctional treatment programs (for example, employment, training, education, counseling, recreation, work abatement, work release, and special temporary parole).
- (6) Statistical summary information concerning the receipt and release of prisoners.
- (7) Clemency actions during the year (remission and suspension of sentences, return to military Service, and parole).
- (8) In-service training for assigned personnel during the year.
- (9) Statistical summary information concerning professional corrections certifications and credentials earned or held by all military and civilian personnel as defined within accreditation standards of an external national correctional organization agency.
- (10) Financial summaries will illustrate operating costs of the facility.
- (11) A brief statement concerning problems and significant incidents (fires, riots, disturbances, investigated incidents of assaults of prisoners on cadre and cadre on prisoners, and attempted escapes) encountered during the fiscal year.
- (12) Statistical summary of information contained within the most current DD Form 2706 items 4 and 5.

g. Critical Information and Incident Reports.

(1) *Commander's Critical Information Requirements.* The Commander's Critical Information Requirements (CCIR) is a reporting policy utilized to keep ACC leadership informed of incidents involving members of the ACC and ACS Facilities. ACC will establish a policy and publish a procedure for CCIR. CCIR category events and incidents must be reported within published timelines established by ACC.

(2) *Serious incident reports.* ACS facilities will coordinate with the local installation agency responsible for submitting serious incident reports (SIR) to Headquarters, Department of the Army (HQDA). Serious incidents involving prisoners in ACS facilities and local contract facilities will be reported in accordance with AR 190–45 and PMG/ACC CCIR.

(3) *Facility Readiness Report.* Facilities failing to meet the minimum physical plant standards established in this regulation, particularly those issues which could pose a safety or security risk to the health and welfare of confined persons, or staff personnel, will be reported to ACC. Reports will detail the areas where standards are not met and annotated in the ACIS Monthly Confinement Report.

2–4. Correctional holding detachments

a. Administrative accountability. Army prisoners confined at ACS facilities and other military correctional facilities will be assigned to a personnel control facility (PCF) with confinement at either an ACS facility or at a military correctional facility operated by another Service in accordance with AR 600–62.

b. Correctional holding detachment. A correctional holding detachment provides the organizational structure for Army prisoners to be attached for special circumstances. Administrators will utilize the troop program sequence number (TPSN) 78391 for administrative attachment.

c. Correctional holding detachment locations. Correctional holding detachments will be established at—

(1) United States Disciplinary Barracks (USDB), Fort Leavenworth, Kansas; for prisoners with special circumstances confined in CONUS facilities.

(2) USARCF–K, Camp Humphreys, Korea; for prisoners confined under SOFA.

d. Correctional holding detachment control. Facility commanders may appoint a detachment noncommissioned officer (NCO) in charge as appropriate.

2–5. Resource management

Funding covers all expenses incidental to confinement and correctional treatment of pretrial and post-trial military prisoners in Army custody in CONUS and OCONUS correctional facilities, including custody and control, costs of prisoner executions, professional treatment services, vocational training, education, administration, and management required at all Army confinement and corrections facilities. Provisions of Section 951, Title 10, United States Code (10 USC 951) authorizes the establishment of military correctional facilities as necessary for the confinement of offenders. Correctional facilities will provide for the education, training, rehabilitation, and welfare of confined offenders.

a. Resource programming. Expenses incidental to correctional staff headquarters, including technical assistance visits and inspections, professional development, and administrative support for both military and civilian personnel, to include travel in connection with transfer of prisoners and support to U.S. military personnel confined in foreign penal institutions, when support-in-kind cannot be given, are programmed within the resource.

b. Fiscal management. The ACC fiscal management program will adhere to planning, programming, budgeting, and execution systems developed by the DoD and Department of the Army (DA) as outlined in AR 1–1 and any supplemental guidance provided by the Office of the Administrative Assistant (OAA), Resource Services-Washington (RSW) and the PMG Sustainment Division.

(1) HQ, ACC will manage corrections funding, resource distribution, and develop POM requirements for ACS facilities. The POM identifies the planning, programming, and budgeting phases for future year's resources to support the ACS.

(2) Detailed guidance is reviewed by PMG Sustainment Division and approved by the ASA (FM&C) for inclusion in Congressional budget allocations.

c. Budget cycle and review. CG, ACC will monitor and review the expenditure of funds during periodic command reviews and PMG Program Budget Advisory Council (PBAC) meetings. As each event occurs during the budget cycle, guidance will be made available to the command for collection and submission of data to the operating agency.

(1) Continual fiscal assessments will occur to determine impact when funding levels are adjusted and/or changes in mission requirements.

(2) Funds will be distributed based on approved Funding Letter (FL) and approved spend plans. Transactions will be reconciled daily and reviewed to prevent potential Anti-Deficiency Act violations.

(3) ACC headquarters and facilities will adhere to the DoD, DA and OAA directives for budget reviews and reconciliation processes. This will be conducted on a quarterly basis to ensure compliance in accordance with DFAS-Indianapolis Regulation 37–100.

d. Safeguard and auditing of cash collections. ACS Facility commanders will establish procedures and auditing controls for the collection, maintenance, and safeguarding of all cash collections. Each facility will follow the established procedure. All cash collected for services provided at the facilities will be securely stored in a designated container with an appropriate locking mechanism. Cash will be secured until deposited. Auditing controls established will be sufficiently detailed to provide ability to identify any and all persons with access to designated container and record each access to the container, where practical. Discrepancies will be reported to ACC.

2–6. Personnel and Staffing

ACS facility personnel includes all assigned, attached or operationally controlled military and civilian personnel who work or provide services at an ACS facility. This includes military staff, DA appropriated fund civilian employees, nonappropriated fund (NAF) civilian employees, volunteers, other civilian personnel assigned to or working at an ACS facility, individual contractors, contract employees, and vendors delivering within ACS facility areas.

a. Human resources.

(1) It is ACC policy that ACS facilities will be appropriately staffed with the right mix of personnel (civilian and military) possessing the qualifications and skills relevant to the needs of the organization. This involves employing personnel, assigning work, developing career opportunities and skills such as in-service training, promoting and reassigning personnel resources, maintaining and compensating their services and addressing benefits to include salaries, insurance, and retirement. ACC will support ACS facilities responsible for overseeing management, labor and employee relations issues, to include leave, work hours, performance evaluations, awards, resignations, terminations, and disciplinary actions.

(2) ACC will support equal opportunity and fair treatment for all civilian personnel without regard to race, color, religion, sex/gender (including pregnancy, gender identity, and sexual orientation), age over 40, genetic information, disability, and/or national origin and for military personnel without regard to race, color, sex (including pregnancy), gender identity, sexual orientation, religion, and national origin.

(3) CG, ACC will delegate authorities consistent with Administrative Assistant to the Secretary of the Army (AASA) delegations of civilian human resource authorities to the lowest practical level while ensuring fair and consistent application through the command. These authorities provide a management responsibility to exercise decisions that are fiscally prudent and require adherence to all pertinent statutory authorities and applicable DoD and Army implementing guidance and procedures.

(4) All newly established position descriptions of appropriated fund civilian employees will be reviewed by Civilian Human Resources Agency and HQDA G-1, and approved by DoD for employees considered for Law Enforcement Officer (LEO) Special Retirement Coverage (SRC).

(5) DoDI 1325.07 states all confinement facility personnel will possess a high degree of maturity; and have no civilian felony convictions, or court-martial convictions for any offense with a maximum authorized sentence to confinement of over one year. Pursuant to 5 USC 7371, agencies must remove law enforcement officers from employment as law enforcement officers if they are convicted of a felony.

(6) ACC and ACS facilities will not prohibit ex-offenders from applying for positions. All selectees will be deemed qualified and suitable for employment in accordance with 5 CFR 731. If an employee is qualified, but determined not to meet suitability, a firm offer of employment will not be provided.

(7) ACS facilities will not hire or promote anyone who may have contact with prisoners, who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; or has been civilly or administratively adjudicated, or convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse.

(8) All ACS facility personnel are subject to a Criminal History Background Check as a condition of employment. The background check is conducted during the pre-employment process and every five (5) years after initial check.

(9) Staff members assigned duties within an ACS facility who may have contact with prisoners, have the affirmative duty to disclose sexual misconduct. Sexual misconduct includes engaging in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; or having been convicted in the community of engaging or attempting to engage in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or sexual activity without the victim's consent. Additionally, staff members must disclose if civilly or administratively adjudicated to have engaged in the activities described above.

(10) Unless prohibited by law, ACS facilities will provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

b. Personnel staffing.

(1) Staffing requirements at ACS facilities will be based on facility design, maximum capacity, mission, and operational requirements.

(2) ACS facilities will establish standard operating procedures (SOPs) to determine staffing levels, including security postings. Staffing levels will be reviewed at a minimum annually, at the facility level and by ACC, and adjusted as required. During the facility level review, the staff will consider—

(a) Any applicable DoD Directives, Instructions or Manuals; changes or revisions of Army Regulations; National Correctional Accreditation Standards for Adult Correctional Institutions and Core Jails; PREA Prisons and Jail Standards; and Bureau of Justice Restrictive Housing Standards.

(b) Any deficiencies identified by the courts, Army agencies, Federal investigative agencies, ACC, and internal inspections or assessments.

(c) Review of identified blind spots or where staff or prisoners may be isolated.

(d) Ways to mitigate risk through video monitoring, supervisor checks, location and number of supervisors, prisoner demographics and trends, or through other means.

(e) Security and supervision for programs on each shift.

(f) The location and time of substantiated and unsubstantiated incidents of sexual abuse.

(g) Any other factors unique to the facility.

(h) Available resources the facility utilizes to ensure adherence to the staffing plan.

(3) Prisoner work supervisors for ACS facilities may be either military or civilian, but will be selected on the basis of capability to train, supervise, or oversee. Personnel, other than correctional (military occupational specialty (MOS) 31E) personnel, may be used to supervise prisoners upon written approval of the ACS facility commander. A record of noncustodial supervisors who are trained to supervise prisoner work details will be maintained. Non ACS facility supervisors who are authorized to supervise prisoner work details will complete refresher training at least annually.

(4) Personnel assigned to ACS facilities will not normally be assigned duties other than those in direct support of the facility's mission. If ACS facility personnel are assigned other duties not in direct support of the facility, the performance of such duties will not degrade, or otherwise compromise the security of the correctional facility.

(5) Male and female personnel may be used to supervise prisoners of either sex.

c. Volunteer Program.

(1) The ACS facilities will provide for volunteer involvement in ACS programs, including service as advisors, interpreters, and similar direct-service roles. Volunteers will be managed in accordance with DoDI 1100.21. The screening and selecting of volunteers will allow for the recruitment from all cultural and socioeconomic parts of the community. ACS facility commanders will establish SOPs addressing, at a minimum—

(a) Designating a senior staff member responsible for coordinating the volunteer service program.

(b) Specifying the lines of authority, responsibility, and accountability for citizen involvement and volunteer services.

(c) Governing the recruitment, selection, orientation, training, and supervision of volunteers.

(d) Addressing the requirement for a criminal background check on all volunteers who have direct, unsupervised contact with prisoners/juveniles.

(e) Addressing the requirement where there is a system for official registration and identification of volunteers.

(f) Providing each volunteer completes an appropriate, documented orientation and/or training program prior to assignment. A record of volunteers who are trained to provide direct-service support will be maintained. Volunteers who are authorized by the facility commander to have direct contact with prisoners will complete appropriate orientation or pre-service training prior to any contact with prisoners or trustees and will complete refresher training at least annually.

(g) Providing each volunteer agrees in writing to abide by all facility policies, particularly those relating to confidentiality of information and security practices.

(h) Providing for volunteers to contribute suggestions regarding the establishment of policy and procedure related to the volunteer services program.

(2) Volunteers may perform professional services only when they are licensed and certified to do so. Professional insurance must be provided by the volunteer unless alternate arrangements are made in writing with the ACS facility.

(3) ACC will review and evaluate the volunteer programs and/or policy during annual HQDA inspections or technical assistance visits.

(4) Volunteers must complete a DD Form 2793 (Volunteer Agreement for Appropriated Fund Activities and non-Appropriated Fund Instrumentalities) before beginning their volunteer work.

2-7. Personnel training

All ACC units will conduct mandatory training as established in AR 350-1, applicable national correctional association standards, PREA Policy and annual training guidance. Training records will be maintained on all staff.

a. Correctional Officers and Custodial Personnel. All correctional officers will receive 120 hours of training during their first year of employment in corrections. Any approved national correctional association required training for new correctional officers not conducted at Advanced Individual Training (AIT) will be programmed and delivered by the ACS facility.

b. Correctional Staff. All new full-time staff members will complete a 40-hour formalized orientation program (Pre-Service) before undertaking their duty assignment.

c. Initial and annual training requirements. Annual staff training ensures proficiency in mandatory and job-related tasks, national correctional association and PREA standards. Commanders of ACS facilities will establish and conduct a continual in-service training program of at least 40 hours annually.

(1) All administrative and managerial staff receive 40 hours of training in addition to orientation (Pre-Service) training during their first year of employment and 40 hours of training each year thereafter.

(2) All professional specialists and paraprofessional staff such as behavioral health specialists; chaplains and chaplain assistants; medical personnel; and other non-custodial personnel who have prisoner contact will receive at least 40 hours of training in addition to orientation (Pre-Service) training the first year of employment and at least 40 hours each year thereafter. Those personnel should receive training in prisoner supervision, security, and PREA as well as specific training in their field as it relates to the institutional setting.

(3) All support staff such as food service workers, facility engineers, and vocational workers who have daily contact with prisoners will receive at least 40 hours of training in addition to orientation (Pre-Service) training the first year of employment and at least 40 hours each year thereafter. Those personnel should receive training in prisoner supervision, security, and PREA as well as specialized training in their field as it relates to an institutional setting.

(4) All clerical and/or support staff who have minimal contact with prisoners will receive 16 hours of training in addition to orientation training during their first year of employment and 16 hours of training each year thereafter. Those personnel should receive training in institutional rules, security, operational procedures, and PREA as well as training relevant to their particular job assignments.

(5) Contractors who provide services to prisoners (for example, religious, academic, medication distribution) will receive training by the activity they are assigned in accordance with their contract prior to having contact with prisoners and receive refresher training annually. Training will include orientation/training on institutional rules, security, PREA, and operational procedures appropriate to their level of interaction with prisoners. Contracted personnel and vendors will provide records of initial and annual training to the facility as indicated in their contracts.

(6) Contractors who do not have contact with, or provide services to, prisoners (for example, snack machine/soda machine vendors, waste collection) will receive, at a minimum, security awareness and PREA-related training as indicated in their contracts.

(7) All part-time staff will receive a formal orientation appropriate to their assignments and additional training as needed.

(8) Volunteers will complete an appropriate, documented orientation and/or training program prior to assignment; and receive refresher training annually.

d. Specialized Training.

(1) Specialized training compliant with ACC PREA Policy and Title 28 CFR, § 115.34 & 115.35, is required for the ACS facility. Training rosters showing completion of training will be maintained on file for inspection for all—

(a) Military Police Investigator with the V5 skill identifier, or service equivalent.

(b) Medical health staff.

(c) Behavioral health staff.

(2) Soldiers will be trained on the Rules for Use of Force (RUF) along with the techniques of using physical force to control and/or move prisoners with minimal harm to both prisoners and staff. Soldiers will be trained in approved methods of Unarmed Self Defense (USD) to control and/or move prisoner with minimal harm to both prisoner and staff and as a protection method. All Soldiers will receive USD training during orientation training and refresher training at least annually thereafter. Civilian personnel required to attend orientation (Pre-Service) training are required to attend USD.

(3) Weapons training/qualification is mandatory for all Soldiers. Soldiers will not be issued a weapon unless trained and qualified on the particular weapon in a manner compliant with established Army standards. Training on firearms will cover the use, safety, and care of firearms and constraints on their use. All personnel authorized to use firearms must qualify annually. All weapons training events will be deliberately planned, resourced, and executed.

(4) Nonlethal Weapons (NLW) training is mandatory for all Soldiers utilizing approved NLW, including Oleoresin Capsicum (OC) Pepper Spray. Soldiers will not be issued NLW and/or OC Pepper Spray unless trained and certified on the proper use, treatment of individuals exposed to a chemical agent, and the RUF for NLW and/or OC Pepper within the last 12 months.

(5) Designated correctional and all health care staff will be trained to respond to health-related situations within a four-minute response time. The training program will incorporate provisions of a nationally recognized correctional accreditation standard, identified as required training, conducted on an annual basis as established by the responsible health authority in cooperation with the ACS facility commander.

e. Standards of conduct training. ACS facility commanders will establish SOPs and conduct training on staff standards of conduct.

f. Orientations, Pre-Service and functional training. Facility commanders will ensure that training for each correctional security post and control point, including associated written orders specifying duties and responsibilities of the post, and any referencing protocols, procedures and activities therein, are included in Pre-Service, orientation and annual training for staff members. Records of such training will be maintained for each person assigned to the post or control point.

2–8. Property accountability and required inventories

a. Facility property management. The Army's inventory system is a basic tool used to manage property accountability. Property accountability deals with the obligation to keep records of property, documents, or funds such as identification data, gains, losses, due-ins, due-outs, and balances on hand or in use. All property acquired by the Army, regardless of source or whether paid for or not, must be accounted for in an approved Accountable Property System of Record (APSR). ACS facility commanders will ensure a facility supply program is developed in order to provide 100 percent annual inventory and accountability. The property inventory may be conducted on an annual and/or cyclic basis depending on the type of equipment. Results of the inventory will be documented as appropriate and maintained by the facility.

b. Property accountability. ACC headquarters will conduct periodic evaluations to assess and ensure a comprehensive program is in place.

(1) ACS facility commanders will take immediate action to ensure all lost, damaged, or destroyed Government property is accounted for through proper relief measures in accordance with AR 735–5 and current published property accountability guidance.

(2) Property accountability is inherent in all supervisory positions and is not contingent upon signed hand receipt responsibility.

(3) If circumstances warrant financial liability investigation of property loss (FLIPL), will be initiated, processed and completed in accordance with timelines in AR 735–5.

c. Property losses and damage. The command property book officer (PBO) will be notified of all financial liability investigations initiated for property losses, to include final disposition of the investigation. The command PBO will be responsible for notification of the commander of issues exceeding \$10,000. Approval authority levels for property damage or loss of items up to \$100,000 will be designated in writing for each ACS facility and headquarters.

d. Financial loss authority. The approving authority for final loss or damage that exceeds \$100,000 will be designated in writing for each ACS facility and headquarters in accordance with AR 735–5.

e. Logistics.

(1) All ACS facilities have the authority to purchase items in accordance with Army regulations and local contracting procedures. Each facility will establish individual processes through SOP's to ensure compliance and proper accountability in an APSR. Purchase requirements exceeding the IMPAC threshold will be addressed through contracting processes or the use of military interdepartmental purchase requests (MIPR) or SF 1081 (Voucher and Schedule of Withdrawals and Credits).

(2) An internal control program will be established in accordance with the Accounting and Auditing Procedures Act of 1950 as amended by the Federal Managers Financial Integrity Act of 1982. This program establishes internal controls to ensure obligations and costs are in compliance with applicable laws.

(3) ACS commanders are required to develop a supply program ensuring there is 100 percent accountability of property on an annual basis. ACS facility commanders will comply with Secretary of the Army Directives for contract approvals and adhere to and comply with supplemental procedures and guidance provided by the command level. To ensure contractors are accountable to the organization, upon approval and execution of a contract the command will adhere to the terms of the performance work statement and ensure appropriate quality assurance and/or evaluation methods are conducted during the contract period. During this period, the command representative will meet with all contractors at least annually to ensure the services meet the standards set forth in the contract and they align to the mission.

2–9. Research and evaluation

a. Army Corrections Command support to research efforts. Research is a valuable tool to assist ACC, ACS Facilities and other correctional professionals. ACC supports and will engage in research activities relevant to its programs, services, and operations. Research may be conducted by DoD personnel or outside professionals. Use of outside professionals is encouraged within the confines of applicable law.

b. Research request approval. The Director, ACC, must approve all research proposals prior to implementation.

(1) All research proposals and designs are reviewed by an EDO located at the ACC Headquarters, in accordance with DFSC and the Human Protections Director. Facilities or outside professionals must submit requests as outlined in Appendix B as applicable.

(2) Facilities will establish local procedures for processing research requests at the facility level, and ultimately must submit the proposals to the ACC EDO for review.

(3) ACS facility commanders are delegated the use of facility statistical research, program evaluations, and academic research using prisoner data.

(4) All research involving parole, clemency, and MSR must also be approved by Army Clemency and Parole Board (ACPB).

c. Oversight authority of research. If the ACC EDO determines that the research involves vulnerable categories of human subjects (for example prisoners), it must be forwarded to the OPMG Human Protections Administrator (HPA), located at the DFSC, prior to the research commencing. The OPMG HPA will ensure the research is conducted in accordance with 32 CFR 219, 45 CFR 46 Subpart C, DoDI 3216.02, and OPMG HRPP, including use of an Institutional Review Board (IRB) if required.

d. Prisoner research participation. Voluntary prisoner participation in medical, pharmaceutical and non-cosmetic research is permitted. Institutions and or prisoners electing to perform or participate in biomedical research will conduct it in accordance with 32 CFR 219, 45 CFR 46 Subpart C, DoDI 3216.02 and all applicable state and federal guidelines.

e. Exclusion of juveniles in research. Juveniles temporarily held under Military Extraterritorial Jurisdiction Act of 2010 (MEJA) will not be included in any research project.

f. Professional and scientific research ethics. All research will comply with professional and scientific ethics and Federal and military guidelines for research, use, and dissemination of research findings. References listed in this regulation provide specific guidance. ACS facilities will establish local procedures to ensure compliance.

g. Research findings and release of findings. CG, ACC is the approving authority for release of research findings published outside of ACC. ACS facility commanders are authorized to release research findings conducted and released within their facilities. Requests to release research findings will be sent to the approving authority along with the research information to be published. Research projects should receive the widest dissemination within the corrections and parole field.

h. Access to Army Corrections Information System for research purposes. ACC uses ACIS to uniformly collect, record, organize, and process data from its correctional facilities and to share and disseminate data. ACIS is used for

all facets of facility and agency operations. ACIS is able to retrieve and collect data for reports, research, and decision making. Access to ACIS is strictly controlled by ACIS administrators. Approval of non-law enforcement personnel for access to prisoner and facility data contained within ACIS is prohibited unless specifically authorized by ACIS administrators. Use of ACIS for collection of research data from requestors outside of ACC, ARBA, ACPB and USACID administrative personnel or users is authorized only by authority of the PMG.

(1) CG, ACC, Director and staff each receive a daily population report and monthly corrections report from those responsible. The monthly corrections report provides all the information required for the annual corrections report submitted to The Department of Justice (DOJ) through DoD each year. This includes the prisoner characteristics, movement, status of the offender population and ACS facility commander's comments. ACIS also allows individuals to pull specific reports. Death and escape reports are provided automatically to the CG, ACC, ACC Director and other key Army staff as they occur. One of the standard and global reports includes a master index identifying all prisoners committed or assigned to the agency by category of confined, on parole, on mandatory supervised release, and released.

(2) Information gathered in ACIS, which includes ACIS, is restricted on a need to know basis. Individuals have to request access to ACIS, and once approved by ACC, the agency/facility ACIS administrator will provide access to areas within ACIS which the individuals need to perform their duties. The most restrictive section is Victim/Witness which is limited to the Victim/Witness Coordinator (VWC) and anyone the ACS facility commander has identified on appointment orders. Individuals adding information into ACIS will only put in verified information. The system provides for the protection of the privacy of prisoners and staff. Requests for information from non-law enforcement individuals/agencies without access to ACIS will be through the FOIA, and release data will only be releasable through FOIA.

(3) ACC cooperates with military and other Governmental agencies in information gathering, exchange, and standardization. ACC submits its annual report through the DoD to DOJ annually. ACIS combines the law enforcement and parole agencies with correctional data automatically. The ACIS and ACPB module of ACIS allows all facets of corrections and parole and/or MSR to be standardized in gathering and reporting information. ACPB and other military agencies have access to information in ACIS. ACC also provides information to other Government agencies upon request.

Chapter 3

Physical Plant

3–1. Physical plant and equipment

a. Physical plant and equipment. The physical plant requirements for ACS correctional facilities include buildings for administration of the facility, control center, housing of prisoners, training, recreation, employment, correctional treatment programs, religious programs, health care, attorney visits, dining facility, legal support, library, supply and storage, education programs, and the means for making the buildings and areas handicap-accessible and secure against escape.

b. Facility standards. New designs and ACS facilities will meet recognized national correctional association accreditation standards such as and PREA standards, the most current correctional industry standards including—

(1) Electronic Security Systems (ESS) including, but not limited to: Closed Circuit Television (CCTV) system (cameras) and computers to operate the Human Machine Interface (HMI); Network Video Recorders (NVRs) to store video documentation for 21 days (standard); and uninterruptible power supplies. Supplementary systems may include an Intercom System (IS) for the doors/cells; a Public Address (PA) system; and a Duress Alarm System (DAS). These systems may interface with each other through the use of servers, network switches, and Programmable Logic Controls (PLCs) for door interface; or be stand-alone systems.

(2) Other potential ESS may include an Intrusion Detection System (IDS), fence monitoring; Electronic Entry Control System (EECS); and Personal Duress Alarm Systems.

c. New construction. New construction or modification of existing structures for incarceration purposes will be based on designs approved by the chief of engineers in direct coordination with ACC ICW Corrections Oversight.

d. Facility site placement. ACS facilities should be located away from installation perimeter fences, public thoroughfares, gates, post headquarters, swimming pools, post exchanges, theaters, family quarters, troop billets, Service clubs, dining facilities, foliage or wooded areas, active firing ranges, or any facility or activity where persistent noise levels would interfere with normal sleeping hours for prisoners.

e. Facility minimum requirements. Minimum standards for buildings used for billeting or segregation of prisoners are as follows—

(1) There should be sufficient disciplinary and administrative segregation cells to house prisoners equal to 10 percent of the facility maximum capacity, based on the standard allocation. Means for artificial lighting will be provided to the same extent (minimum of 20 foot-candles) provided to prisoners not in segregation. A minimum of 15 cubic feet per minute (CFM) of outside or recirculated filtered air will be circulated per occupant per cell and/or room. Construction before 1 January 1995 permits a minimum of 10 CFM of outside or recirculated filtered air. The temperature in each cell will be maintained in accordance with installation standards. A prison-type toilet, sink, and showers will be provided in each prisoner housing area in accordance with the following ratios—

(a) Toilets and hand-washing facilities 24 hours per day, to include toilet facilities without staff assistance when prisoners are confined in their cells/sleeping areas. Toilets are provided at a minimum ratio of one for every 12 prisoners in male facilities and one for every eight prisoners in female facilities. Urinals may be substituted for up to one-half of the toilets in male facilities. All housing units with three or more prisoners will have a minimum of two toilets. These ratios apply unless national or state building or health codes specify a different ratio.

(b) Operable wash basins with hot and cold running water in the housing units at a minimum ratio of one basin for every 12 occupants, unless national or state building or health codes specify a different ratio.

(c) Operable showers with temperature-controlled hot and cold running water at a minimum ratio of one shower for every 12 prisoners. Water for showers is thermostatically controlled to temperatures ranging from 100 degrees to 120 degrees Fahrenheit to ensure the safety of prisoners and to promote hygienic practices. The floors, walls, and ceilings will be a smooth surface free of physical hazards. Windows and doors will be of maximum-security type. The use of chains and padlocks in securing cell doors is prohibited.

(d) ACS facility commanders will ensure procedures provide for single occupancy cells and/or rooms to be available for prisoners meeting the following criteria: severe medical disabilities; suffering from serious mental illness; sexual predators; prisoners likely to be exploited or victimized by others; and prisoners who have other special needs for single housing.

(e) ACS facility commanders will ensure procedures specify the means for the immediate release of prisoners from locked areas in case of emergency and provide for a backup system. Standards for locking devices will meet established safety and security requirements as described in appropriate Army engineer guide specifications. In combustible buildings, manually operated locking devices permitting the opening and closing of all cells simultaneously will be installed on each line of three or more cells. Noncombustible buildings with power-operated locks will have a manual backup system to provide a means for the immediate release of prisoners in case of emergency. This requirement includes exit or corridor doors throughout the facility. Lightweight locks in the builders' hardware class are not authorized for use in securing prisoners. The security and management of keys and locks will conform to the policy and procedures outlined in this regulation.

(2) Storage areas within the facility will be provided for securing tools and equipment. In facilities where arms, tools, and supply rooms are located within the secure area, these items will be stored in a location or room separate from the prisoner population.

(3) A visitors' room will be provided and will not be divided by any type of barrier to keep visitors separated from general population prisoners. High-risk prisoners may be required to visit in a secured area using an intercom system and transparent barrier to keep prisoners and visitors separated. A locked storage area will be provided for securing visitors' hand-carried items not authorized during visits.

(4) Level I facilities will be single-fenced and Level II and III will have double exterior fencing. Fencing will be constructed of a type indicated in appropriate engineering guide specifications. Fencing will be a minimum of 12 feet in height plus an 18- to 24-inch top guard, preferably spring-type, on all vertical perimeter fences and on interior fences. Razor wire will be placed between the two fences and as the overhang on the exterior fence. Perimeter fencing will be installed with a concrete foundation so escape underneath the fence is not possible. A clear zone with a minimum width of 12 feet will be maintained between perimeter fences. A clear zone with a minimum width of 20 feet will be maintained on the exterior of the outermost perimeter fence.

(5) Facilities with permanent observation towers, the towers should be constructed of materials comparable or the same as the overall facility's material and will be spaced so correctional staff have an uninterrupted view of a minimum of 80 yards in any direction along the perimeter fence. The entire perimeter should be completely observed as well as all parts of the exercise yard. The towers will be of such height ensuring the exercise yard exterior fencing and the roofline of the correctional facility can be observed. ACS facilities with perimeter fencing with electronic security systems are not required to have permanent observation towers.

(6) Security lighting will be provided as follows—

(a) Adequate outside security lighting will be provided and will have safety glass covering for protection against breakage by thrown objects. Consideration should be given to the height and placement of the light poles to accommodate routine maintenance. Lights will be focused or shaded to prevent a glare in the eyes of correctional staff at fixed posts. Perimeter and interior lighting will be used to ensure visibility in all likely avenues of attempted escape.

(b) An emergency power generator will be provided and, when possible, located outside the perimeter fence. If located inside the perimeter fence, the generator will be adequately secured and controlled. A weekly inspection and a quarterly load-bearing test of the generator will be conducted, unless otherwise specified by the manufacturer, and made a matter of record in the daily blotter.

(7) Patrol roads or paths will be provided around the perimeter of the facility, as required for access by motor or foot patrols for facilities built before 2005. Facilities built after 2005 will have a perimeter road constructed adjacent to the perimeter fence, clear of obstructions and accessible by authorized facility patrol and emergency response vehicles or other vehicles as approved by the ACS facility commander or designee.

(8) Equipment required for effective safety and security of the facility operations will be provided. This includes but not limited to—

(a) Electronic Security Systems (ESSs) to provide a vital support system to the security of ACS facilities, designed with stand-alone or integrated redundant security equipment. These systems must meet Cybersecurity/Risk Management Framework (RMF) requirements. Funding of these system must include preventive maintenance and corrective maintenance to reduce the risk of a critical system failure. Preventive maintenance guarantees a maintenance plan is established and system checks are conducted. Corrective maintenance provides for replacement or repair of failed, damaged, or defective components, including hardware and software. Repair may be the overhaul, or replacement of nonfunctional parts or materials that have failed, that require continual repair, or show signs of imminent failure. Repair work may also include inspection, testing, adjustment, calibration, part of component replacement and programming, modernization, and cybersecurity support as required.

(b) Necessary tools for prisoner work and vocational training projects as well as tool repair and storage space.

(c) Space and equipment for producing identification photographs and fingerprints.

(d) An intercommunications system, independent of and in addition to an adequate telephone system, radios that provide efficient interdependent, mobile wireless communication, including a series of effective repeaters, for communication among observation towers, vehicle gates, prisoner living and segregation areas, prisoner processing areas, the dining facility, and the central communication station and installation.

(e) Equipment/supplies for religious services.

(f) Recreational equipment, recreational equipment space, and secure outdoor areas for prisoner recreation and training programs.

(g) Force cell safety equipment and disturbance control equipment will be readily available in the event of an emergency. Such items will be secured and located in an area separate from the prisoner population.

(h) First aid kits, medical protective clothing and equipment, and medical litters will be placed where they are readily available to custodial personnel.

(i) Equipment for outpatient health services support activities.

(j) Equipment for attorney interviews.

(k) Prisoner cell furnishings will be of detention-style (metal and/or hard plastic/rubber) construction. Specifications for the selection and purchase of facility furnishings indicate the fire safety performance requirements of the materials selected. The fire authority should be consulted to consider the flammability and toxicity characteristics of the products being evaluated.

(l) Prisoners will have access to approved commercial phones. Facilities designed after the publication of this regulation will have phones constructed with commercial, heavy duty, prison-type construction and operation. Volume control should be available for those prisoners with hearing impairments. A telecommunications device for the deaf (TDD) or comparable equipment should be available to prisoners who have hearing and/or speech disabilities and prisoners who wish to communicate with parties who have such disabilities.

(m) Close circuit television (CCTV) will be located to provide observation and monitoring of housing units, sally ports, recreational areas, facility exterior perimeters, dining areas, suicide cells, classrooms, visitation areas, hallways and corridors, vocational training areas, parking areas, and other areas with PREA consideration as determined by ACS facility commander.

(n) Body alarm or duress system.

(o) Computer and information technology equipment; and funding for life cycle of such equipment.

(p) Vehicles for facility support will include prisoner transport, security patrol, logistical support, training, prisoner work detail and administrative support.

(q) Facility furnishings.

- (r) Eye wash stations.
- (s) Fire extinguishers.

3–2. Space allocation for prisoners

Criteria to be used in determining space allocation for prisoners in Army correctional facilities follow:

a. Standard allocation.

(1) *Maximum custody and segregation prisoners.* Single cells are required for prisoners assigned to maximum custody and segregation. All cells in which prisoners are confined will conform to the following requirements—

(a) There will be at least 35 square feet of unencumbered space for the single cell occupant and 25 square feet of unencumbered space for each additional occupant.

(b) Provide a minimum of at least 80 square feet of total floor space.

(c) Unencumbered space is usable space not encumbered by furnishings or fixtures. At least one dimension of the unencumbered space will be no less than seven feet. In determining unencumbered space, all fixtures must be in operational position and will include the following minimum furnishings per person: bed, plumbing fixtures, desk, and locker.

(2) *Trusty/Minimum/Medium custody prisoner.* Single-occupancy cells and/or rooms and multiple-occupancy cells and/or rooms may be used for housing prisoners in trusty, minimum, or medium custody when the classifications system, cell and/or room size, and level of supervision meet the following requirements—

b. Standard operational capacity. There will be 35 square feet of unencumbered space when there is one person and 25 square feet of unencumbered space per person when there are 2 or more persons. There will be at least 80 square feet of total floor space. Male and female prisoners are housed in separate cells and/or rooms. Prisoners will be allocated space in accordance with this standard except under circumstances described in paragraphs 3-2c and 3-2d below.

c. Maximum operational capacity. While not desirable, it is recognized under certain conditions the standard allocation is not possible. A reduced allocation of 20 square feet of unencumbered space per prisoner, except those in segregation, is authorized when emergency or security conditions exist precluding the use of standard allocations. In determining unencumbered space, all fixtures will be in operational position and will consider the following minimum furnishings per person: bed and locker. The standard operational capacity will be used to determine mobilization prisoner capacities for the facility. ACC will approve maximum capacity.

d. Individual cells. Space allotment for individual cells or rooms constructed prior to 1 January 1995 will be at least 8 feet long, by 6 feet wide, by 8 feet high (minimum inside measurements).

Chapter 4

Confinement of Military Prisoners

4–1. Prisoner status

a. Pretrial prisoner. A pretrial prisoner is a person subject to the Uniform Code of Military Justice (UCMJ) who is properly ordered to confinement pursuant to Rules for Courts-Martial (RCM) 304, pending preferral of charges, disposition of charges, or trial by courts-martial, or a person properly ordered to confinement while awaiting trial by a foreign court.

b. Adjudged prisoner. An adjudged prisoner is a person whose sentence to confinement has been announced in open court but not yet approved by the convening authority.

c. Sentenced prisoner. A sentenced prisoner is a person whom the convening authority has approved the confinement portion of the sentence.

d. Discharged prisoner. A discharged prisoner is a person whose appellate review and execution of the punitive discharge has been completed.

e. Condemned prisoner. A condemned prisoner is a person for whom the President of the United States has approved the death sentence.

f. Casual prisoner. A casual prisoner is a person in confinement awaiting further instructions on their disposition from another command, military Service, or another Government agency or is waiting to be transferred to another facility.

g. Status change. A sentenced prisoner's status changes from military to civilian when they are retained under military jurisdiction after discharge or expiration of a confinement sentence pending additional charges or transportation to CONUS.

4-2. Sentence notifications

a. Written notification. When the court-martial order promulgating the sentence is received, and when a court-martial order remits or suspends a sentence or vacates a suspended sentence, the ACS facility commander or a designated representative will provide written notice of the sentence to the prisoner. The prisoner will acknowledge in writing the court-martial order was provided by signing a statement entered on the order containing the date of acknowledgment and the name and grade of the person who provided the order. The signed order will be placed in the prisoner's Correctional Treatment File (CTF). If a prisoner refuses to sign, the ACS facility commander or designated representative will make an annotation to this effect. Any supplemental orders, suspensions of confinement, or final orders received by the facility after a prisoner is released from confinement are forwarded to the unit of assignment and a copy placed in the prisoner's CTF.

b. Sentence calculation. If a court-martial sentence includes a provision for additional confinement contingent upon the failure of the prisoner to pay an adjudged fine, and it is determined the prisoner did not pay the adjudged fine as required, the ACS facility commander, or designated representative, will notify the prisoner's commander and the convening authority taking initial action in the case the additional confinement may not be executed until the requirements of the RCM action have been met. The notice will include the prisoner's anticipated minimum release date, parole, or MSR date. The notice will be initiated no later than 60 days prior to the prisoner's anticipated minimum release date, parole, or MSR date. The prisoner's commander has the authority to take action on the case unless the convening authority who approved the sentence indicates intent to act on the matter. Until the due process requirements for enforcement have been met, the additional confinement is not yet applicable and should not be used for any sentence calculations.

4-3. Authorized place of confinement

a. Sentence to confinement. A sentence to confinement adjudged by a court-martial or other military tribunal, whether the sentence includes discharge or dismissal and whether the discharge or dismissal has been executed, may be served in any place of confinement under control of any Armed Forces or in any Federally approved penal or correctional institution under the control of the United States, or which the United States may be permitted to use.

b. Confinement of prisoners under sentence to death.

(1) Except in time of war, the USDB is the only ACS facility authorized to incarcerate male prisoners under the sentence of death. This does not preclude the temporary incarceration of prisoners under sentence of death pending their transfer to the USDB. During time of war, other facilities may be designated by the Secretary of the Army to confine such prisoners. Incarceration of female prisoners under the sentence of death will be facilitated by order or directive from CG, ACC, unless otherwise specified by the PMG.

(2) Prisoners under sentence of death, or those who have been adjudged a sentence of death will be segregated from the remainder of the prisoner population at all times. These prisoners will not be commingled with other than death sentence prisoners in billets, recreation, employment, or subsistence. ACS facilities will place prisoners under sentence of death into administrative segregation until they are prepared for transfer. Every precaution will be taken to protect the prisoner and others from possible injury by lessening the possibility of escape and suicide.

c. Incarceration of pretrial prisoners. Soldiers ordered into pretrial confinement will be confined in ACS facilities whenever practicable. When memorandums of agreements/contracts are established, pretrial prisoners may be confined at any federally approved civilian correctional facility. Pretrial prisoners may not be confined at the USDB. Guidelines for pretrial confinement include—

(1) Pretrial confinement review procedures will be followed in accordance with the current Manual for Courts-Martial (MCM), RCM 305, and AR 27-10, paragraph 5-21.

(2) A person will not be placed in confinement solely to await the outcome of administrative discharge proceedings. Confinement, other than adjudged by a previous court-martial, will not be imposed pending trial or retrial unless permitted by military law.

(3) Unit commanders are responsible for all appointments and non-emergency escorts of pretrial prisoners outside the ACS facility. ACS facility commanders are only responsible for emergency medical escorts until such time the unit commander is notified and assumes escort reasonability.

(4) Pretrial prisoners will be segregated from post-trial prisoners in employment, billeting and recreation areas.

(5) A commissioned officer (including commissioned warrant officers in the grades of W-2 to W-5) and NCO (or noncommissioned warrant officer in the grade of W-1) in a pretrial status will be segregated from other pretrial prisoners unless they voluntarily waive, in writing, the right to be segregated and the waiver is approved by the ACS facility commander.

d. Hospitalized prisoners. Hospitalized prisoners will be placed in a specifically designated medical treatment area for proper security and control unless the hospital commander directs otherwise.

e. Incarceration with enemy prisoners of war. Members of the Armed Forces of the United States will not be incarcerated in a military correctional facility in immediate association with enemy prisoners of war or other foreign nationals not members of the Armed Forces of the United States.

f. Female prisoners. The procedures of this and other Army regulations addressing incarceration, restoration, clemency, and parole apply to female prisoners with the following exceptions—

(1) ACS facilities designated for incarceration of female prisoners will provide for separate living and personal hygiene areas from male prisoners.

(2) Female post-trial prisoners will not be incarcerated in CONUS ACS facilities unless directed by ACC. Female post-trial prisoners will normally be confined at designated Navy correctional facilities and local contract jails.

(3) Female prisoners sentenced to death will be confined at Southwest Joint Regional Correctional Facility (SWJRCF) Miramar.

g. Youthful prisoner. A person under the age of 18 sentenced by a court-martial to confinement or death and ordered into confinement by competent authority whether or not the sentence has been ordered approved by the convening authority. A person under the age of 18 placed into confinement by competent authority pending trial by court-martial (pre-trial). Youthful prisoners will be housed separate from general population by sight, sound and contact.

h. Prisoners of other Services and Military Extraterritorial Jurisdiction Act of 2010 (MEJA) prisoners. Prisoners of other Armed Services of the United States may be incarcerated in ACS facilities, in accordance with DoDDs and other appropriate Service agreements administered by ACC and other Services. Other Service prisoners incarcerated in ACS facilities are subject to the policies contained in this regulation, except as directed by ACC. Civilians who are ordered temporarily detained by proper authority pursuant to the MEJA may be detained in ACS facilities and should, to the extent practicable, be separated from sentenced military prisoners and members of the Armed Forces who are in pretrial confinement pending trial by court-martial.

i. Civilian prisoners charged under the Uniform Code of Military Justice. Civilians charged under the UCMJ in accordance with Art. 2(a)(10) may be placed in pretrial confinement by order of a general court-martial convening authority, or a designated commander in the grade of O-6 or higher. See Directive-Type Memorandum 09-015 - Policy and Procedures Applicable to DoD and United States Coast Guard Civilian Personnel Subject to UCMJ Jurisdiction in Time of Declared War or Contingency Operation, and AR 27-10. Pretrial civilian prisoners charged under the UCMJ should, to the extent practicable, be separated from sentenced prisoners.

j. Correctional custody. ACS facilities will not be used to carry out correctional custody as defined in the MCM, Part V, paragraph 5c(4), nor will correctional personnel (MOS 31E) be used to operate correctional custody facilities.

k. Installations with or without Army Corrections System facilities. Garrison commanders, in coordination with ACC, are authorized to contract to incarcerate pretrial and adjudged prisoners with sentences of 30 days or fewer in federally approved local civilian jails when military ACS facilities are not available. “Federally approved” is defined as a facility used or approved by the FBOP or U.S. Marshal Service, or is accredited by a national correctional association or the state for which the prisoner is to be confined. Agreements with civilian jurisdictions will provide for the segregation of pretrial Army prisoners by officer, NCO, and enlisted, by gender, and post-trial status. Copies of agreements will be forwarded to ACC HQs for review and recommendation. Installation provost marshal and director of emergency services in charge of law enforcement operations will ensure accountability for all Soldiers/prisoners confined in local civilian confinement facilities. Accountability reporting for Soldiers/prisoners confined in local civilian confinement facilities will be accomplished by utilizing the ACIS module. Additionally, the following will be adhered to—

(1) Personal interviews and telephonic communications between a prisoner and media representatives (print or broadcast) are not authorized unless a determination is made that such interview or communication serves a legitimate public interest or is in the best interest of the military. Media communication by prisoners is not authorized without prior approval of the CG, ACC.

(2) When entering into or renewing contracts ensure the contracted facility complies with the Department of Justice, PREA standards.

l. Confinement in detention cells. Temporary confinement will be implemented when—

(1) A military prisoner in a confined status is returned to an installation without an ACS facility to appear as a witness in a court-martial or a pretrial investigation or to consult with counsel; a military prisoner in this status may be confined in detention cell as long as necessary.

(2) A military prisoner is awaiting transfer to a DoD correctional facility as a result of a court-martial sentence to confinement. Military prisoners will be transferred to the designated correctional facility within seven working days following court-martial unless requested to and approved by ACC.

(3) All detention cell operations, except when used for temporary confinement, will be in accordance with AR 190-30 or ATP 3-39.10.

4-4. Determination of place of incarceration

Based on operational requirements and programs, ACC will determine and designate place of incarceration within the ACS for all prisoners who are sentenced to confinement for more than 30 days. ACC will develop and manage specific prisoner assignment criteria and direct prisoner transfers, as appropriate.

a. Local jails. Local contract jails may not be used to confine adjudged prisoners beyond 30 days without prior approval from ACC, unless limiting factors, such as natural disasters, emergency conditions, or imposed military stop-movement orders prohibit transfer of ACS prisoners.

b. Transportation and subsistence cost. Cost of transportation and subsistence incurred in the transfer of a military prisoner from place of trial to designated place of incarceration will be at the expense and responsibility of the losing unit.

c. Facility costs. Once confined at the ACC designated facility, any other subsequent transfer of place of incarceration to include transfer to other Military Correctional Facilities (MCF) operated by DoD service components, or FBOP institutions, will be at the individual facility expense.

4-5. Confinement of prisoner from losing unit to an Army Corrections System facility or another Military Correctional Facilities

a. Pretrial prisoners. Pretrial prisoners will be retained at a local ACS, other-Service or other federally approved civilian facility through completion of courts-martial.

b. Post-trial prisoners. Post-trial prisoners meeting the criteria to be reassigned in accordance with AR 600-62 will be administratively reassigned to the Fort Sill, PCF from their unit following receipt of facility designation memorandum from ACC and escorted to the designated correctional facility for the purpose of confinement.

(1) Prisoners will be attached to the correctional facility for subsequent court(s) and board(s) proceedings.

(2) Prisoner assignment orders will be issued by the installation Military Processing Division/Directorate as prescribed in AR 600-8-11 and AR 600-62, following facility designation by ACC.

c. Prisoner transfer actions. Eligible post-trial Army prisoners will be expeditiously transferred to the appropriate correctional facility within seven working days following courts-martial unless exceptional circumstances warrant deferring transfer. Pre-coordination with ACC for prisoner transfer to facilities outside the continental U.S. is required. The appropriate Staff Judge Advocate (SJA), in coordination the local unit, will provide written request for transfer delays to the CG, ACC, who will approve or disapprove the request. Exceptional circumstances include, but are not limited to—

(1) Prisoner's presence is required within the command's jurisdiction subsequent to court-martial to complete procedures essential to judicial and administrative requirements, to appear as accused in civil or criminal proceedings under the provisions of Articles 14 or 58a of the UCMJ, or to appear as a witness at the request of the local district attorney.

(2) Convening authority has initiated clemency action in the form of remitting or suspending prisoner's sentence to confinement.

(3) Prisoner's command has initiated administrative discharge procedures for the prisoner under the provisions of AR 635-200.

(4) Travel or escort issues, ACC notification is required.

d. Prisoner transfers and escorts. Prisoners will not be transferred prior to publication of official permanent change of station orders. Transfers will be conducted as outlined—

(1) Before actual transfer of pretrial/post-trial prisoners, ACC will establish the transfer date and notify the gaining facility of the prisoner designation.

(2) The unit will provide a minimum of one-day advance notification to the commander of the gaining facility, including the time and place of arrival, mode of transportation, name(s) of prisoner(s) being transferred, and number of accompanying escorts.

(3) Prisoners will be delivered to ACS facilities during normal duty hours whenever possible. The unit will notify the gaining facility of any delays in the scheduled time and place of arrival.

e. Unit escorts. Only the most professional leaders should be selected as unit escorts. Personnel detailed to serve as unit escorts must meet the following conditions—

(1) An escort must not be a victim/witness in the case.

(2) Escorts must be physically capable of subduing the pretrial/post-trial prisoner.

(3) Pretrial prisoners require a minimum of two escorts and one driver.

(4) One escort must be of the same sex as the prisoner. One escort for enlisted personnel must be an NCO of equal or greater rank than the pretrial prisoner being escorted and in a minimum grade of E-5. An officer of equal or greater

rank will escort officer pretrial prisoners. Remaining escorts will be in the rank of E-5 or above. The senior ranking member of the escort team is identified as Senior Escort.

(5) Post-trial prisoners require a minimum of two escorts (one being an E-5 or above) and one driver. One escort must be of the same sex as the post-trial prisoner.

(6) The use of force in supervising, controlling, or preventing escape of pretrial/post-trial prisoner will be the minimum amount of force necessary. If the need arises where force must be used, follow the performance measures outlined in this regulation.

(7) If authorized to carry a weapon, the escort must be qualified with the weapon they are carrying.

(8) Privately owned vehicles will not be used during escort or to transport pretrial/post-trial prisoners. GSA vehicles are authorized or rental vehicle if a suitable GSA vehicle is not available.

(9) When transporting pretrial/post-trial prisoners, should the vehicle become disabled or an overnight stop, stay or delay becomes necessary, the nearest MP station or county jail will be contacted for assistance in securing the pretrial/post-trial prisoner.

(10) In the event of an escape, refer within this regulation for additional requirements.

f. Senior escort actions. Actions by the senior escort on the date of prisoner transfer include—

(1) Ensure escort team members are knowledgeable of their assigned duties and responsibilities and the escorts understand the penalty for allowing a prisoner to escape.

(a) Conduct risk assessment and inform escort team of potential actions of the prisoner during transport such as escape and suicide attempts, attempts to acquire contraband, and attempts to manipulate escort team, or otherwise interfere with the transport procedure.

(b) Inspect to ensure the escort personnel have adequate and serviceable equipment.

(c) Ensure escort team are properly trained on the proper use of restraint devices, and are aware of approved retraining techniques. Hand irons or other restraining devices as specified will be used during transport of a prisoner.

(2) Escorts will be in appropriate civilian attire. Appropriate civilian attire is considered business casual: Slacks, shirt or blouse, and covered-toe shoes.

(3) Ensure the documents required to accompany prisoners on transfer are in the possession of escort personnel.

(a) Regardless of service, all victim and witness information will be hand carried by the escorts in a sealed envelope with a completed DA Form 200 (Transmittal Record) attached to it, and addressed to the commanding officer or designee of the receiving MCF. The cover page of the DA Form 200 will clearly state "Victim and Witness Notification Required."

(b) Senior Escort will ensure accountability and protection of transfer documents, and additional documents accompanying the prisoner.

(c) Prisoners are not authorized to possess, handle, carry or observe transfer documents, CTF or victim and witness information documents.

(d) Senior escorts responsible for transporting prisoners will be briefed regarding prohibition of prisoners possessing or viewing the CTF, victim and witness information documents and transfer documents during transport.

(4) Maintain reliable communications with destination confinement facility and originating command.

g. Prisoner transport attire. Prisoners will not be transferred in a military uniform. Place the prisoner(s) in appropriate civilian attire (jeans or slacks, shirt or blouse, and covered-toe shoes) or ACC-designated prisoner transport uniform without identifying markings.

(1) Inspect and search the prisoner(s) thoroughly for prohibited property.

(2) Prisoners may not have access to items which could be used as weapons, communication devices, or items which could be used to effect escape.

h. Losing unit commander actions. In all cases where post-trial prisoners are transferred to ACS facilities or other MCF locations, losing unit commanders will—

(1) Establish procedures to expedite completion of convening authority action and subsequent transmittal of court-martial orders.

(2) Ensure prisoners arrive accompanied by documentation clearly indicating their legal status and sentence imposed by the military court (or as modified by subsequent convening authority action), copies of Service Statement of Trial, confinement order, pretrial agreements, charge sheet, and victim and/or witness forms, and a description of the offense involved, accurate documentation of pretrial confinement data, explanation of judicially ordered administrative credit in accordance with MCM, deferment orders, record of trial, and documentation relative to any emotional or behavioral problems.

(3) Protect the legal rights of prisoners by establishing procedures to notify ACS facilities immediately when proper authority has modified the legal status or court-martial sentence of a transferred prisoner. ACS facility representatives

may be contacted telephonically; however, no prisoner will be released on the basis of a telephone call; written documentation is required.

i. Transfer upon completion of sentence. A prisoner who has completed a sentence to incarceration may be placed on excess leave and allowed to depart to their release address, sent to the PCF, or other disposition in accordance with the instructions of the PCF commander or designee.

4–6. Administration of other Service prisoners within the Army Corrections System

a. Confinement services. ACS facility commanders remain responsible for the control and correctional treatment of all prisoners confined in their facilities regardless of Service affiliation. Other-Service prisoners will be employed and receive professional services support, rations, and quarters at a level equal to what is provided to Army prisoners.

b. Boards and reviews. Other-Service prisoners confined in ACS facilities will be evaluated with respect to good conduct, clemency, parole, MSR, and return to duty in accordance with DoDI 1325.07 and an appropriate Service agreement. When Disposition Boards are conducted, the membership will include, at the option of the parent Service, a member of the parent Service.

c. Special notification requirements. The parent Service of other-Service prisoners in the ACS will be notified of all actual or alleged serious incidents, accidents, criminal acts, misconduct, or disturbances involving other-Service personnel or prisoners through liaisons established according to Service level agreement.

d. Service general courts-martial convening authority control. General courts-martial convening authority (GCMCA) will remain with the parent Service until such time as the prisoner is discharged or dismissed. Upon execution of the prisoner's discharge, the prisoner will be reassigned to the GCMCA of the ACS facility in which the prisoner is incarcerated.

e. Service actions. The parent Service of prisoners confined in ACS facilities will—

(1) Process Service-unique administrative actions associated with prisoner shipments to other facilities and provide escorts required for their transfer.

(2) Escort prisoners to and from ACS facilities for Service-unique and Service-directed requirements.

(3) Provide Service-unique administrative support for prisoners in ACS facilities to include maintenance of pay, health, and personnel and legal records.

f. Facility administration authority.

(1) Prisoners confined in ACS facilities will be subject to the ACS facility rules and regulations, regardless of the Service affiliation of the prisoner.

(2) Issues involving other Service prisoners requiring special management will be resolved by ACC and the respective Service headquarters.

(3) Behavioral and custodial concerns not otherwise addressed within this regulation or specified in Service level agreements will be appropriately addressed by ACS facility commander according to local policies and rules.

Chapter 5 Public Access

5–1. Public affairs

The ACC is committed to keeping the public and media informed of significant events occurring in ACS facilities. This commitment is balanced against the requirements to maintain institutional security and respect for the privacy of staff, prisoners, and volunteers in accordance with this regulation. ACC leaders should coordinate with local Army public affairs officials. ACS facility leaders must maintain good relations with representatives of the media while ensuring not to jeopardize security or violate Army policy or U.S. law in the process; likewise, leaders and administrative personnel must comply with PA and FOIA guidance, ensuring the protection and safeguarding of all protected information.

a. Public affairs authority. The ACC Director serves as the command Public Affairs officer and is the primary point of contact for matters regarding public communication. The ACC Director will coordinate all public communication matters of significant impact or likely to attract significant media attention directly with the Office of the Chief of Public Affairs (OCPA). The ACC Director and ACS facility commander will manage information disseminated to the public and to the media. Information determined detrimental to good order and discipline within the facility, or otherwise could compromise security practices, or information which may inappropriately disclose personal information will not be provided.

b. Media. Incarceration of any individual is a sensitive matter, and the Army is obligated to treat information concerning incarceration as confidential.

(1) Emergency and non-emergency requests for information. ACS facility commanders must be prepared to address and/or coordinate emergency and non-emergency requests for information from the media and identify their staff point of contact to local Army public affairs officials.

(2) Routine release of information. ACS facility commanders or their designees are authorized to communicate with the media on behalf of ACC on limited, routine releases of information in response to queries on ACS facility accomplishments such as community service projects, awards, promotions, participation in sporting events, family readiness group activities, or training events. Any interviews or news releases concerning ACS operations must be coordinated and/or discussed with the ACC Director in advance.

(3) News media visits. News media visits are normally not authorized. However, instances may arise when it is in the best interest of the prisoners and the Army to authorize special visits to designated facilities by media contributing a legitimate public information purpose.

(a) If an ACS facility commander believes a news media visit should be granted, a written request, including identification of accessible areas in the facility to media representatives, must be submitted to the ACC Director with appropriate justification. The ACC Director in coordination with OCPA will make a recommendation to the CG, ACC. No news media visits to ACS facilities are allowed without the approval of the CG, ACC or the ACC Director in the absence of the CG. ACS facility commanders will contact ACC 72 hours prior to any programmed news media at an ACS facility.

(b) Media coverage of special events should be carefully managed in coordination with the ACC Director in coordination with the OCPA. Any release of information associated with special events should be coordinated with the ACC Director, who will coordinate news release policy decisions with OCPA.

(4) Prisoner communications with the news media. Personal interviews and telephonic communications between a prisoner and media representatives (print or broadcast) are not authorized unless a determination is made that such interview or communication serves a legitimate public interest or is in the best interest of the military. Media communication by prisoners is not authorized without prior approval of the CG, ACC.

(5) Release of material prepared by prisoners for publication. Written material prepared by prisoners for publication, in whole or in part, in print or through the broadcast media, other than clearly identified expressions of personal opinion, must be submitted to the ACC Director for review and coordination with OCPA, prior to release to the CG, ACC under the criteria contained in this regulation. In addition, such material may, as appropriate, be subject to national security and policy review under the provisions of AR 360–1.

c. Photography.

(1) Photographing prisoners. Prisoners should not be photographed, except in support of medical documentation, for law enforcement purposes, and for official identification purposes. Photography may be authorized in accordance with this regulation when undertaken for official purposes when it does not reveal the identity of individual prisoners and does not reflect adversely upon the Army.

(2) Photographing facilities. Photographing ACS facilities, security features within facilities, and correctional personnel is not authorized, except for official purposes as approved by the ACS facility commander.

5–2. Public access to facilities

ACS facility commanders should limit public access to their correctional facilities to authorized tours and visits. Care should be taken to avoid criticism on grounds of defamation, embarrassment, and mental anguish to prisoners confined within the facility resulting from visit and tour policies. Respect for prisoners should be given at all times.

a. Briefings. ACS facility commanders should normally designate senior facility staff members to conduct individual and group facility briefings and tours. These staff members should be trained to respond to requests about the facility, programs, activities, policies, and individual prisoners. The ACS facility commander or designee should minimize disruption to the facility operation by briefing visitors on the total operation of the facility prior to the tour, if time permits.

b. Members of Congress. Visits to ACS facilities by Members of Congress and their staff are authorized in accordance with AR 1–20. Identifying credentials for Members of Congress and written authorization for staff representatives of a Member of Congress should be verified through the tenant installation prior to such visits.

c. Official visits. Official visit requests of prisoners confined in ACS facilities must be approved and scheduled by appointment, where practical, to avoid interference with work or training.

d. Individual or group facility briefings and tours.

(1) The tour should be structured to minimize disruption to facility operations and to ensure the prisoner population is not put on display or subjected to perceived public curiosity. Regular tours are authorized as a means of informing the community of the facility's mission and functions.

(2) Additional considerations prior to approval are—

- (a) Requests for special tours and/or visits must be made in advance and include the stated purpose and intent of the visit.
- (b) Approval of a special visit must cite time, date, and conditions of the visit.
- (c) Individuals or groups approved for a visit to facilities must be informed of visitors' rules; and violations of the conditions of the visit may be cause for termination of the visit.
- (d) The taking of photographs or video footage on tours is not allowed without prior specific approval through the ACS Facility Commander.
- (e) The personal histories and offenses of individual prisoners will not be discussed. Individual prisoners will not be identified.

5-3. Requests for information

Requests and inquiries for information sent directly to an ACS Facility will be processed as indicated below to promote timeliness, consistency and completeness of responses provided to interested parties by the command.

a. Congressional inquiries and correspondence. All congressional inquiries received at any ACS facility will be immediately forwarded to ACC headquarters for processing and disposition.

b. Freedom of Information Act and Privacy Act requests. All Privacy Act (PA) and Freedom of Information Act (FOIA) requests received at ACS Facility without an Initial Denial Authority (IDA) on-site will be processed in accordance with AR 25-55 and/or AR 25-22. Before forwarding a FOIA request to an Initial Denial Authority (IDA) for action, records custodians first will obtain an opinion from their servicing judge advocate concerning the releasability of the requested records. The legal opinion will be forwarded to the IDA along with the records, the FOIA request, and any other relevant documents. In some cases, where delegation of release authority has occurred, the installation will make an initial release prior to forwarding the documents to the IDA.

(1) In cases where there is a conflict regarding releasable information, ACC headquarters will provide final disposition of request as appropriate.

(2) Facilities having delegation of initial denial authority and access and amendment refusal authority for access and release of information from all Army information systems (automated and manual) and denying or limiting and individual's right to access or amendment to records, will fully process requests in accordance with AR 25-55 and/or AR 25-22 and Privacy Act respectively on-site.

(3) The PMG is the DA official designated the access and amendment refusal authority/initial denial authority for PM activities and law enforcement functions for the Army, and all matters relating to corrections and internment to include confinement and correctional programs for U.S. prisoners (AR 190 series and AR 633-30).

(4) The PMG is the only official who can delegate access and amendment refusal authority/initial denial authority authorities to personnel assigned to the ACC.

5-4. Prisoner mail

Prisoner mail privileges will be limited only by security, control, and corrections requirements. Restrictions on mail will not be imposed as an administrative disciplinary measure. Prisoner mail is not official U.S. mail unless in the actual custody and control of the United States Postal Service (USPS). Therefore, ACS facility mailrooms are not an agent or representative of the USPS and prisoner mail held by facility mailrooms is not in the actual custody of the USPS. Such mail is not classified as official U.S. mail and Federal laws and USPS regulations pertaining to the protection of official U.S. mail do not apply to prisoner mail in the possession of facility staff.

a. Correspondents. No limitations will be imposed as to the number of persons who may be approved for the purpose of corresponding with a prisoner except as necessary to maintain security and control.

(1) A prisoner's spouse, children, parents, brothers, and sisters should uniformly be approved unless disapproval is required in the interest of safe administration, the prisoner's welfare, or furtherance of their correctional treatment. Other persons may be approved as correspondents when this appears to be in the best interest of the prisoner, and allowing such correspondence does not pose a threat to the security and control of the individual or the facility.

(2) Prisoners are prohibited from soliciting pen pals.

(3) Mail to and from unauthorized correspondents will be rejected or censored only in accordance with this regulation.

b. Mail.

(1) Prisoners will be authorized to retain reasonable quantities of mail, as determined by the ACS facility commander, in their immediate possession. ACS facility commanders may institute policy or guidance for prisoners limiting the quantity of retained mail. Prisoners will not be required to destroy excess retained mail, but will be given the opportunity to forward it, at personal expense, to an authorized correspondent for retention. If unable to forward, mail will be destroyed.

(2) Prisoners' non-privileged mail (non-privileged envelopes and packages, both incoming and outgoing) may be opened and the correspondence read by the certified handler. The mail may be rejected for mailing or delivery on the basis of content in accordance with this regulation. A certified mail handler may examine the outside portion of both privileged and non-privileged mail to determine the authenticity of the addressee.

(3) Rejection of mail, incoming or outgoing, on the basis of content is authorized only when it is IAW facility SOPs and found to be detrimental to the safety, security, good orderly running of the ACS facilities, community, and/or public safety; or might otherwise interfere with the correctional, rehabilitative, or treatment mission of the institution, or if it might facilitate criminal activity. Mail which may be rejected on the basis of content includes, but is not limited to, material meeting one of the following criteria—

(a) Any material violating postal regulations or which contains nudity, obscenity, blackmail, prohibited property, or threats. Obscenity is defined as writings, drawings, or pictures that, taken as a whole under contemporary community standards, appeal to prurient interest in sex; are offensive because they depict sexual conduct in a patently offensive way; and, taken as a whole, lack serious literary, artistic, political, or scientific value. Nudity is defined as any pictorial depictions where male or female genitalia or female breasts are exposed. Publications containing nudity illustrative of medical, educational, or anthropological content may be excluded from this definition.

(b) Any material advocating criminal activities, violence, or racial and ethnic unrest is prohibited.

(c) Any material advocating or containing plans for criminal activities, violence, racial or ethnic unrest, or overthrow of the U.S. government, or containing plots or encouragement of plans to disrupt national security are prohibited.

(d) Plots or plans for escape or material intended to or likely to incite fights, riots, strikes, or disobedience of prisoners is prohibited.

(e) Any material pertaining to gambling or a lottery.

(f) Codes or plans for activities in violation of confinement or correctional facility rules.

(g) Solicitation of prohibited gifts or money.

(h) Solicitation of pen pals.

(4) Additionally, failure of correspondence to conform to the following guidelines may be the basis for rejection or censorship—

(a) As far as possible, all letters will be written in English, but every effort should be made to accommodate those prisoners who are unable to write in English or whose addressees would not be able to understand a letter written in English. The criminal sophistication of the prisoner and the relationship of the prisoner to the correspondent are factors to be considered in deciding whether correspondence in a foreign language should be permitted.

(b) No prisoner may be permitted to conduct a business while incarcerated, but may initiate the correspondence necessary to protect legitimate personal property and funds at the time the prisoner was committed to the facility.

(c) In addition, incoming letters may also be rejected if the letter contains material which may cause severe psychiatric or emotional disturbance to the prisoner. Rejection of a letter for this reason will be based on the opinion of a licensed behavioral health provider.

(5) Neither outgoing nor incoming mail may be rejected solely on the grounds it contains criticism of the institution or its personnel. Caution will be exercised before rejecting correspondence because of its religious, philosophical or social views. A decision to exclude material expressing such views will be based on a clear showing it would promote violence and thereby seriously affect the good order of the facility. The ACS facility commander will make a record of the reasons for an exclusion of this type for the facility's administrative files.

(6) If mail, outgoing or incoming, is rejected or censored, the following procedures will apply—

(a) A prisoner will be notified of the rejection or censorship of all incoming or outgoing correspondence.

(b) The prisoner writing or receiving a rejected letter will be advised of the reason the mail is determined to be objectionable.

(c) Appeals will be referred, in accordance with facility policy and procedures, to the ACS facility commander or the next level in the chain of command, whose decision will be final.

(d) The author of incoming mail and the publisher of rejected subscription magazines, newspapers, and pamphlets will be notified in writing of the rejection and the reason. The notification will inform the author or publisher of the opportunity to appeal the rejection to the ACS facility commander or designee within 20 calendar days from the date the rejection notice is mailed.

(e) Envelopes bearing the official mail indicia may be used for returning rejected incoming mail to addressee.

(7) Mail material diverted to investigative agencies (for example, DOJ, CID, FBI, Homeland Security) will be handled and processed as evidence under the provisions of AR 195–5.

(8) Prisoners will inform their prospective correspondents of articles they are permitted to receive as determined by the ACS facility commander. Unauthorized valuables or other costly articles received through the mail will be

returned to the sender at the prisoner's expense or destroyed. The prisoner will be notified, in writing, and a notation entered on their DA Form 1132 (Prisoner Personal Property). Upon receipt of articles unauthorized for retention, other than valuables or costly articles, the prisoner will be required to authorize disposition by return to the sender at their personal expense or destruction.

(9) Stationery and envelopes used by prisoners will be free from any indication the prisoner is confined. The prisoner's return address on envelopes will show the institutional address as designated by the ACS facility commander.

(10) Privileged correspondence is defined as follows—

(a) Privileged mail is defined as all mail between a prisoner and the President of the United States, the Vice President of the United States, Members of Congress of the United States, the Attorney General of the United States and Regional Offices of the Attorney General, TJAG (or their representatives), state and Federal courts, defense counsel, members of the paroling authority, the Inspector General, any military or civilian attorney of record, vetted clergy, Installation Safety Office (to report unsafe or unhealthful working conditions), the PREA auditor (only during the period of the announced ACS facility PREA audit), or PREA external reporting agency.

(b) Correspondence with any attorney for the purpose of establishing an attorney-client relationship, or for any purpose once an attorney-client relationship is formed, will be regarded as privileged. Staff, in the presence of the prisoner, may be allowed to inspect outgoing privileged mail for contraband before it is sealed. Incoming privileged mail may be opened only to inspect for contraband and only in the presence of the prisoner, unless waived in writing, or in circumstances, which may indicate contamination.

(c) The prisoner will complete DA Form 2569 (Attorney of Record Designation (Civilian and Individual Military Counsel)) as soon as possible. ACS facility personnel will not open a prisoner's mail to or from civilian or individual military counsel listed in DA Form 2569 unless there is a reasonable basis for such personnel to believe the mail contains prohibited property. Completion of the DA Form 2569 is not required for military appellate defense or trial defense counsel detailed to represent the prisoner.

(d) The ACS facility commander or designee may determine the authenticity of counsel, if necessary, by any appropriate means subject to the provisions of this regulation.

c. *Reading material.* Prisoners will be permitted to subscribe to newspapers, periodicals, magazines, and books in accordance with this regulation, and in quantities established by the ACS facility policy. Approved publications will be received directly from the publisher or commercial vendor. These materials are not considered privileged mail. Facility commanders may impose restrictions on the type and quantities of publications for personal retention.

5-5. Telephone communication

a. *Telephone access.* A prisoner will be allowed reasonable opportunity to make telephone calls at no expense to the Government. These calls may be monitored or recorded unless they are between the prisoner and an individual who is considered a privileged correspondent in accordance with this regulation. When telephone conversations are monitored, the recording will be retained for at least 30 days. Facility commanders may impose restrictions and establish policy on usage of telephone equipment and frequency of access.

b. *Non-governmental expense telecommunication.* Prisoners are authorized to make collect and prepaid calls. Prepaid calls are defined as calls made from a correctional phone system allowing prisoners to pay the phone company in advance. The ACS facility commander will establish procedures to screen and approve prisoner phone number(s) to ensure victims, witnesses, and Government officials are protected.

c. *Prohibited telecommunication services.*

(1) Prisoners are prohibited from using or accessing wireless cellular and portable digital telecommunications equipment, cellular telephones, satellite telephones, and mobile telephone equipment unless authorized by the ACS facility commander. Use of such equipment for text or voice messaging, if authorized, will be monitored, and restricted as necessary.

(2) Prisoners are not authorized to use local phone services, including wireless services, for domestic and international calls using Voice over Internet Protocols or similar technologies transferring telephone calls to a destination telephone number different than what was dialed by the prisoner using the correctional phone system. Calling cards are only authorized at facilities outside the continental U.S. where a correctional phone system may not be available.

5-6. Prisoner visits

a. *Authorized visits (number and length).* Restrictions on the number and length of visits and/or the number of authorized persons permitted to visit at any one time must be limited to those necessary for the safe handling of visits, prisoner control, and those made necessary by operational routines or limited facilities. Prisoners have the right to refuse visitation; a DD Form 2713 (Prisoner Observation Report) will document the reason the visitation was refused.

b. *Authorized visitors.*

(1) *Members of the Immediate Family.* The prisoner's spouse, children, step-children, parents, step-parents, foster parents, brothers, sisters, and step-siblings should be uniformly approved unless disapproval is required in the interest of safe administration, the prisoner's welfare or furtherance of their correctional treatment.

(2) *Other Relatives.* These persons include grandparents, uncles, aunts, in-laws, and cousins. These individuals may be placed on the approved visitors list if the prisoner wishes to have visits from them, and there are no reasons to exclude them.

(3) *Unrelated Individuals.* The visitation privilege must ordinarily be extended to unrelated individuals with whom there was an established relationship prior to confinement, unless such visits could reasonably create a threat to security and good order of the institution, or adversely affect the prisoner's treatment plan.

c. Visits by members of civilian support organizations.

(1) Members of civilian support organizations may be approved to visit any prisoner who requests such a visit. However, ACS facility commanders should not permit advertisement of the availability of such organizations or grant personnel representing such organizations routine access to prisoners.

(2) Members of civilian support organizations who desire to visit a specific ACS facility should submit written applications to the ACS facility commander. Applications should include documentation identifying the organizational affiliation of the requester, the names of the prisoners to be visited, and a statement as to whether a visit has been requested by each listed prisoner. When a prisoner has not requested a visit, the ACS facility commander must have the prisoner interviewed to determine if a visit is desired.

(3) Approved visitors must contact ACS facility commanders in advance of their visits. Written correspondence between approved visitors and prisoners is not considered privileged communication.

d. Visits by civilian clergy. Religious needs of certain prisoners may be such where chaplains (assigned to the facility) cannot fill them. In this event, the prisoner may request the assistance of the ACS facility commander in securing visitation by civilian clergy.

(1) Clearance of civilian clergy to give religious counsel to prisoners must be obtained from the ACS facility commander or a designated representative. Criteria for clearance by the ACS facility commander or a designated representative include—

(a) An individual concerned must be the personal pastor of the prisoner or an authorized representative of the denomination of the prisoner.

(b) Civilian clergy must present proper credentials to attest to the fact they are actively engaged in religious work. The facility and/or installation chaplain should authenticate these credentials.

(2) Any member of the civilian clergy may request clearance in accordance with this regulation for the purpose of visiting a prisoner of a specific parish or congregation.

e. Required Identification.

(1) All visitors are required to present proper identification. All visitors 18 years of age or older must present two forms of identification. Each must contain the visitor's name and one must have a picture of the visitor. Acceptable forms of identification are: a birth certificate, social security card, state or Federal identification card, school identification card, military dependent identification card, or a driver's license.

(2) Children under the age of 18 may not visit unless accompanied by an adult who is authorized to visit and who presents the written permission of the child's custodial parent or legal guardian. Visitors 5–17 years of age must have one form of photo identification. Visitors under the age of five must present a birth certificate or social security card in lieu of photo identification.

f. Military or civilian counsel. Visits between the prisoner and military or civilian counsel will be respected as privileged. Where possible, a private visitation room will be made available to facilitate client and attorney visits.

Chapter 6

Professional Support Services

6–1. Functional relationships

The services of psychiatrists and other medical doctors, dentists, psychologists, social workers, lawyers, chaplains, and other professional specialists are essential to the corrective process. At some facilities, selected specialists may be assigned to the staff of the ACS facility commander. At other facilities, all professional service support will be provided by the installation. ACS facility commanders will request, and installation or medical treatment facility commanders will approve, the appointment, on orders, of those specialists not authorized or on hand in sufficient numbers to accomplish their necessary functions at the correctional facility.

a. Preventive medicine and health services. ACS facility commanders will comply with applicable regulations and standards in accordance with this regulation, AR 40–5 and AR 40–657 concerning accepted preventive medicine

health services. The standards will include at a minimum: sanitation inspections, water testing, waste disposal, house-keeping, clothing and bedding supplies, bathing and personal hygiene, and hair care services.

b. Monthly preventive medicine and health inspections. ACS facility commanders will ensure the installation medical facility (preventive medicine) inspects health services and sanitation monthly. At a minimum, the barbershop, dining facility, occupied segregation areas, and medical and dental units will be inspected monthly by preventive medicine specialists (or a designated facility safety/sanitation specialist who has been trained in the application of jurisdictional codes and regulations). Verification of accepted preventive medicine health services inspections will be reviewed annually and inspected during the conduct of TAV.

6-2. Health care services

a. Health services support. Major commands responsible for health services will ensure health services support is provided to all ACS facilities. Medical personnel in support of an ACS facility will assist in providing medical and behavioral health care, dental care, counseling, and social services. Continuity of care is required from admission to transfer or discharge from the facility, including referral to community based providers. Licensed professionals in the health care disciplines and professional specialties will be provided to assist in the evaluation of prisoners, especially those who show difficulty in adjusting to their confinement. They will provide guidance and recommendations on the correctional treatment requirements of individual post-trial prisoners, provide professional supervision for health care specialists, dental specialists, behavior science specialists, other paraprofessionals, and assist in the training of correctional personnel. Medical officers, nurse clinicians, or physician assistants will be provided daily to conduct medical examination, evaluation, and treatment of prisoners at ACS facilities. Medical facilities equivalent to an outpatient dispensary will be established at all ACS facilities. If more extensive medical treatment is required, prisoners will be transferred under appropriate custodial supervision to a medical treatment facility. Health care providers should obtain informed consent in accordance with the standards identified in AR 40-400 prior to any medical intervention to include any test, treatments, medications and the like.

b. Health authority.

(1) The facility will designate a health authority with responsibility for ongoing health care services pursuant to a written agreement, contract, or job description. Such responsibilities include the following: establishing a mission statement defining the scope of health care services; developing mechanisms, including written agreements, when necessary, to assure the scope of services are provided and properly monitored; developing a facility's operational health policies and procedures; identifying the type of health care providers needed to provide the determined scope of services; establishing systems for the coordination of care among multi-disciplinary health care providers; and developing a quality management program.

(2) The health authority may be a physician, health services administrator, or health agency. When the health authority is not an individual, final clinical judgments rest with a single, designated, responsible healthcare provider who must not be a contractor employee. The health authority is authorized and responsible for making decisions about the deployment of health resources and the day-to-day operations of the health services program.

(3) The health authority will meet with the ACS facility commander or designated representative at least quarterly and submit quarterly reports. The report addresses topics such as the effectiveness of the health care system, a description of any environmental factors needing improvement, changes effected since the last reporting period, and, if needed, recommended corrective action. The health authority will immediately report any condition posing a danger to staff or prisoner health and safety.

c. Administrative Health Services.

(1) Upon arrival at the facility, all prisoners are informed about how to access health services and the grievance system, and no co-pay for services. This information is communicated orally and in writing and is conveyed in a language easily understood by the prisoner.

(2) Clinical decisions are the sole province of the responsible clinician and are not countermanded by non-clinicians.

(3) Health care personnel duties and responsibilities are governed by written job descriptions and will be on file in the facility and approved by the health authority. If prisoners are treated at the facility by health care personnel other than a licensed provider, the care will be provided pursuant to written standing or direct orders by personnel authorized by law to give such orders.

(4) All professional staff will comply with applicable state and Federal licensure, certification, or registration requirements. Verification of current credentials will be on file in the facility.

(5) In facilities without full-time, qualified health personnel, a health trained staff member will coordinate the health care delivery in the facility under the joint supervision of the responsible health authority and ACS facility commander.

(6) A person from a healthcare provider or a medical technician designated by the commander of the supporting medical treatment facility will perform a monthly inspection of the facility, ensuring the operation of the facility is consistent with accepted preventive medicine standards. The ACS facility commander or designated representative will be provided a copy of all such inspection results at the time of the inspection.

(7) Information about a prisoner's health status is confidential. The active health record will be maintained separately from the confinement case record. Access to the health record is in accordance with Army regulation and Federal law.

(8) Participation in medical or pharmaceutical research is allowed and will be in accordance with all State, Federal and DoD guidelines.

(9) A system of documented internal review and quality assurance will be developed and implemented by the health authority. The necessary elements of the system will, at a minimum, be in accordance with applicable national correctional association standards manual.

(10) Healthcare providers that require a documented external peer review psychologist and dentists will be utilized by the facility every two years.

(11) The method of recording entries in the health records (paper and/or electronic), the form and format of the records, and the procedures for their maintenance and safekeeping will be in accordance with AR 40-66 and local procedures approved by the health authority. The health record will be made available to, and is used for documentation by all health care personnel.

d. Health screening and/or appraisals.

(1) Intake medical screening for prisoners will commence within two hours of the prisoner's arrival at the facility and before transfer to general population. The medical screening will be performed by a health-trained or qualified health care personnel. All findings will be recorded on a screening document approved by the health authority. The screening requirements will be, at a minimum, in accordance with the applicable national correctional association standards manual. Additionally, all prisoners will be screened for their risk to be sexually victimized and their risk to sexually victimize other prisoners. ACS Facility SOPs will be specific in identifying the requirements. When screening is conducted by trained custody staff, procedures will require a subsequent review of positive findings by the licensed health care staff. Written procedures and screening protocols will be established by the responsible health care provider in cooperation with the facility commander.

(2) A comprehensive health appraisal for each new prisoner will be completed in accordance with applicable national correctional association standards manual. Facility SOPs will be specific in identifying the requirements.

(3) Periodic health examinations will be completed as determined by the health authority and in accordance with AR 40-501.

(4) Prisoners in segregation will receive daily visits from a qualified health care professional (medical officer, nurse clinician, physician assistant, or medic), unless medical attention is needed more frequently.

(5) Prisoners involved in the preparation of food will receive a pre-assignment medical examination and periodic reexaminations to ensure freedom from diarrhea, skin infections, and other illnesses transmissible by food or utensils; all examinations will be conducted in accordance with local requirements.

(6) Prisoners being released will be given a medical examination or separation physical assessment as directed by the health authority and in accordance with AR 40-501.

e. Prison Rape Elimination Act Health Screening.

(1) All prisoners will be screened to determine their risk to be sexually victimized or to sexually abuse other prisoners upon arrival to the facility. If the screening indicates the prisoner has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, the prisoner will be offered a follow-up meeting with a medical or behavioral health practitioner within 14 days of the intake screening. If the screening indicates the prisoner has perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, the prisoner will be offered a follow-up meeting with a medical or behavioral health practitioner within 14 days of the intake screening. All prisoners will be rescreened within 30 days of arrival.

(2) Prisoners at above average or high risk will be reassessed, monitored, and counseled consistent with facility SOPs.

(3) Any prisoner identified as being above average or high risk to be sexually victimized or to sexually abuse others will have those risks factored into the classification process. Prisoners identified as being intersex or transgender will have their placement and program assignments reviewed semiannually to review and address any threats to the prisoner's safety.

f. Sick call and clinical services.

(1) Prisoners can initiate a request for health services and sick call on a daily basis. These requests will be triaged daily by health care personnel or health-trained personnel. A priority system will be used to schedule clinical services.

Clinical services will be available to prisoner in a clinical setting at least five days a week and will be performed by a physician or other qualified medical person.

(2) Prisoners who need health care beyond the resources available in the facility, as determined by the responsible health care practitioner, will be transferred under appropriate security provisions to a facility where such care is on call or available 24 hours per day. A written list of referral sources includes emergency and routine care. The list will be reviewed and updated annually by the medical facility.

(3) Each facility will have a written plan for 24-hour emergency medical, dental, and behavioral health services availability. The plan will include, at a minimum: on-site emergency first aid and crisis intervention; emergency evacuation of the prisoner from the facility; use of an emergency medical vehicle; use of one or more designated hospital emergency rooms or other appropriate health facilities; when the emergency health facility is not located in a nearby community, a physician, dentist, and behavioral health professional service with emergency on-call or 24-hour availability; and security procedures providing for the immediate transfer of prisoners when appropriate.

(4) Facilities will have written plans developed by medical personnel addressing the management of infectious and communicable diseases such as tuberculosis; hepatitis A, B, and C; and human immunodeficiency virus (HIV) infection and chronic conditions such as hypertension, diabetes, and other diseases requiring periodic care and treatment. At a minimum, the plans will include procedures outlined in the facility applicable national correctional association standards manual.

(5) Detoxification is done only under medical supervision in accordance with military regulations and Federal laws.

(6) First aid kits will be available in designated areas of the facility, as determined by the designated health authority in conjunction with the facility administrator. The health authority will approve the contents, number, location, and procedures for monthly inspection of the kit(s) and written protocols for use by nonmedical staff. An automatic external defibrillator will be available for use at the facility.

(7) When a prisoner is transferred to segregation, health care personnel will be informed immediately (within 2 hours) and will provide assessment(s) and review(s) as indicated by the protocols established by the health authority. Unless medical attention is needed more frequently, each prisoner in segregation receives a daily visit from a qualified health care professional. The visit ensures prisoners have access to the healthcare system. The presence of a health care provider in segregation will be announced and recorded. The frequency of physician visits to segregation units will be determined by the health authority.

g. Healthcare of female prisoners.

(1) If female prisoners are housed, access to pregnancy management services will be available. Provisions of pregnancy management include the following: pregnancy testing; routine and high-risk prenatal care; management of chemically addicted pregnant prisoners; comprehensive counseling and assistance; appropriate nutrition; and postpartum follow-up. Unless mandated by state law or Army regulation, birth certificates/registry will not list a correctional facility as the place of birth.

(2) Arrangements for placement of any child born while the mother is in custody will be made as soon as possible after the pregnancy is known, but in no case later than the 7th month of pregnancy. AR 40-400 governs abortions performed in military treatment facilities at Government expense.

(3) Female prisoners will be provided a female escort for encounters with a male health care provider or health care personnel.

h. Pharmaceuticals.

(1) Medication will be strictly controlled and managed. Management will include: a formulary developed for the facility or from the supporting medical facility; a formalized method for obtaining non-formulary medications; requirements stating medications are prescribed only when clinically indicated as one facet of a program of therapy and a prescribing provider reevaluates a prescription prior to its renewal; procedures for medication procurement, receipt, distribution, storage, dispensing, administration, and disposal.

(2) Medication, syringes, and needles will be in secure storage with perpetual inventory. Medication designated as may keep in cell does not require a perpetual inventory.

(3) Medication will be administered and managed in accordance with applicable state, DoD, and Federal laws.

(4) Medical personnel are preferred to issue medications. If medical personnel are not available, the supporting health authority may train and authorize correctional staff to issue medications in accordance with specific medical instructions. Medication will be administered by persons properly trained and oversight provided by the health authority and facility or program administrator.

(5) Proper management of pharmaceuticals includes provisions for accountability for administering or distributing medications in a timely manner and according to physician or qualified medical person's orders. A record of the use

of medication by prisoners will be maintained. A record of all medication dispensed to prisoners in accordance with the medical officer's instruction will be maintained to reflect—

- (a) Date.
- (b) Name of prisoner.
- (c) Medication issued (for example, name, quantity, dosage, 25mg, 50mg, and so forth).
- (d) Time and frequency of issue.
- (e) Printed name or initials and signature of person issuing medication.
- (f) The medication administration record will be maintained in the prisoner's medical electronic and/or paper medical record.

i. Health Safety and Security.

(1) Facilities will develop procedures on the use of restraints for medical and psychiatric purposes and will include the following: conditions under which restraints may be applied; types of restraints to be applied; identification of a qualified medical or behavioral health professional who may authorize the use of restraints after reaching the conclusion less intrusive measures would not be successful; monitoring procedures for prisoners in restraints; length of time restraints are to be applied; documentation of efforts for less restrictive treatment alternatives as soon as possible; an after-incident review.

(2) When a prisoner is placed in a four- and/or five-point restraint (arms, legs and chest or thigh secured), the health authority or designee will be notified to assess the prisoner's medical and behavioral health condition and to advise whether, on the basis of serious danger to self or others, the prisoner should be transferred to an emergency room for emergency treatment and/or admission to a behavioral health unit or other medical management, as appropriate. Restraint procedures will be in accordance with guidelines endorsed by the designated health authority.

(3) Facilities will develop SOP detailing accountability of medical or dental instruments, supplies and disposable biohazard items to prevent prisoner access. Medical and/or dental instruments and supplies (syringes, needles, and other sharps) will be controlled and a perpetual inventory will be maintained in accordance with the facility SOP. Plans will be established for the management of biohazardous waste and for the decontamination of medical and dental equipment.

(4) Prisoners (under staff supervision) may perform familial duties commensurate with their level of training. These duties may include the following: peer support and education, and serving as a suicide companion or buddy, if qualified and trained through a formal program as part of the suicide prevention plan. Prisoners are not to be used for the following duties: performing direct patient care services; scheduling health care appointments; determining access of other prisoners to health care services; handling or having access to medications or health records, surgical instruments, syringes, needles, or operating diagnostic or therapeutic equipment except under direct supervision (by specially trained staff) in a vocational training and/or apprenticeship program.

j. Mental health. Routine and emergency psychiatric treatment are the responsibility of the medical treatment facility commander. Social workers and psychologists will provide ongoing mental health, social work, and consultative services in support of the correctional treatment program. At those facilities where a behavioral health or social work professional is not assigned, the chief, community behavioral health of the supporting medical facility will serve as consultant to the facility commander on all matters pertaining to mental health, welfare, and personal well-being of individuals referred for services.

(1) Behavioral health services and activities are approved by the appropriate behavioral health authority and include at a minimum: screening for behavioral health problems on intake as approved by the behavioral health professional; outpatient services for the detection, diagnosis, and treatment of mental illness; crisis intervention and the management of acute psychiatric episodes; stabilization of the mentally ill and the prevention of psychiatric deterioration in the correctional setting; elective therapy services and preventive treatment where resources permit; provision for referral and admission to licensed behavioral health facilities for prisoners whose psychiatric needs exceed the treatment capability of the facility; procedures for obtaining and documenting informed consent.

(2) All prisoners receive an initial behavioral health screening within two hours of admission to the facility by behavioral health trained or qualified behavioral health care personnel. The behavioral health screening at a minimum will be in accordance with the applicable accreditation standards manual.

(3) All prisoners receive a behavioral health appraisal by a qualified behavioral health person in accordance with applicable accreditation standards manual within 14 days of admission to the facility. If there is documented evidence of a behavioral health appraisal within the previous 90 days, a new behavioral health appraisal is not required, except as determined by the designated behavioral health authority.

(4) Prisoners referred for behavioral health treatment will receive a comprehensive evaluation by a licensed behavioral health professional. The evaluation will be completed within 14 days of the referral request date and include at least—

- (a) Review of behavioral health screening and appraisal date.
 - (b) Direct observation of behavior.
 - (c) Collection and review of additional data from individual diagnostic interview and tests assessing personality.
 - (d) Intellect.
 - (e) Coping ability.
 - (f) Compilation of the individual's behavioral health history.
 - (g) Development of overall treatment/management plan with appropriate referral to include transfer to behavioral health facilities for prisoners whose psychiatric needs exceed the treatment capabilities of the facility.
- (5) A qualified behavioral health professional personally interviews and prepares a written report on any prisoner remaining in segregation for more than 30 days. If segregation continues beyond 30 days, a behavioral health assessment by a qualified behavioral health professional is made at least every three months, more frequently if prescribed by the health authority.
- (6) Each facility will develop a suicide prevention program approved by the health authority and reviewed by the ACS facility commander or designee. It will include specific procedures for handling intake, screening, identifying, and supervising of a suicide-prone prisoner and is reviewed annually and revised as needed by the ACS facility commander or designee. The program will include staff and prisoner critical incident debriefing covering the management of suicidal incidents, suicide watch, and death of a prisoner or staff member, and a review of critical incidents by administration, security, and health services. All staff with responsibility for prisoner supervision are to be trained on an annual basis in the implementation of the program. Training at a minimum will be in accordance with the applicable accreditation standards manual.
- (7) The involuntary administration of psychotropic medication(s) to a prisoner is governed by applicable laws. When administered, the following conditions will be met: authorization is by a physician who specifies the duration of therapy; less restrictive intervention options have been exercised without success as determined by the physician or psychiatrist; details are specified about why, when, where, and how the medication is to be administered; monitoring occurs for adverse reactions and side effects; treatment plan goals are prepared for less restrictive treatment alternatives as soon as possible.
- (8) There is a social service program providing a range of resources appropriate to the needs of prisoner, including individual and family counseling, family planning, and parental education, and community services.
- (9) Community social service resources should be used to augment social services provided in the institution.
- (10) Staff is available to counsel prisoner upon request and for counseling and crisis intervention services. Additional treatment consistent with this regulation will be provided.
- k. Dental Care.* Availability of dental care to prisoners in Army custody will be consistent with what is provided to Regular Army. Routine and emergency dental care is provided to each prisoner under the direction and supervision of a licensed dentist. The defined scope of dental services will be in accordance with applicable Army regulations and the ACA standards manual.

6-3. Legal support services

a. Installation support requirement. The installation SJA, Command Judge Advocate (CJA), Post Judge Advocate (PJA), or command counsel (CC) of the senior commander (hereinafter the installation SJA) will supervise the administration of military justice and provide legal assistance services for prisoners. Whenever possible, these services will be provided within the facility.

- (1) Prisoners will be kept informed concerning the status of their cases or sentences and other pending legal matters.
- (2) Military prisoners have constitutional and statutory rights to legal counsel; ACS facility commanders will ensure prisoners have reasonable opportunity to communicate confidentially with their military or civilian defense attorneys, both in preparing for trial and during all proceedings following trial.

b. Legal assistance. The installation SJA will serve as legal advisor to the ACS facility commander and staff, and will assist in providing the legal materials necessary to support prisoner needs for access to legal libraries.

6-4. Chaplain support

a. Religious opportunity. ACS facility commanders will develop procedures, and provide religious support where prisoners have the opportunity to participate in practices of their faith deemed essential by the faith's judicatory.

- (1) Practices of religious faith will not cause disruption to the order and discipline within the institution and/or pose a threat to the safety of persons involved.

(2) ACS facility commanders will ensure prisoners are not subjected to coercion, harassment, or ridicule due to religious affiliation.

(3) ACS facility commanders will provide accessibility of assigned or approved chaplains to all areas of the facility to minister to prisoners and staff.

(4) ACS facility commanders will make religious provisions for other than major faith groups as resources allow and address opportunities to practice one's faith individually and corporately as authorized, including the accommodation of religious practices as provided for in AR 600–20.

(a) When a religious leader of a prisoner's faith is not represented through the chaplaincy staff or volunteers, the chaplain will assist the prisoner in contacting such a person. The person contacted will have the appropriate credentials from the faith's judicatory and may minister to the prisoner under the supervision of the chaplain.

(b) Clergy/spiritual advisor visitation occur through established visiting procedures and the use of community resources; to include the use of religious volunteers, consistent with the safety and security of the facility.

b. *Prisoner chaplain support.* The senior ACS facility chaplain is the ACS facility commander's staff officer responsible for performing or providing opportunity for religious faith practices for prisoners. The chaplain plans, directs, and coordinates all aspects of the religious program, including approval and the training of both lay and clergy volunteers from faiths represented by the prisoner population.

(1) The garrison chaplain is responsible for performing or providing religious opportunities for religious practices and pastoral care at ACS facilities without a Unit Ministry Team.

(2) Chaplains assigned to an authorized ACS facility position will have completed four quarters of clinical pastoral education.

(3) Annually, the ACS facility chaplain submits a Command Master Religious Plan (CMRP) to the ACS facility commander for signature/approval. The ACS facility chaplain forwards the CMRP to the garrison chaplain.

c. *Religious affiliation, articles and confidential communication.* Consistent with the overarching requirements to maintain the safety and security of the facility, the ACS facility commander will ensure the availability of religious program information to prisoners, provide access to approved publications related to religious beliefs and practices, and allow the observance of authorized diets, holy day ceremonies, and authorized religious communal sacramental rites.

(1) Authorized religious activities and prisoner involvement will not interfere with good order and discipline within the facility.

(2) ACS facility commanders will provide prisoners the ability to identify religious preference upon entering the facility and provide a process where the religious preference may be changed.

(3) ACS facility commanders will allow for the possession of authorized religious symbols and/or items essential for faith.

(4) Confidential communication is protected communication; any communication given to a chaplain in trust by an individual, to include enemy prisoner of war, if such communication is made either as a formal act of religion or as a matter of conscience is protected and not intended to be disclosed to third party persons in any context, legal, or otherwise.

d. *Religious equipment and space allocation.* ACS facility commanders will ensure adequate space and equipment are available for the conduct and administration of religious practices. Chaplains will ensure the distribution of resources among faith groups authorized to meet are commensurate with representation within the population, to include the use of religious facilities and equipment.

(1) ACS facility commanders will provide for the availability of non-prisoner clerical staff for confidential materials.

(2) The chaplain or designated staff develops and maintains close relationships with community religious resources and approves donations of equipment and materials for use in religious programs in cooperation with the ACS facility commander or designee.

(3) Donated equipment and materials designated for prisoner use inside ACS facilities is subject to security inspection by correctional personnel prior to use within an ACS facility. Unauthorized devices and equipment deemed potentially disruptive to good order and discipline within the facility, or those items which could pose a threat to security, safety of staff or other prisoners, or used as contraband will be prohibited.

Chapter 7

Prisoner Classification/Disposition

7–1. Prisoner classification

Correctional evaluation and classification will be based, at a minimum, on an individual prisoner's risk, offense, attitude, aptitude, intelligence, personality, adaptation to incarceration, record of performance prior to incarceration, and potential for further military Service. Level I and Level II facilities will use the classification procedures and forms in

DoDI 1325.07. Level III facilities will use an objective classification system in accordance with DoDI 1325.07. Significant changes will be coordinated through ACC HQ to the DoD Corrections Council before approval.

7–2. Classification plans

a. Procedure. The ACS facility commander will establish a prisoner classification plan covering procedures for initial, subsequent, and annual prisoner classification. The plan will specify objectives and methods for achieving goals, to include monitoring and evaluating the classification process. The plan will be reviewed at least annually and updated as needed. The classification plan, at a minimum, will contain and or implement the following—

- (1) Assessment of a prisoner’s adjustment and progress to confinement.
- (2) Ensuring prisoners are assigned to a staff member/team to ensure supervision and personal contact.
- (3) Review of each prisoner’s classification at least every year.
- (4) Criteria and procedures for determining and changing a prisoner’s classification status, to include at least one level of appeal.

(5) Ensuring unless the potential security of the facility or others is at serious risk, all prisoners are given an opportunity to appear at their classification hearing and are given notice 48 hours prior to the hearing. The opportunity to appear at their classification hearing may be waived, in writing, by the prisoner.

(6) Ensuring prisoners have the opportunity to request from the ACS facility commander or their designated representative a review of progress and classification status.

(7) Risk assessment of the prisoner. Each prisoner should be viewed as a unique human being, having important differences and needs. The role of the criteria, is therefore, to ensure important custody classifications are not overlooked nor capriciously or arbitrarily applied. To this end, the classification criterion brings about greater uniformity of decision making. When a prisoner’s unique characteristics call for special consideration, good judgement supplements the basic criteria. Assessed risk contains two components: internal risk and external risk.

(a) Internal risk, which is the potential danger a prisoner presents to staff, other prisoners, and the day-to-day good order of the facility, focuses on those factors salient to predicting a prisoner’s adjustment to incarceration and controlled institutional living.

(b) External risk, which is the potential danger a prisoner presents to the community for possible recidivism or other criminal behavior, focuses on those factors salient to identify a prisoner’s risk to the community during temporary absence or permanent release from the institutional compound, such as hospital trips, outside work details, parole, or MSR.

(c) Prisoners will be assessed for risk to preclude assignment to work details outside of the facility those prisoners who are an escape risk or who present a danger to the community.

(d) Prisoners will be assessed for risk to keep separate, when necessary, those prisoners at high risk of being sexually victimized from those at high risk of being sexually abusive. Placement and programing assignments of a transgender or intersex prisoner will be reviewed at minimum twice each year to review any threats to safety experienced by the prisoner. The prisoner’s treatment progress is reviewed as required for subsequent classification reviews.

b. Classification boards.

(1) Classification boards will consider and make recommendations to the ACS facility commander or a designated representative in the areas of custody grades, housing unit assignments, correctional treatment programs, and training and work assignments.

(2) When background information has been gathered, including the risk assessment, the classification board will review and consider cases of prisoners to determine their initial level of custody, housing, treatment, and training and work assignments while taking into consideration vulnerability to sexual victimization or risk to engage in sexually abusive behavior, recreational preferences, and needs of the prisoner.

(3) Subsequent and annual reviews will take place as required. Unscheduled reviews are an administrative measure used to examine risk (internal risk to the institution or external risk to the community and public safety) as presented by a prisoner’s behavioral characteristics and adjustment to the institution and/or to assess new information about the prisoner not previously available during initial review or other reclassification decisions. The purpose of the board is to assist the ACS facility commander in managing risk and maintaining good order and discipline in the institution. This includes the protection of staff, prisoners, and surrounding community; employing the least restrictive means necessary.

(4) Recommendations made by classification boards will not be divulged to any person not having a need-to-know.

(5) Classification boards will consist of at least three voting members, one of which will be military. The chair will be an MSG or general schedule (GS)-11 or above. The additional members (no less than 2) will consist of any combination of military (SSG or above) or civilian staff (GS–7 or above).

7–3. Custody

a. Custodial supervision. The degree of custodial supervision appropriate for individual prisoners will be based on a review of all available records pertaining to the prisoner, including DD Form 2713, DD Form 2714 (Prisoner Disciplinary Report/Action), DoDI 1325.07, and recommendations of correctional supervisors and professional services support personnel. Board members will carefully review previous custody and grade assignments and recommend changes as may be appropriate based upon special circumstances. Custody classification will be at the least restrictive custody grade necessary to be consistent with sound security requirements and DoDI 1325.07.

b. Custodial grades. Custody grades include trusty, minimum, medium, and maximum. To facilitate additional security controls ACS facility commanders may subdivide these custody grades as required. The ACS facility commander will determine the type and amount of material items authorized to be possessed by prisoners in each custody grade to provide incentives for custody grade elevation.

c. Trusty custodial grade. A post-trial prisoner who is a low risk and requires minimal custodial supervision may be classified as a trusty.

(1) Prisoners with life sentences, without possibility of parole or release, condemned prisoners, and prisoners with death sentences are not eligible for trusty status.

(2) Those prisoners without life sentences, who have attempted or participated in escape, exhibited disciplinary or behavioral issues in confinement, or who have been determined by board to be unfit for minimum security classification are not eligible for trusty status.

(3) Trusty prisoners may be permitted to live, work, and train with minimum supervision, and may be granted other privileges as deemed appropriate by the ACS facility commander.

(4) Trusty prisoners will be required to function according to a locally devised agreement prescribing area and time limitations deemed necessary for correctional treatment, training, and control purposes.

(5) Prisoners will not be granted trusty status until local victims and/or witnesses have been notified. Accordingly, the following criteria for approval of prisoner trusty status are established—

(a) ACS facility commanders are authorized to approve a minimum custody prisoner who is confined for only non-violent offenses, provided behavioral performance, stability, physical and mental conditions, and potential for trouble-free behavior are indicative of successful compliance with minimum security controls, and individual rehabilitation achievements warrant consideration.

(b) Elevation to trusty custody for prisoners convicted of violent crimes will be based on careful evaluation of their overall record and behavioral history while in confinement to include adjustment to incarceration, stability, physical and mental conditions, and potential for trouble-free behavior. For prisoners convicted of murder, rape, aggravated assault, arson, child abuse, or sex offenses, a positive recommendation will be made by a facility classification board and approved by the ACS facility commander, prior to issuance of trusty status. If the ACS facility commander concurs with the board's recommendation, the ACS facility commander's recommendation is forwarded to the senior commander for approval. If approved, the ACS facility commander will inform the CG, ACC.

7–4. Housing assignment

Prisoners are housed according to their assessed level of risk, designation and classification, including PREA considerations. Each prisoner is presumed to be able to house/cell with any other assigned prisoners, unless documented evidence exists to determine otherwise. However, all prisoner cell assignments will take into consideration each prisoner's safety, security, and treatment needs while maintaining the safety and security of staff and the facility. Cell assignments will not be determined by race, religion, national origin, color, sex, disability, political views, or lesbian, gay, bisexual, transgender, or intersex status. Unless circumstances dictate an earlier review, the prisoner's housing unit assignment is reviewed in conjunction with reviews for custody classification.

7–5. Correctional treatment programs

A comprehensive treatment plan is prepared based on an analysis of several potential behavioral health treatment needs, to include sexual offending, violent offending, anger management, stress management, cognitive restructuring, substance/alcohol abuse, risk of being sexually victimized, and risk of being sexually abusive. The treatment plan establishes goals for intervention and rehabilitation for the duration of a prisoner's incarceration.

a. Assignment to a treatment program may involve referral to a behavioral health professional who deals with group or individual therapy, scheduled counseling, corrective counseling in family or personal areas, or special types of occupational or training assignments to meet a particular custodial, health, therapeutic, or control requirement. Special treatment may preclude normal work and training assignments in order to best meet the special needs of the prisoner. An unscheduled review may be recommended.

- b.* Correctional treatment programs will be developed to mitigate risk within correctional institutions and society by identifying, confronting, and altering attitudes, values, and thinking patterns leading to criminal behavior.
- c.* No right is afforded by this regulation to any prisoner regarding participation in any particular rehabilitation or treatment program. ACS facility programs will include at a minimum the following—
 - (1) Drug and alcohol education (Level I, II, and III).
 - (2) Impact of crimes on victims training (Level I, II, and III).
 - (3) Sex offender education (Level II and III).
 - (4) Substance abuse (Level II and III).
 - (5) Anger management (Level II and III).
 - (6) Stress management (Level II and III).
 - (7) Sex offender treatment (Level II and III).
 - (8) Assaultive offender (Level II and III).
- d.* Counseling is a continual process in which prisoners are encouraged, guided, and directed toward more productive, pro-social behavior. The process involves every member of the staff, from correctional specialist to licensed health professionals.
- e.* ACS facilities will establish processes to assist prisoners in adjusting to confinement, problem solving, behavior modification, and spiritual, educational, and mental health.

7–6. Training and Work Assignments

A prisoner's work assignment is determined on the basis of training needs, use of existing military or civilian occupational skills, and planned disposition; with due consideration for institutional needs and support activities, custodial requirements, and youthful prisoner factors. Normally, a prisoner's initial work assignment is to a detail supporting institutional needs. Detail assignment is based on the prisoner's treatment plan, initial custody classification, and the recommendation of an assignment board.

- a.* All able-bodied prisoners are required to perform work assignments unless denied for administrative disciplinary reasons.
- b.* Education details and the vocational training programs are considered work assignments.
- c.* Assignments will not be based on a prisoner's race, religion, national origin, color, sex, disability, political views, or LGBTI status. Prisoners with a disability will be afforded the same assignment opportunities as long as the disability does not prevent them from performing the assigned duties with reasonable accommodations.
- d.* Subsequent review of a prisoner's work assignment can take place for a variety of reasons to include institutional needs, health care limitations, special requests, and changes to a prisoner's custody classification. Unless circumstances dictate an earlier review, the prisoner's training and work assignments will be reviewed as required for subsequent classification reviews or as a result in custody classification change.

7–7. Disposition boards

Disposition boards will consider and make recommendations through the ACS facility commander to the respective Service Clemency and Parole Board (SC&PB) regarding clemency actions, including reenlistment/restoration to duty and requests for parole and consideration for MSR.

- a.* Procedures for conducting boards are established by the ACS facility commander.
- b.* A general orientation for prisoners will be presented to ensure each prisoner fully understands the purpose and procedures of the board and to determine any unusual or special factors of importance needing to be brought to the attention of the board.
- c.* Notification will be made to the prisoner at least 48 hours in advance of a scheduled appearance before the Disposition Board or as soon as possible in the event of a delay.
- d.* Disposition board personnel will ensure records and material prepared for the board are complete.
- e.* Prisoners are given the opportunity to present an oral and/or written explanation to the board members for the rationale of clemency and parole request(s). Written documentation will be submitted by prisoners prior to the disposition board in accordance with facility SOP.
- f.* A prisoner's refusal to appear before the board will be noted in the board record, annotated on DD Form 2715–1 (Disposition Board Recommendation) and recorded in the prisoner's CTF.
- g.* Relatives or other non-staff individuals will not be permitted to appear before the board.
- h.* At a minimum, a treatment summary will be prepared by behavioral health personnel for each prisoner appearing before the board. These reports will require approval by a psychiatrist, clinical psychologist, or social worker.
- i.* Disposition boards will consist of at least three voting members, one of which will be military. The chair will be an MSG or GS–11 or above. The additional members (no less than 2) will consist of any combination of military (SSG

or above) or civilian staff (GS-7 or above). When requested by the respective Service, a member of the prisoner's Service will be a board member. If a member of the Navy or Coast Guard is not available for a Navy or Coast Guard prisoner's board proceedings, a Marine servicemember may sit as a board member.

j. A board schedule will be established to ensure receipt of current recommendations by the Disposition Board and the ACS facility commander by the SC&PB. Disposition evaluations and recommendations being submitted for annual consideration will be forwarded 30 days in advance of annual consideration dates in accordance with DoDI 1325.07. Minimum eligibility dates for consideration will be determined in accordance with references cited in DoDI 1325.07.

k. The Disposition Board packet will include DD Form 2710 (Prisoner Background Summary); DD Form 2715 (Clemency/Parole Submission); DD Form 2715-1; DD Form 2715-2 (Prisoner Summary Data); DD Form 2719 (Correctional Facility Continuation Sheet); or computer-generated reports will be prepared for use in compiling and presenting information regarding the prisoner. The packet will also include the original copy of the prisoner's DD Form 2715-3 (Prisoner Restoration/Return to Duty, Clemency and Parole Statement) and/or a letter application for restoration/reenlistment for review as appropriate. The information becomes available following preparation of an initial admission summary or a prior progress summary.

l. The Disposition Board will make recommendations regarding clemency for each prisoner requesting clemency consideration in accordance with DoDI 1325.07. The board will make a recommendation regarding restoration or reenlistment only if the prisoner has applied for restoration or reenlistment. Annual clemency and parole review dates will occur in accordance with DoDI 1325.07, except when an interim consideration for parole or clemency is directed. When interim consideration occurs, a new annual review date will be established as of the date of the interim consideration.

m. The ACS facility commander will review and concur or non-concur with the board members' recommendation and articulate in writing the reason for concurring or non-concurring.

n. The Disposition Board packet with the Disposition Board and ACS facility commander's recommendation will be forwarded to the respective SC&PB for final disposition. The prisoner will be promptly informed of the decision when action on restoration and/or reenlistment, clemency, MSR, or parole has been taken.

Chapter 8

Prisoner Activities

The ACS provides employment and rehabilitation opportunities and counseling assistance to enhance living skills among post-trial prisoners in preparation for their release from confinement. This chapter provides guidance and direction for commanders of ACS facilities and does not create any right or entitlement for any prisoner.

8-1. Prisoner activities

All prisoners, unless precluded because of administrative disciplinary, medical, or other reasons determined appropriate by the ACS facility commander, will engage in useful employment supplemented by appropriate supervision, treatment programs, professional evaluation, education, training, and welfare activities. Activities established and resources allocated to meet these requirements will be similar to those available for military personnel not incarcerated.

8-2. Prisoner employment

a. *Nature of work.* Prisoners will be employed in maintenance and support activities providing work of a useful, constructive nature, consistent with their custody grade, physical and mental condition, behavior, confining offense, sentence status, previous training, individual correctional requirements, and installation and/or facility needs.

b. *Coordination of work projects.* Close coordination between the ACS facility commander and the garrison commander or equivalent will be maintained to establish worthwhile work projects for the employment of prisoners. Approval for and assignment of prisoners to work on projects are the responsibilities of the ACS facility commander.

c. *Employment activities.* Prisoners may be employed in providing services, or in the manufacturing and processing of items of equipment, clothing, and other useful products and supplies, for DoD activities or other Federal agencies; or, in agricultural programs, in manufacturing, or providing services or preparing items to meet institutional or installation needs.

d. *Vicinity of work.* Prisoners will not work away from the installation on which the facility is located, except as part of an approved work release program in accordance with this regulation, or upon the ACS facility commander's approval.

e. *Selection of projects.* Care will be exercised in the selection and approval of work projects for prisoners to avoid involving the Army in controversies with organized labor, employers, and agricultural groups. Prisoners will not be assigned to work projects considered inherently unsafe.

f. Public exhibitions. Prisoners may participate in public exhibitions, such as county or state fairs, through the display of products produced in prisoner craft shops or work projects, unless their victim and/or witness lives within a 50-mile radius of the event location.

g. Length of workday. When not engaged in prescribed training or counseling, prisoners will be required to perform a full day of useful, constructive work. In general, prisoners will be employed through a standard 40-hour work week. Supervisors may determine failing to complete 40 hours of work was due to factors outside those the facility deemed rational to allow for full work abatement. This restriction is not intended to limit the authority of ACS facility commanders to direct extra work during emergencies, to prevent the assignment of prisoners to details normally encompassing weekends, or to prevent prisoners from volunteering for extra work.

h. Work assignment. Prisoners may be employed on any work assignment consistent with the intent and purposes of this regulation. Individuals designated by the ACS facility commander, usually the supervisor of the work activity involved, will render specific job placements and work evaluation reports. Reassignment of a prisoner from the activity will be approved by the ACS facility commander or designee, except in cases bearing on the security and safety of the prisoner or ACS facility or in the event of an alleged rules violation related to the work assignment.

i. Motor vehicle operation. Prisoners may be employed as operators of only Government-owned motor vehicles and vehicles undergoing maintenance on military installations, provided they have been issued driving permits and have demonstrated the necessary proficiency. Security considerations will be carefully evaluated before authorizing a prisoner to operate a vehicle. Prisoners employed in the work release program may operate vehicles off the military reservation, subject to the restrictions of the ACS facility commander.

j. Work restrictions.

(1) Pretrial prisoners will not be assigned work details with post-trial prisoners. Pretrial prisoners will generally not be required to work except to perform personal housekeeping. Pretrial prisoners may volunteer to work on details. When employed, pretrial prisoners will not work with, and will be separated from, post-trial prisoners. Military pretrial prisoners continue to receive all pay and allowances and are expected to perform duties commensurate with their rank.

(2) Prisoners will not perform the following duties in Government or privately owned quarters: attend children; exercise dogs; clean and polish others' shoes; handle any weapons; do laundry; act as cooks or serve meals; cultivate or maintain private lawns or gardens; make beds or perform orderly or housekeeping duties.

(3) Prisoners will not perform labor resulting in financial gain to prisoners or other individuals, except as specifically authorized by the ACS facility commander.

(4) Prisoners will not be given work assignments requiring the handling of, or access to, personnel records, classified information, drugs, narcotics, intoxicants, arms, ammunition, explosives, money, or institutional keys. Prisoners will not have access to automation equipment or communication equipment to include mobile devices unless approved by the ACS facility commander.

(5) Prisoners will be required to perform useful work to the same extent as Soldiers available for general troop duty. However, they will not be used on work such as police details, area maintenance, janitorial duties, or kitchen police within unit areas, unless such functional duties are within approved work as a component of the prisoner's rehabilitation program, and access to such tools, materials and equipment while performing such duties are accounted for to prevent the prisoner from obtaining weapons, contraband or other prohibited items. Such work projects may be performed in direct support of the ACS facility and of other installation functions, when approved by the ACS facility commander and Garrison commander or equivalent.

(6) Prisoners will not be placed in any position where discharge of duties may reasonably be expected to involve the exercise of authority over other prisoners. Skilled prisoners may be used as assistant instructors to help other prisoners with academic work and vocational education/training.

(7) Prisoners may be employed in work assignments in exchanges, clubs, or in comparable work in other Service regulated activities on a military installation, provided such employment does not violate the prohibited practices listed above.

(8) In any instance, ACS facility commanders may restrict any work activity of any prisoner based upon safety or security concerns.

8-3. Vocational training and education

Vocational training and academic classes will be conducted at level II and III ACS facilities. In any instance, ACS facility commanders may restrict any vocational training, apprenticeship training, or educational activity of any prisoner based upon safety or security concerns.

a. Vocational training. Vocational training includes preparation for training in trades, industry, business, and other vocations designed to assist prisoners for assumption of employment in private industry upon release. Vocational training and supporting academic instruction may include the following—

(1) Practical work/vocational training projects, under the supervision of a trained instructor or a skilled employee of the DoD. These will be organized and operated in accordance with applicable educational, military, or industrial standards and may provide for both practical and classroom instruction.

(2) Maintenance details using skilled supervision and modern equipment available on the installation. Detailed training objectives will be developed whenever a maintenance detail is to be designated as a vocational training position. Related military or civilian correspondence course participation to supplement the work experience will be permitted.

(3) Individual vocational/academic counseling closely correlated with work placement opportunities upon the prisoner's release.

b. Academic vocational programs. Prisoners may be permitted to pursue other nonmilitary correspondence courses at no expense to the Army. Prisoners may be required to participate in formal, vocational training classes and correspondence courses.

c. Apprenticeship Training Program. The Apprenticeship Training Program, in coordination with the Department of Labor, Bureau of Apprenticeship and Training, and craft labor unions, may be established at ACS facilities.

d. Prisoners in vocational or trade training. Prisoners will receive instruction in principles/techniques of the trade, and supervised practice in the fundamental skills of the trade before engaging in actual work. To meet this need, each vocational training activity will plan and develop projects designed to continually evaluate the prisoner's progress and development according to clear performance standards.

e. Textbook and teaching aids. Whenever applicable, Army publications will be used. When appropriate and available, textbooks, job instruction sheets, industry standard textbooks, and teaching aids/devices may be furnished by the ACS facility.

f. Vocational training funds. Appropriated funds may be used to pay for vocational training programs in accordance with this regulation and may be supplemented with the use of non-appropriated funds (NAF) in accordance with appropriate NAF regulations. Vocational training funds may be established and operated to sustain practical work experience projects for prisoners. Prisoner-generated NAF revenues will be used to support only those programs approved by the ACS facility commander in accordance with appropriate NAF regulations.

8-4. Academic instruction

a. Program establishment. ACS facility commanders at level II and III facilities will establish academic programs ensuring eligible prisoners are afforded the opportunity to participate. ACS facility commanders will establish a system and/or procedure, or, when available, use external resources to ensure academic and vocational programs are assessed and validated to determine quality of instruction and academic instruction standards are met every three years. Upon availability of resources, community facilities, and local businesses, the program will contain, at a minimum, the following requirements—

- (1) Educational philosophy and goals.
- (2) Communication skills.
- (3) General education.
- (4) Basic academic skills.
- (5) General educational development (GED) preparation.
- (6) Special education.
- (7) Vocational education.
- (8) Postsecondary education.
- (9) Other education programs consistent with the needs of the prison population.

b. Prisoners with disabilities. Prisoners who possess physical, mental, emotional, and or learning disabilities and have the desire to participate in academic and vocational programs will have the same opportunities as other prisoners.

c. Vocational training integration with academic programs. ACS facility commanders will ensure vocational training programs are integrated with academic programs and are relevant to the vocational needs of prisoners and to employment opportunities in the community.

d. Academic courses. Academic courses offered for general education will be designed to contribute to the prisoner population's social adjustment.

(1) All prisoners without a high school education or equivalent will be afforded the opportunity to complete the GED program. Those with serious reading and/or writing deficiencies will be afforded the opportunity to pursue Army-sponsored, locally available remedial training.

(2) Enrollment in postsecondary courses will be voluntary, normally at no expense to the Government. The College Level Examination Program, Defense Activity for Nontraditional Education Support (DANTES), and similar Army

sponsored programs may be made available to prisoners. Class schedules will be arranged to reduce conflict with work schedules whenever possible. Weekend and non-duty hour classes will be encouraged.

e. Educational counseling. As an integral part of the initial assignment procedure, each prisoner will be counseled with respect to their educational opportunities and/or needs. A definitive education and career plan to meet personal needs will be established and every practicable opportunity to complete it will be provided.

f. Prisoner instructors. The ACS facility commander may approve the use of qualified prisoner instructors when qualified military or civilian personnel are not available. In addition to full-time personnel, part-time services of qualified instructors recruited from the surrounding community, such as high school and college teachers, may be used.

g. Testing. Educational testing, diagnosis, and appraisal of factual information concerning the prisoners' academic and vocational education will be conducted as an essential part of planning academic and vocational training programs during in-processing.

(1) As soon as possible and within available resources, all prisoners will be given educational achievement tests, as well as tests to determine their educational level and mechanical aptitudes. In addition, a brief presentation of educational and vocational opportunities will be given each new prisoner. On the basis of resources available, a training program suited for each particular prisoner will be recommended.

(2) Physical handicaps discovered as a result of a medical examination and their bearing on training will be considered in formulating a prisoner's academic training program.

(3) Brief statements on the results of testing, interviewing, and proposed training recommendations will be included in the prisoner's admission summary.

h. Academic file. The facility will maintain an academic file on each prisoner, to include achievement test results, interview sheets, and school records.

8-5. Prisoner welfare activities

ACS facility commanders will establish policy and procedure and implement a comprehensive recreational program including leisure-time activities, outdoor exercise, and library services.

a. Recreational rehabilitation program. The recreational program and associated policies are designed to enhance rehabilitative confinement efforts. The program will describe policy and procedures for the selection, training, and employment of prisoners as recreation program assistants.

b. Prisoner welfare items. Welfare activities will include provisions for reading material and physical recreation facilities. Prisoners will be authorized to retain in their possession the following welfare items, with reasonable restrictions as to quantities and sizes as directed by the ACS facility commander—

(1) Bibles, prayer books, religious pamphlets, and other scriptures appropriate to the prisoner's faith, as recognized by the Office of the Chief of Chaplains and approved by the ACS facility commander.

(2) Textbooks and appropriate military and vocational training manuals.

(3) Books and magazines approved by the ACS facility commander or a designee.

(4) Personal letters and photographs.

(5) Official and personal documents.

(6) ACS facility commanders may, for good cause, designate the type of writing instrument, such as a ballpoint pen or pencil.

c. Facility library. ACS facilities will maintain and/or provide access to comprehensive library services including, but not limited to, a reference collection containing general and specialized materials, and planned and continuous acquisition of materials to meet the needs of the institutional staff and prisoners.

(1) ACS facility commanders will establish policy defining the principles, purposes and criteria used in selection and maintenance of library materials. Additionally, policy will outline the selection, training, and employment of prisoners as library assistants.

(2) Library services may be available daily, including evenings and weekends, so long as such service participation does not disrupt or otherwise compromise security, accountability or present conflicts with schedule of calls or other services.

(3) A branch or field library, with sufficient legal material, to include the MCM and other legal resources to support the prisoner population of the ACS facility, will be established at ACS facilities or made reasonably available through installation or locally available assets.

(4) Installation librarians, and the installation SJA if necessary, will provide technical advice to the ACS facility commander and assist in providing adequate and suitable library resources. The facility library should contain a varied and authoritative collection of reading material aimed at encompassing the various reading levels, interests, and cultural backgrounds of the prisoners confined within the facility.

d. Recreational programs. ACS facility commanders will establish written policy, procedure, and implement recreation programs for activities initiated by prisoners and carried out under staff supervision. Additionally, equipment supporting the recreation program will be suitable for the planned leisure activities and is available in proportion to the prisoner population and maintained in good condition. The prisoner's schedule will be considered to avoid unnecessary conflict with work, training, and education activities.

(1) The prisoner recreation program may include sporting events, hobby shops, radio, television, indoor games, video programming, creative writing, painting, and other appropriate activities.

(2) In accordance with AR 215–1, ACS facilities are exempt from the provisions prohibiting the use of arts and crafts facilities and equipment for the making of articles for private resale.

(3) Prisoners are required to purchase raw materials when the end product is for personal use or sale.

(4) Spectator events may also be a component of the recreational program.

e. Video programming. Free admission video programming service may be provided to Army correctional facilities under the provisions of AR 215–8.

f. Support from American Red Cross. American Red Cross (ARC) assistance will be requested from the ARC representative serving the host installation.

g. Institutional publications. ACS facility commanders may approve establishment of institutional publications containing prisoner-prepared articles when such publications are for use within an ACS facility only.

Chapter 9

Work Release Program

9–1. Establishment

Work release programs provide for the conditional and part-time release of selected trustees for voluntary employment or training within NAF activities, appropriated fund activities, and civilian firms while serving sentences to incarceration. Work release programs are considered a component of the prisoner's overall rehabilitation effort in the correctional treatment program; inclusion in such activity reflects a positive advancement in the prisoner's overall rehabilitative progress.

a. ACS facility commanders may establish work release programs for trusty prisoners.

b. Trustees enrolled in work release programs may be compensated by the employing activity.

c. Only prisoners in Trusty custodial grade may be authorized for work release rehabilitation programs.

9–2. Work Release Program objectives

The objectives of the work release program are to—

a. Assist selected trustees in the development of better attitudes, improved motivation, self-discipline, and employment skills.

b. Provide an extension to the individual correctional treatment program through community-based employment on a conditional basis.

c. Provide a transitional work environment to help selected trusty prisoners adjust to the environment anticipated on their release from confinement.

9–3. Work release policies

a. Trusty custodial grade prisoners. Trusty custodial grade prisoners may be assigned to work release programs, provided—

(1) Local labor union officials are consulted if necessary/appropriate.

(2) Such employment will not result in the displacement of employed workers; in applied skills, crafts, and trades or impair existing contracts for services.

(3) Such employment meets the requirements specified in this regulation.

b. Compensation. Prisoners will be paid for the work performed and will receive at least the established minimum wage for work performed. Prisoners will not be exploited in any manner.

c. Custody of work release prisoners. For the purposes of accountability, participating trustees will remain in the custody of the ACS facility commander. A participating trusty who is willfully absent from their work assignment will be placed in an escapee status.

d. Vocational suitability. All work proposals will be analyzed to determine their validity, suitability, and potential to fulfill objectives of the work release program. The work will be integrated into the participating trusty's individual correctional treatment goals, and, where feasible, the trusty will be placed in work related to prior vocational training,

previous work experience, or anticipated employment on release from confinement. A work agreement with an employer does not constitute or imply a contractual agreement between the employer and the Army or the Government, although a mutual responsibility is recognized.

e. Liability. Prior to employment of participating trustees, the ACS facility commander will ensure the employer's liability insurance policy recognizes the participating work release trustee as an employee for whose acts the employer's insurance company will respond.

f. Approval and removal of prisoners from work release participation. Approval for participation or removal of a trusty from the program is within the sole authority of the ACS facility commander. When approved for participation in the program, a trusty will be furnished a list of standards of conduct and work performance and will be advised noncompliance with those standards may be the basis for termination of participation in the program.

9-4. Work Release Program selection criteria

a. Screening candidates. Care will be exercised in screening and selecting trusty custodial status prisoners for participation in the work release program. Safeguards will be established to protect the military and civilian community from the potential hazards of the work release program.

b. Eligibility. Any trusty, except one against whom charges are pending, may apply for participation in the program as prescribed by the ACS facility commander. Criteria for participation are as follows—

- (1) Prisoner trusty custodial status is a prerequisite for participation in the program.
- (2) Applicants will be physically and mentally qualified to perform duties required in proposed work assignments.
- (3) To become or remain eligible for the work release program, the trusty will not have waived parole consideration or refused an approved parole release. ACS Facility commanders may, however, retain a trusty in the program to complete any time period previously coordinated with the work release employer as long as the trusty has indicated their acceptance of this condition prior to the end of the program.

c. Qualifications. Applicants for specific types of employment will be approved for participation in the program on a best qualified basis.

d. Restrictions. The restrictions imposed in this regulation, regarding prohibited work activities, apply to work release programs.

e. Conditional agreements. Each participating trusty will be required to sign an agreement setting forth conditions prescribed by the ACS facility commander for participation in the program. Each participating trusty will carry a copy of the agreement when outside the ACS facility.

f. Appropriated funds. To be eligible for consideration for appropriated fund employment, the trusty will have been discharged from military Service.

9-5. Work Release transportation

a. Vehicle transport. Participating trustees will not be permitted to operate privately owned vehicles but may be permitted to use commercial or employer-provided transportation. If commercial or employer-provided transportation is not available or feasible, transportation approved by the ACS facility commander may be used for transportation to and from the place of employment.

b. Transport restrictions. Participating work release trustees are not authorized to transport other work release trustees.

9-6. Work Release work-site visits

The ACS facility commander will designate a senior member of the staff to make unscheduled periodic visits to work sites where participating prisoners are employed.

9-7. Work Release financial procedures

a. Financial administration. The ACS facility commander or a designated staff member will administer all individual and special financial transactions in connection with the program.

b. Agreements. All trusty custodial prisoners selected to participate in the program will execute written assignments or agreements for collection and disbursement of their wages, salaries or any other stipend received in the course of their work. The agreement will contain provisions for direct transmittal of wages by check from the employer to the custodian of each prisoner's personal deposit fund (PDF) for credit to the participating trusty's account.

c. Funding. If a participating trusty needs money for the purchase of suitable clothing, tools, equipment, or other expenses pursuant to employment, the employer may agree to advance or loan the trusty the money, or the ACS facility commander may determine another source is more appropriate. In no case will allocated budget (VJAL allocations) funds or operational funds be utilized for this purpose. In either case, the trusty will agree to repay the full amount

promptly. Funds may be advanced to fill the participating trusty's immediate needs only. Future needs will be paid for with funds from the trusty's accumulated balance in their PDF.

d. Authorizations. The ACS facility commander may authorize use of the participating trusty's pocket money to cover miscellaneous daily expenses.

e. Restrictions. Participating trustees may not open charge accounts or time credit installment accounts unless such action has direct connection with or is a necessity for employment, and then only when authorized by the ACS facility commander.

9–8. Work Release tools and equipment

If the work approved requires procurement of special tools or equipment, the cost will be borne by the participating trusty and items accounted for as personal property. Arrangements will be made to store the items at the work site. However, if such storage cannot be accomplished and the items are returned to the ACS facility, arrangements will be made to secure them in a manner not compromising the security of the ACS facility.

Chapter 10 Prisoner Administration

10–1. Admission procedures

ACS facility commanders will establish procedures for the admission of prisoners.

a. Army Corrections System facility admission procedures. Procedures for the admission of prisoners, at a minimum, will include—

- (1) Determination the prisoner is legally committed to the institution.
- (2) Thorough search of the individual and possessions.
- (3) Disposition of personal property.
- (4) Shower and hair care, if necessary.
- (5) Issue of clean, laundered clothing as needed.
- (6) Photographing and fingerprinting, including notation of identifying marks or other unusual physical characteristics. This record will be reviewed annually. Tattoos, scars and identifying marks will be noted on the prisoner's background summary record. Those facilities without an automated system will use DD Form 2710.

- (7) Medical, dental, and behavioral health screening.
- (8) Assignment to housing unit.
- (9) Recording of basic personal data and information to be used for mail and visiting list.
- (10) Explanation of mail and visiting procedures.
- (11) Assistance of prisoners in notifying their next of kin and families of admission.
- (12) Assignment of registration number to the prisoner.
- (13) Provision of written orientation materials to the prisoner.

b. Prisoner in-processing checklist. The prisoner in-processing checklist will be used to document prisoner admissions. The following actions will be taken by ACS facility staff—

(1) Brief new prisoners as soon as possible on facility rules and regulations, parole and clemency procedures, counseling procedures, educational opportunities, earned time (ET) accumulation procedures, UCMJ and disciplinary authorities and procedures, and work assignment procedures.

(2) Brief new prisoners on the rights of prisoners. Procedures governing presentation of complaints and grievances in accordance with AR 20–1 will be fully and clearly explained. Additionally, prisoners will be informed in a language clearly understood by the prisoner, both verbally and in writing, of the PREA requirements and sexual abuse and/or assault reporting procedures.

(3) Brief pretrial prisoners of their status, rights, and privileges, including the following factors—

(a) Control, custody, employment, training, health, and welfare.

(b) Commissioned officer and NCO prisoners will not exercise command or supervisory authority over other persons while confined. They will comply with the rules and regulations of the ACS facilities to the same extent as other prisoners.

(4) Segregate newly incarcerated prisoners from other prisoners while they undergo processing. ACS facility commanders will implement procedures to ensure in-processing is complete as soon as practical to minimize the duration of segregation for new prisoners.

(5) Ensure prisoners are bathed and strip-searched for unauthorized articles at the time of in-processing.

(6) Each prisoner will be interviewed to obtain information for completion of DD Form 2710.

(7) Examine the prisoner's clothing, money, official papers, documents, and personal property. Only items of clothing prescribed within this regulation are authorized. Unauthorized items will be documented on DA Form 4137 (Evidence/Property Custody Document) and signed for by the escort. The items will be returned to the prisoner's unit and a copy of the DA Form 4137 will be provided to the prisoner, senior escort and the facility. A receipt for the retained articles will be furnished to the prisoner and one placed in the CTF.

(8) Provide health and comfort (H&C) supplies within 24 hours after the prisoner is incarcerated. When necessary, authorized hygiene will be provided immediately.

(9) Medically examine each prisoner, test for HIV, and test for tuberculosis within three duty days after initial incarceration. The test results will be recorded in the prisoner's medical record and reviewed with the prisoner during the Health Appraisal.

(10) Conduct a FBI National Crime Information Center (NCIC) crime data check if not conducted prior to the prisoner's incarceration.

(11) Take prisoner identification photographs. The prisoners may use a name board, if available. One front, one left, and one right profile picture is required for inclusion in ACIS. Facilities not utilizing ACIS will place a copy of the photos in the prisoners CTF.

(12) Check prisoners against accompanying confinement or transfer orders to ensure positive identification. An institutional registration number may be assigned to each prisoner.

(13) Mail a safe arrival letter to the primary next of kin upon in-processing of the prisoner. A prisoner may waive this requirement, in writing.

(14) Conduct a review of the prisoner's records to determine appropriate victim/witness notification requirements within this regulation.

(15) Urinalysis testing of prisoners during in-processing is authorized.

(16) Complete a summary admissions report on all newly assigned prisoners. The admission report will include: special needs; summary of criminal history, if any; special medical and/or dental needs; recommended evaluations; and areas in need of follow-up or special emphasis.

(17) Complete a sentence computation, DD Form 2710-1 (Prisoner Sentence Computation) and explain to the prisoner. The prisoner will acknowledge in writing and understand the computation.

(18) Complete a DD Form 2711 (Initial Custody Classification) and DD Form 2711-2 (Custody Initial/Reclassification Summary Addendum) during the classification process.

(19) Complete a DD Form 2791 for prisoners convicted of sex offenses requiring registration to inform them of their requirements upon their release from confinement. This will outline the requirements for prisoners to provide an address of where they will reside upon release and will provide them with the requirements for sex offender registration in the state in which they will reside, work or attend school.

(20) Collection or verification of collection of DNA prior to confinement for Qualifying Military Offenses will be annotated in ACIS, to include the sample kit number.

10-2. Fingerprint cards

This paragraph outlines ACS requirements for conducting NCIC checks and fingerprint collection for all newly arrived pre/post-trial prisoners. OCONUS facilities have the additional requirement for NCIC checks and fingerprint collection on all newly arrived DoD civilian employees, contractors and dependents.

a. ACS facilities will conduct an NCIC check on all new pre/post-trial prisoners. OCONUS ACS facilities will also conduct a check on DoD civilian employee, contractor and dependents. The date and results of the NCIC check will be maintained in the prisoner's CTF, the FBI number (if related to the confining offenses) and any detainees/warrants will be annotated in ACIS.

b. Fingerprint cards (FBI Form FD-249) will be completed on all newly arrived pre/post-trial prisoners, and a copy will be kept in the prisoners CTF. OCONUS ACS facilities will also fingerprint newly arrived DoD civilian employees, contractors and dependents.

c. The following are the requirements for the submission of the FBI Form FD-249 and FBI Form R-84 (Final Disposition Report) per this regulation, DoDI 5505.11 (Fingerprint Reporting Requirements) and AR 190-45.

(1) The Director, USACRC, 27130 Telegraph Road, Quantico, VA 22134 is the Army's the central repository for criminal history information.

(2) Prisoner Fingerprints and all information required on the FBI Form FD 249 for offenses listed in AR 190-45, Table 4-1 will be sent to Director, USACRC, within five (5) duty days of arrival at the ACS Facility. This can be accomplished by Live Scan (An electronic finger and/or palm print capturing system) which is directly connected to USACRC, electronic system (printed copy) or manual hard copy scanned and sent via email to USACRC at usarmy.belvoir.usacrc.mbx.mailcicr@army.mil.

(3) The FBI Form R-84's will be completed on all prisoner releases (MRD and Parole/MSR) for offenses listed in AR 190-45, Table 4-1. FBI Form R-84s will be sent to USACRC Director within five (5) duty days prior to release or immediately after an unscheduled release. This can be accomplished by Live Scan (An electronic finger and/or palm print capturing system), which is directly connected to USACRC or electronic system (printed copy) or manual hard copy scanned and sent via email to USACRC at usarmy.belvoir.usacrc.mbx.mailcicr@army.mil.

(4) When submitting the FBI Form FD-249 and FBI Form R-84, charges will be described in commonly understood descriptive terms (for example, murder, rape, robbery, assault, possession of a controlled substance) or by a commonly understood title. Offenses will not be described solely by references to a UCMJ punitive article or to the USC or other statutory provision. Each FBI Form FD-249 will include the originating agency identifier of the facility making the submission. When transmitting fingerprints via LiveScan, the original arrest date (not the date of confinement), offense date, and investigation case number will be entered on the FBI Form FD-249.

(5) Adverse findings resulting from a summary court-martial should be recorded as follows: "Subject found guilty by summary court-martial." Although action by summary courts-martial is disciplinary in nature for a violation of military law, the Supreme Court has ruled a summary court-martial is not a criminal proceeding. Fingerprints will be taken and sent to the FBI from those tried by summary court-martial if the offense for which they were found guilty is an offense listed in DoDI 5505.11.

(6) The FBI provides blank FBI Form FD 249 and/or FBI Form R-84, ACS facilities are authorized to requisition the fingerprint cards by reordering directly from the FBI website utilizing the FBI Form 1-178 (available at <https://forms.fbi.gov/cjis-fingerprinting-supply-requisition-form>).

10-3. Alien notification

In any case where non-U.S. citizens convicted of crimes are confined in an ACS facility, information on charge(s), final judicial action, and place of incarceration will be forwarded to Immigrations and Customs Enforcement (ICE) Department of Homeland Security-ICE Office of International Affairs. Access to diplomatic representatives will be made available to foreign nationals.

10-4. Request for interviews

ACS facility commanders must establish procedures whereby individual prisoners can request interviews or assistance from responsible officials and must include a system responsive to the prisoner's desires to be heard.

a. Requests for interview. Prisoner requests for interviews must be submitted to the ACS facility commander or a designated representative on DD Form 510 (Prisoner Request).

(1) Procedures must be explained to the prisoner.

(2) The ACS facility commander or a designated representative must promptly advise the prisoners on the action taken regarding their request.

b. Results of interview request. Requests made by prisoners and responses taken or not taken must be recorded and made a part of the prisoner's CTF.

10-5. Grievances

Prisoners must be advised at the time of their incarceration of their rights to submit complaints and grievances to the ACS facility commander or a designated representative and the inspector general under the provisions of AR 20-1.

a. Required notices. A copy of the notice prescribed by AR 20-1 must be permanently posted on the prisoners' bulletin board.

b. Healthcare grievances. Grievances concerning health care must be submitted to the supporting medical treatment facility in accordance with local policy.

10-6. Facility records

ACS facility commanders will establish cogent policy and procedures to ensure record management practices within the facility adhere to specifications within this regulation, and in compliance with specifications of AR 25-400-2.

a. Record maintenance and disposition. ACS facility commanders will maintain records prescribed by this regulation and will ensure proper disposition and retention transfer standards as specified within AR 25-400-2. For further disposition on the scheduled disposition of records, refer to <https://www.arims.army.mil/> as necessary.

(1) The establishment, use, and content of prisoner records; right to privacy; secure placement and preservation of records; and schedule for retiring or destroying inactive records will be strictly enforced.

(2) Facility policies and procedures will be reviewed annually.

b. Record retention and disposition schedule. The following records-keeping procedures will be applied to all record number series under AR 190-47.

(1) Records will be maintained in the current files area (correctional facility) for two years after the event occurs, that is, CTF release, transfer, and so forth, and transferred to the Records Holding Detachment/Army Electronic Archives (RHD/AEA) two years after the event, at the end of the calendar year.

(2) All CTF 190–47b records and associated files will be retained for no less than 50 years from transfer date at the RHD/AEA.

(3) The “keep in the current files area until no longer needed” standard applies only to record number 190–47u, Official Journal. It will be retained until it is no longer needed for conducting business, but not longer than six years, then destroyed by the facility. This record is not transferrable to an RHD/AEA.

(4) All information contained in the victim/witness file 190–47z, and within the Victim Witness Chapter is added to the individual CTF record and is transferred to the RHD/AEA.

(5) ACS facility commanders can approve case-by-case exceptions to retain transfer records in the current files area for no longer than six years after the event for business purposes. Retention of transfer records in the current files area beyond the above exception will be forwarded to the ACC for approval.

c. Automation. Facilities will use the ACIS as the primary means of information management within ACS. All outputs of the system will be maintained, in accordance with the provisions of the Army Records Information Management System. Records and reports required below will be developed and maintained.

d. The daily strength record of prisoners. This record will be prepared at all ACS facilities.

(1) This record will be prepared each day for the 24-hour period beginning 0001 hours and ending at 2400 hours.

(a) Section I–Part A—Gains will reflect persons incarcerated during the period or received on transfer from other facilities.

(b) Section I–Part B—Losses will reflect losses (by release, transfer, death, escape, or other action) during the period.

(c) Section I–Part C—Changes will reflect changes of each prisoner in status and custody grade. (Sick in hospital and returned from hospital, are examples of changes in status.)

(d) Section II—Summary, “Brought Forward” (column b), will contain figures from column “e” of the previous day’s report. In the other columns, appropriate changes will be entered. Column “e” entries will be the total of the “Brought Forward” (b) and “Gains” (c) columns, less the “losses” (e) column. Total “Present” column (o) will be the sum of the “Hospital” (m) and “Confinement Facility” (n) columns.

(2) If incorrect entries are discovered on previously completed strength reports, a statement of correction will be entered in Section I, Part C, for example: “DD Form 506 (Daily Strength Record of Prisoners), 30 June 1993 as reads 20 should read 120. Correction had been incorporated in the present strength report and noted on the file copy as a pen and ink addition.”

e. Blotter report.

(1) A daily chronological record of ACS facility activity will be maintained using ACIS. Facilities without ACIS will prepare the daily report using DA Form 3997 (Military Police Desk Blotter).

(2) The facility blotter will provide a record of activities at the facility and will include, at a minimum, the following events—

(a) Head counts, bed checks, and roll calls.

(b) Staff visits and inspections.

(c) Tests of emergency plans and equipment.

(d) SIR, CCIR, and other similar incidents.

(e) Each change of relief.

(f) Admissions and releases from confinement, to include temporary releases.

(g) Any other information deemed of value by the ACS facility commander.

f. Prisoner Visitors’ Register. A record of all visitors to the prisoners at the facility will contain the following—

(1) Date.

(2) Name of visitor.

(3) Time in.

(4) Time out.

(5) Address or organization.

(6) Prisoner and Purpose of visitation.

(7) Relationship of visitor to prisoner.

10–7. Correctional Treatment File

A CTF will be established and maintained for each prisoner in the ACS facility. At a minimum, the CTF will include the prisoner's records as outlined in this regulation and any requirements as determined appropriate by the ACS facility commander.

a. Correctional treatment file accuracy and review. The ACS facility commander will direct administrative personnel to conduct a review of all CTF at least annually, ensuring they are current and accurate. The review will be annotated in Section 1 of the CTF with the date and name of the reviewer.

b. Prisoner correctional treatment file components. The CTF will include the following documents, as appropriate—

- (1) Section 1: Computation.
 - (a) DD Form 2710–1 (Prisoner Sentence Computation).
 - (b) Detainers.
- (2) Section 2: Court Documents.
 - (a) DD Form 2707 (Confinement Order).
 - (b) Statement of Result of Trial.
 - (c) Charge sheet.
 - (d) Pretrial agreement.
 - (e) Report of investigation/summary.
 - (f) Court-martial order(s).
 - (g) Court-martial review actions.
 - (h) DD Form 2717 (Department of Defense Voluntary/Involuntary Appellate Leave Action).
 - (i) DD Form 2718 (Prisoner Release Order).
 - (j) DD Form 2791 (Notice Of Release/Acknowledgement Of Convicted Sex Offender Registration Requirements).
- (3) Section 3: Personal Profile.
 - (a) DD Form 2710 (Prisoner Background Summary).
 - (b) DA Form 410 (Receipt for Accountable Form).
 - (c) FD–249 (Department of Justice Arrest Card) – fingerprints and NCIC information.
 - (d) DA Form 2569 (Attorney Of Record Designation).
 - (e) Citizenship.
 - (f) Visitation.
 - (g) DD Form 499 (Prisoner's Mail and Correspondence Record), if applicable.
 - (h) Congressional/FOIA requests and responses.
 - (i) Red Cross messages.
 - (j) Emergency data.
 - (k) Prisoner in-processing, transfer, and release checklists.
 - (l) DA Form 3955 (Change of Address and Directory Card).
- (4) Section 4: Disposition Boards.
 - (a) DD Form 2711 (Initial Custody Classification).
 - (b) DD Form 2711–1 (Custody Reclassification).
 - (c) DD Form 2712 (Prisoner Evaluation).
 - (d) DD Form 2715 (Clemency and Parole Submission).
 - (e) DD Form 2715–1. (Disposition Board Recommendation).
 - (f) DD Form 2715–2. (Prisoner Summary Statement).
 - (g) DD Form 2716–1 (Department of Defense Certificate of Supervised Release).
 - (h) DD Form 2715–3. (Prisoner Restoration/Return to Duty, Clemency and Parole Statement).
 - (i) Copies of all board recommendations and results/actions.
- (5) Section 5: Conduct Record.
 - (a) DD Form 2713 (Prisoner Observation Report).
 - (b) DD Form 2714 (Prisoner Disciplinary/Report Action).
 - (c) DD Form 509 (Inspection Record of Prisoner in Segregation).
 - (d) Facility Disciplinary and Adjustment Board Cover/Charge Sheets.
 - (e) Related conduct records and information.
- (6) Section 6: Miscellaneous.
 - (a) DD Form 510 (Request for Interview).
 - (b) DD Form 504 (Request and Receipt for Health and Comfort Supplies).
 - (c) Other miscellaneous forms.

c. Correctional treatment file record management. ACS facility commanders will ensure CTF record management practices within the facility adhere to policy and procedures and specifications of AR 25–400–2; these policies and procedures will be reviewed annually.

(1) The establishment, use, and content of prisoner records; right to privacy; secure placement and preservation of records; and schedule for retiring or destroying inactive records will be strictly enforced.

(2) A CTF is privileged and will be safeguarded from theft, compromise, and unauthorized disclosure. The CTF is used, among other purposes, to assist the ACS in making parole/MSR and clemency determinations and recommendations. The CTF is therefore considered part of a law enforcement file and access to the CTF by prisoners is limited. Access to information contained within the CTF by others is governed by AR 25–55 and AR 25–22.

d. Correctional treatment file confidentiality. Information in the CTF obtained under an expressed or implied promise of confidentiality will not be released to the prisoner if release would reveal the source of the information.

e. Information access requests. ACS facility commanders will direct processing of DD Form 510, submitted by a prisoner for information access. ACS facility commanders will determine if the DD Form 510 request should be processed under FOIA and/or the Privacy Act. Processing, assessing fees, and identifying appropriate redactions and applicable exemption(s) will be completed in accordance with CFR 518 FOIA, CFR 505 Privacy Act, AR 25–55, and AR 25–22, respectively.

f. Legal service notification. In the event the ACS facility commander is served with a subpoena ordering the production of a prisoner's CTF or any information contained within, the supporting SJA or legal advisor will be promptly notified. AR 27–40 governs all actions concerning the subpoena.

g. Transfer of correctional treatment file records. Prisoners transferred from one institution to another will have their CTFs and records transferred simultaneously or mailed within 72 hours after departure from the losing facility. An updated ACS facility commander's assessment or case summary will accompany any prisoner transferred from an ACS facility. Medical and dental records are automated. Prisoners are not authorized to possess or handle the CTF during transport. Senior escorts responsible for transporting prisoners will be briefed regarding prohibition of prisoners viewing the CTF during transport.

h. Release date computation report and prisoner release date change. Prisoner release date computation report and prisoner release date change notification reports will be generated and included in the CTF at the occurrence of a change in release dates.

i. Form usage.

(1) *DD Form 2707.* DD Form 2707 will be filled out for each prisoner upon initial incarceration. The officer directing confinement and the Legal Review/Approval Officer will sign the DD Form 2707 (must be different names). For ACS facilities the Medical Certificate on the DD Form 2707 is not required to be filled out; it is completed within 24 hours upon arrival at the ACS facility and normally completed on an SF 600.

(2) *DD Form 2710.* The report will be prepared within the first duty day following the prisoner's incarceration. Information not initially available will be entered as it becomes available. The DD Form 2710 will accompany the prisoner upon transfer to any subsequent place of incarceration both in hard copy and electronic formats.

(3) *DD Form 504.* A DD Form 504 will be used when the facility is not supported by the automated system. This DD Form 504 will be—

(a) Used for requesting H&C supplies by gratuitous issue, by purchase from a prisoner's personal funds, or by deduction from a prisoner's pay account.

(b) Prepared for gratuitous issue. One copy of the form will be prepared, which will remain in the satellite CTF file in the facility supply section. Upon prisoner release the form will be placed in the prisoner's CTF.

(c) Prepared in duplicate when supplies are purchased from a prisoner's personal funds; one copy will be forwarded to the custodian of the prisoner's PDF and one copy will be placed in the satellite CTF file in the facility supply section. Upon prisoner release the form will be placed in the prisoner's CTF.

(d) Prepared in triplicate when the cost of supplies is to be deducted from the prisoner's pay. The form will be annotated with the account to be credited with the collection. One copy will be placed in the satellite CTF file in the facility supply section until prisoner release, then forwarded to prisoner's CTF; one copy will be forwarded to the facility's supply section; and one copy will be furnished to the personnel officer of the unit to which the prisoner is assigned for preparation of the military pay order.

(4) *DD Form 509.*

(a) A DD Form 509 will be prepared for each prisoner in disciplinary segregation. It will also be prepared for those prisoners in administrative segregation considered suicide and escape risks, prisoners in restraining devices, and in circumstances where the commander considers such a record necessary.

(b) The DD Form 509 will be signed each day by the ACS facility commander or designated representative, health care personnel, and duty officer when they inspect the prisoner.

- (c) Special instructions will be entered relative to the prisoner's behavior.
- (d) Part II (Hourly Inspection Record) Prisoners on a DD Form 509 are personally observed by a correctional officer twice per hour, but no more than 40 minutes apart, on an irregular schedule, as required by this regulation and facility SOP.
- (e) Upon completion, DD Form 509 will be maintained in the prisoner's CTF.
- (5) *DD Form 510 (Request for Interview)*.
- (a) This form will be used by prisoners who desire an interview or to communicate with ACS staff.
- (b) Approval or disapproval and pertinent remarks relative to the interview will be entered on the form. The DD Form 510 will be filed in the CTF.
- (c) Depending upon the complexity of the request, responses to prisoner requests for interviews will normally be provided within 10 working days. The specific action taken by the individual specified in response to the prisoner's request will be recorded in the "Remarks" portion of DD Form 510.
- (6) *DD Form 2718*.
- (a) DD Form 2718 will be used as authority to release a prisoner from confinement. ACS facility commanders or designated representatives with prisoner release authority may authenticate DD Form 2718, but only in the cases of those prisoners who have been acquitted; had charges against them dropped; whose sentences have been mitigated, or otherwise released by a proper authority for return to their unit.
- (b) DD Form 2718 will not be used when a prisoner is transferred to another confinement location. Orders will be sufficient authority for accomplishing transfer of prisoners. DD Form 2708 (Receipt for Pre-Trial/Post Trial Prisoner or Detained Person) will be processed at the time of release of the prisoner for transfer.
- (c) Temporary release of prisoners will be accomplished using the Receipt for Prisoner or Detained Person form. DD Form 2708 may be used at those facilities not supported by the automated system.
- (d) When a prisoner is hospitalized in a medical facility, where the ACS escorts will not remain with the prisoner, a properly executed DD Form 2708 is required until returned to ACS control.
- (e) A DD Form 2718 will not be required for those individuals being transferred on orders from another ACS facility.

10–8. Deoxyribonucleic Acid Collection

ACS facility commanders will establish procedures for the collection of DNA samples from pre-trial and post-trial prisoners in accordance with DoDI 1325.07 and DoDI 5505.14.

a. Deoxyribonucleic Acid collection requirements.

- (1) If a DNA sample has not already been submitted, collect DNA samples during in-processing into confinement for post-trial prisoners convicted by special or GCM or pretrial prisoners after completion of the commander's 72-hour memorandum required by Rules for Courts-Martial.
- (2) Screen confinement documents and check ACIS to verify the collection of DNA during in-processing into ACS facility. DNA collection and kit number status is annotated on the confinement order and in ACIS.
- (3) All DNA samples will be collected in accordance with the USACIL DNA test kit collection guidelines. If DNA collection is required and the prisoner is uncooperative, the minimum amount of force necessary to obtain the sample from the individual is authorized.

b. Deoxyribonucleic Acid procedures.

- (1) Follow collection instructions provided inside the CODIS collection kit.
- (2) Ensure prisoners are provided a copy of the Privacy Act statement (as listed in the Appendix to Enclosures 2 and 4 in DoDI 5505.14) and a notification card informing them if they are not convicted by a special or GCM of an offense where a sentence to confinement of more than 1 year could be imposed, or if the conviction is reversed during appellate review, the servicemember may request their DNA sample be expunged from the FBI's CODIS. This process will be conducted in accordance with the current DoDI.
- (3) Annotate in ACIS DNA collection requirement and kit number.
- (4) Ensure a copy of DNA information (kit number) is placed in the prisoner's CTF file.
- (5) Forward DNA sample to USACIL in accordance with instructions.
- (6) Verify and annotate confirmation of receipt at USACIL by conducting periodic checks using the DNA lab kit search portal at: <https://army.deps.mil/army/cmds/dfsc/home/codis/>.
- (7) Contact ACC Headquarters after 30 days if receipt of sample has not been verified using the DNA lab kit search portal.

c. Replenishing Deoxyribonucleic Acid Collection Kits.

- (1) Restocking of DNA sample kits can be completed by filling out the USACIL DNA Database Collection Kit Request Form found on the USACIL website. The completed request should be faxed to CODIS lab at DSN

797–7112/Commercial (404) 469–7112 or through the USACIL portal at: <https://army.deps.mil/army/cmds/dfsc/home/codis/sitepages/home.aspx>. Even though faxed requests are accepted, email is the preferred method for requesting a re-supply of test kits. Questions can also be referred to the lab by phone at DSN 797–7258/Commercial (404) 469–7258. Kits should be ordered in sufficient quantities to last facilities for at least 6 months.

(2) DNA samples for prisoners will only be collected with the USACIL DNA collection kit, in accordance with DoDI 5505.14.

10–9. Prisoner marriage ceremonies within an Army Corrections System Facility

a. Commanders of ACS facilities with the rank of Colonel have the authority to approve or disapprove a prisoner's request for a marriage ceremony to be performed within the ACS facilities over which they exercise command. Commanders of ACS facilities who are not Colonels will forward the prisoner's request to HQ, ACC for approval or disapproval.

b. When making the determination, commanders will include in their evaluation consideration whether a ceremony in the facility poses a threat to the security and good order of the facility or risk to the public. This is one factor for the commander to consider when making their determination but is not the only factor for consideration. The prisoner's written request to marry may be approved provided both the prisoner and the intended spouse are legally eligible to marry, are mentally competent, and the intended spouse has verified an intention to marry the prisoner in writing. Further, the prisoner and intended spouse must comply with applicable state laws concerning marriage. The ceremony will not be attended by any other prisoner and will cause no disruption to normal activities at the facility.

c. The ACS facility will not be responsible for any costs associated with performing the ceremony. All cost associated with prisoner marriage ceremonies will be paid by the prisoner, the intended spouse, the prisoner's family or other appropriate source. If approved, the marriage will be performed by an authorized official.

Chapter 11

Sentence Computation and Prisoner Compensation

11–1. Sentence computation

Computation of sentences adjudged on or after 27 July 2004 will be in accordance with DoDM 1325.07. Sentences adjudged prior to 27 July 2004 will be computed in accordance with AR 633–30. A sentence to confinement begins to run on the date it is adjudged unless it is deferred in accordance with UCMJ, Art. 57(b).

11–2. Good conduct time

Good conduct time (GCT) will be accorded each prisoner serving a sentence(s) imposed by a court-martial or other military tribunal for a definite term or terms of confinement.

a. *Good conduct time.* Prisoners are credited with GCT while in a confined status on the date they entered pretrial confinement (if the pretrial confinement was ordered for the convicting offense or offenses) or the date their sentence was adjudged.

(1) Prisoners serving a life, life without eligibility for parole or death sentence have GCT held in abeyance; for those prisoners, GCT will be awarded only if the sentence is reduced to a determinate length.

(2) Upon return to confinement, a parole and/or MSR violator will earn GCT at the rate applicable at the time of release.

(3) GCT for prisoners incarcerated for an offense occurring on or after 1 January 2005 will be at the rate of five days a month and prorated for partial months in accordance with DoDI 1325.07.

(4) GCT for prisoners incarcerated for an offense committed prior to 1 January 2005 will be at the rates described below—

(a) Five days for each month of the sentence if the sentence is less than 1 year.

(b) Six days for each month of the sentence if the sentence is at least one year but less than 3 years.

(c) Seven days for each month of the sentence if the sentence is at least 3 years but less than 5 years.

(d) Eight days for each month of the sentence if the sentence is at least 5 years but less than 10 years.

(e) Ten days for each month of the sentence if the sentence is 10 years or more.

b. *Use of good conduct time.* All or part of a prisoner's GCT, up to and including the date of any institutional offenses may be taken as administrative disciplinary action for misconduct when recommended by a Discipline and Adjustment (D&A) Board and approved by the approving authority.

c. *Good conduct time re-computation.* If a prisoner receives a reduction in their sentence or an additional sentence, their GCT is recomputed at the rate applicable to the new term of confinement, effective the date of the action. Any portion of the sentence served is computed at the old earning rate up until the effective date of change.

11-3. Prisoner compensation

Prisoners may be compensated for demonstrated excellence in work, according to policies established within this regulation. The total of GCT, ET, and special acts abatement (SAA) awarded for any one month will not exceed 15 days.

11-4. Prisoner pay

When authorized by public law or other regulation, appropriated funds available to the ACS facility may be used to pay prisoners for work performed. When authorized, ACC will issue specific pay for work policy. Only prisoners in a military non-pay status may receive wage compensation.

11-5. Earned time

As an additional incentive, ACS facility commanders may grant ET as authorized within this chapter to prisoners who demonstrate acceptable participation and graded effort in work performance, educational achievements, offense-related or other rehabilitative programs, self-improvement or personal growth or support activities.

a. *Earned time incentives.* The ACS facility commander will designate annually, in writing, those jobs for which ET is granted.

(1) ACS facility commanders will require work supervisors to report the prisoner's conduct and work performance monthly. Work evaluations will be used to award ET.

(2) Those prisoners enrolled in ET programs who receive unfavorable evaluations or who otherwise do not work because of administrative disciplinary reasons will not be awarded ET.

(3) ET is held in abeyance, and is subject to forfeiture, for prisoners with life, life without eligibility for parole, or death sentences and granted only if the prisoner's sentence is reduced to a determinate length.

(4) All or part of a prisoner's ET, up to and including the date of any institutional offenses, may be removed as an administrative disciplinary action for misconduct when recommended by a D&A Board and approved by the approving authority.

(5) ACS facility commanders may authorize prorated ET for details less than full time. Half-day employment is considered part-time. A prisoner may participate in activities during a given month making them eligible for more than eight days of ET, however only a maximum of eight days ET may be earned per month.

(6) ET will be recorded monthly and recorded separately from GCT.

(7) ET, as an incentive, is not automatically transferred with the prisoner to a different facility; however, credit for ET is encouraged at the gaining facility based upon correctional rehabilitation objectives.

b. *Enumeration qualifications.* For the purposes of pay and work performance ET credit, a prisoner will be considered as actually employed when regularly assigned to work or training for which ET has been authorized.

(1) Pay and ET will not be allowed merely because of assignment to the detail, but will be earned and allowed in accordance with this chapter. To receive abatement for a month, the prisoner will have spent at least 85 percent of the duty days on the job; unless the ACS facility commander determines in writing that prisoner work absence was due to no fault of their own and a valid exigency exists.

(2) Prisoners assigned to an ET detail who are absent for more than five work days may have a prorated share of their monthly credit removed. Allowance of ET may be disallowed or downgraded for any month a prisoner fails to meet the established and published work standards.

c. *Work Performance earned time schedule of credit.* ET for actual work in assignments for which ET has been authorized will be awarded at the below listed rates. ET will be awarded effective the first day of the month following eligibility; increases occur on the first of the month. Prisoners working a partial month receive a prorated credit, except for prisoners at Level 1. When closing out records, a prisoner will receive prorated credit for the month in which they are being released and when ET is otherwise terminated or reduced.

(1) Level 1: Those prisoners continuously employed 1 to 5 months receive 1 day per month.

(2) Level 2: Those prisoners continuously employed for 6 to 10 months receive 2 days per month.

(3) Level 3: Those prisoners continuously employed for 11 to 15 months receive 3 days per month.

(4) Level 4: Those prisoners continuously employed for 16 to 20 months receive 4 days per month.

(5) Level 5: Those prisoners continuously employed for 21 to 25 months receive 5 days per month.

(6) Level 6: Only applicable to prisoners in level 6 earning rate prior to 15 June 2006 and in accordance with DoDI 1325.07. Those prisoners serving as assistant instructors/supervisor's assistants, following attainment of Level 5, may

receive 6 days per month. Prisoners, including trusty prisoners, who lose an assistant instructor/supervisor's assistant position will be reduced to level 5 or the earning level held prior to elevation, whichever is less.

(7) Prisoners receiving ET at an earning level 6 computation prior to the date this revised publication is published will continue to have the opportunity to ET at the level 6 rate; however, prisoners who lose their earning rate on or after the publication date of this publication will not be eligible to regain the level 6 earned rate computation.

d. Educational earned time. Educational ET may be awarded for specified academic achievements.

(1) Educational ET may be awarded for earning an Associate's Degree from an accredited institution, provided at least two-thirds of the course work was completed by correspondence or in-house attendance while in military confinement. As an additional incentive, ACS facility commanders may award Educational ET for completion of any subsequent or advanced degree (for example, Bachelor or Master level degree programs) under the same criteria while in confinement.

(2) The request for Educational ET awards will be submitted in writing within five working days from the receipt of the degree documentation for verification in accordance with the ACS facility policy. Education ET is not awarded for GED, Department of Labor Apprenticeship programs, certificate programs, Defense Activity for Non-Traditional Education Support (DANTES), and military education.

(3) Prisoners receiving or working towards a vocational and/or apprenticeship certificate; attending GED or Adult Continuing Education (ACE) or any similar courses developed in the future, continues to earn ET and, therefore, is ineligible for Educational ET.

(4) Educational ET is not awarded for duplicate degrees. A duplicate degree is defined as the award of more than one educational degree for substantially the same academic credit by one or more educational institutions. At a minimum, 30 additional credit hours will be earned before another degree merits Educational ET.

(5) Retroactive Educational ET is not authorized.

(6) Educational ET will not be awarded to a prisoner who is within 120 days of release from confinement.

(7) Educational ET, as an incentive, is not automatically transferred with the prisoner to a different facility; however, credit for Educational ET is encouraged at the gaining facility based upon correctional rehabilitation objectives.

e. Support Activities earned time. Prisoners may receive Support Activities ET for participation in community service programs, over and above which is normally scheduled.

(1) Support Activities ET are designed to incentivize special projects supportive of institutional goals or missions, or other activities as specifically designated, in writing, which do not rise to the level of those for which SAA may be awarded.

(2) Support Activities ET will not be awarded for work performed in lieu of or in addition to a prisoner's assigned detail during the normal workday.

(3) Support Activities ET is awarded in a lump sum amount monthly and will not exceed three days for any one event. Requests for Support Activities ET will be submitted in writing in accordance with the ACS facility policy for approval prior to the performance of those duties for which Support Activities ET is being requested.

(4) Support Activities ET will not be awarded to a prisoner who is within 120 days of release from confinement.

(5) Support Activities ET, as an incentive, is not automatically transferred with the prisoner to a different facility; however, credit for Support Activities ET is encouraged at the gaining facility based upon correctional rehabilitation objectives.

11-6. Special acts abatement

SAA is a deduction from a prisoner's release date earned for a specific act of heroism, humanitarianism, or extraordinary institutional or community support deemed appropriate by the ACS facility commander.

a. Special acts abatement eligibility.

(1) Prisoners serving a sentence imposed by a court-martial are eligible for SAA.

(2) Pretrial prisoners are not eligible for SAA.

(3) A prisoner with a life, life without parole, or death sentence may earn SAA, but such SAA will be held in abeyance, in accordance with DoDI 1325.07.

b. Rate of earning. The ACS facility commander may authorize a maximum of two days of SAA per month for a period not to exceed 12 months for a single special act. At no time will a prisoner receive more than two days of SAA per month; additional special acts may only extend the period of abatement, not the rate of earning.

c. Administration. SAA will reduce a prisoner's normal release date on a day-for-day basis, as earned.

11-7. Forfeiture and Restoration of Abatements

As a consequence of violations of institutional rules or the UCMJ, an MCF commander may direct that a prisoner forfeit GCT, ET (of any and all types), and SAA.

a. Forfeiture.

- (1) The ACS must use a D&A board for forfeitures.
 - (2) Only abatement that has actually been earned before or on the date of a violation is subject to forfeiture. GCT not yet earned, is not subject to forfeiture.
 - (3) Generally, GCT will be forfeited prior to forfeiture of ET, and ET will be forfeited prior to forfeiture of SAA.
 - (4) Sentences that have expired with allowance for GCT, ET, and SAA may not be revived for the purpose of forfeiting GCT, ET, and SAA earned thereon.
 - (5) Earned GCT for a pretrial prisoner is subject to forfeiture in the same manner as a post-trial prisoner, but forfeitures must be held in abeyance until the sentence to confinement begins.
- b. Restoration.* Forfeited GCT, ET, and SAA may be reinstated at the discretion of the ACS facility commander or, in the case of a prisoner transferred to the FBOP, the Commandant of the USDB.

11–8. Impact of parole/mandatory supervised release on good conduct time, earned time, and special acts abatement

For prisoners who have an approved finding of guilty for an offense occurring after 1 October 2004, GCT, ET, or SAA is held in abeyance until an acceptable MSR plan is approved.

a. Parole/mandatory supervised release. Prisoners placed on parole/MSR waive all previously earned GCT/ET/SAA. Prisoners do not earn GCT, ET, or SAA while on parole/MSR. Prisoners will be briefed and sign a statement acknowledging the waiver of GCT, ET, and SAA as well as the acceptance of the terms and conditions of parole/MSR.

b. Parole/mandatory supervised release violators. Parole/MSR violators do not receive credit for previously earned GCT, ET, or SAA. This loss of credit cannot be restored.

Chapter 12 Victim/Witness Notification Program

12–1. Establishing Victim/Witness Notification Program

The ACC is the Army Central Repository for archived victim/witness files where they are maintained by the Central Repository Manager.

- a. Victim witness files.* The victim witness files at a minimum will include—
- (1) DD Form 2704 (Victim/Witness Certification and Election Concerning Prisoner Status).
 - (2) DD Form 2705 (Notification to Victim/Witness of Prisoner Status).
 - (3) Victim Impact Statement.
 - (4) Written log of unsuccessful attempts to contact victim/witnesses and any documentation acknowledging change in contact information of victim/witness.
- b. Victim witness notification management.* ACS facility commanders will establish victim and witness notification procedures in accordance with DoDI 1030.02 and AR 27–10. Procedures described herein apply to prisoners of all services who are confined in ACS facilities.
- c. Victim/witness coordinator.* ACS facility commanders will appoint in writing a VWC and forward a copy of the appointment orders to ACC within 10 days of appointment. Prior to assumption of duties, the VWC will be thoroughly familiarized with all duties and responsibilities associated with the position. The VWC will be sensitive to the needs of victims and witnesses and will ensure strict confidentiality of their identity and files.

12–2. Procedures for victim/witness initial contact

- a. Notification.* The VWC will complete notifications to victims and witnesses using DD Form 2705, with the Initial Contact Notification cover letter within five days after receiving DD Form 2704 during in-processing.
- b. Compliance.* All post-trial prisoners entering ACS facilities are required to have a completed DD Form 2704. If post-trial prisoner arrives without 2704 and ACS facility does not receive form within 48 hours, VWC should immediately contact ACC Central Repository Manager for assistance.
- (1) Under age/minor victims or witnesses will be annotated on the DD Form 2704 and listed as a minor, along with their age.
 - (2) Parents and legal guardians of minors, as described in DoDI 1030.02, will be listed and annotated as parent or legal guardian on the DD Form 2704.

c. Victim/Witness Program enrollment and disenrollment. All written requests to be enrolled/dis-enrolled in the victim/witness notification program received by an ACS facility directly from a victim or witness will be approved/dis-approved by the ACS facility commander and copies will be forwarded to the ACC Central Repository Manager.

d. Victim/witness privacy. In the absence of specific statutory or regulatory authority permitting or requiring disclosure, the identity of a victim or witness will not be disclosed to the prisoner or any unauthorized third party personnel at any time.

e. Notification files. The VWC will maintain a secure and confidential notification file for each prisoner with a list of victims and witnesses who elect to receive notifications. The VWC will notify victims and witnesses in accordance with this chapter and maintain records of each notification. A copy of all mailed DD Form 2705's will be uploaded in the victim/witness module of ACIS under the "Enclosures" attachment and all other contacts with victims/witnesses (written or verbal), including unsuccessful attempts, will be documented in the "Notes" section of the victim/witness module in ACIS.

f. Annotation of victim/witness correspondence in the correctional treatment facilities. The VWC will ensure that CTF of applicable prisoners are annotated indicating the requirement for victim/witness notifications.

g. Exemptions. Due to privacy and identity concerns, such files may be exempt from disclosure under Freedom of Information Act (FOIA) and Privacy Act requests. The files will also include enrollment election form, notification form, records of telephonic contacts and correspondence with the victims or witnesses.

h. Victim/witness correspondence. Facilities are no longer required to make notifications by certified mail. All notifications made by mail will be sent via first class mail. Email is an acceptable method of notification and, with approval of the victim/witness, can be used as the main form of communication.

i. Victim/witness contact information. Once a VWC successfully advises enrolled victims or witnesses of their obligation to inform VWC of any changes of address or phone number, the burden of maintaining accurate contact information on file rests with the enrolled victim or witness. VWC will ensure all victims and witnesses enrolled in the notification program are supplied with facility VWC and general contact information.

12-3. Victim/witness Notification Procedures

a. Release. The VWC will notify victims and witnesses at least 45 days prior to the prisoner's projected release from confinement. Notifications will include prisoner's tentative release date, reason for release and, if known, the city and state the prisoner has provided as a release destination. If the prisoner is unexpectedly released, the VWC will, as soon as feasible, notify the victims or witnesses by telephone of the release and send a letter containing the same information as soon as possible thereafter. There are certain occasions when a prisoner's release date will change. This may be due to clemency, the loss of GCT, or the earning or forfeiture of earned GCT. The victim or witness will be notified when there is a change of more than 30 days in a prisoner's release date from the last notification.

b. Death. The VWC will notify victims and witnesses of the date of death of a prisoner as soon as possible after the death.

c. Escape. Victims and witnesses will be notified telephonically of the escape of a prisoner no later than four hours after the discovery of the escape. If telephonic notification is not possible, assistance from local law enforcement officials in the area where the victim or witness resides will be requested. Victims and witnesses will also be notified of apprehension and return to confinement of prisoners by the same means. If a pretrial prisoner escapes, the Office of the Staff Judge Advocate (OSJA) that ordered the pretrial confinement will also be notified.

d. Trusty custodial status. When a prisoner is elevated to trusty status the victim/witness will be notified of the status change.

e. Clemency and Parole Hearings. Victims and witnesses will be notified of upcoming boards and any requests received by ACS facilities or sister-service facilities from victims and witnesses to appear before parole hearings. The facility V/W coordinator will ensure that victims/witnesses are notified of their right to personal appearance before the ACPB, or to submit matters in writing or by audio/video technology. Victim impact statements and/or requests for personal appearance will be forwarded to the appropriate SC&PB for consideration when provided. Impact statements may also be considered at facility disposition boards.

f. Emergency Home Furlough. In the event a prisoner is granted Emergency Home Furlough (EHF), every attempt should be made to notify the victim or witness in writing, prior to the prisoner's release on EHF. If circumstances do not permit advance written notification, telephonic contact will be made.

g. Transfer.

(1) If a prisoner is transferred to another MCF, victims and witnesses will be notified by the losing facility of the location of the planned transfer in advance. Regardless of service, all victim and witness information will be hand carried by the escorts in a sealed envelope with a completed DA Form 200 attached to it, and addressed commanding officer or designee of the receiving MCF. The cover page of the DA Form 200 for the prisoner record will clearly

state “Victim and Witness Notification Required.” Prisoners are not authorized to handle, view, observe or possess victim or witness information; escorts will be briefed regarding this prohibition.

(2) When prisoners are permanently transferred to the custody of the FBOP, the FBOP will assume the responsibility for conducting all further notifications to victims in the case and the USDB will send a final written notification to the witnesses informing them that they will no longer receive notifications from the facility on the prisoner’s status. Since the FBOP does not provide notifications to witnesses on status changes of transferred military prisoners, the USDB’s final notification will provide instructions for witnesses to access the FBOP’s public portal in order to obtain information on changes in prisoner’s status, if they choose. Victim witness files of transferred prisoners will be forwarded to the FBOP’s Victim Witness Notification Coordinator at 320 First St. NW, Washington, DC, 20534.

(3) The gaining ACS VWC will conduct notifications in accordance with the procedures for initial contact as specified within this chapter.

h. Parole and mandatory supervised release. Victims and witnesses will be notified of any prisoner being released on parole or MSR and again at the expiration of parole or MSR. The U.S. Parole Commission will be provided a copy of the original DD Form 2704 and the most recent DD Form 2705 notification to victims and witnesses related to the case when the prisoner is released on parole or placed on MSR.

i. Pretrial confinement. If a military magistrate determines a prisoner should be released from pretrial confinement, and the offenses with which the prisoner is charged indicate a victim or witness may exist, the prisoner’s commanding officer and local trial counsel or legal office will be informed of the need to notify any potential victims or witnesses of the release.

12–4. Canceling the victim/witness notification request

Victims and witnesses may request removal from the notification program by submitting a request in writing to the facility VWC or Army Central Repository Manager.

a. Victim and witness coordination. The VWC and the Army Central Repository Manager will coordinate the removal of the victims or witnesses from the notification program.

b. Victim/witness notification cancellation procedures. In cases when notifications are returned to the VWC as non-deliverable, prior to suspending the notifications the VWC will—

(1) Attempt to contact the victims or witnesses telephonically using the contact information on file or directory assistance.

(2) Annotate all unsuccessful attempts to contact the victims or witnesses. Resume notifications upon receipt of written request by the victim or witness, including current address, telephone number, and email address.

(3) Parents and legal guardians of minor victims and witnesses will be notified in writing when the victim/witness reaches 18 years of age that they will no longer receive notifications of changes in the prisoner’s status, unless they are a victim or witness in the case themselves, or the victim/witness is incompetent or incapacitated. Otherwise, notifications will be sent directly to the victim/witness. The Army Victim Witness Central Repository Manager will also be informed in writing of these changes.

c. Continuing victim and witness confidentiality requirements. Regardless of cancellation or suspension status for victim/witness notification procedures, victim and witness information will remain protected and will not be released to prisoners. Suspension or cancellation of specific victims or witnesses of crimes from the service requirement of the notification program does not relieve ACS facility personnel from the requirement to protect victim and witness information.

12–5. Disposition of victim/witness files

a. Storage of victim/witness hard-copy information. ACS facilities will seal the victim/witness files in a separate envelope and identify them as “Victim/Witness Files”. All victim witness files will also be scanned into the V/W module in ACIS.

b. Victim/witness file marking. Victim/witness File envelope will be clearly labeled “May be EXEMPT from Freedom of Information Act and Privacy Act Release.” VWC will ensure protection of files in compliance with DoDI 5200–48, and in accordance with 32 CFR 2002.20, and other applicable regulations and policies.

c. Procedures in Army Corrections Information System. Victim/witness files will be uploaded in ACIS under the “Victim/Witness” module prior to transferring the prisoner’s CTF to the Records Holding Detachment for final disposition. The following are the only documents uploaded to the ACIS module; DD Form 2704, DD Form 2705, Victim Impact Statement, written log of unsuccessful attempts to contact victim/witnesses and any documentation acknowledging change in contact information of victim/witness.

12-6. Victim/witness reporting requirements

a. Monthly Army Corrections Information System reporting. ACIS will generate and maintain monthly victim/witness activity reports including the number of victims and witnesses notified and the reason for the notification of each prisoner status change during the month.

b. Facility annual report on victim and witness assistance. Each ACS facility will compile cumulative figures on notifications and reporting requirements for the previous calendar year on DD Form 2706 and forward a copy to the ACC's Central Repository Manager not later than 31 January of each year.

c. Army Corrections Command Annual Report on Victim and Witness Assistance. In accordance with AR 27-10, the Army central repository manager will compile cumulative data from all ACS facility victim/witness reports on DD Form 2706 and submit it to the Department of the Army, Office of The Judge Advocate General, Criminal Law Division, (DAJA-CL) Room 3B548, 2200 Army Pentagon, Washington, DC 20310-2200, no later than 15 February of each year.

12-7. Victim/witness coordinator training

Continuity of the victim/witness notification program, and efforts to comply with the wishes of victims/witnesses is of critical concern. In order to ensure the safety of victims, and their families, victim assistance personnel must respect the dignity and the privacy of persons receiving services, and carefully observe any safety plans and military or civilian protective orders in place.

a. Victim/witness coordinator qualification and training. ACS facility commanders will ensure each VWC is fully trained on statutory and privacy concerns relating to the function of the victim/witness program.

(1) All ACS VWCs will receive training to ensure compliance with the victim and witness program per DoDI 1030.02.

(2) All VWCs will be fully versed of the rights of crime victims under the UCMJ and required mechanisms for enforcement, in accordance with Section 1701 of Public Law 113-66 and in accordance with DoD standards for victim witness assistance services in the military community established in DoDI 6400.07.

b. Facility victim/witness training programs. In absence of DoD or service provided training for personnel appointed as a VWC, facility commanders will establish a training program and monitor effectiveness of the program to such a degree that newly appointed VWCs are equally qualified to sustain the program throughout personnel transition.

12-8. Victim/Witness Program Internal Control

It is the responsibility of the ACS facility commander to establish internal controls to ensure information submitted by victims and witnesses remains confidential and no unauthorized persons has access to victim or witness files.

a. Observance of victim/witness privacy and safety. In order to ensure the safety of victims, and their families, victim assistance personnel must respect the dignity and the privacy of persons receiving services, and carefully observe any safety plans and military or civilian protective orders in place.

b. Publication of victim/witness program aspects in facility standard operating procedures. Victim/witness notification procedures will be included in the facility standard operating procedures.

(1) Prisoners are not authorized to view, handle or possess victim/witness information.

(2) All personnel, regardless of involvement with the Victim/Witness Notification Program, must adhere to the controls established within this regulation and public law—

(a) Do not allow the prisoner access to DD Form 2705 or attach a copy of the form to any record to which the prisoner has access. Doing so could endanger the victim or witness.

(b) Be advised of protected communication requirements regarding victims and witnesses of crimes as defined in and in accordance with DoDD 7050.06.

(c) On transfer of a prisoner to another military confinement facility, verify that the gaining facility is provided with the DD Form 2704 and that an information copy is uploaded into ACIS under the "Victim/Witness" module in order to comply with central repository file requirements in accordance with DoDI 1030.02.

(3) Provide the earliest possible notice of—

(a) The scheduling of a clemency or parole hearing for the prisoner and the results of the SC&PB.

(b) The transfer of the prisoner from one facility to another.

(c) The escape, immediately on escape, and subsequent return to custody, work release, furlough, or any other form of release from custody of the prisoner.

(d) The release of the prisoner to supervision.

(e) The death of the prisoner, if the prisoner dies while in custody or under supervision.

(f) A change in the scheduled release date of more than 30 days from the last notification due to a disposition or disciplinary and adjustment board.

Chapter 13

Sex Offender Registration

13–1. Sex Offender Registration Requirements

a. Sex offender registration. ACS facility commanders will establish procedures for sex offender registration in accordance with DoDI 1325.07, to include—

(1) Review Service Statement of Trial from general or special court-martials to determine if convicted offenses require sex offender registration.

(2) Conduct an NCIC check to determine if prisoner was previously convicted of any offenses requiring sex offender registration.

(3) Ensure compliance with notification requirements prior to releasing sex offenders from confinement.

(4) Advise convicted sex offenders of their requirement to register with the intended state of residency.

(a) Before final release from confinement, ACS facility commanders must advise a prisoner convicted at a general or special court-martial of an offense requiring registration as a sex offender in accordance with DoDI 1325.07 (see DoDI 1325.07 Tables 4 and 5 at Appendix 4 for a list of covered offenses) of the registration requirements of the State, tribe, or territory in which the prisoner will reside upon release from confinement.

(b) The sex offender registration requirement notice provided to a prisoner must contain information that the prisoner is subject to a registration requirement as a sex offender in any State, tribe, or territory in which the person resides, is employed, carries on a vocation, or is a student. Information provided to prisoners will include an advisory that each registration jurisdiction sets its own sex offender policy and laws, for which the prisoner is obligated to comply.

b. Submit reports to Army Corrections Command as required.

13–2. Sex offender notification procedures

a. Sex Offender records. A completed copy of DD Form 2791 is placed in the prisoner's CTF and entered into ACIS under the "Enclosures" tab of the victim and witness section. In the event that ACIS access is unavailable forward a copy of the DD Form 2791 to ACC Central Repository Manager when the prisoner is released.

b. Sex Offender notifications to appropriate law enforcement agencies. DD Form 2791 will be used to complete notifications to appropriate law enforcement agencies at least five days prior to the prisoner's release.

(1) A copy of the DD Form 2791, DD Form 458 (Charge Sheet), DD Form 2707, Statement of Result of Trial and DD Form 2718 will be sent by mail or electronically to the U.S. Marshals Service (USMS) National Sex Offender Targeting Center, the U.S. Army Crime Records Division and the chief law enforcement officer of the State, tribe, territory, or local jurisdiction responsible for the receipt or maintenance of sex offender registration in the jurisdiction(s) in which the released offender will reside, work or attend school.

(2) The DD Form 2791 will include the following—

(a) The place where the prisoner intends to reside, work or attend school.

(b) Information that requires the prisoner to register as a sex offender.

(c) Criminal history, including a description of the offense.

(d) Restrictions or conditions of release.

(e) Signatures of the ACS Facility Commander, witness and prisoner.

c. Sex Offender State notifications. In cases where the final address is unknown at the prisoner's time of release, notification will be forwarded to the state where the prisoner establishes temporary residency.

d. Sex Offender military installation notifications. In cases where a released prisoner will reside on a military installation, forward a copy of DA Form 7439 (Acknowledgement of Sex Offender Registration Requirements) and the DD Form 2791 to the installation Provost Marshal Office or sister-service equivalent.

e. Sex Offender notifications for prisoners under mandatory supervised release/parole agency control. In cases where a prisoner is released on conditions of mandatory supervised release or parole, complete DD Form 2791 in accordance with this chapter.

f. Sex Offender notifications for furlough prisoners. Prior to a prisoner being released on HF or EHF, telephonic verification with state law enforcement agencies will be initiated to determine if the local jurisdiction requires notification during the visit.

g. Sex offender notifications for overlapping jurisdictions. When multiple jurisdictions have overlapping authority, all jurisdictions will be notified. ACS facility commanders may refer to the Directory of Law Enforcement Administrators to identify appropriate state and local chief law enforcement officers.

h. Sexual Offender prisoner transfers to other military confinement or correctional facilities. Notifications to state officials are not required for prisoners transferred to another correctional facility.

i. *Sex Offender notifications for prisoners transferred to federal confinement.* In cases where a prisoner is permanently transferred to the FBOP, the losing ACS facility will notify the FBOP if the prisoner is a convicted sex offender requiring state and local law enforcement agency notification upon release.

Chapter 14

Release

14–1. Release from Confinement

a. Release of prisoners confined in U.S. Army Corrections System controlled facilities. Prisoners will not be released by verbal or telephonic order unless said order is directly from CG, ACC.

b. Interview of prisoner. Each prisoner will be interviewed to ensure compliance with applicable local, state, tribe or territory laws concerning violent or sex offender registration requirements and completion of the impact of crimes on victims training prior to release.

c. Administrative and compliance. Victim/Witness notifications and any required sex offender notification will be completed prior to release.

d. Administrative out-processing and operational procedures. When releasing prisoners, ACS facility commanders will ensure operational procedures contain, at a minimum, the following—

- (1) Verification of identity and release papers.
- (2) Completion of all release arrangements, including notification of the parole authorities, and any sex offender notification in the jurisdiction of release.
- (3) Compliance with all victim/witness notification procedures as prescribed within this regulation.
- (4) Return of property and funds held in safekeeping (for example, driver's license, telephone calling card).
- (5) Check to ensure no facility property leaves the facility.
- (6) Review of pending legal actions or other complaints. Every attempt will be made to resolve grievances and complaints at the ACS facility commander's level and a written record will be maintained of each resolved and unresolved issue, (for example, grievances or claims for damages or lost possessions).
- (7) Medical screening and arrangements for community follow-up where needed.
- (8) Forwarding of prisoners' mail.
- (9) A prisoner who has completed a sentence to incarceration may be placed on excess leave and allowed to depart to their release address, sent to the PCF, or other disposition in accordance with the instructions of the PCF commander or designee.

14–2. Release gratuities

Enlisted prisoners whose sentence to confinement includes a punitive discharge may be entitled to discharge gratuity in accordance with DoD Financial Management Regulation Volume 7A.

a. *Personal funds.* Prisoners received with more than \$25.00 of personal funds in their possession will retain a minimum of \$25.00 in their PDF account.

b. *Release gratuity.* If an enlisted member of a military Service is released from a military confinement or contract prison to parole, MSR, appellate review leave, or expiration of sentence and has less than \$25.00 in their possession, they may be paid the difference between funds in possession and \$25.00.

(1) Request for payment of release gratuities will be submitted on SF 1034 (Public Voucher for Purchases and Services Other Than Personal) to the servicing DFAS office for payment from the Military Personnel Appropriations accounts (separation payments).

(2) Funds in the prisoner's possession include personal funds and any items paid at the time of discharge or release, excluding mileage and cash advanced incident to furnishing transportation-in-kind.

c. *Clothing for indigent prisoners.* Prisoners separated from a military Service who are not entitled to wear the uniform may be provided civilian outer clothing if needed. In such case, an outfit of civilian clothing may be procured by the ACS facility commander and issued at no cost to the prisoner if they are determined to be indigent.

d. *Release attire for separated servicemembers and civilians.* Prisoners may have release clothing mailed to the ACS facility from either a commercial source, at their own expense, or from home in accordance with ACS facility policy. If prisoners are received with civilian clothes in good repair, one set may be retained for use at release when other possessions are mailed out.

14–3. Prerelease program

The prerelease correctional program is an educational and counseling initiative designed to prepare the prisoner for reintroduction to their family, friends, work, and community and to help them to anticipate and cope with problems upon their reintroduction.

a. Prerelease correctional program. ACS facility commanders will establish a prerelease program designed to prepare prisoners for return to military duty or the civilian community. Facility programs will be designed to prepare the prisoner for adjusting from institutional to civilian life; anticipating problems facing them upon return to the civilian community; and making individual plans for release and employment.

(1) At minimum, the program will be based on a core curriculum of topics/courses organized into six broad categories: health and nutrition; employment; personal finance/consumer skills; information/community resources; release requirements and procedures; and personal growth and development.

(2) Emphasis will be placed on development and self-understanding, toleration of frustrations and disappointments, and the importance of initial motivation toward the new environment.

(3) Provisions will be made for limited prerelease preparation for prisoners who, by reason of their aggressive, antisocial, impulsive behavior, and extremely disruptive influence are not amenable to the prerelease program.

(4) Prisoners arriving with short sentences will attend only as much of the prerelease program as the ACS facility commander deems appropriate.

b. Prerelease preparation. Each prisoner will be interviewed approximately 90 days prior to their release date and assisted in preparing and forwarding applications to prospective employers and other agencies or services providing such assistance. Subject to the prisoner's written authorization, information will be furnished employment agencies or employers regarding the prisoner's occupational experience and training.

14–4. Return to military Service

a. Policy. In the spirit and intent of public law, the Army may return to military Service those Army prisoners, confined or on supervision, who are physically, mentally, and morally qualified and possess the requisite potential for successful reintegration into the active force. Actions to return a prisoner to military Service include restoration and reenlistment, which are defined below—

(1) *Restoration to duty.* Defined as the return to active duty status of an individual whose court-martial sentence does not include a punitive discharge or includes a punitive discharge either suspended or unexecuted.

(2) *Reenlistment.* Defined as the return to active duty status of an individual whose court-martial sentence includes an executed punitive discharge.

b. Consideration of cases. Decisions to return prisoners to military Service will be made on individual merit, a prisoner's acceptable progress within prescribed correctional rehabilitation program(s), and with due regard to the effect restoration to duty or reenlistment will have on the esprit and good name of the Service.

(1) The prisoner's civil, military, and confinement records will be considered in determining suitability for this action.

(2) In the absence of exceptional circumstances, conviction of a crime generally recognized as a felony or serious offense in civil law, or a serious crime perpetrated under circumstances showing disregard for the rights or feelings of others, is willfully malicious, brutal, heedless, and lacking in serious provocation will ordinarily disqualify the prisoner for restoration to duty or reenlistment.

(3) Desertion or absence without leave with intent to avoid hazardous or important service, or, regardless of offense of which convicted, a history of repeated drunkenness, narcotic addiction, or continued difficulty in adjusting to military life may also disqualify a prisoner for return to military Service.

(4) Exceptional circumstances may be considered to include but are not limited to—

(a) A demonstrated behavioral change in the prisoner's demeanor evidenced at the time of the commission of the offense(s) for which convicted, supported by an established motivation for honorable Service.

(b) A demonstrated ability to perform military duties in a creditable manner and a positive potential for honorable Service.

(c) A substantially clear civil and military record.

(d) A reputation for honesty, integrity, and good behavior.

(e) Age at time of offense(s) for which convicted.

c. Evaluations. All return to military Service evaluations will include consideration of the prisoner's performance in offense related counseling and training, work assignments, and behavior performance reports while incarcerated.

d. Service category. Prisoners confined and on supervision eligible for return to military Service will have been an enlisted member of the Regular Army at the time of conviction.

(1) Reserve Component personnel called to active duty who later become a prisoner or supervisee are not eligible for return to military Service.

(2) Officer and warrant officer prisoners are not eligible for restoration in their former status. Restoration approval for such personnel will be for duty in an enlisted status and will not become effective until dismissal or discharge has been executed. Individuals in this category may submit an application for waiver to permit enlistment under procedures outlined in AR 601–210.

e. Restoration standards. In selecting prisoners and supervisees for restoration or reenlistment, consideration should be given to their demonstrated motivation for future honorable service, Army needs, demonstrated ability to perform military duties in a creditable manner, mental and physical fitness for continued service, and to the expected impact of restoration or reenlistment on the morale, good order, and discipline of the Army.

(1) A prisoner will not be recommended for return to military Service unless the minimum physical, mental, and administrative standards for enlistment of prior Service personnel as prescribed in AR 601–210 are met. Necessity for maximum utilization of available manpower during hostilities may warrant exception to these restrictions.

(2) In any case, the needs of the Service govern return to duty programs, not the desires of individual prisoners.

(3) Prisoners who are not selected for such a program may not appeal or otherwise contest non-selection.

f. Additional training. Restored or reenlisted personnel may be required to repeat basic combat training or basic training subsequent to their return to duty when the period of confinement has exceeded 12 months. Such training is not supplied while in confinement, nor coordinated by ACS facilities when preparing prisoners for release from confinement.

g. Term of Service. Army enlistment resulting from restoration action constitutes a new term of Service. Unless otherwise directed by the Secretary of the Army, enlistment will be in the lowest enlisted grade for a period of one year and will not afford any choice of enlistment option. Individuals will be advised restoration has no bearing on legal appeals and is a new term of Service leaving the earlier term of Service unaffected, including the character of any approved, executed punitive discharge.

h. Restoration and reenlistment procedures. All prisoners confined in the ACS will be evaluated for restoration to duty and or reenlistment potential in accordance with this regulation.

(1) *Approval authority.* The Secretary of the Army is the approval authority for the restoration of prisoners. The appropriate ACS facility commander will forward all prisoner requests for restoration to the ACPB.

(2) *Application.* Prisoners desiring restoration will submit a written application for consideration. Applications will include a statement that the prisoner understands restoration may be subject to a period of limited training at an ACS facility or completion of formal training at an Army training center.

(a) Prisoners applying for restoration may also apply for parole, if they would otherwise be eligible for parole based on their sentence and time in confinement. However, applications for restoration will include a statement from the prisoners acknowledging if restoration is approved, parole will not be executed if approved.

(b) Prisoners applying will be considered for restoration whenever eligible for clemency consideration.

(3) *Board procedures.* Upon receiving a written application for restoration from a prisoner incarcerated in an ACS facility, the ACS facility commander will submit the application for review by the facility Disposition Board.

(a) If the ACS facility commander recommends approval, the Disposition Board's recommendation and the recommendation of the ACS facility commander will be forwarded to the ACPB.

(b) Those not approved for restoration by the Secretary of the Army will remain in confinement until formally released in accordance with this regulation.

(4) *Approved recommendations.* Upon approval for restoration, the prisoner will be removed from the prisoner population pending actions specified within this regulation and provided minimum training determined appropriate in accordance with this regulation by the ACS facility commander. The Secretary of the Army approval will constitute a waiver to the enlistment qualification criteria.

(5) *Reenlistment procedures.* ACS facility commanders, in accordance with the criteria specified within this regulation, will evaluate for reenlistment those prisoners with an executed punitive discharge. Those with potential for continued Service may reenlist upon approval of the GCM authority.

(a) Prisoners who reenlist normally will have the unexecuted portion of their sentences suspended; however, at the discretion of the approving authority, the unexecuted portion of the sentence may be remitted. A sentence may be suspended for a period not to exceed one year or expiration of the Soldier's term of Service, whichever is less. The action suspending the sentence should specify the period of suspension (for example 2 May 1993 until 1 May 1994) and contain a provision for automatic remission unless the suspension is sooner vacated.

(b) At any time it is warranted, the officer exercising GCM jurisdiction over the Soldier may remit a suspended sentence. Action to remit or vacate suspension may be postponed pending disposition of any current charges.

(6) *Duty status.*

(a) *Commissioned and warrant officer prisoners.* A Regular Army officer who has been sentenced to dismissal (commissioned) or dishonorable discharge (warrant officer who is not commissioned) will not be discharged prior to completion of appellate review without the prior approval of the CG, HRC (see AR 600–8–24). A Regular Army officer whose sentence includes dismissal or dishonorable discharge may be returned to duty or processed for excess leave while appellate review is pending (see AR 600–8–24.). A Regular Army officer whose sentence does not include a dismissal or dishonorable discharge will be returned to duty upon release from confinement. A Reserve Component officer whose sentence includes a dismissal or dishonorable discharge may be released from active duty prior to completion of appellate review, upon completion of confinement (see AR 600–8–24). When the sentence after final appellate review does not include dismissal or discharge, the officer will be returned to active duty, under the provisions of AR 600–8–24.

(b) *Enlisted prisoners with remaining Service obligation.* If a sentence to confinement expires before receipt of notification the appellate review is complete, an enlisted prisoner with a remaining Service obligation reverts to a duty status, unless the prisoner is pending a punitive discharge and is placed on excess leave.

(c) *Enlisted prisoners with expired Service obligation.* If the Soldier's enlistment or Service obligation expires prior to completion of appellate review and the Soldier is pending a punitive discharge, the Soldier will be retained on active duty until appellate review is complete (see AR 635–200). In such cases, the Soldier may be returned to duty or placed on excess leave until appellate review is complete and the punitive discharge is executed.

(d) *Appellate review provisions.* Prisoners in an enlisted status who are returned to duty prior to completion of appellate review will be returned to duty under their previous enlistment or Service obligation; however, a Soldier who is pending a punitive discharge may not be discharged before appellate review is complete, unless so directed by HQDA (see AR 635–200).

(e) *Extensions.* Enlistees with less than one-year obligation remaining may be required to extend their enlistment to serve out at least one year at the discretion of the approving authority. Prisoners who entered the Service under the Universal Military Training and Service Act, as amended, may not voluntarily extend their term of Service.

(f) *Waivers.* In accordance with AR 601–280, those individuals having an insufficient Service obligation remaining to demonstrate entitlement to an honorable discharge will be granted a waiver to reenlist or extend in the Regular Army for a term of Service. Administrative action on extension will not be taken until the appellate review process affirming discharge has been completed. The final court-martial order will incorporate the return to duty/remission action.

(7) *Processing.*

(a) If approved by the ACS facility commander, the recommendations for return to military Service of prisoners confined in ACS facilities will be submitted to the commander having GCM jurisdiction over the prisoner.

(b) Prisoners designated for return to duty may be required to complete training, as specified in this regulation, under direction of the ACS facility commander as directed by the approving authority.

(c) If a sentence to confinement expires prior to receipt at the place of confinement of notification the appellate review is complete, a prisoner, other than a nonregular commissioned or warrant officer who has been relieved from active duty, reverts to a duty status unless the prisoner is pending punitive discharge and is placed on excess leave.

(d) A sentenced prisoner's status changes to civilian when they are retained under military jurisdiction after discharge or expiration of a confinement sentence pending additional charges or transportation to CONUS. Such individuals are authorized the same medical care as those who have been discharged but have not completed their sentence.

i. *Assignment upon return to military Service.*

(1) Assignments for personnel in ACS facilities who are to be returned to military Service will be requested from the CG, Human Resource Command (HRC) (appropriate career division). Soldiers returned to military Service may be granted ordinary leave, providing the leave is not in excess of what is authorized by law and regulation.

(2) Such personnel will be considered as immediately available for assignment and reported as such, in accordance with instructions contained in AR 614–200, AR 614–30, or other directives as applicable.

(3) When formal training is required, as determined by the GCM authority, assignment at a formal Army training center will be requested.

(4) Assignment of returned personnel, including reassignment to the major command of origin or to an overseas command, will be based on current screening criteria and on overall requirements of the command concerned. Assignments will be determined based the needs of the Army. Soldiers returned to duty, except as otherwise provided in this regulation, will be assigned, trained, and employed as any other enlisted person. Commanders who have such enlisted persons under their control will ensure they are treated in the same manner as other enlisted personnel of their command. Segregation or harassment in any form will not be practiced.

(5) When the court-martial sentence to dismissal or punitive discharge of an officer or warrant officer is either set aside without a rehearing, disapproved, commuted to a lesser sentence, or remitted, the ACS facility will request

assignment from the same branch or Service as the officer or warrant officer was serving when tried by court-martial. The headquarters directing an assignment, change of assignment, or release from active duty of a commissioned or warrant officer prisoner will immediately notify the facility; the assigned command; the commander; the Clerk of Courts, Attention: JALS–CCZ, U.S. Army Court of Criminal Appeals, U.S. Army Legal Services Agency, 901 North Stuart Street, Arlington, VA 22203; and HRC, to be followed by message or facsimile transmission.

(6) When the court-martial sentence to a punitive discharge of a NCO or enlisted Soldier is either set aside without a rehearing, disapproved, commuted to a lesser sentence, or remitted, the Soldier will be assigned to the same branch of Service if they have not passed the date of their expiration of term of service.

14–5. Prerestoration and return to military service training

a. Military reorientation. Training is provided to prisoners who, as a result of the length of their incarceration, require reorientation with general military subjects prior to returning to a military unit. It is not intended to provide prisoners basic Soldier or MOS skills. Only prisoners who have been incarcerated for a period of more than 12 months may be eligible for formal training at an Army training center.

b. Training program.

- (1) Training will be conducted by cadre of the ACS facility.
- (2) Restoration and/or return to duty trainees will wear the appropriate duty uniform.
- (3) Training will include, as a minimum—
 - (a)* Physical training.
 - (b)* Military courtesy.
 - (c)* Drill and ceremonies.
 - (d)* Uniform Code of Military Justice.
 - (e)* Use of the chain of command.
 - (f)* Benefits of an honorable discharge.

c. Authority to rescind. Restoration/return to military Service of those prisoners who do not successfully complete training may be rescinded by the GCM authority.

14–6. Expiration of sentence

A prisoner will be released from confinement no later than the date of expiration of the term of approved confinement, which is also known as the Expiration of Sentence (EOS). The computation of the term of confinement will be in accordance with AR 633–30, DoDI 1325.07, and DoDM 1325.07.

14–7. Parole

The SC&PB may approve a prisoner to be released on parole. The prisoner will not be released to the civilian community until after the prisoner's parole plan has been verified and approved by the United States Probation Office (USPO) and the prisoner acknowledges acceptance of the recommended parole conditions. The prisoner, upon release on parole, remains under the administrative control of the ACS. The term of parole expires upon the expiration of the full term of confinement or upon an order by the SC&PB to revoke parole. Procedures governing the granting, suspension, and revocation of parole status are governed by DoDI 1325.07, AR 15–130, and this regulation. The ACPB manages this procedure for confined Army prisoners.

14–8. Mandatory Supervised Release

Mandatory Supervised Release (MSR) is the supervised release of an eligible prisoner who is not granted parole prior to their Minimum Release Date (MRD). MSR will normally be used in all cases except in those cases the SC&PB has determined it to be inappropriate. Army prisoners whose approved sentence (or adjudged sentence, if the convening authority has not acted) to confinement is less than 3 years must not normally be reviewed by the ACPB for MSR. In the case where a MCF commander determines MSR may be appropriate for such a prisoner and recommends a favorable MSR decision, the commander must forward the recommendation to the ACPB for a decision at the prisoner's last ACPB review before the prisoner's MRD. Procedures governing the eligibility for consideration, granting, and revocation of MSR status are governed by DoDI 1325.07. All notifications, advisements and administrative procedures contained within this regulation and applicable directives and laws will be observed for compliance prior to release.

14–9. Sentence overturned

If court-martial findings and sentences are set aside, or charges are dismissed, and no rehearing is ordered, the ACS facility will release the affected prisoner from custody upon receipt and verification of documents ordering the action.

Arrangements will be made for completion of any pending actions, such as grievances or claims for damaged or lost possessions, and make verification of the prisoner's legal status. A prisoner will be returned to duty, discharged, or dismissed as their respective Service headquarters directs. For court-martial findings and/or sentences set aside, and a rehearing is contemplated or ordered, coordination for a rehearing may be required. All notifications, advisements and administrative procedures contained within this regulation and applicable directives and laws will be observed for compliance prior to release.

14–10. Clemency

a. Clemency. Prisoners within the ACS will be considered for clemency in accordance with AR 15–130 and DoDI 1325.07. Non-Army prisoners will be considered for clemency in accordance with DoDI 1325.07. Clemency actions include the mitigation, remission, and suspension of courts-martial sentences and return to military service (restoration/reenlistment) of prisoners with approved sentences.

(1) *All U.S. Army prisoners will be evaluated for return to military service.*

(2) *Clemency is not a right.* The programs set forth in this chapter are primarily for the benefit of the Army, not for any individual prisoner.

(3) *All prisoners will be clearly informed about Clemency during initial in-processing at the facility.*

b. Authority to grant clemency. A convicted Soldier may request clemency from the GCM convening authority, TJAG, or the Secretary of the Army, under the provisions of AR 27–10 and AR 15–130, and Article 74, UCMJ.

14–11. Temporary release to civil authority

Requests for a prisoner's presence for pretrial, trial or post-trial to complete procedures essential to judicial and administrative requirements or as a witness in a legal proceeding will be at the expense and responsibility of the requesting command or organization.

a. Temporary prisoner participation in civil legal proceedings. Appearance of prisoners as witnesses in civil proceedings—

(1) In legal proceedings in which the Federal Government does not have an interest, the temporary absence of prisoners from ACS facilities for appearances as witnesses requires prior approval of the ACS facility commander. There are no provisions whereby a prisoner can be released from the control of the Department of the Army for this purpose. In certain cases, appearance may be directed by ACC pursuant to AR 27–40.

(2) In legal proceedings in which the Federal Government does have an interest, or for temporary absences of prisoners from ACS facilities for appearance as witnesses, ACS facility commanders will coordinate with legal advisor or local SJA for resolution pursuant to AR 27–40.

(3) In all such cases, the civilian authority will provide escort personnel who are acceptable to the ACS facility and are responsible for payment of the costs of transportation, housing and subsistence (including H&C items). A formal written acknowledgement of acceptance of cost and agreement to immediately return the prisoner to the custody of the ACS facility upon completion of the civil proceeding will be received prior to temporary release of the prisoner.

b. Temporary prisoner participation in criminal legal proceedings. Appearance of prisoners in civilian criminal legal proceedings—

(1) A prisoner accused of an offense against civilian authority may be delivered, upon request, to the civilian authority for trial from an ACS facility under Article 14 of the UCMJ. If the prisoner is convicted in a civilian tribunal, the sentence of the court-martial is interrupted and the offender will serve their civilian sentence. The ACS facility commander will request a detainer for the prisoner to be returned to military custody for the completion of the court-martial sentence.

(2) A prisoner accused of an offense against civilian authority may be delivered, upon request, to the civilian authority for trial, from an ACS facility under the Interstate Agreement on Detainer Act. If the prisoner is convicted in the civilian tribunal, they will be returned to the ACS facility to complete their court-martial sentence prior to serving their civilian sentence. The civilian authority may place a detainer on the prisoner for return after their court-martial sentence to confinement is completed.

(3) In all such cases the civilian authority will provide escort personnel who are acceptable to the ACS facility and are responsible for payment of the costs of transportation, housing and subsistence (including H&C items). A formal written acknowledgement of acceptance of cost and agreement to immediately return the prisoner to the custody of the ACS facility upon completion of the civilian criminal proceeding and/or period of confinement will be received prior to the temporary release of the prisoner.

14–12. Temporary release, emergency home furlough

ACS facility commanders may authorize for prisoners requiring a home visit for extreme emergency reasons. Prior determination will be made ensuring circumstances exist justifying such special action and such action is consistent with correctional requirements and public safety. A prisoner who requires overnight quarters will reside in federally approved correctional facilities only. Trusty custody level may stay at a location other than a facility when approved by the PMG or ACS facility commander in accordance with this regulation. Victim witness notification will be made in accordance with Chapter 12. Travel and subsistence expenses of a prisoner incident to a home visit will be borne by the prisoner. Travel and subsistence expense of any accompanying escort determined by the ACS facility commander to be necessary will be borne by the Government, subject to the availability of funds. Normally, visits will be granted only in the case of critical illness or death of an immediate relative. The ACS facility commander will consider limiting the number of days necessary. EHF usually will not exceed one week, inclusive of travel time. For this purpose, “immediate relative” will include spouse, dependent children, parents, brothers and sisters, and persons in loco parentis. ACC will be notified of all Emergency Home Furlough (EHF).

Chapter 15 Transfer Management

15–1. Intra Military Correctional Facilities transfers

A prisoner may be reassigned and permanently transferred to another ACS or MCF to serve the remainder of the approved term of confinement.

a. Army Corrections Command transfer authority and approval. Authority to transfer prisoners to ACS facilities or another MCF is retained by ACC. Transfer request and approval procedures will be as follows—

(1) ACS facilities requesting prisoner transfer will submit a memorandum to ACC justifying the reason(s) for the transfer (for example, discipline, mental, protective custody). ACC will—

(a) Review the request and determine which ACS facility is appropriate to receive the prisoner or coordinate, as necessary, with other military Services responsible for the corrections policies.

(b) Provide the PCF the approval to issue an amendment order indicating the new place of confinement.

(c) Notify the transferring and gaining facilities of the approval of the pending transfer and authorize direct coordination between ACS/MCF facilities.

(2) A minimum of seven days advance notice will be provided to the gaining facility.

b. Transfer coordination. Prior to prisoner transfer, the transferring ACS/MCF facility will—

(1) Ensure the prisoner is not transferred prior to receipt of permanent change of station (PCS) orders from the unit of assignment.

(2) Coordinate the transportation for the escorts and prisoner. All costs incurred in the transfer, to include subsistence, are at the expense of the losing ACS/MCF facility. When making group shipments, use Government or chartered transportation to reduce costs and to provide for greater security. When possible, if a prisoner with behavior and/or mental problems is being transferred, every attempt will be made to use military aircraft as the mode of transportation to alleviate risks associated with movement within a commercial airport.

(3) Provide notification to the gaining facility of date, time and place of arrival, mode of transportation, number and names of prisoners, number and names of escorts, and any additional information (for example, escape risk and/or medication). Prisoners will be delivered to ACS facilities during duty hours, whenever possible.

(4) Coordinate with commanders, in whose jurisdiction ports of arrival are located, for assistance in scheduling travel within CONUS, lodging for escorts, and detention facilities for prisoners during temporary layover periods.

(5) Plan for the appropriate ratio of escort personnel given prisoner custody status and gender. A female escort will be assigned to the movement detail if a female prisoner is being transferred.

(6) Coordinate for obtaining qualified escort personnel or plan to train escort personnel by mode of transportation requirements.

(7) Ensure medical personnel examine the prisoner and all appropriate documents, to include health record, prior to shipment. Those prisoners determined by a behavioral health professional to be mentally unstable will be segregated from other prisoners. A medical officer will determine whether a medical attendant should accompany the escort and the amount of medication to be transferred with the prisoner. A medical summary will be provided to maintain the provision of continuity of care. Included summary sheet information does not require release of information. Non-emergency prisoner transfers require—

(a) Health record confidentiality to be maintained if a hard copy medical record is transferred with the prisoner.

(b) Summaries, originals, or copies of health records accompany the prisoner to the receiving facility if not electronically transferred. Health conditions, treatments, and allergies should be included in the record.

(c) A determination of suitability for travel based on medical evaluation, with particular attention given to communicable disease clearance.

(d) Written instructions regarding medication or health interventions required en-route to be provided to the escorts, separate from the medication record.

(e) Determination of specific precautions to be taken by escorts (for example, masks or gloves).

(8) Develop a security plan including, at a minimum—

(a) Escort personnel security procedures appropriate for the modes of transportation.

(b) Use of force procedures, and security of weapons if traveling armed.

(c) Provisions for a prisoner who cannot be controlled to be turned over to the military police or civilian police authorities for safekeeping until assistance can be obtained.

(d) Routes avoiding escort of prisoners through crowds or actions calling public attention to the status of prisoners.

(e) Provisions for stopovers. When a stopover occurs, or it becomes necessary for escorts to rest, they may turn their prisoners, records, and personal effects over to the nearest military ACS MCF facility or military police station having the capability to provide detention. With the concurrence of local civilian police authorities, escorts may place their prisoners, records, and personal effects in civilian jails for safekeeping. Payment for detention services should be coordinated in advance.

(f) Provisions for medical attention. If a prisoner appears to require special medical attention en-route, transfer will be accomplished through medical channels and required escort personnel will be furnished to assure security.

(9) Out-process the prisoner in accordance with ACS facility procedures. At a minimum, the following will occur—

(a) Ensure disposition of disciplinary reports and ET is updated in ACIS.

(b) The prisoner's phone account will be closed or account information transferred to gaining facility, if appropriate.

(c) The prisoner's personal fund will be closed and a check covering funds will be prepared.

(d) Ensure the prisoner's uniforms are serviceable.

(e) The prisoner's personal property will be inventoried and a receipt prepared.

(f) Victim and witness notification.

(g) DNA collection or verification of collection will be annotated in ACIS, to include kit number.

c. *Transfer of documentation and records.* The transferring ACS facility will ensure the documents, records, and other items listed below not accompanying prisoners on transfer are listed on the transmittal letter and are forwarded as expeditiously as possible to the gaining ACS/MCF facility. MCF transferring military prisoners will provide the below listed records and forms or Service-equivalent records and forms.

(1) Disposition of personal property, to include items shipped to the prisoner's designated location not authorized to be transferred to the gaining facility, and completing a DA Form 4137 for personal property accompanying prisoner to gaining facility.

(2) CTF.

(3) PCS orders directing travel and reassignment of the prisoner to the gaining facility for confinement.

(4) Statement of conduct.

(5) Medical and dental records.

(6) Education and vocational training records.

(7) If applicable, signed copies of DD Form 553 (Deserter/Absentee Wanted by the Armed Forces) and DD Form 616 (Report of Return of Absentee) or other documentary evidence reporting escapes and return to military control in all cases where escape affects a prisoner's release date.

(8) Any detainer for prisoner's return to military custody or to civilian authorities.

(9) Notice of special problems or risks (for example, suicide, escape, or special diet).

(10) Victim and witness notification file.

d. *Senior Escort procedures at the originating U.S. Army Corrections System facility.* In addition to the Senior Escort actions described in Chapter 4 of this regulation, actions required by the senior escort on the date of prisoner transfers are as follows—

(1) Report to the point of origin of shipment in sufficient time to inspect the adequacy of transportation equipment, escorts, security plan, and coordinate preparation of prisoners.

(2) Ensure escort team members are knowledgeable of their assigned duties and responsibilities and the escorts understand the penalty for allowing a prisoner to escape.

(a) Conduct risk assessment and inform escort team of potential actions of the prisoner during transport such as escape and suicide attempts, attempts to acquire contraband, and attempts to manipulate escort team, or otherwise interfere with the transport procedure.

- (b) Inspect to ensure the escort personnel have adequate and serviceable equipment.
- (c) Ensure escort team are properly trained on the proper use of restraint devices, and are aware of approved retraining techniques. Hand irons or other restraining devices as specified will be used during transport of a prisoner.
- (d) Inspect that escorts are in appropriate civilian attire. Appropriate civilian attire is considered business casual: Slacks, shirt or blouse, and covered-toe shoes.
- (3) Ensure the documents required to accompany prisoners on transfer are in the possession of escort personnel.
- (a) Regardless of service, all victim and witness information will be hand carried by the escorts in a sealed envelope with a completed DA Form 200 attached to it, and addressed to the commanding officer or designee of the receiving MCF. The cover page of the DA Form 200 will clearly state "Victim and Witness Notification Required."
- (b) Senior Escort will ensure accountability and protection of transfer documents, and additional documents accompanying the prisoner.
- (c) Prisoners are not authorized to possess, handle, carry or observe transfer documents, CTF or victim and witness information documents.
- (d) Senior escorts responsible for transporting prisoners will be briefed regarding prohibition of prisoners viewing the CTF, victim and witness information documents and transfer documents during transport.
- (4) Place the prisoner(s) in appropriate civilian attire (jeans or slacks, shirt or blouse, and covered-toe shoes) or ACC-designated prisoner transport uniform without identifying markings and inspect and search the prisoner(s) thoroughly for appropriateness and prohibited property.
- (5) Ensure the transferring facility enters the prisoners in transit status in ACIS.
- (6) Sign DD Form 2708.
- e. *Senior Escort procedure at the gaining U.S. Army Corrections System facility.* Actions by senior escort at the gaining facility are as follows—
 - (1) Ensure facility staff signs DD Form 2708 for receipt of prisoner.
 - (2) Ensure transferring facility is notified of arrival of prisoner to gaining facility and prisoners are transferred in ACIS.

15–2. Permanent transfer to Federal Bureau of Prisons

Recommendations to confine military prisoners in FBOP facilities will be forwarded to ACC. ACC will coordinate approval for all Service prisoners. Concurrence of the appropriate Service secretary or designee is required.

a. *Transfer approval requirements.* A prisoner may be transferred to the FBOP to serve the remainder of the approved term of confinement when the following criteria are met—

- (1) The prisoner is formally discharged from their respective Service and has more than one year of confinement left on their sentence.
- (2) The prisoner is not condemned or otherwise confined under a sentence of death.
- (3) The prisoner is not confined for a military-specific confining offense.

b. *Transfer custodial procedures.* ACS and MCF commanders with approval to transfer prisoners to the FBOP will deliver prisoners under their control to a designated FBOP facility and forward the prisoner's CTF and other confinement records to the USDB. The USDB is the custodian of military prisoner records and maintains administrative control of prisoners confined in FBOP facilities.

15–3. Temporary medical transfer to the Federal Bureau of Prisons

Post-trial prisoners requiring medical care beyond the ACS capabilities, may be temporarily transferred to the custody of the FBOP to receive medical treatment upon request by ACS facility medical personnel to ACC.

a. *Temporary Federal Bureau of Prisons transfer coordination.* Transfer of prisoners recommended for temporary transfer to FBOP custody for medical or psychiatric care will be coordinated with ACC. ACC will coordinate with the FBOP to obtain acceptance to receive the prisoner for treatment in one of their facilities. MCF/ACS facilities transferring custody of post-trial prisoners to the FBOP for temporary medical care will act as the custodian of their record unless subsequently transferred permanently to the FBOP.

(1) *Pretrial prisoners who require behavioral health treatment.* Prisoners who a competent authority determined lack mental responsibility for any offense charged or lack capacity to stand trial pursuant to RCM 706, found not guilty only by reason of lack of mental responsibility pursuant to RCM 921, and in instances where the behavioral health treatment requirements are beyond the custodial abilities of the ACS, may be transferred into the FBOP system to receive behavioral health treatment as directed by the general court-martial convening authority. Upon receipt of the convening authority decision, the installation SJA will notify ACC to initiate and coordinate an administrative action with the FBOP to obtain the appropriate treatment and place of incarceration.

(2) *Post-trial prisoners who require behavioral health treatment.* If the ACS facility commander determines, based upon evaluation of a medical authority, a prisoner suffering from a mental disease or defect requires inpatient psychiatric care beyond what is available within the ACS facility, the prisoner will be notified in writing of the intention to seek temporary transfer of the prisoner to the custody of the U.S. Attorney General for care or treatment. Upon determination, the ACS facility commander will notify ACC to initiate and coordinate an administrative action with the FBOP to obtain the appropriate treatment and place of incarceration.

b. Psychiatric determinations. Action on psychiatric determination will include the following—

(1) Once a prisoner is provided the notice in writing of the intention to seek temporary transfer of the prisoner to the custody of the U.S. Attorney General for care or treatment, the ACS facility commander will request the senior commander where the Soldier is confined to direct a hearing be held to determine whether the prisoner should be transferred to the custody of the U.S. Attorney General for care. The request will state the factual basis for the determination the prisoner requires care beyond what is available within the ACS facility and will include all relevant documentation providing the basis for the determination.

(2) The senior commander may disapprove the request only for good cause. If the request is approved, the senior commander will direct the scheduling of a hearing to determine whether the prisoner suffers from a mental disease or defect requiring inpatient psychiatric care beyond what is available within an ACS facility.

(3) The prisoner will be represented by an officer of the U.S. Army Judge Advocate General's Corps certified as competent to serve as defense counsel at general courts-martial pursuant to UCMJ, Art. 27(b) (10 USC 827(b)), or by civilian counsel obtained by the prisoner at no cost to the Government. The Government will be represented by a military or DA Civilian attorney detailed by the installation SJA. The installation SJA will, per AR 27-10, request a military judge and counsel having requisite qualifications be detailed for the prisoner, detail a court reporter, and promptly provide the prisoner written notice a hearing will be held, to include an explanation of the prisoner's procedural rights.

(4) A military judge and defense counsel will be detailed in accordance with AR 27-10. Once detailed, the military judge will schedule a hearing date, affording reasonable notice to counsel and the prisoner.

(5) A prisoner may consent or object to the contemplated transfer, but the prisoner may not waive the hearing to determine whether transfer to the custody of the U.S. Attorney General for care is appropriate.

c. Hearing procedures.

(1) The prisoner will be afforded timely written notice of the hearing and of their procedural board rights pursuant to AR 15-6. The prisoner will be afforded a personal hearing before an impartial decision maker, with the opportunity to present testimony and documentary evidence on their own behalf, and confront and cross-examine Government witnesses. Appointed military, or civilian counsel obtained by the prisoner at no expense to the Government, will represent the prisoner. The prisoner will be provided a copy of the written findings.

(2) At the hearing, the military judge will advise the prisoner of the purpose of the proceedings and inform them if the Government establishes by the preponderance of evidence the prisoner suffers from such mental disease or defect, the prisoner may be temporarily transferred to the custody of the U.S. Attorney General. The military judge will ensure the prisoner understands the procedural rights specified above.

(3) Both the Government and the prisoner will then be afforded the opportunity to present evidence regarding the present mental condition of the prisoner and the necessity, or lack thereof, for transfer to the custody of the U.S. Attorney General. The military judge, within their discretion, may direct further examination of the prisoner by a different psychiatrist or clinical psychologist. This is an administrative proceeding to which the military rules of evidence do not strictly apply. Evidence will be admissible subject to the guidance and limitations applicable to the conduct of formal investigations under AR 15-6.

(4) The military judge will determine whether, by a preponderance of the evidence, the prisoner suffers from a mental disease or defect for which inpatient care and treatment is required beyond what is available within the ACS. The military judge will make specific written findings, to include a brief statement of the factual basis relied upon for each finding and will make a recommendation as to whether the prisoner should be temporarily transferred to the custody of the U.S. Attorney General.

(5) A verbatim transcript of the hearing will be prepared. All exhibits offered in evidence will be attached to the hearing record in the manner normally employed in trial by court-martial.

(6) The senior commander where the facility is located will review the hearing record and approve or disapprove the findings and recommendations of the military judge. Following their action upon the hearing record, the hearing record and action will be transmitted to the ACS facility commander for retention in the prisoner's CTF or transmittal to the U.S. Attorney General, as appropriate. If transmittal to the U.S. Attorney General is appropriate, a request for temporary transfer of the prisoner with the hearing record and action, will be forwarded through the Commander, Army Corrections Command (DAPM-ACC), 150 Army Pentagon, Washington, DC 20310-0150, and The Judge

Chapter 16

Facility Support Services

Section I

Prisoner Subsistence

16–1. Personal appearance policies

The ACS is a uniformed system where discipline is judged, in part, by the individual's personal appearance. Therefore, a neat and well-groomed appearance by all prisoners is fundamental to the good order and discipline of the ACS facility. All prisoners, regardless of service affiliation, separation or discharge status, will maintain appearance and grooming standards established within this regulation and further as prescribed within policies or rules established by the ACS facility commander.

a. Prisoner appearance and grooming standards. ACS facility commanders will ensure the prisoners under their authority present a neat and well-groomed appearance in accordance with AR 670–1. This standard applies to all prisoners confined within ACS facilities including prisoners whom are discharged from service or otherwise have completed military service obligations.

b. Hygiene and body grooming. Prisoners will maintain good personal hygiene and grooming on a daily basis in accordance with AR 670–1.

c. Tattoo policy. Prisoners are prohibited from receiving any new tattoos during their period of confinement.

16–2. Prisoner clothing

All prisoners confined in ACS facilities will wear a distinctive prisoner uniform as a duty and/or work uniform based upon custodial status and segregation requirements.

a. Maximum custody. Prisoners housed in maximum custody status will wear an orange jump suit.

b. Medium and minimum custody (post-trial). The uniform for medium and minimum custody post-trial prisoners will consist of a brown shirt and trousers.

c. Medium and minimum custody (pretrial). Pretrial prisoners will wear a tan-colored shirt and trousers.

d. Trustee custody. Trusty custody prisoners will wear a distinctive blue shirt and trouser uniform.

e. Female prisoners. A distinctive light blue shirt and trouser uniform will be worn by female pretrial and post-trial prisoners.

f. Death sentence prisoners. The uniform for prisoners sentenced to death (USDB only) consist of a grey shirt and trousers.

g. Headgear for all prisoners. Headgear, when worn, will be an orange watch cap or an orange ball cap.

h. Uniform nametapes. A white name tag with black lettering spelling the last name and registration number of the prisoner will be worn over the left pocket of the shirt and right hip pocket of the trousers.

i. Summary of fitting guidelines. Dress and appearance of all prisoners will be maintained at a high standard. Fitment, appearance and wear of all prisoner uniforms, and all facility policies or rules intended to enforce such standards will conform—

(1) Dress and appearance of all prisoners will be maintained at a high standard. Uniforms will fit properly and prisoners will keep uniforms clean and serviceable. Prisoners will keep uniforms buttoned, zipped, and snapped. Prisoners will keep footgear clean.

(2) Trousers will be the proper length and worn properly (waistband worn at the waist; not on the hips or buttocks). Trousers should not fit tightly and will not be cuffed. A belt and buckle will be worn with the trousers of the duty and/or work uniform. It will be correctly fastened, with the buckle centered on the front of the trouser waistband.

(3) Shirt sleeve length will extend to the center of the wrist bone. The outer shirt will be untucked. All buttons, except for the top collar button, will be buttoned (including the cuffs and pockets). The shirt sleeves can be worn up or down; however, if rolled up, the sleeves will be rolled to the outside and approximately two inches above the elbow.

(4) Trusty custody prisoners may wear their shirt tucked-in per ACS facility policy; the T-shirt will be tucked inside the trouser, unless directed by the ACS facility commander.

(5) If a prisoner's uniform is damaged or does not fit properly, the prisoner will notify a staff member immediately for an exchange. Display of any items outside the uniform pockets is prohibited (for example, handkerchief, comb, and so on.).

(6) The appropriate prisoner uniform, based upon custody and status, will be worn in accordance with established ACS facility policy.

j. Unauthorized modification, alteration or mutilation of uniforms. Mutilation or unauthorized alteration of clothing, uniforms or other worn articles, or making unauthorized marking or lettering on any part of the uniform is prohibited. Clothing will be worn in the manner for which it was designed.

k. Cold-weather attire. The brown-colored winter coat will be worn during periods of cold weather. The facility leadership will determine the appropriate time to wear the winter coat. When worn inside or upon entry to any building (unless otherwise directed), the winter coat will be unbuttoned and/or unzipped. When worn outside, the coat will be buttoned and/or zipped.

(1) The cap may only be worn outside either with or without the winter coat. Upon entering any building, the cap will be removed. While indoors, the cap will be kept on the prisoner's person and may not be visible.

(2) Trusty status prisoners will wear blue-colored winter coats.

l. Daily uniform components. T-shirts and socks will be worn by all prisoners as part of the daily uniform. When worn outside the housing unit with duty and/or work trousers, the T-shirts will be tucked into the waistband; when worn inside the housing unit with trousers or athletic shorts the T-shirt may be worn outside the shorts. At a minimum, prisoners will be dressed in PT shorts, T-shirt and shower shoes when outside their immediate living area. Thermal undershirts are authorized to be worn as an outer garment during outdoor recreation, in the gymnasium, and in the weight room.

m. Prohibited items. Headbands, decorative beads, earrings, symbols, decorative clothing, and so forth are not authorized for wear. ACS facility commanders may establish additional policy restricting clothing accessories, adornments, and symbols.

n. Religious apparel and insignia. Religious apparel and insignia will be neat and conservative, and approved in advance by the appropriate facility staff. Insignias will be concealed inside the T-shirt at all times. For security and/or safety reasons, the facility may place reasonable limits on the wear of items of religious apparel.

o. Footwear and shoes. All prisoners will maintain the approved pair(s) of boots authorized by the facility. Where required, prisoners not possessing boots will have them issued. Boots and shoes are not required to be shined. Prisoners may possess military boots, military style low-quarter shoes, or athletic shoes in accordance with ACS facility policy. If the prisoner has no military-style low-quarter shoes, they may have three pairs of athletic shoes in accordance with ACS facility policy. Shower shoes do not count as shoes and may only be worn inside the housing unit.

p. Eyewear. Any prisoner who requires prescription glasses is authorized up to a maximum of five pairs of glasses; one pair of prescription sunglasses, two pair of clear lens prescription glasses, one pair of prescription clear lens reading glasses (where available), and one pair of prescription sports goggles (where available). Prisoners with a valid medical profile from the local medical treatment facility or Health Clinic may obtain up to two pair of tinted lens prescription glasses in place of the clear lenses. Prisoners who arrive with commercially obtained contact lenses may retain their contact lenses until an appointment can be made with the local medical treatment facility (Optometry Clinic) for clear lens prescription glasses. Prisoners who arrive with commercially obtained prescription glasses and sunglasses will be permitted to keep them until their prescription changes or when they require new glasses. If the prescription glass lenses (for example, transition lenses) or prescription reading glasses (for example, tinted) are not clear, an appointment with the local medical treatment facility (Optometry Clinic) is made for clear lens prescription glasses. When this occurs, the commercially purchased pair of glasses or sunglasses will be replaced with military-issue glasses or sunglasses and the prisoner will be given the option to ship, at the prisoner's expense, or destroy the commercially obtained glasses or sunglasses. Prescription clear lens and/or sunglasses will be ordered through military medical channels. Plain nonprescription sunglasses are authorized for prisoners not requiring prescription sunglasses in accordance with ACS facility policy.

q. Uniform and clothing purchases. ACS facility prisoner uniforms will be purchased in accordance with the Federal Acquisition Regulations (FAR). The goal is to purchase uniforms from vendor(s) capable of providing the same colors, shades, and types of uniforms to maintain consistency throughout the military prisoner population. Facilities will maintain an adequate supply of serviceable uniforms to clothe the established maximum prisoner capacity of each respective facility. Prisoner uniforms stored for reissuance will be properly sanitized and secured.

16–3. Health and comfort supplies

a. Basis of supply and stockage. Supplies necessary for the personal hygiene and H&C of prisoners will be furnished on either a reimbursable or gratuitous basis. Items directly related to the prisoner's personal hygiene and/or health may not be taken away from the prisoner except when based on destructive tendencies or safety and security reasons. Those prisoners in a military pay status or paid work release detail will be charged for such supplies; those

not in a pay status will be furnished the supplies gratuitously. The monthly value of the supplies issued, exclusive of haircuts, will not exceed an amount per prisoner established by ACC.

b. Items of issue.

(1) When such items are not already in the prisoner's possession, all prisoners committed to ACS facilities will be issued the following personal hygiene and health items, which will be made available to all prisoners in accordance with limits established by the ACS facility commander—

- (a) Disposable razor (an electric razor may be substituted at the discretion of the ACS facility commander).
- (b) Toothbrush.
- (c) Bath soap, soap dish.
- (d) Towel (bath and face).
- (e) Toothpaste.
- (f) Shaving cream.
- (g) Shower shoes.
- (h) Deodorant.
- (i) Sanitary napkins, tampons, and panty liners (female only).
- (j) Shampoo.
- (k) Nail clipper (without file).
- (l) Lip balm.
- (m) Hairbrush or comb.
- (n) Toothbrush holder.
- (o) Toilet Paper.

(2) The following comfort items may be stocked for purchase at the option of the ACS facility commander—

- (a) Skin lotion.
- (b) Face cream.
- (c) Writing instrument (as approved by the ACS facility commander).
- (d) Writing pad.
- (e) Envelopes.
- (f) Stamps.
- (g) Detergent (if no laundry detail or for medical reason).
- (h) Hair grease.
- (i) Curlers (sponge) (female only).
- (j) Barrettes and hair ties (female only).
- (k) Underwear (male and female) (boxer or briefs).
- (l) T-shirts (service issued color).
- (m) Socks (white, black or service issued color).
- (n) Athletic shoes.
- (o) Other items as determined by the ACS facility commander.

(3) Food items (which may be used as an incentive for custody grade) may include potato chips, candy bars, crackers, soda, and cookies. This is not an all-inclusive list. ACS facility commanders may approve additional food items in accordance with sanitation standards. Other items may be authorized at a particular place of confinement. Generic items may be purchased as a means of controlling cost. ACS facility commanders will designate within the facility those custody grades authorized to possess specific items. H&C items will be issued at a frequency prescribed by the ACS facility commander. Prisoners will not be required to purchase an item for purposes of uniformity.

c. Issue to prisoners in an unverified pay status. Until acknowledgment is received from the DFAS stating the prisoner is either in a verified pay status or a verified military non-pay status, the activity issuing required H&C items will forward the DD Form 504 to the appropriate DFAS. Those requests marked "gratuitous issue" by the finance and accounting officer will be returned to the issuing activity for filing.

d. Issue to persons in a pay status. The activity issuing H&C items will forward the DD Form 504 to the appropriate unit personnel officer or finance and accounting officer for entry on the pay voucher or record.

e. Issue to persons in a military non-pay status. H&C items furnished to persons in a military non-pay status will be paid from appropriated funds.

f. Health and comfort items to accompany prisoners upon hospitalization. The amount of H&C items to accompany the prisoner will be coordinated with the gaining hospital.

g. Forfeiture of health and comfort items. Should a prisoner lose or damage Government and/or private property temporarily entrusted to them, they will be held financially accountable in accordance with this regulation. If the loss resulted from misconduct, Disciplinary and Adjustment Board proceedings may be initiated. The affected prisoner

will forfeit their monthly H&C allotment up to the amount of the depreciated value of the loss but no more than 25 percent of their monthly allotment for four months.

h. Obtaining and safeguarding supplies.

(1) The least expensive source of H&C items will be used. Purchases may be made from a prisoner's personal funds furnished for this purpose.

(2) A schedule for issue will be established and staff will ensure prisoners understand the frequency so they may ration their H&C items accordingly. At least once each month a physical inventory will be reconciled and balanced with the record of the previous inventory, supplies received, and those issued to prisoners in the intervening period. The ACS facility commander or designee will verify this inventory in writing. Excessive inventory balance will be avoided. The H&C item inventory will be maintained at a minimum level. Stockage levels will be replenished based on issue documents. H&C items will be purchased through normal procurement channels. Replenishment of H&C items directly from post exchanges or other sole source procurement actions without the approval of the local contracting official is unauthorized. Prisoners may be authorized to use personal funds to purchase approved personal items from the Post Exchange system.

i. Postage. Prisoners may, at the discretion of the ACS facility commander, be permitted to have postage stamps in their possession. Those ACS facility commanders not permitting prisoners to maintain stamps will use DD Form 499 to ensure proper accountability of individual stamp accounts. Prisoners have the option to purchase postage and envelopes from the H&C authorization list.

j. Hair care for prisoners. Facilities operating barber colleges as vocational training will comply with the local state board of barbering requirements. Hair care will be furnished to all prisoners. Where such activities are not operated, prisoners in a military pay status will be required to pay for hair care. Prisoners in a military non-pay status will be furnished hair care at Government expense. Prisoner haircut and shaving standards will comply with AR 670-1 except for those prisoners temporarily participating as barber models in an ACS facility barbering college vocational training program.

16-4. Food service

a. General food service provisions. All prisoners normally will be supplied the full complement of eating utensils (for example, a knife, fork, and spoon). Prisoners will be provided with wholesome and sufficient food. The ACS facility commander or designee will approve nonissue of eating utensils for security or safety purposes.

b. Food services. ACS facility commanders will ensure a qualified nutritionist or dietician ensures meals meet the nationally recommended allowances for basic nutrition and reviews the institution's dietary allowances at least annually. Institution food service supervisory staff will verify adherence to the established basic daily servings, conduct menu evaluations at least quarterly, ensure compliance with established food service management, inspect meal service and budgeting and purchasing, and ensure the menu plan includes special diets as prescribed by appropriate authority.

c. Meal planning and special diets. Food service staff will plan menus in advance and substantially follow the plan, ensuring the planning and preparation of all meals takes into consideration food flavor, texture, temperature, appearance, and palatability.

(1) The chaplain will validate all requests for religious diets.

(2) Medical and/or dental personnel will approve the components of all special diets, to include medical and religious diets.

d. Meal cycles. At least three meals (including two hot meals) are provided at regular meal times during each 24-hour period, with no more than 14 hours between the evening meal and breakfast. Variations are authorized based on weekend and holiday food service demands, but basic nutritional goals will be met. ACS facility commanders may approve serving non-hot meals (for example, sandwiches) during times of emergency or lockdowns for security and safety reasons, or if mechanical or facility issues prevent or disrupt meal preparation activities.

e. Alternative meal service. Alternative meal service may be provided to a prisoner in segregation who uses food or food service equipment in a manner hazardous to self, staff, or other prisoners. Alternative meal service is on an individual basis, is based on health or safety considerations only, will meet basic nutritional requirements, and occurs with the written approval of the ACS facility commander and responsible health authority. The substitution period will not exceed seven days. At no time will food be used as a form of punishment.

f. Meal service. ACS facility commanders will ensure meals are served under conditions minimizing regimentation, although there should be direct supervision by staff members.

g. Health and hygiene. ACS facility commanders will establish a health and hygiene program implementing adequate health protection and sanitation for all prisoners and staff in the facility and other persons working in food service. The program will include—

(1) In accordance with Army regulations, food service personnel will receive a pre-assignment medical examination and periodic reexaminations to ensure freedom from diarrhea, skin infections, and other illnesses transmissible by food or utensils.

(2) In the event food services are provided by an outside agency, the facility will maintain written verification the provider complies with Army regulations regarding food service, food service hygiene standards, and food safety standards.

(3) All food handlers are instructed to wash their hands upon reporting to duty and after using toilet facilities.

(4) Prisoners and other persons working in food service are monitored each day for health and cleanliness by the food services supervisors or designated representatives.

Section II

Prisoner Personal Property

ACS facility commanders will establish procedures for the proper disposition of all prisoner's property. Under no circumstances will prisoners be permitted access to personal property or personal property records of other prisoners.

16-5. Personal property

a. Clothing and personal property. Items of clothing and personal property authorized for retention at the facility, together with clothing records, will accompany the prisoner to the facility, where clothing will be retained in safekeeping or for use in accordance with the requirements of the facility. Facility commanders may limit amount and type of articles authorized to be stored as personal property. Clothing records will be maintained in accordance with AR 700-84.

b. Personal property storage. Personal property held in safekeeping for the prisoner will be annotated on a DA Form 4187 (Personnel Action) and a copy of the DA Form 4137 will be provided to the prisoner. Such items may include wallets, pictures, official papers, driver's license, and keys, and items of value such as checks, savings bonds, charge cards, and jewelry. The number of stored items will not exceed the capacity of a 16 × 12-inch transparent envelope, unless the ACS facility commander grants an exception. Personal property held in safekeeping will be returned to the prisoner upon release. Disposition of civilian clothing, excess military clothing, will be in accordance with this regulation.

c. Transfer of personal property. Prisoners transferred will be sent with clothing and H&C items authorized by the gaining facility commander.

16-6. Disposition of personal property

a. Shipping of property. A prisoner is permitted to ship excess personal property at their own expense using postage stamps or by paying with funds from their PDF account. A shipping request will be prepared by the prisoner listing the property they wish to ship, where they want to ship it and what mail class they would like to send it. Shipping requests will meet USPS requirements.

b. Property to be destroyed. Prisoners may request to have items listed on their personal property list destroyed. The property will be destroyed under the supervision of the custodian and a witness.

c. Unauthorized property. When property is determined to be unauthorized, the prisoner will be given the opportunity to ship the property at their expense or destroy the unauthorized item(s). Unauthorized property is separate from prohibited property and will be disposed of as outlined above. If the prisoner refuses to provide shipping instructions, the property will be processed and disposed of.

d. Prohibited property. Any items found to be prohibited property at a D&A Board (for example, items not properly marked) will not be returned to the prisoner and will be destroyed once any appellate matters have been considered.

e. Donation of personal property. Donations of prisoner's personal property are not authorized.

f. Abandoned or unclaimed property. Disposition of abandoned or unclaimed property will be in accordance with AR 700-84.

g. Temporary disposition. When a prisoner is temporarily released, their personal property will be inventoried and secured at the ACS facility.

h. Disposition of records. Prisoners' personal property files may be retained in the property section. Upon release the property files will be consolidated with the prisoner's CTF. The CTF will be disposed of in accordance with AR 25-400-2.

16–7. Property of escaped or deceased prisoner(s)

a. Disposal. Disposal of personal property of an escaped or deceased prisoner is in accordance with AR 630–10, AR 638–2, DA Pam 638–2, or AR 700–84, as appropriate. An independent individual will be appointed by the ACS facility commander to inventory the prisoner’s personal property and verify the prisoner’s funds with the custodian.

b. Authorized recipients. Along with the valuables, the custodian will send two copies of the inventory listing by certified mail with a return receipt requested to the individual determined by the ACS facility commander as the authorized recipient of the prisoner’s property.

16–8. Property of transferred mentally incompetent prisoners

Prisoners transferred in accordance with these conditions will have their property and funds processed in accordance with the gaining facility’s guidance. If a legal guardian has been appointed, the prisoner’s money and valuables may be released to the guardian after verification of guardianship. Appropriate annotations will be made in the prisoner’s CTF.

Section III

Prisoner Personal Deposit Fund

16–9. Prisoners’ deposit fund

This chapter prescribes a uniform system of accounting procedures for military prisoners’ personal funds while confined in an ACS facility. These procedures are not intended to supersede any law, DoD instruction, or regulation issued by higher authority. In any case where the guidance herein conflicts with instructions or directives of higher authority, the guidance of the higher authority will prevail.

a. Personal Deposit Fund. ACS facilities will establish a PDF in a non-interest bearing bank account. The PDF is held in trust and consists of the personal funds of prisoners. Each prisoner will have an individual account within the PDF. Prisoners will not be permitted access to other prisoners’ accounts or PDF records. When a prisoner is temporarily released, their account will remain open even if all funds have been disbursed.

b. Personal deposit fund establishment and transactions. The individual account within the PDF is established for each prisoner upon arrival. DA forms are the primary method for recording financial transactions. Locally produced forms are authorized as a secondary method of recording financial transactions.

c. Personal deposit fund custodial administration. The ACS facility commander will delegate in writing a primary and alternate custodial officer to manage the PDF. The ACS facility commander will establish a reconciliation process when the primary custodian will be absent for extended periods of time or as necessary. The ACS facility commander will ensure continuity of administrative controls, management and accountability during custodial personnel transitions, and facilitate training as necessary to maintain full accountability of all PDF accounts.

16–10. Personal deposit fund operating procedures

a. Funds received for deposit.

(1) Funds received will identify the prisoner’s name, registration number and sender. Funds will be logged and posted normally within two business days to the prisoner’s account.

(2) Financial instruments accepted for deposit are cash, bank or postal money orders, cashier’s checks, U.S. Treasury checks, credit union and bank checks, company refund checks, and transfer of funds from another facility. ACS facilities will not accept personal checks or traveler’s checks. Any foreign currency may be retained in the prisoner’s personal property bag.

(3) Funds received for a prisoner will be accepted by a PDF custodian and posted to their account. It will be noted on the prisoner’s file the amount and type of deposit, that is, cash, Postal Money Order, cashier’s check, or void PDF check. The custodian will confirm the funds and personal effects received at the initial in-processing conducted by the facility staff.

(4) Financial instruments posted to prisoner accounts will be stamped, “FOR DEPOSIT ONLY”. Funds will be totaled and deposited at least twice weekly.

b. Void and stop-payments.

(1) PDF checks will be considered void six months from the date of issue. Voided checks returned to the facility will be considered as a non-negotiable item. Prisoners will be notified of the returned transaction.

(2) Prisoners may request a stop payment, providing written justification for the request, of a PDF check issued on their behalf. If the check has not been cashed, a stop payment will be taken to the bank and the prisoner will be responsible for any fees incurred by the transaction. The prisoner will submit a request to have the stop payment fees

deducted from their PDF account. The PDF check to pay the stop payment fee and the stop payment request document will be taken together to the bank for processing.

c. Receipt accountability.

(1) At the close of each business day the total deposits processed will be entered on DA Form 1125 (Summary Receipt and Disbursement Voucher Personal Deposit Fund). The deposit amount noted on the DA Form 1125 will show a grand total of each of the following when applicable; cash, financial instruments, void and stop payments.

(2) Prisoners will receive a monthly transaction report of deposits and disbursements made on their behalf. Prisoners are responsible for bringing suspected errors in their account balance to the PDF custodian's attention. Any disagreement as to the prisoner's balance will be researched, reconciled and a detailed explanation provided to the prisoner. The ACS facility commander will be informed of the results of the inquiry.

d. Disbursements.

(1) A prisoner's request for withdrawal of personal funds requires the prisoner to submit a DA Form 1130 (Statement of Prisoner's Personal Deposit Fund Account and Request for Withdrawal of Personal Funds). The request will be submitted with the required information (written in ink); a stamped envelope; and an order request, when needed, to process the request.

(2) The withdrawal request will contain, at a minimum—

(a) The printed name of the prisoner, their registration number, and housing unit.

(b) The amount to be withdrawn, printed in cardinal numbers (for example, 125.00).

(c) The payee. If the payee is an individual, the relationship to the prisoner will be identified.

(d) A complete address of the payee.

(e) The specific purpose of withdrawal.

(3) A signature card will be on file at the ACS facility and financial institution to authorize custodians to approve and sign withdrawal requests. Custodians will adhere to local command policies in regard to authorized PDF expenditures.

(4) The custodian will review the DA Form 1130 request for compliance with applicable regulations, local policy and determine the validity of the request. If the form is incomplete, filled out incorrectly, violates regulations, local policy or when the prisoner has insufficient funds the request will be returned to the prisoner unprocessed.

(5) Processed withdrawal requests will be maintained as an accounting document in the daily business folder. The prisoners will be notified of processed transactions their monthly transaction report.

e. Funds for released or transferred prisoners.

(1) A withdrawal request will be prepared by the custodian for a prisoner who is to be transferred or released. The prisoner will sign the form to verify the balance is correct and their account will be closed. If the prisoner is unable to sign, the custodian will note this on the prisoner signature line stating, "PRISONER UNABLE TO SIGN (insert reason here)". Upon release, a PDF check will be issued, payable to the prisoner, for the balance of their account. Upon transfer, a PDF check will be issued, payable to the gaining facility, for the balance of their account.

(2) When a prisoner is being transferred to a Federal institution refer to facility operating procedures.

(3) Funds received for a released or transferred prisoner which cannot be forwarded to them intact will be deposited to the general account established for this purpose. The name and registration number of the intended prisoner will be noted for each deposit and disbursement from this account. A withdrawal request will be prepared and a PDF check issued, payable to the prisoner, and mailed to the prisoner's last known address.

f. Personal deposit fund checks.

(1) PDF checks will be numbered sequentially and controlled by the custodian. Voided and returned checks will not be destroyed but will be made non-negotiable. Internet banking is authorized for the purpose of balancing the bank account to the total of all prisoner accounts. Direct electronic deposits or disbursements to and from the PDF bank account are unauthorized. The fund custodian will use an approved automated signature on all checks.

(2) The beginning and ending check number used for the business day will be noted on the DA Form 1125 with the total amount of disbursements for the business day. Any check number voided or rendered nonnegotiable due to printer jams will be listed, with an explanation, on the DA Form 1125.

(3) If a PDF check is returned, or is six months past issue date, the funds will be re-deposited to the prisoner's account. If the prisoner has been released, a check will be forwarded to the last forwarding address. If the check is returned as undeliverable, it will be forwarded to the general account. Funds posted to the general account will be held for one year. If a request for a payment is not made by the prisoner within one year from the deposit date, a check will be drawn and sent to the nearest finance and accounting office for deposit into Unclaimed Funds from Prisoners Personal Deposit Funds.

(4) The funds of deceased prisoners will be disposed of in accordance with AR 638-2 and DA Pam 638-2.

(5) The general account will remain open, even if the balance is zero, for processing prisoner funds received after release or transfer (that is, detail pay, telephone refunds, and so forth, for prisoners without an active PDF account). The custodian will maintain detailed records of all activity in this account.

g. Overpayments. When a military prisoner has received an erroneous payment or overpayment of military pay, a refund will be deducted from the prisoners' PDF account. Proper documentation will be received from the concerned branch of Service's finance and accounting office showing the prisoner's name, social security number, and overpayment amount due.

(1) A withdrawal request will be prepared to deduct funds from the prisoner's account to repay the overpayment in full or for the balance in the prisoner's account, whichever is less. The custodian will notify the prisoner and give them the opportunity to voluntarily sign the withdrawal request to reimburse the overpayment.

(2) If the prisoner does not sign voluntarily, the custodian will process the collection and issue a check from the prisoner's account payable to the U.S. Treasury. The check will be sent in accordance with instructions contained in the overpayment notification. The prisoner will be notified and provided a copy of the transaction report at the end of the business month showing the deduction was processed.

(3) When the check issued does not refund the full overpayment amount, the prisoner's account will be frozen and no disbursements will be permitted until full restitution has been made to the U.S. Treasury.

h. Court ordered collections. Court ordered collections will be processed, prisoner consent or notification by the custodian is not required. Funds will be deducted from the prisoner's PDF account, as ordered, and mailed directly to the court. The prisoner will be given a transaction report at the end of the business month showing the deduction was processed.

i. Investments, donations, and contributions. No part of the funds held in trust by the custodian may be used for loans by the prisoners. No donation or contribution may be made from the fund or received by the fund custodian. Subject to approval of the ACS facility commander, prisoners with funds on deposit greater than their anticipated needs may withdraw excess monies from their account in their personal deposit fund for investment in U.S. savings bonds or to open or transfer funds to a personal savings account in banks insured by the Federal Deposit Insurance Corporation or in banks or branches eligible to be designated a U.S. depository under provisions of 12 USC 265. Investments such as stocks, Individual Retirement Account, Dividend Reinvestment Plans, and so forth, are authorized with the approval of the ACS facility commander or designee.

j. Outstanding checks.

(1) When checks drawn on the PDF are outstanding for six months and not cashed, the check will be removed from the outstanding checklist and will be processed as a void check and the funds returned to the prisoner's PDF account.

(2) The custodian will work closely with the financial institution officials in determining the services, terms and conditions under which the services are rendered. Payees will be informed the original check, if received at a later date, is non-negotiable and will be returned.

k. Loss of funds.

(1) The total of all prisoners' PDF balances, to include the general account balance, will be maintained on a daily basis for internal balancing and external (bank) balancing purposes. The total of all prisoner PDF accounts will be reconciled at least weekly to the consolidated bank account statement. Accurate records will be maintained for all PDF transactions, accounting documents and records will be kept in a daily audit ready condition.

(2) If the bank and PDF balances cannot be reconciled after thorough review by the custodian, the ACS facility commander and CG, ACC will be notified. A complete explanation of the circumstances surrounding the overage or shortage and planned corrective action will be provided in writing by the custodian's supervisor.

(3) For instances when the shortage exceeds \$250, an information copy of the report will be furnished to ACC headquarters. The CG, ACC may require an audit (or review) of the account and an investigation of the alleged shortage. The CG, ACC will review and take action on reports of investigation in accordance with the procedures described in AR 15-6.

(4) If it is determined the loss is due to the fault or negligence of one or more identifiable individuals, the ACS facility commander will take appropriate steps to recover the loss from the responsible individuals. If the loss is uncollectible, then the ACS facility commander will send a request to ACC Headquarters to reimburse the fund in accordance with 31 USC 3530. The request will include details concerning the loss and reasons why the loss is uncollectible, and will identify the appropriated fund from which reimbursement is recommended.

l. Claims. When a released or transferred prisoner wishes to claim funds transferred to the unclaimed moneys account due to being over one year old, they will be referred to the Defense Military Pay Office. The Defense Military Pay Office will send the claim to the Defense Finance and Accounting Service, Indianapolis, where the claim will be processed and sent to the Department of the Treasury for payment.

m. Disposition of personal deposit fund records. Prisoners' personal fund files may be retained in the funds section. Upon release the funds files will be consolidated with the prisoner's CTF. The CTF will be disposed of in accordance with AR 25–400–2.

16–11. Personal deposit fund pay and allowances

Prisoners will be paid in accordance with the provisions of their sentences. Such payments will be placed with the prisoner's PDF account and held in safekeeping. Upon release, any money remaining in the prisoner's account will be returned to the prisoner.

16–12. Personal deposit fund reports and audits

a. Monthly U.S. Army Corrections System facility commander report.

(1) At the end of each month the custodian will prepare a report reflecting PDF transactions. On or before the 10th working day of the succeeding month the custodian will prepare and submit the report to the ACS facility commander. The report will be a summarization of the previous month's fund activity and will provide verification to the ACS facility commander the PDF is in balance with the banking institution. The ACS facility commander will review and validate the monthly beginning and ending balances and all transactions in the report. The ACS facility commander will initial the report and a copy is forwarded to the ACC HQ, RM division chief no later than the 15th of the month.

(2) If requested, this report may be prepared daily for internal control purposes or upon request by the ACS facility commander to conduct periodic unannounced reviews of the PDF.

(3) The custodian will maintain a record of the process in which the report is generated and prepared.

b. Annual review. An annual review of the PDF account will be conducted during TAVs and validated for compliance with internal controls. The internal controls checklist is provided at Appendix C of this publication.

Chapter 17

Institutional Operations

The safety and welfare of the military and civilian communities in which ACS facilities are located necessitate establishment of adequate controls to protect those communities from potentially dangerous prisoners.

Section I

Control

17–1. Accountability/verification of prisoners

a. Physical accountability. The ACS facility commander will develop procedures to conduct physical counts of prisoners each day as specified below. Physical counts will include at a minimum—

(1) Roll call or a similarly accurate accounting method conducted in the morning, noon, and evening.

(2) Head count immediately on the return of all prisoners from work details.

(3) Head count between taps and midnight, and again between midnight and reveille.

b. Nighttime and special accountability. The watch commander, military police duty officer, or facility duty officer will conduct a physical count between midnight and reveille and at such other times as the ACS facility commander may direct.

17–2. Prisoner movement control

a. Orderly movement and control of prisoners. ACS facility commanders may restrict the movement and actions of prisoners and may take measures necessary to maintain control of prisoners and to ensure the orderly administration of the facility.

b. Movement control. ACS facility commanders may establish an intra-facility pass and/or badge system to control prisoner movement without escort.

c. Movement via escort. When movement is necessary for prisoners requiring escort, no pass is required. Hand irons or other restraining devices will be used during movement of a maximum custody prisoner, and others as determined by the ACS facility commander.

d. Control and movement of prisoners in groups. ACS facility commanders will establish specific procedures to ensure control of mass group formations and movements.

e. Escort by vehicle. Vehicle drivers are not part of the escort requirement except for trusty custody prisoners.

f. Escort requirements. Escort requirements for prisoners being transported inside or outside an ACS facility by means of foot, motor vehicle, or aircraft (other than air evacuation or USMS aircraft) are as follows—

- (1) CMF 31 Soldiers or service equivalent. Prisoners will be escorted in accordance with the following—
 - (a) Maximum custody prisoners escorted within the facility requires a minimum of two escorts per restrained prisoner. Outside the facility, at least two unarmed escorts and one armed escort per prisoner.
 - (b) Medium custody prisoner escort requirements within the facility will be determined by the ACS facility commander. Outside the facility, there will be at least one escort per five prisoners.
 - (c) Minimum custody prisoner escort requirements within the facility will be determined by the ACS facility commander. Outside the facility, there will be at least one escort per ten prisoners.
 - (d) Trusty custody prisoner escort requirements within the facility and outside the facility will be determined by the ACS facility commander.
- (2) ACS facility staff (non CMF 31 or service equivalent).
 - (a) Non-correctional staff members are not permitted to escort maximum custody prisoners.
 - (b) Medium custody prisoner escort requirements within the facility will be determined by the ACS facility commander. Outside the facility, there will be at least one escort per two prisoners.
 - (c) Minimum custody prisoner escort requirements within the facility will be determined by the ACS facility commander. Outside the facility, there will be at least one escort per ten prisoners.
 - (d) Trusty custody prisoner escort requirements outside the facility will be determined by the ACS facility commander.
- g. *Training requirement for non CMF 31 or service equivalent escorts.* Non CMF 31 personnel will be trained in procedures for escorting and supervising prisoners before being allowed to assume custody of prisoners. They will certify in writing they have been briefed, trained, understand and will comply with escort procedures. Medium and minimum custody prisoners assigned to work details will be supervised at a level of supervision determined appropriate by the ACS facility commander. Civilian supervisors, upon completion of formal training, may supervise prisoner work details.

17-3. Restraints

Restraints are used in ACS facilities for prisoner transports, medical intervention, controlling unruly prisoners, protecting a prisoner and correctional personnel, and preventing escapes.

- a. *Use of restraints policy.* ACS facility commanders will establish procedures for training on and the use of restraints for movement within the facility; for cell extraction teams; for transport outside of an ACS facility; for medical/therapeutic intervention purposes; for the use of a restraint chair; for the time duration when using restraints or the restraint chair; and for documenting health care and correctional officer monitoring of a prisoner secured in restraints for prolonged periods of time. Restraints will not be used as a form of punishment or discipline.
- b. *Authorized restraints.* The following restraints are authorized for use in ACS facilities—
 - (1) Hand Irons.
 - (2) Leg Irons.
 - (3) Belly chain w/box (blue or black).
 - (4) Body-cuff.
 - (5) Restraint chair.
 - (6) Flexi-cuffs.
 - (7) Other restraints as determined by ACC.
- c. *Restraint of pretrial prisoners.* Pretrial prisoners temporarily released from ACS facilities under unit escorts will have either leg and hand restraints applied or body cuff with or without leg restraints. On request, the ACS facility staff will provide technical advice, training, and equipment (hand and leg irons or body cuff).
- d. *Restraint of post-trial prisoners.* Post-trial prisoners temporarily released from ACS facilities under ACS facility escorts will be restrained in accordance with the ACS facility SOP.
- e. *Removal of restraints during official proceedings.* Restraints may be removed during official judicial proceedings only when directed by a judge. Staff members and administrative personnel supporting such judicial proceedings may not direct or instruct escorts to remove restraints unless directed by a judge or a designee.
- f. *Removal of restraints for medical treatment.* Restraints may be removed when requested by a physician or health care provider to facilitate medical treatment, when approved by the ACS facility commander or designee.
- g. *Escort discretion.* Hand restraints may be removed at other times when approved by the ACS facility commander or designee to allow the prisoner to complete essential administrative requirements. During these instances, escorts will observe facility escort procedures, maintaining observation and positive control as necessary to preserve safety, discipline, welfare and security.

17-4. Control Points and Security Posts

Control points and security posts will be established inside facilities to effect security, observe prisoner and staff activities, monitor and enforce safety standards, provide accountability, and, when necessary, control or otherwise limit movement.

a. Each correctional security post will be associated with a written order specifying duties and responsibilities of the post, including referencing protocols, procedures and activities therein.

(1) Facility commanders will require personnel to read the appropriate post order each time they assume a new post, and will sign and date acknowledging they have read and understood the order.

(2) Post orders may be consolidated or otherwise incorporated into a facility SOP, however, a copy of the individual post order will be present at each post at all times and available for reference by assigned personnel, unless the presence of such is deemed impractical by the facility commander.

b. Post orders will be reviewed at least annually and updated as required.

17-5. Visitation, supervision and control

a. Visitor identification. Verify visitor's identification in accordance with this regulation.

b. Visitor area search. A systematic and comprehensive search of the visitor room and/or area will be conducted before and after visits.

c. Visitor, prisoner and visit supervision. All visits of prisoners will be supervised.

d. Visitor rules compliance. Visitors will be briefed on or provided a copy of published rules on arrival at the facility.

e. Visitor search. Normally, visitor searches will be limited to checks of their person with a metal detection device and checks of handbags and parcels before entering the facility.

(1) Any devices with cellular or radio connectivity, or devices that contain wireless technologies, such Wi-Fi or Bluetooth capability, are not permitted in the visitation room.

(2) Religious headdress (for example, hijabs, Catholic habits, yarmulkes) are allowed to be worn in the visitation room; however, visitors may be required to remove it for inspection in a private location with a staff member of the same gender present before the visitor is allowed into the visitation room.

(3) The ACS facility commander or a designated representative has discretion to direct physical searches of visitors when deemed appropriate. When searches are conducted, in addition to the staff member conducting the search, a witness of the same gender as the person being searched will be present to observe the search.

(4) Visitors who have preapproved articles for prisoners will deliver them to the ACS facility commander or a designated representative for inspection prior to delivery to the prisoner.

f. Contact and noncontact visits. The ACS facility commander or designee will determine if a prisoner will be authorized contact or noncontact visits. Noncontact visits may be authorized in those instances of substantiated security risks. Physical contact between visitors and prisoners will be limited to a handshake, a short embrace, and brief kiss (within the bounds of good taste) only at the beginning and the end of the visit. Visitors and prisoners may hold hands in plain view during the visit.

g. Prohibition of pets and other animals. Visitors are precluded from bringing animals onto the ACS grounds, except for dogs to assist persons with disabilities. The visitor must provide staff with medical documentation of the requirement and certification the dog is trained for this purpose.

h. Prisoner searches before and after visitation. All prisoners will be frisk-searched immediately before entering and strip-searched immediately after leaving the visitation area.

i. Cancellation or suspension of visitation. Visitation may be canceled at any time for violation(s) of facility visitation rules. Facility commander or designee may cancel visitation or otherwise shorten or suspend visits as a result of emergency situations, or where preservation of good order and discipline, safety, security or welfare of visitors, prisoners, or staff members warrant curtailment of the activity.

17-6. Searches and inspections

ACS facility commanders will establish procedures for conducting searches and inspections of facilities, staff members, visitors, and prisoners. The procedures will uphold the security and good order and discipline of ACS facilities; and will locate and control contraband/prohibited property and provide for its disposition.

a. Prohibited property. Anything not specifically authorized by proper authority to be in a prisoner's possession is prohibited. Prisoners must obtain and keep written permission from the ACS facility commander or designee to possess any item not authorized by facility policy or staff. Any item not specifically authorized and found in a prisoner's possession will be considered prohibited property. Possession of property obtained from trash receptacles, or

which was discarded in any other way by other prisoners or staff, is prohibited. Property that has been altered from its original form without facility authorization will be considered prohibited property.

b. Contraband. Any item, article, or substance not authorized to be possessed in a correctional facility by facility staff, visitors, or prisoners. This includes items or substances to cause physical injury or adversely affect the security, safety and good order of the institution, or the security and control of prisoners.

c. Unauthorized property. ACS facility commanders may establish policies restricting property.

d. Facility searches/inspections. Daily checks, including holidays and weekends, of all areas occupied by prisoners. Unoccupied areas are to be inspected weekly. Checks may include, but are not limited to, checking all manned correctional posts to ensure cleanliness; ensure post orders are signed; ensure inventories are completed; ensure necessary equipment is on-hand and serviceable; identify, deter, and respond to staff sexual abuse and sexual harassment complaints; and ensure the correctional staff are knowledgeable of their duties and responsibilities. Senior staff will visit all prisoner housing and activity areas at least weekly to encourage informal contact between staff and prisoner; to informally observe living and working conditions and identify, deter and respond to staff sexual abuse and sexual harassment complaints.

e. Cell and common area searches and inspections. The ACS facility commander or designee will determine the number of cell/common area searches/inspections to be conducted per shift. All confiscated prohibited property (evidence) will be properly preserved and receipted for on a DA Form 4137 (Evidence/Property Custody Document); and the prisoner will receive a copy of the DA Form 4137.

f. Staff Member Searches and Inspections. All bags, purses, briefcases, and so on, will be inspected manually and/or with security detection technology for contraband prior to allowing entry into the ACS facility. No contraband will be allowed inside the ACS facility.

g. Vehicle Searches and Inspections. Vehicle searches/inspections will be conducted prior to entry into an ACS facility. Facility commanders will establish specific procedures based upon security requirements.

h. Visitation. All items being taken into visitation will be thoroughly searched, allowing only those items authorized and specified in accordance with ACS facility policy.

i. Prisoner searches and inspections. As part of their military occupational skills, correctional security staff are trained to be professional and respectful in performing their duties, including the performance of frisk searches and strip searches. All searches are conducted in the least intrusive manner possible, and consistent with security needs. Absent exigent circumstances, opposite sex frisk searches, strip searches, and body cavity searches are not permitted. If any prohibited property is found during the inspection, detain the prisoner, seize all prohibited property, and immediately notify the Watch Commander. The Watch Commander will notify the MPI Duty Investigator. Ensure all confiscated prohibited property (evidence) is properly preserved and receipted for on a DA Form 4137; and the prisoner receives a copy of the DA Form 4137.

(1) Frisk searches may be conducted randomly during mass movements (for example, work call, work recall, meals, and recreation call).

(2) All prisoners will be frisk searched prior to—

(a) Departure from a work site or appointment.

(b) Attending visitation (in the visitation search room out of sight of any visitor).

(c) Exiting the facility.

(d) Entering the Special Housing Unit (SHU).

(e) And other times as determined by the ACS facility commander.

(3) Segregated prisoners will be frisk searched when they are removed from their cells and when returned to their cells.

(4) Whenever possible, frisk searches will be conducted in full view of the nearest camera.

(5) When a frisk search leads to a reasonable belief that a prisoner is carrying or attempting to conceal prohibited property, the prisoner will be strip searched.

(6) The use of the hand held security detection technology to conduct opposite sex frisk searches is permissible.

(7) Exigent circumstances requiring opposite sex frisk searches (not using the hand held security detection technology) and strip searches will be documented on DD Form 2713 (OR) and forwarded to the ACS facility commander or designee. The report will include the reason for the search; the location of the search; the staff members who conducted the search; and whether or not any prohibited property was found.

(8) Strip searches will be conducted—

(a) When reasonable belief exists a prisoner is carrying prohibited property.

(b) On all new arrival prisoners.

(c) When returning from an outside appointment and/or detail.

(d) After visitation (in the visitation search room, out of sight of any visitor and prior to departing the visitation area).

(e) And other times as determined by the ACS facility commander.

(9) Absent exigent circumstances staff will not conduct opposite sex strip searches. Strip searches will be conducted by two staff members of the same sex as the prisoner being searched. One of the two staff members conducting the strip search should be a noncommissioned officer who has supervisory responsibility over the strip search. The area used to conduct strip searches will ensure privacy and be inspected for any objects able to be used as a weapon.

(10) In a correctional environment, prisoners have a very limited expectation of privacy due to the need to maintain safety, security, and good order and discipline; however, certain limitations on opposite gender supervision and the use of closed-circuit television (CCTV) during strip-searches are authorized to meet legitimate safety and security interests. CCTV cameras are an important tool used to enhance the safety and security of both prisoners and staff members alike, and will not be disabled in strip search areas. All camera monitors with the exception of those designated by the ACS facility commander will be blocked from viewing strip search areas. The recordings from strip search cameras may only be viewed in the course of an official investigation.

(11) Body cavity searches.

(a) Manual or instrumental inspection of body cavities will be conducted only when there is reasonable belief the prisoner is carrying prohibited property or other prohibited material and when authorized by the ACS facility commander or designee. The inspection will be conducted in private by health care personnel and witnessed by a staff member or a correctional staff member.

(b) Body cavity searches will be documented on DD Form 2713 (OR) and forwarded to the ACS facility commander or designee. The report will include the reason for the search; who authorized the search; where the search was conducted (for example, Health Clinic, local medical treatment facility); the name of the medical personnel who conducted the search; the staff members who witnessed the search; and whether or not any prohibited property was found.

(12) Transgender/Intersex prisoner searches and inspections will not be conducted for the purpose of determining the prisoner's genital status.

17-7. Urinalysis testing

ACS facility commanders will establish procedures to administer urinalysis testing of prisoners. Prisoners may be subject to disciplinary administrative action for refusing a directive to provide a urine sample for testing.

17-8. Hospitalized prisoners

The medical commander providing medical care services to the ACS facility may provide hospitalization for ACS prisoners within a military, civilian-contracted, or Department of Veterans Affairs (VA) hospital as approved by the U.S. Army Medical Command. The following policies apply to the custody and control of hospitalized military prisoners—

a. *Prisoner control for hospitalized prisoners.* ACS facility commanders will develop procedures for and control of prisoners, to include at a minimum, escort requirements, phone privileges, use of force, restraint procedures, and visitation in coordination with the hospital security staff.

b. *Custody and control of pretrial hospitalized prisoners.* Custody and control of hospitalized pretrial prisoners is the responsibility of the prisoner's parent unit commander.

c. *Control of hospitalized psychiatric prisoners.* Inpatient psychiatric prisoner patients may be treated only in a military, Department of Veterans Affairs, state, or Federal prison facility approved by ACC.

17-9. Key control system

ACS facility commanders will establish procedures for the key control system (KCS). They will appoint in writing a key custodian and alternate custodians responsible for the security, accountability, and maintenance of keys and locks.

a. *Key control requirements.* The KCS consists of procedures for security, accountability, and maintenance of detention door keys, office door keys, and administrative keys (desks and file cabinets) and card keys. Continuous accountability of these keys will be maintained. At a minimum there will be three sets of keys for detention and office doors. The first set is available for daily issue to authorized staff. A second set of duplicate keys is held in reserve for use in emergencies and a third set of duplicate keys is maintained outside the ACS facility at a secure location with 24-hour availability.

b. *Key custodian responsibilities.* The key custodian must be appointed in writing by the ACS facility commander and is responsible for maintaining a master register of all keys and key cards assigned to the ACS facility. The master register is maintained on a DA Form 5513 (Key Control Register and Inventory). Access to the master register is

strictly controlled by a written access roster of authorized personnel and the master register is secured when not in use. The key custodian will ensure individuals designated to issue, receive, and account for keys in their absence, clearly understand ACS facility key control procedures.

c. Key security.

(1) Only authorized facility staff members will have facility keys and key cards in their possession and then only during the performance of duties requiring the use of those keys.

(2) The KCS will identify all keys and key rings to locks and establish a process by which all keys and locks are accounted for. Keys will be secured in a key depository or depositories when not in use. A key depository is a secure lockable container such as a safe, box, file cabinet, or electronic key monitoring system. It will be made of at least 26-gauge steel equipped with a tumbler-type locking device and permanently affixed to a wall. The key depository will be under 24-hour surveillance or in a locked room when unoccupied. Keys, locks, or alternate keys or locks will not be placed in a security container containing or storing classified material.

(3) Each key or set of keys will be on a sealed or welded metal ring. Additionally, a metal tag, marking, or electronic tag annotating the key ring number and the number of keys will be on the sealed metal ring.

(4) Each key ring will have its own hook on the key panel board.

(5) No key or key ring will be marked indicating its function or location.

(6) ACS facilities with an automated or electronic key monitoring system will establish procedures to ensure the container is properly programmed to allow only authorized staff access to specific keys or key rings. Procedures will include key accountability and emergency access in the event of a system failure.

(7) ACS facilities with combination, codes or electronic equipment (that is, key pads) will establish procedures to ensure the integrity of the combinations, codes or electronic equipment are protected.

d. Key and key cards accountability.

(1) All keys must be accounted for and safeguarded at all times. Keys issued on a daily basis to staff will be accounted for at the end of the staff member's tour of duty. Differences between keys on hand and the key control register will be immediately reconciled.

(2) Keys will be signed out to authorized personnel using DA Form 5513 or by using an electronic key monitoring system.

(3) Administrative keys and key cards may be hand receipted to authorized personnel on a permanent basis. Hand receipts will be updated semi-annually.

(4) Office door keys and key cards outside the secure area of the ACS facility may be hand receipted to authorized personnel on a permanent basis as approved by the ACS facility commander or designee. Hand receipts will be updated semi-annually.

(5) Detention keys and office door keys inside the secure area of the ACS facility will not be removed from the facility unless on official duty, for example, for prisoner escorts or prisoner work details.

(6) Emergency keys will be checked at least quarterly to ensure they are in working order and will be rotated regularly with duty keys to ensure all keys function properly.

(7) An accurate key log showing the number of each key, trade name of lock and its location, and number and location of keys for the lock will be maintained outside the ACS correctional facility.

(8) Key control registers or automated logs from an electronic key monitoring system will be maintained by the key custodian for at least 90 days.

e. Lock accountability.

(1) Combination locks may be issued to prisoners for security of their property. The key custodian will keep a master roster of combinations to the prisoners' combination locks. The use of combination locks to secure Government property in ACS facilities is not authorized.

(2) Padlocks and their keys will be inventoried semiannually by serial number. Keys and padlocks not having a serial number will be given one. This number will be inscribed on the lock or key, as appropriate. A written record of the inventory will be retained for at least 90 days.

(3) When a key to a padlock is lost or missing, an inquiry will be conducted and the padlock replaced or recoded immediately. The key control inventory will immediately be updated to reflect the change.

f. Key and lock maintenance.

(1) The KCS will include procedures for at a minimum a quarterly inspection to ensure all locks and keys are serviceable.

(2) Locks and keys, including spare keys, for fire escapes and emergency doors must be checked frequently to ensure their operation.

(3) All sets of keys will be rotated regularly—internal keys at a minimum every six months, and all other keys annually—to ensure they function properly.

g. *Keys within duty areas.* ACS facility staff working within a locked area (that is, a cell block or housing unit) will carry only those keys required for duty within this area, (that is, cell doors, janitor or utility closet).

h. *Control of personal keys.* ACS facilities will establish procedures for the control of personal keys for staff and visitors.

i. *Gang lock release.*

(1) Five cells or fewer and secure rooms. Gang lock release systems are not required for five or fewer adjoining cells and connecting secure rooms. All manual locks securing such cells or rooms will be keyed to a single key to permit the supervising staff member to release all occupants in a minimum amount of time in event of a fire or other emergency. This will be a different key from which operates the exterior entry to the cell or secure room areas.

(2) Six cells or more. Gang lock release systems (manual or electric) are required to be operational on all groups of six or more adjoining cells. All electronic locks will have remote release capability. All manual locks securing such cells will be keyed to a single key to permit the supervising staff member to simultaneously release all cell or secure room doors in event of a fire or other emergency.

(3) All manual locks securing fire exit doors may be keyed to single key to permit the supervising staff member to simultaneously release all fire exits doors in event of a fire or other emergency. The single key for fire exit doors will be kept in a secure area when not in use.

(4) All manual locks securing mechanical rooms may be keyed to single key to permit the supervising staff member to simultaneously get to utilities in the event of a fire or other emergency. The single key for mechanical doors will be kept in a secure area when not in use.

Section II

Security

17–10. Use of force

a. *Use of force policy.* ACS facility commanders will develop procedures on the use of force which will be incorporated in orders, plans, standard operating procedures and instructions. These procedures will protect prisoners from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment. A Use of Force Report will be completed and submitted to the ACS facility commander or designee and all applications of physical force will be recorded in the facility blotter.

b. *Escalation of force.* Only the minimum amount of force reasonably necessary under all attendant circumstances will be employed. When use of force is necessary, it will be exercised according to priorities of force and limited to the minimum amount of force necessary. No person will use physical force against a prisoner except in justifiable self-defense, protection of others, protection of property, prevention of escapes and maintain or regain control or as herein otherwise authorized.

c. *Deadly force.* The use of firearms or other means of deadly force is justified only under conditions of extreme necessity as a last resort when all lesser means have failed or cannot reasonably be employed and only as described in AR 190-14. When the priorities of force below are employed, applicable observation, disciplinary reports and/or sworn statements will be submitted to the ACS facility commander or a designee no later than the end of shift tour when the usage of weapons or irritants occurred.

d. *Priorities of force for U.S. Army Corrections System facilities include—*

(1) Verbal persuasion.

(2) Show of force.

(3) Chemical aerosol irritant projectors (subject to local and host nation restrictions). ACS facility commander's procedures should include OC Pepper Spray and O-chlorobenzylidene Malonanitrile (CS).

(4) Physical force other than weapons fire. ACS facility commander's procedures should include and describe the use of the riot baton, high-pressure water, unarmed self-defense techniques, pressure point control techniques, and electronic immobilization devices.

(5) Use of nonlethal weapons (subject to local and host nation restrictions).

(6) Presentation of deadly force capability.

(7) Deadly force.

e. *Application of force to prevent disturbance, disorder, or escape.* In the event of imminent group or mass breakout from an ACS facility, or other general disorder, it will be made evident to the prisoners concerned authority prevails, order will be restored, and the means are available to restore it by vigorous application of force, if necessary. If the situation permits, an attempt will be made to reason with prisoners engaged in any disorder prior to the application of any force. If reasoning fails, or if the existing situation does not permit reasoning, a direct order will be given to prisoners to terminate the disorder.

(1) This order will not be given until it can be enforced effectively by application of force as the situation may require.

(2) Before escalating beyond a show of force, prisoners not involved in the disturbance may be given an opportunity to voluntarily assemble in a controlled area away from the disturbance.

(3) DoD regulations and AR 190-14 authorize the use of deadly force as a last resort to perform an arrest or apprehension, or to prevent an escape of a duly sentenced prisoner. Prisoners confined within ACS facilities, regardless of the reasons for individual incarceration, present an imminent danger to the surrounding community in the event of escape from custody. Prisoners must be apprehended, arrested, or otherwise prevented from affecting escape from custody for the protection of the community.

(a) ACS facility design and surrounding grounds provide clearly distinguishable barriers for which all prisoners are informed of the authorization to use deadly force to prevent escape. Prisoners whom elect to cross, flee, or otherwise circumvent such distinguished barriers, or attempt to leave the control and custody of such facilities in violation of confinement orders, are subject to apprehension or arrest by facility personnel and other response forces, whom are fully authorized to control a fleeing prisoner's ability to escape confinement.

(b) Efforts of an escaped prisoner to evade apprehension upon escape presents a risk of imminent deadly harm to the surrounding community and to personnel involved in controlling or apprehending an escaped prisoner; therefore, ACS facility commanders are authorized to establish policy regarding use of deadly force in such instances to secure such fleeing prisoners, ordering employment of specific weaponry to effect such policies, and will establish clear rules consistent with applicable regulations for personnel charged with enforcing such policies.

(c) ACS facility commanders will collaborate with senior commanders regarding establishment of consistent rules for the use of deadly force to effectively control, apprehend, arrest or otherwise stop a fleeing prisoner from escape.

f. Local authority for use of deadly force. Senior commanders having ACS facilities located on their installation as tenants are the approval authority for requests to use deadly force during disturbances. They will assess procedures for deadly force during a disturbance and ensure instructions on the use of deadly force are incorporated in orders, plans, and SOPs. The instructions will specifically designate representative(s) authorized to direct the use of deadly force in the event of a disturbance and hostage situation. Such instructions will specify types of weapons to be used, which need not be limited to the shotguns and pistols used for escorting prisoners.

g. Use of force and restraining devices when imposing conduct, health and safety rules.

(1) *Planned use of force.* All applications of planned use of force, including implementation of a Forced Cell Move Team (FCMT), will be recorded on videotape, to include preparatory announcements and warnings to the prisoner. The Health Authority will be consulted prior to the deliberate planned use of force (for example, forced cell move, to include forced haircut/shave, shower, medical vaccination, and the placement of a prisoner in a restraint chair or the use of four point restraints, OC Pepper).

(2) *Restraint chair.* A restraint chair is an approved item of equipment and may be used for situations as deemed appropriate by the ACS facility commander when used in accordance with facility policy. A written report will be submitted to the ACS facility commander or a designee no later than the end of shift tour when a prisoner remains in restraints at the end of the shift.

(3) *Application of force to effect hygiene rules.* In instances when a prisoner refuses to bathe or comply with haircut or shave standards, the prisoner may be restrained with the minimum amount of force necessary to administer the appropriate action. Whenever it is necessary to use the minimum amount of force necessary for this purpose, the following will be accomplished—

(a) A properly licensed barber or beautician, as established by the State the installation is located on as the licensing authority, will be used if available. If no licensed barber or beautician is available, a senior correctional supervisor may administer haircuts or shaves. Senior female correctional supervisors will be used when haircutting for female prisoners is required. A vocational barber instructor may be used to cut the hair of male and female prisoners.

(b) The prisoner will be advised failure to comply will result in the application of force to accomplish the act, including use of restraint. The ACS facility commander or a designee must approve the application of force in such cases.

(c) An officer or senior NCO from the facility will be designated to witness the action.

(d) The haircut, shave, or bath will be administered away from the general prisoner population.

(e) Electric hair clippers and shavers will be used if available.

(4) *Application of force to effect medical procedures, treatments, and specimen collection.* In instances when a prisoner refuses to eat, submit to DNA collection accept necessary medical attention, or be vaccinated in accordance with Army health regulations, the prisoner may be restrained with the minimum amount of force necessary to administer the appropriate action. ACS facilities will establish procedures as necessary in conjunction with the appropriate health authority to administer care.

17–11. Weapons

ACS facility commanders will ensure 31 CMF or service equivalent are trained on policies regarding the use of force and are trained and qualified in the use OC Pepper Spray and the use of the weapons with which they are armed. Weapons are not authorized within the ACS facility's controlled areas without approval of the ACS facility commander or designee. The designee will be appointed in writing.

a. Weapons and ammunition. The following weapons and ammunition in accordance with ATP 3–22.40 are authorized for use in ACS facility perimeter, tower, and escort duties and during emergency actions plans.

- (1) M16 rifle and M4 carbine with 5.56 ball ammunition.
- (2) M26, M500 and M509 12-gauge shotguns with 00 buckshot ammunition, nonlethal crowd dispersal cartridge, and nonlethal point control cartridge. These shotguns will have cylinder (unchoked) barrels and the barrel length will not exceed 20 inches.
- (3) M9 and M–17 pistol with 9mm ammunition.
- (4) M39 Individual Riot Control Agent Dispenser.
- (5) Launched electrode stun device (LESD).
- (6) Acoustic Hailing Devices (OHWD).

b. Emergency action and response. The following weapons, ammunition, or munitions are authorized for use in ACS emergency action plans.

- (1) M24 rifle with 7.62 ammunition.
- (2) Compressed air launcher with (CAL) with OC and marking.
- (3) M203 and M320 40mm grenade launchers with breaching, nonlethal point control or nonlethal crowd dispersal ammunition capability.
- (4) M39 Individual Riot Control Agent Dispenser.
- (5) M26, M500, and M509 12-gauge shotguns with nonlethal crowd dispersal cartridge or nonlethal point-control cartridge.
- (6) Launched electrode stun device (LESD).
- (7) Acoustic Hailing Devices (AHD).
- (8) Ocular Hail and Warning Devices (OHWD).

c. Appropriate weaponry.

- (1) Machine guns and submachine guns will not be used to supervise military prisoners.
- (2) ACS facility commander will establish procedures for the use of nonlethal weapons within the ACS facility.
- (3) ACS facility commander will establish a weapons training and familiarization program for correctional staff, escorts and other appropriate personnel engaged in the supervision and control of prisoners.

17–12. Use of weapons to prevent an escape from a correctional facility

Prisoners confined within ACS facilities, regardless of the reasons for individual incarceration, present an imminent danger to the surrounding community in the event of escape from custody. Prisoners must be apprehended, arrested, or otherwise prevented from affecting escape from custody for the protection of the community.

a. Alert and signal. 31 CMF or service equivalent personnel will be provided with a whistle or such other means of alarm or alert.

b. Actions and priorities upon prisoner escape attempt. In the event a prisoner attempts to escape from the confines of the facility, the 31 CMF or service equivalent will take action according to the following priorities—

- (1) Alert other ACS facility staff of the attempted escape by blowing three short blasts on a whistle or by sounding alarm signal.
- (2) In a loud voice, order the prisoner to halt three times.
- (3) Chamber a round.
- (4) Warning shots are prohibited.
- (5) Fire only at such time as the prisoner has passed all perimeter barriers of the facility and is continuing the attempt to escape.
 - (a) Location of barriers will be determined by the physical arrangement of each facility. Normally, this will include barriers such as perimeter fences or perimeter walls.
 - (b) 31 CMF or service equivalent personnel will not fire on an escapee if the fire will endanger the lives of other persons.
 - (c) When a firearm is discharged, it will be fired with the intent of rendering the prisoner(s) at whom it is discharged incapable of continuing the activity or course of behavior prompting the individual to shoot.

c. Deadly force. A 31 CMF or service equivalent personnel may use deadly force to prevent an escape when all lesser means have failed or cannot reasonably be employed and only as described in AR 190-14. Before using deadly

force in response to an attempted prisoner escape, the 31 CMF or service equivalent personnel must determine by probable cause that the escaping prisoner poses a threat of serious bodily harm either to security personnel, or others, and must balance the need to maintain order against the risk of harm inherent in the use of deadly force. DoD regulations and AR 190-14 authorize the use of deadly force to perform an arrest or apprehension, or to prevent an escape of a duly sentenced prisoner.

17–13. Use of force when escorting prisoners outside an U.S. Army Corrections System facility

a. Controlling behavior and preventing escape. 31 CMF or service equivalent personnel may use force when escorting prisoners outside of ACS facilities to control threatening/combative behavior or to prevent an escape.

b. Use of chemical irritants in escalation of force. In the event of threatening/combative behavior or an escape attempt, OC Pepper Spray (subject to local and host nation restrictions) will be used to control and subdue the prisoners prior to using physical force or deadly force according to the following priorities—

- (1) In a loud clear voice, order the prisoner to stop their threatening/combative behavior or escape attempt three times.
- (2) Allow the prisoner time to comply with commands.
- (3) Prior to using OC Pepper Spray visually scan the area for bystanders and in a loud, clear voice announce “OC Pepper Spray” prior to dispensing the OC Pepper Spray.
- (4) Aim the OC Pepper Spray dispenser at the prisoner’s eyes, nose and mouth and discharge the OC Pepper Spray.
- (5) Wait until the prisoner is visibly affected or incapacitated by the spray before attempting to apply restraint devices. If control is not achieved within 15 seconds of the initial discharge, a second (two-second) burst will be administered.
- (6) Once the prisoner has been restrained, the escort will contact ACS facility and inform the Watch Commander of the situation and return to the ACS facility.
- (7) Medical complaints will be coordinated with the local medical treatment facility or facility health clinic.
- (8) Upon return to the ACS facility, the prisoner will be immediately evaluated by medical staff and monitored for one hour by correctional staff. Should the prisoner complain of shortness of breath or other medical conditions, the correctional staff will notify the health care personnel (for example, Duty Medic) and the Watch Commander. The health care professional will determine if intervention is needed based on the prisoner’s medical condition.

17–14. Movement of prisoners by aircraft

a. Armed and unarmed escort authority. Transporting prisoners by aircraft will be in accordance with Transportation Security Administration (TSA) and Department of Homeland Security (DHS) requirements outlined in 49 CFR 1544.221, and in accordance with DoDI 5525.14.

- (1) As prescribed in 49 CFR 1544.219, 49 CFR 1544.221 and DoDI 5525.14, Commanders will—
 - (a)* Ensure each escort receives and completes the requisite TSA “LEOs Flying Armed Training Program.”
 - (b)* Ensure each escort is thoroughly trained, qualified and armed in accordance with DoDD 5210.56 and AR 190–14.
- (2) Coordination through ACC to HQDA, OPMG - Operations Division is required to obtain use authorization of the HQDA, OPMG - Unique Federal Agency Number (UFAN) for transports, transfers and other related movements of prisoners aboard commercial aircraft.
- (3) Escorts will comply with applicable TSA, DHS requirements for escorting prisoners, and will meet commercial air carrier requirements when such requirements exceed Federal standards.
- (4) Prisoners sentenced to death and special management prisoners will be transported only by U.S. Military Aircraft (MILAIR), USMS, or privately contracted shipment flights. Movement of these prisoners will be coordinated through HQ, ACC - Operations Division.
- b. Instructions.* Escorts will receive written instructions and a briefing on—
 - (1) Their overall duties and responsibilities.
 - (2) Security procedures for the air transportation (for example, commercial air, MILAIR, charter) being utilized.
 - (3) Use of force and attempted escape procedures.
 - (4) Procedures on contacting military police or local civilian police authorities for prisoners who cannot be controlled during transport.
 - (5) Escorting prisoners through crowds or actions which would call public attention to the prisoner.
 - (6) Procedures for delays, cancellations, or prisoners who require special medical attention (for example, cardiac symptoms) during transport.
 - (7) Points of contact in the event of a delay, cancellation, or special medical attention.

c. Restraining prisoners during aircraft transport. Each escort will be equipped with hand irons and additional restraining devices as required.

(1) The use of hand and leg irons aboard aircraft will conform to air carrier rules and policies. Leg irons are not used inside commercially operated aircraft.

(2) Senior escort will ensure that the prisoner is restrained from full use of his or her hands by an appropriate device that provides for minimum movement of the prisoner's hands.

(3) Escort officers will not secure prisoners to any portion of an aircraft.

d. Commercial aircraft.

(1) In accordance with 49 CFR 1544.219 and 49 CFR 1544.221, commanders or their designated representative will coordinate with a representative of the air carrier (for example, the duty supervisor in charge of passenger service) of the pending transport of a prisoner(s) at least 24 hours prior or as far in advance as possible and provide the air carrier the name and DoD Identification Number (DoDID) of each prisoner and the name, rank and DoDID of each escort; whether the escort will be armed or unarmed, the flight on which the prisoner(s) is being transported; and coordinate plans for complying with specific air carrier requirements, unless such requirements are in direct conflict with the provisions of this regulation.

(2) The senior escort will—

(a) Notify the air carrier passenger representative upon arrival. The notification should be at least one hour before the scheduled departure. If armed, the senior escort must identify himself or herself to the aircraft operator by presenting credentials that include a clear full-face picture, the signature of the armed LEO, and the signature of the authorizing official of the agency, service, or department or the official seal of the agency, service, or department. A badge, shield, or similar device may not be used as the sole means of identification.

(b) Assure the air carrier passenger representative the prisoner has been searched and does not have on or about their person or property anything which can be used as a weapon and the prisoner is restrained in accordance with the air carrier's requirements.

(c) Request to board the aircraft in advance of other passengers and be seated in the rearmost passenger seats not located next to or directly across from an aircraft exit. When armed, the LEO escort will maintain control of their weapon by concealing it on their person. No weapons will be stored in the overhead bin.

(d) Ensure the air carrier is aware the prisoner(s) is not authorized to possess metal eating utensils and the escort will inspect the food and beverages prior to the prisoner consuming them, as applicable.

(e) Position themselves to allow optimal control of the prisoner(s) at all times, ensuring one escort is between the prisoner and the aisle.

(f) Ensure the prisoner(s) remains in their seat(s) at all times, except to use the lavatory in accordance with the air carrier's policy. Inspect the lavatory prior to allowing the prisoner to enter. If the air carrier policy allows, the prisoner(s) will be escorted and kept under surveillance during the visit to the lavatory. No more than one prisoner will be allowed to move to the lavatory at any one time.

(g) Will not take action during a hijacking attempt, unless specifically requested to do so by the captain of the aircraft.

(h) Deplane with the prisoner(s) after all departing passengers have left the aircraft.

(i) Will not consume intoxicating beverages nor allow the prisoner(s) to do the same.

e. Military aircraft.

(1) Commanders or their designated representative will coordinate with the MILAIR passenger service representative of the pending transport of a prisoner(s) at least 24 hours prior or as far in advance as possible and provide the MILAIR passenger service representative the name and DoD Identification Number (DoDID) of each prisoner and the name, rank and DoDID of each escort and whether the escort(s) will be armed or unarmed.

(2) Prisoners of different custody levels may be transported on the same aircraft as long as the proper escort-to-prisoner ratio is maintained.

(3) Transfer of prisoners in patient status is coordinated with the local MTF and aeromedical evacuation. Proper escort-to-prisoner ratio will be maintained. Restraint levels will be determined in consultation with the attending physician.

(4) Prisoners determined to be actively psychotic normally will be moved in a patient status. The escort-to-prisoner ratio will be maintained in accordance with this chapter. If aeromedical evacuation is not available, actively psychotic prisoners are moved as a maximum custody with one additional unarmed escort assigned to each actively psychotic prisoner.

(5) Assure the MILAIR passenger service representative the prisoner(s) has been searched and does not have on or about their person or property anything which can be used as a weapon and the prisoner is restrained in accordance with MILAIR requirements.

(6) Escorts will be thoroughly briefed on their responsibilities, procedures, and the senior escort will develop a seating plan to ensure optimal surveillance of prisoners and security.

(7) The aircraft will be inspected before loading to ensuring all equipment or gear that could be used as a weapon is removed or secured.

(8) Prisoners will be instructed the area approaching the flight deck or crew compartment is off-limits to prisoners.

(9) Prisoners will remain in their seats at all times, except to use the latrine. No more than one prisoner will be allowed to move to the latrine at any time. Inspect the latrine prior to the prisoner(s) use.

(10) While on board aircraft, dangerous, escape risk, and maximum custody prisoners will be escorted at all times.

(11) Armed escorts will conform to MILAIR requirements for weapons aboard aircraft.

f. U.S. Marshals Service air transportation. Facility commanders will coordinate through HQ, ACC - Operations Division for USMS air transportation.

17–15. Prohibited security measures

The following actions are prohibited for use on prisoners—

a. Dogs to guard prisoners. Patrol dogs may be used to track escaped prisoners.

b. Chemicals, except for riot control agents and OC pepper spray.

c. Machine guns, at guard towers or fixed posts, except in times of war or declared hostilities and only as a means of defending the facility from enemy or hostile action.

d. Electrically charged wire.

e. Securing a prisoner to a fixed object, except in emergencies or when specifically approved by the facility commander to prevent potential danger to the prisoner, correctional personnel and/or the community. Medical authorities should be consulted to assess health risk to prisoners.

f. Use of restraining devices, such as leg irons, to create a chain gang during prisoner employment.

Section III

Special Housing Unit/Restrictive Housing

A Special Housing Unit (SHU) is used to confine a prisoner to a cell separate from the general population requiring additional controls and restrictions. SHU functions are essential to maintaining good order, discipline, rehabilitative and behavioral corrective success within ACS facilities.

17–16. Special housing unit/restrictive housing

The SHU may consist of Administrative Segregation (AS), Disciplinary Segregation (DS), Maximum (MAX) Custody, and Reception (RECP) status prisoners.

a. Special Housing Unit operations.

(1) A CMF 31 NCO or service equivalent, experienced in correctional supervision, will be in charge of the SHU at all times.

(2) Special precautions will be taken in the preparation, equipping, inspection, and supervision the SHU to prevent escapes, self-inflicted injury, or other serious incidents or unhealthy conditions of confinement.

(3) When a prisoner is transferred to the SHU, health care personnel will be informed immediately (within 2 hours) and will evaluate the prisoner to make recommendations for further care if necessary.

(4) Prisoners in the SHU will receive laundry, barbering, and clothing and linen exchange on the same basis as prisoners in general population. Exceptions will be recorded and justified, in writing.

(5) The ACS facility commander will establish procedures governing the selection criteria, supervision, and rotation of staff who work directly with prisoners in the SHU on a regular and daily basis.

(6) A DA Form 1594 (Daily Staff Journal or Duty Officer's Log) will be maintained in the SHU.

(7) Prisoners in the SHU will have access to legal materials and reading materials. They may write and receive letters on the same basis as prisoner in general population and have opportunities for visitation unless there are substantial reasons for withholding such privileges.

(8) A health care professional; the ACS facility commander or a designated representative; and the duty officer inspect all occupied SHU cells during each visit to determine the adequacy of sanitation, ventilation, lighting, heat, and other conditions which may adversely affect the health of the prisoner. The Health Authority will keep the ACS facility commander advised regarding the state of health and conditions of confinement of prisoners in the SHU and will recommend changes in diet or conditions of segregation as necessary, to preserve the health of prisoners. Such recommendations will be acted upon without delay.

(9) A DD Form 509, Inspection Record of Prisoner in Segregation is required for a prisoner in DS, Suicide Risk (SR), Intractable (INTRAC) Special Quarters (SQ) (if applicable), and any other category determined by the ACS facility commander. A prisoner in DS will be observed at a minimum twice per hour, but not more than 40 minutes apart on an irregular interval by correctional officers. A prisoner on SR will be observed continuously. The frequency for random intervals for other prisoners in AS will be determined by the ACS facility commander or health authority.

(a) Health care personnel will visit each prisoner at least once per day to observe the prisoner's health and the sanitary conditions of the area. Additionally, the prisoner will be visited twice per day by the facility duty officer, the ACS facility commander, or a designated representative. Prisoners on suicide watch will be visited daily by a chaplain, when the visit happens it is annotated on the DD Form 509. Prisoners on a DD Form 509 may request chaplain visits via DD Form 510 or verbally by emergency, if needed.

(b) All visits by health care personnel, duty officers, and the ACS facility commander or designated representative will be recorded in the facility blotter and DD Form 509, as applicable. Additionally, visits by behavioral health professionals, counselors, chaplains, or other designated personnel will be recorded in the facility blotter and the DA Form 1594 as applicable.

(10) Prisoners will be required to clean their own cells. They may be permitted to do constructive work within the SHU.

(11) Prisoners in the SHU will be allowed a minimum of two hours per day of physical exercise seven days a week unless security or safety considerations dictate otherwise. The ACS facility commander may deny physical exercise, outside their individual cell, to prisoners classified as Intractable (INTRAC).

(12) The ACS facility commander or designee (SFC or above) may control the property authorizations for prisoners in the SHU. Prisoners in the SHU will be provided adequate clothing and sleeping accommodations with sufficient bedding and religious books if requested by the prisoner, except when the ACS facility commander or designee determines the temporary removal of such articles is necessary to prevent damage to property or injury to the prisoner or others.

(13) When a suicidal or destructive tendency is suspected, those articles of clothing or cell furnishings with which the prisoner could do personal bodily harm will be removed as a temporary safety measure. The ACS facility commander or designee (SFC or above) may order removal of beds, bedding, and other essential cell furnishings when the prisoner demonstrates suicidal or destructive tendencies, or when the prisoner is classified as intractable. Removal of furnishings will be reviewed every time the prisoner's status is reviewed.

b. Administrative Segregation review procedures.

(1) Prisoners placed in AS will be advised as to the purpose of the action and that their status will be reviewed within 72 hours. If placement in AS is based on a risk of imminent sexual abuse, the prisoner will indicate if they agree (voluntary) or disagree (involuntary) with the segregation.

(2) Prisoners at high risk for sexual victimization will not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately (within 2 hours), the facility may hold the prisoner in involuntary segregated housing for less than 24 hours while completing the assessment.

(a) Prisoners placed in segregated housing for this purpose will have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility will document the opportunities that have been limited; the duration of the limitation; and the reasons for such limitations.

(b) ACS facilities will assign such prisoners to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment will not ordinarily exceed a period of 30 days.

(c) If an involuntary segregated housing assignment is made for the safety of a prisoners at high risk for sexual victimization, the facility will clearly document the basis for the facility's concern for the prisoner's safety; and the reason why no alternative means of separation can be arranged. Every 30 days, the facility will afford each such prisoner a review to determine whether there is a continuing need for separation from the general population. The ACS facility commander will appoint a facility staff member to review and make recommendations to the ACS facility commander or designee concerning the need for continued AS of the prisoner within 72 hours, including weekends and holidays, following its imposition. The ACS facility commander or designee will advise the prisoner, in writing, of any decision to continue AS beyond the initial 72-hour period and will include the reasons the measure is necessary. The classification committee or other authorized staff group will conduct a review of the status of prisoners in AS every seven days for the first two months and at least every 30 days thereafter in order to ensure the reasons for the placement still exist. ACS facility commanders or designee will review all cases of AS in an effort to keep the use of these restrictions to a minimum. A qualified behavioral health professional will personally interview and prepare a

written report on any prisoner remaining in AS for more than 30 days. If AS continues beyond 30 days, a behavioral health assessment by a qualified behavioral health professional will be conducted at least every three months or more frequently as prescribed by the health authority until completion of AS.

17–17. Administrative segregation

AS is the confinement of a prisoner separated from general population prisoners and provides special billeting for prisoners requiring additional controls. AS categories include Special Quarters (SQ); Protective Custody (PC); Federal Transfer (FT); Death Sentence Prisoner (DSP); and Restrictive Housing, including Administrative Segregation Pending Investigation (ASPI), Administrative Segregation Pending Final Disposition (ASFD), Suicide Risk (SR), and Intractable (INTRAC) status prisoners.

a. Restrictive house and administrative segregation. Prisoners may be placed in AS for medical/behavioral health reasons, protective custody, to prevent injury to themselves, pending investigation, awaiting final disposition of an alleged offense, when they pose a direct threat to the safety of persons (for example, staff, prisoners), or are a clear threat to the safe and secure operations of an ACS facility. Prisoners subject to substantial risk of imminent sexual abuse may be placed in AS to manage risk while the ACS facility investigates the threat to the prisoner. The ACS facility must consider the totality of the circumstances when determining the need for Restrictive Housing.

b. Restrictive housing. Restrictive housing (RH) requires a prisoner to be confined to a cell at least 22 hours per day for the safe and secure operation of the facility.

c. Extended restrictive housing. Extended restrictive housing (ERH) requires a prisoner to be confined to a cell at least 22 hours per day for more than 30 days for the safe and secure operation of the facility.

d. Administrative segregation pending investigation. A prisoner may be placed in Administrative Segregation Pending Investigation (ASPI) during the preliminary investigation of a case when the ACS facility commander or designee determines such action is required to maintain order, protect evidence or testimony, or when necessary to expedite the investigation. In such cases, the individual will be released from ASPI immediately upon determination it is no longer required.

e. Administrative Segregation Pending Final Disposition. A prisoner may be placed in Administrative Segregation Pending Final Disposition (ASFD) while awaiting the disposition of laboratory results, D&A Board results, unscheduled review, the results of an outside investigative agency, or as specified by the ACS facility commander. Prisoners are removed from ASFD status when the condition for ASFD no longer exists.

f. Special Quarters. A prisoner may be placed in Special Quarters (SQ) if their emotional state, adjustment to confinement, mental, or physical characteristics warrant such action; or if their medical or behavioral health condition make them unsuitable for restricted housing or extended restrictive housing. Prisoners may also be placed in SQ for pre-operative and post-operative recovery.

(1) Normally, SQ will be assigned based upon recommendations of the professional support staff, correctional treatment staff, or qualified health care professional. SQ will be terminated as soon as it is determined the prisoner can be quartered satisfactorily within the general population.

(2) Prisoners requiring SQ on a 24-hour basis may be assigned available work within the SHU, if such work is consistent with the prisoner's risk, the purpose of the segregation, and reasonable facilities and resources are available. Other prisoners may only require segregation at night. These prisoners will participate in normal work and training activities. They do not require hourly observation or medical examinations and a DD Form 509 is not required for these prisoners.

g. Protective custody. A prisoner may be placed in protective custody (PC) at their request and when there is documentation demonstrating continued assignment in the general population would pose a clear and present threat to the prisoner's safety and no reasonable alternative is available; or as specified by the ACS facility commander. PC prisoners remain in PC status until it is determined there is no longer a clear and present threat against the prisoner. PC prisoners may request to be removed from PC status to the ACS facility commander or designee for consideration and approval. Prisoners must not be placed in PC on the basis of race; color; ethnic origin; Lesbian, Gay, Bisexual, Transgender, or Intersex (LGBTI) status; or gender identity.

h. Suicide Risk. Prisoners who display suicidal tendencies are placed on Suicide Risk (SR) in order to prevent serious bodily harm to themselves. Suicidal tendency refers to prisoners who attempt to harm themselves in such a manner that would, if allowed to continue, cause death or serious bodily harm.

(1) Normally, SR will be assigned based upon recommendations of the professional support staff, correctional treatment staff, or medical authority. A qualified behavioral health professional will make a recommendation to the approving authority. SR will be terminated as soon as it is determined the prisoner is no longer a threat to themselves.

(2) A DD Form 509 is required for each prisoner under continuous observation.

i. Intractable prisoner.

(1) The ACS facility commander or designee (SFC or above) may designate a prisoner as Intractable (INTRAC) (unmanageable or uncontrollable) warranting segregation from the general population as necessary, restriction to a designated area, limited mobility, or removal of liberties and privileges in accordance with facility policy. Such designation may be imposed when a prisoner is consistently destructive or when they consistently and flagrantly refuse to comply with orders and instructions issued by the ACS facility staff. An intractable designation will be fully justified in writing and will be maintained in the prisoner's CTF. The prisoner will be advised of the reason(s) for such action. This notice will include the reasons for the designation and an explanation of those actions on the part of the prisoner which will cause the removal of the designation.

(2) Prisoners designated as intractable will remain in their cells. They may leave their immediate quarters only when authorized by the ACS facility commander or a designee.

(3) The ACS facility commander will review facts relevant to the intractable designation within 24 hours and at a minimum every 72 hours thereafter.

(4) The intractable designation will be removed when the prisoner demonstrates their destructive or flagrant refusal to comply with rules and instructions has ceased and the ACS facility commander has directed removal.

j. Federal transfer. Prisoners identified for federal transfer (FT) to the FBOP may be moved to the SHU pending transfer.

k. Death sentence prisoner. Any prisoner sentenced to death.

l. Predatory and inexorable prisoners. Prisoners who may require AS include those who demonstrate aggressive homosexual behavior, including those of a predatory or compulsory nature; those with psychological disorders or other inexorable conditions who do not adjust to living with other prisoners; and those who otherwise cannot be controlled. They will be provided normal cell furnishings, full rations, medical and/or mental care, and normal privileges. They will have access to services in educational, H&C, library, counseling and religious guidance and recreational programs. Beds, bedding, and other cell furnishings will not be removed while prisoners are confined therein, except as provided for in this chapter.

17–18. Disciplinary segregation

Disciplinary segregation (DS) is a formal administrative disciplinary measure and will be administered in accordance with Section V of this Chapter.

a. Disciplinary segregation periods. Retaining prisoners in DS for a long period is undesirable and will generally be avoided. Prisoners in DS will be kept under close supervision. DS may be suspended or terminated as an administrative disciplinary measure if the health authority certifies a deterioration of the prisoner's health is anticipated as a result of continued segregation.

b. Extended periods of disciplinary segregation. Prisoners held in DS for periods exceeding 60 days may be provided similar program services and privileges as prisoners in AS and PC.

c. Board access. A prisoner is entitled to an informal evidentiary hearing before a D&A Board on the need for DS as described in DoDI 1325.07. The prisoner must be given notice of the basis for the DS and an opportunity to make an oral or written statement.

17–19. Maximum custody

Maximum (MAX) custody classification is based on a prisoner's external and/or internal risk. Prisoners are placed in maximum custody as determined by a classification board, Disposition Board, D&A Board, or unscheduled review. Evaluation of maximum custody prisoners will be as follows—

a. Maximum custody use. Prisoners who have been classified as maximum custody for lengthy periods of time often experience difficulty in adjusting to the routines and rigors of residing within the general population.

b. Rehabilitation progress.

(1) ACS facility commanders will develop a transition program (for example, step-up) to prepare prisoners for elevation to general population.

(2) Prisoners may be allowed to attend work, training, recreation, and other activities for a designated period of time to facilitate their adjustment.

17–20. Reception

Newly arrived prisoners are normally considered unclassified and placed in reception (RECP). Reception prisoners remain in reception status until they have completed the reception program and the classification authority has approved the initial classification board's recommendations.

Section IV

Safety and Emergency Procedures

ACC headquarters and ACS facilities will comply with established safety practices; fire safety practices; flammable, toxic, and caustic material use and storage; emergency power and communications; and specified emergency plans. All Soldiers and civilians will comply with AR 385–10. All personnel are responsible for reporting accidents, near misses, and hazards in the workplace immediately after occurrence but no later than the next duty day to their supervisor or ACC leadership so appropriate review and remedial action may take place.

17–21. Fire prevention and protection

a. Fire and emergency evacuation plans. ACS facility commanders will establish procedures for a fire prevention program. The program will include, but is not limited to, the following—

- (1) Provisions for an adequate fire protection service.
- (2) A system of fire inspection and testing of equipment at least quarterly or at intervals approved by the authority having jurisdiction, following the procedures stated for variances, exceptions, or equivalencies.
- (3) Annual inspections by local or state fire officials or other qualified person(s).
- (4) Availability of fire protection equipment at appropriate locations throughout the institution.

b. Noncombustible storage and/or disposal containers. ACS facilities will be equipped with special containers for flammable liquids and for rags used with flammable liquids. All receptacles and containers are emptied and cleaned daily.

c. Fire safety inspections. ACS facility commanders will ensure comprehensive and thorough monthly inspections of the facility are conducted by a qualified fire and safety officer for compliance with safety and fire prevention standards. Additionally, a qualified staff member will conduct weekly fire and safety inspections. Fire prevention and protection will be provided in accordance with local installation fire policy.

d. Evacuation drills. Coordinated emergency plans for evacuation of personnel, control of fire, and salvage of property will be prepared. Evacuation drills will be conducted quarterly in all facility locations, including administrative areas, in accordance with local fire regulations and will be recorded in the facility blotter. Prisoners may be moved from the segregation area of ACS facilities during the conduct of the evacuation drill. Evacuation routes will be displayed throughout the facility to indicate the primary and secondary evacuation route.

e. Automatic sprinkler systems. Both local and transmitted water flow alarms will be provided for all automatic sprinkler systems. Transmittal alarms will activate at continuously attended duty desks in addition to those at fire department headquarters.

f. Automatic fire alarm systems. Automatic fire alarm systems will be installed for the protection of life and critical material. They will be installed at isolated small locations requiring installed protection, but where automatic sprinkler protection is not feasible. Automatic fire alarm systems will also be installed in combustible buildings where military prisoners are confined under lock and key and in facility shops, if automatic sprinkler protection is not feasible. Both local and transmitted alarms will be provided for these systems.

g. Smoke detectors. Hard-wired detectors will be used. Battery-powered detectors may be used as an interim measure. If battery-powered detectors are used, monthly checks for proper operation are required.

17–22. Security of controlled items

In addition to the requirements below ACS facility commanders will establish procedures providing for the inventory, storage, issue/turn-in, and security of controlled items to prevent prisoners from converting items of equipment into weapons or escape tools.

a. Flammable, toxic, and caustic materials.

(1) ACS facility staff will determine the classification system either Occupational Safety Health Administration (OSHA) or National Fire Protection Association (NFPA) listed on the label of the flammable, toxic or caustic materials for storage and labeling purposes.

(2) All flammable, toxic or caustic material/chemicals will be stored in their original container with the manufacturers label intact. When flammable, toxic or caustic material/chemicals are removed from their original container to a secondary container, this container will also be properly labeled.

(3) Storage areas or cabinets will be inventoried and locked along with the Safety Data Sheet (SDS) and Material Safety Data Sheets (MSDS) pertaining to the items contained in the cabinet or storage area.

(4) Fire rated cabinets will be used to store flammable liquids and will be labeled “Flammable.”

(5) Acetylene and propane (fuel gas) tanks will be secured outside the perimeter of ACS facilities at the end of each day.

- (6) Petroleum, Oil and Lubricants (POL) products will be under lock and key when not in use.
- (a) Movement of gasoline into ACS facility compounds for use in small engines such as snow blowers, weed eaters and lawnmowers will be supervised by ACS facility staff.
- (b) Only approved containers will be used for storage and handling of flammable and combustible liquids (for example, gasoline) in accordance with NFPA/OSHA standards.
- (7) All flammable, toxic or caustic materials/chemicals will be inventoried and issued in accordance with local procedures.
- b. *Tools.* Accountability for, and inspection of tools, and other materials issued to prisoners, for serviceability, damage and manipulation is a critical aspect of ACS facility security and safety. ACS facility commanders will incorporate strict accountability and inspection procedures for all such items provided to prisoners for each activity or detail.
- (1) A master list of all tools will be maintained by each activity or detail. All tools will be secured in a lockable container or in a secure location such as a tool room when not in use. All tool containers and tool rooms will be constructed in such a manner to preclude surreptitious entry in accordance with AR 190–51.
- (2) Whenever possible, tools will be stored on shadow boards or other such methods where missing items or components are easily identifiable.
- (3) Tools will be inventoried at a minimum when opening and closing the detail or activity where prisoners are present using.
- (a) Inventories will be conducted prior to tool issue and after tool recovery.
- (b) To preclude prisoner alteration, all tool inventories will be maintained and secured only by staff.
- (c) Any missing tools, or tools which have been manipulated or damaged to such extent that pieces or components are not accounted for will be immediately reported to leadership. Prisoners on detail or activity will be thoroughly searched for the missing items prior to return to housing areas to prevent entry of contraband or items which could be used to aid escape or as weaponry.
- (d) Detail supervisors will conduct an inventory at a minimum of the beginning and middle of each month to ensure accountability.
- (4) Individual tool lists are required to be placed on all tool boards, tool boxes, tool carts, tool pouches, or any tool container to reveal contents when applicable. A tool inventory is maintained to perform inventories and inspections in accordance with this chapter.
- (5) All tools received will be added to the activity/detail master inventory list prior to issue. When a change in inventory occurs as a result of new tools being added or as a result of damaged or broken tool being removed, it will be annotated in accordance with local policy.
- (6) When tools are damaged/unserviceable or worn and need to be permanently withdrawn from the tool rooms, these tools will be maintained in a secure container marked “NOT SERVICABLE” and inventoried daily until they can be directly exchanged or properly disposed of by appropriate staff outside the secure perimeter through salvage supply channels.
- (7) Individual inventory lists must be specific to ensure proper accountability. Band saw blades will be inventoried individually, for example, four band saw blades. Ropes, cables, hoses, extension cords 20 feet or longer, and so on, will be inventoried by item and length.
- (8) Issue/turn-in.
- (a) Tools will be issued and turned in in accordance with local policy.
- (b) All tools issued to a prisoner will be used and returned by the same prisoner.
- (9) Identification.
- (a) Marking of tools and equipment (for example, gas can, and lawn mower) serves three purposes, it acts as a deterrent to theft and pilferage; it makes disposing of property more difficult; and it increases the chances for successful recovery of the property.
- (b) Tools will be permanently marked (metal etched) in accordance with local policy so each tool may be readily identified.
- c. *Special equipment.*
- (1) All nail guns and linked nails, emery wheels, portable grinders, files and blades will be stored in locked containers when not in use. Inventories will be in accordance with local tool inventory procedures.
- (2) Ladders stored inside the secured perimeter of an ACS facility will be inventoried and secured to immovable objects with padlocks and chains when not in use.
- (3) Pallets and other similar items will not be discarded around dumpsters, loading docks, buildings, or in the secured perimeter at any time to preclude fabrication of ladders. If possible, excess pallets will be removed from the facility and properly disposed of in accordance with local installation procedures.

(4) Scaffolding will not be left up overnight or over the weekend unless personnel are working with the scaffolding, or it is approved by the ACS facility commander or designee. During facility maintenance and construction, any scaffolding or ladders, or any such equipment which can be used to reach windows, roofs, or facility security or electrical systems, or be repositioned to create aid in escape will be guarded or otherwise monitored when not in immediate use, and will be properly secured and stored at the completion of the work shift.

d. Intoxicants.

(1) Products from which intoxicants may be made (for example, flavoring extracts, yeast), will be controlled, inventoried, and stored in a lockable container or storage room.

(2) Access to ration storage areas is limited and ration storage areas will be secured when not in use.

e. Kitchen knives, cleavers and similar kitchen equipment. Accountability for, and inspection of kitchen knives, utensils, and other materials issued to prisoners, for serviceability, damage and manipulation is a critical aspect of ACS facility security and safety. ACS facility commanders will incorporate strict accountability and inspection procedures for all such items provided to prisoners assigned to kitchen activities or details. ACS facility commanders will ensure any contracted personnel performing kitchen area services are fully aware of such accountability procedures.

(1) Kitchen knives, cleavers and similar kitchen equipment will be locked in a secure container when not in use.

(2) Cooking utensils (for example, wire whips, quart dippers, measuring cups), knives, cleavers, and serving utensils (for example, tongs, ladles, spoons, food turners) will be inventoried following each meal and a joint inventory conducted after each shift change.

(3) When in use, kitchen knives will be secured to the table or another fixed, immovable object by staff.

(4) When a change in inventory occurs as a result of new equipment being added or damaged equipment being removed, the changes will be annotated on the inventory control sheets.

f. Medical sharps.

(1) All medical sharps (for example, syringes, needles, diabetic pen needles) will be maintained on a perpetual inventory.

(2) All medical sharps will be stored in a secured container or locked cabinet.

17–23. Emergency action plans

a. Emergency action and contingency planning. ACS facility commanders will publish formal emergency action plans (EAPs), which will include the following—

(1) Apprehension of missing prisoners and escapees.

(2) Response to fire and evacuation procedures.

(3) Response to a bomb threat/suspicious package and explosion.

(4) Response to natural disasters and other catastrophes appropriate to local conditions.

(5) Response to prisoner disturbances and hostage situations.

(6) Contingency plans to address and accommodate exigent circumstances where the planned action is not available due to uncontrollable situations (for example, natural disasters, pandemic quarantines).

b. Emergency action plan review and exercise requirement. EAPs will be reviewed at least annually and updated as needed. At least quarterly, one of the emergency action plans will be exercised and recorded in the facility blotter. An after action report on each EAP exercise conducted will be provided to HQ, ACC - Operations Division within 30 days.

c. Emergency action plan exercise evaluation. EAPS exercised will be formally evaluated as indicated below. Essential items to be evaluated include, but are not limited to—

(1) Alarm, notification, and escape validation procedures.

(2) Manning of critical points on the exterior of the facility, (for example, crowd control, likely escape routes and observation points).

(3) Procedures to secure the prisoner population during execution of emergency plan.

(4) Both prisoner and cadre recall procedures and the means of organizing forces (for example, search parties and riot controls teams).

(5) Alternate communication plans. Alternate communication plans should include, but are not limited to runners, two-way radios, and or other signaling devices as authorized by the commander.

(6) Designation and coordination of installation activity support of the plan.

(7) Procedures to terminate the plan and follow-up actions, for example, reporting investigation.

d. Response plans and procedures. In addition to those EAPs, ACS facility commanders will develop and employ standardized procedures for FCMT, responses to prisoner hunger strikes, medical emergencies, pandemic response, and civilian employee work stoppages. These procedures will be reviewed annually and/or may be incorporated into facility EAP evaluations where appropriate.

e. Work stoppages. In the unlikely event of an employee work stoppage, the ACS facility commander's initial responses will be—

- (1) Lock the facility down, then mobilize and utilize all immediately available assets.
- (2) Notifications will be made in accordance with CG, ACC Commander's Critical Information Requirements and then coordinate with the senior commander for augmentation support.
- (3) ACS facility commanders will carefully evaluate augmentation using non-31E CMF or service equivalent personnel in direct contact with prisoners. When possible, augmentation with MOS 31 series CMF personnel is preferred, if available.
- (4) Senior commanders with ACS facilities located on their installations will fully support ACS facility augmentation manning requirements in the event of work stoppages. Where possible, ACS facility commanders and senior commanders will, prior to necessity, coordinate, identify and designate personnel and organizations to provide augmentation support to ACS facilities in the event of work stoppages or emergencies.

f. Incident command and management methodologies and technologies. ACS facilities may adopt Incident Command System (ICS)/National Incident Management System (NIMS) concepts/methodology where practicable when reviewing and updating their EAPs. The inclusion of ICS concepts (for example, Incident Commander, Incident Command for Corrections) and methodology into EAPs allows ACS facilities to quickly integrate outside resources into the response effort while maintaining operational control of areas unaffected by the emergency (for example, Unified Command) through a shared understanding of priorities and restrictions, collaborative strategies, improved internal and external information flow, less duplication of efforts, and better resource utilization. In addition, when ACS facilities establish an EOC they should attempt to align themselves and their operations as close as possible to NIMS. This enables the active facility EOC to be functionally aligned with internal and outside agencies to either provide emergency response support to or receive emergency response support from the installation, local, state, and/or other federal responders/organizations.

(1) ACS facility commander initiatives to install or otherwise facilitate adoption of such methodologies, including technologies, equipment and resources requirements will be fully supported by CG, ACC and coordinated with senior commanders and installation emergency services for maximum effectiveness.

(2) Notifications will be made in accordance with CG, ACC CCIR regarding activation of EOC in response to emergency situations.

17–24. Escape and return from escape

a. Escape. Apprehension and return to custody under military control of escaped prisoners is a primary concern for ACS facilities and installations with ACS facilities on premises.

(1) A prisoner is considered in escape status when they are absent from custody or confinement, failed to return from EHF; absconded from parole or MSR; or after parole or MSR has been suspended or revoked with return to confinement.

(2) In cases of prisoners who are members of other Services, procedures in this paragraph regarding reporting, disposition of records, and detainers should be modified to meet the requirements of the Service of which the prisoner is a member.

(3) A prisoner who escapes is reported on DD Form 553. The form is completed in accordance with AR 190–9. The ACS facility staff will coordinate with the local installation Directorate of Emergency Services to communicate directly and expeditiously with the military or civilian police agency of the military installation nearest an escaped prisoner's home of record, home of prisoner's spouse, close friends, and other logical sources to request assistance in apprehending the escaped prisoner.

(4) ACS facility commanders with coordinate with the installation SJA, the PCF, and/or the prisoner's unit to prefer charges for escape from confinement.

(5) When an escaped prisoner is located in the custody of civilian authorities pending civilian charges or serving time for a civilian offense, a detainer is placed with the civilian authorities for return of the prisoner to military control. A DD Form 616, Report of Return of Absentee, is completed in accordance with AR 190–9. Correspondence placing detainers on a prisoner who escaped will contain a request that the ACS facility commander be notified 120 days prior to release of the prisoner and include information from civilian authorities as to the offense committed, the length of sentence, and pertinent social history.

(6) The personnel records and personal property and funds of prisoners in escape status will be disposed of as follows—

- (a) Correctional treatment records will be retained at the facility.
- (b) Personal property and funds of escaped prisoners will be disposed of after 30 days.
- (c) Clothing of escaped prisoners will be disposed of in accordance with AR 700–84.

(7) If a prisoner escapes during transfer from unit escorts, the installation from which they transferred will be responsible for the procedures outlined above and initiating a serious incident report, or other such reporting as required. The unit escorts will immediately complete the following—

(a) Notify the airport police or nearest civilian police agency, as applicable.

(b) Telephonically notify their parent unit.

(c) Telephonically notify the gaining ACS facility.

(8) The gaining ACS facility will notify HQ, ACC - Operations Division.

(9) For prisoners transferring from outside the continental U.S. who escape in CONUS under unit escort, the procedures are the same as outlined in this paragraph.

(10) All escapes will be investigated under the provisions of AR 15–6.

b. *Return from escape.* The senior commander at the installation where the prisoner is returned to military control will accomplish the following—

(1) Have the prisoner examined by a medical officer, physician assistant, or nurse practitioner.

(2) Verify the prisoner's status and determine the location of the military correctional facility from which the prisoner escaped.

(3) Notify the nearest provost marshal or staff law enforcement officer, who will notify the United States Army Deserter Information Point pursuant to instructions contained in AR 190–9 and initiate serious incident reporting procedures in accordance with AR 190–45.

(4) Provide escorts and transportation to the designated military correctional facility in accordance with AR 190–9.

Section V

Rules and Discipline

17–25. Institutional rules and sanctions

ACC will publish policy listing and describing rules of prisoner conduct and specific prohibited acts and penalties which can be imposed for various degrees of violations. The written rules will be reviewed annually and updated if necessary.

a. *Maintenance of security, safety and good orderly operation.* ACS facility commanders can impose administrative disciplinary actions to maintain security, safety, and good orderly operation of their facility consistent with public law, Army regulations, and facility rules and procedures.

b. *Manual for the guidance of prisoners.* The ACS facility commander will ensure a manual for the guidance of prisoners is developed containing all chargeable offenses, ranges of penalties, and administrative disciplinary procedures and is provided to each prisoner and staff member. English is the operational language of the Army, but when a literacy or language problem prevents a prisoner from understanding the manual, a staff member or translator will assist the prisoner in understanding the rules.

c. *Indoctrination.* All newly assigned prisoners will be briefed on facility rules and procedures, UCMJ, and administrative disciplinary authorities. A signed acknowledgment of receipt of the manual is maintained in the prisoner's CTF. A prisoner refusal to sign the acknowledgement(s) constitutes acknowledgement of such facility rules and procedures, UCMJ, and administrative disciplinary authorities, and will be annotated as such in the CTF.

d. *Staff training on employment and enforcement of rules and sanctions.* Rules and sanctions for prisoner rules violation or disregard of established rules is a fundamental aspect of corrective treatment and rehabilitative methods in the correctional environment. Effective and rapid implementation of sanctions for rules violations and prisoner disregard for facility rules is key to maintaining good order and discipline, decorum, safety, security and welfare of prisoners. All ACS staff members who work with prisoners will receive training so they are thoroughly familiar with the rules of prisoner conduct, the rationale for the rules, and the sanctions available.

e. *Prisoner criminal activity and violation of Uniform Code of Military Justice.* If a prisoner violates the UCMJ or other criminal law, the ACS facility commander will coordinate with the installation OSJA for advice and support to address the misconduct.

17–26. Report writing

ACS facility commanders will establish procedures for prisoner rule violations. For all instances wherein formal resolution is required, staff members will prepare a DD Form 2714 and forward it to the designated person. These reports will contain specific rule(s) violated, a formal statement of charges, any unusual prisoner behavior, any staff witnesses, any physical evidence and its disposition, any immediate action taken, including use of force, and the reporting staff member's name, signature and date and time of the report.

17–27. Investigation of incidents

a. Investigative requirement. ACS facility commanders will establish procedures for when an alleged rule, law or UCMJ violation is reported. An appropriate investigation will normally begin within 24 hours of the time the violation is reported and will be completed without reasonable delay, unless there are exceptional circumstances for delaying the investigation. The installation SJA should be consulted as needed.

b. AR 15–6 investigation applicability. In cases where a prisoner is alleged to have committed a serious rule violation or a series of violations warranting major administrative disciplinary action, ACS facility commanders may consider conducting the investigation in accordance with the procedures of AR 15–6.

c. Prisoner rights notification and advisements. Before being interviewed, prisoners suspected or accused of violations will be advised of their rights under Article 31, UCMJ. If requested, arrangements will be made for the prisoner to contact an attorney as soon as practical. Relevant witnesses will be interviewed as deemed appropriate by the investigator. Written sworn statements will be obtained when necessary. The investigation will be completed expeditiously and a DD Form 2714 will be submitted to the ACS facility commander or designee.

d. Referral and corrective actions. Upon receipt of the DD Form 2714, the ACS facility commander or designated representative will consider appropriate action including but not limited to, referring the case for counseling and or reprimand; referring the case to the D&A Board; or other appropriate action.

17–28. Discipline and Adjustment Board process

a. Notice to prisoners. If a D&A Board is to be convened, the prisoner will be notified in writing at least 24 hours in advance of the following—

- (1) A D&A Board will be convened to decide the case.
- (2) The prisoner has the right to present relevant evidence before and during the hearing, both in defense and in extenuation and mitigation.
- (3) The prisoner has the right to call witnesses and present relevant documentary evidence in their defense when it would not be unduly hazardous to institutional safety or correctional goals. ACS facility commanders or designee have the discretion to keep the hearing within reasonable limits and to refuse to call witnesses who may create a risk of reprisal or undermine authority, as well as to limit access to other prisoners to collect statements or to compile other documentary evidence.
- (4) The prisoner may waive the right to appear at a D&A Board, provided the waiver is documented and reviewed by the ACS facility commander or designee.

b. Discipline and Adjustment Board purpose.

(1) A D&A Board is convened for the purpose of evaluating facts and circumstances surrounding alleged prisoner violations of institutional rules and for violations of the UCMJ. Based on its findings, the board will make recommendations to the approval authority. The board will recommend actions having a constructive effect on the individual prisoner's attitude and behavior and contribute toward the prevention of future violations or misconduct. Each case will be considered individually on its particular merits. Recommendations will be based on a thorough and impartial evaluation of all relevant facts and circumstances. D&A Boards will be scheduled as soon as practicable but not later than seven days, excluding weekends and holidays, after being charged with a violation. A D&A Board for a prisoner pending court-martial on the same misconduct as to be adjudicated at the court-martial will be conducted prior to the court-martial but, upon request of the prisoner, the D&A Board will be delayed until after the completion of the court-martial proceedings.

(2) Actions taken in connection with D&A Board do not preclude trial by court-martial or action under Article 15, UCMJ, nor does action by a D&A Board mandate ACS facility commanders with UCMJ authority take any particular action in a case. UCMJ authority rests solely with the appropriate ACS facility commander.

(3) ACS facility commanders will coordinate with the SJA, CJA, PJA, or CC of the SC of the installation, the PCF, and/or the prisoner's unit to prefer charges for escape from confinement.

c. Types and composition of Discipline and Adjustment Boards. There are two types of D&A Boards. A one-member D&A Board is for minor infractions while a three-member D&A Board is for major infractions. The D&A Board president is appointed by the ACS facility commander. Any person who witnessed or investigated the alleged violation or who took part in the initiation of the incident report will be disqualified from serving as a member of the board. A board recorder may be present to record the proceedings and prepare a summarized record of the testimony presented. The use of a recording device (for example, tape recorder) for this purpose is not authorized. Staff members who wish to attend a D&A Board are encouraged to do so.

(1) A one-member D&A Board will consist of an E–8-equivalent or a GS–11-equivalent or above.

(a) The board is empowered to recommend minor administrative disciplinary actions and vacation of previously suspended minor limited administrative disciplinary actions set out in this regulation.

(b) Prisoners who are scheduled for a hearing at a one-member board will not be offered the opportunity to request a three-member D&A Board.

(2) A three-member D&A Board will consist of at least three voting members one of which must be military. The D&A Board President will be an E-8 or GS-11 or above. The additional members (not less than two) will consist of any combination of military (E-6 or above) or civilian staff (GS-7 or above).

(a) When requested by the respective Service, a member of the prisoner's Service will be a board member. If a member of the Navy or Coast Guard is not available, a Marine Corps Servicemember may sit as a board member.

(b) The board is empowered to recommend minor and major administrative disciplinary actions, management actions, or change in classification.

(c) Three-member boards are empowered to recommend all forms of administrative discipline set out in this regulation.

d. Discipline and Adjustment Board procedures.

(1) The following are minimum guidelines for the conduct of D&A Boards.

(a) Written notice of the charges will be given to the prisoner at least 24 hours before the D&A Board meets to consider the case. A prisoner must waive, in writing, the 24-hour notice requirement. If the offense charged occurs during the prisoner's final 24 hours of confinement, written notice of the charges will be given to the prisoner as soon as possible and the board may be convened during the final 24-hour period.

(b) Prisoners appearing before a three-member board are normally allowed after notification to consult with legal counsel at their own expense. Prisoners appearing before a one-member board are not afforded the right to consult with an attorney prior to the board. Prisoners do not have the right to be represented by an attorney during their one-member or three-member board proceedings.

(c) The D&A Board may be postponed or a continuance granted for a reasonable period and good cause.

(d) There must be a written statement by the fact finder(s) citing the evidence relied upon to reach its conclusions (or what was omitted for individual or institutional security) and the reasons for the administrative disciplinary actions taken.

(2) Except as specifically provided for in this regulation, prisoners will be allowed to question adverse witnesses through the board president; to call witnesses for the presentation of relevant evidence; and to present documentary evidence in their defense. The prisoner's rights to question witnesses, to call witnesses, and to present relevant documentary evidence are not absolute and may be denied when the D&A Board President specifically finds and indicates on the record of proceedings—

(a) The confinement or correctional security would otherwise be jeopardized.

(b) The safety of informants would otherwise be jeopardized.

(c) Informants may be called by the board president to present testimony without the presence of the accused. The accused will not be afforded the opportunity to identify or question the informant and the reason for the prisoner absence or exclusion will be documented. Investigators may be called to testify in place of properly registered confidential sources.

(d) A witness or document is not reasonably available, is not relevant, or would be unneeded duplication. If a witness is not reasonably available, a telephonic sworn statement may be taken during board proceedings, provided the identity of the witness has been verified and a speaker amplifier is used.

(3) The prisoner has the right to appear and make a statement in defense and to be present during all open sessions of the board, except as otherwise provided in this regulation.

(a) If requested, a prisoner may have a competent staff member assist in presenting evidence and act as an interpreter, advisor, or spokesperson. A representative is appointed when it is apparent a prisoner is not capable of collecting and presenting evidence effectively on their own behalf.

(b) The D&A Board will consider when DS is recommended the prisoner must be credited for time spent in Administrative Segregation Pending Investigation (ASPI) and/or Administrative Segregation Pending Final Disposition (ASFD).

(4) The board will not hear the results of polygraph examinations or evidence that the accused requested or refused the opportunity to take a polygraph.

(5) The prisoner will be present for all open sessions of the D&A Board hearing unless the prisoner refuses to appear or must be removed due to misconduct and except in the interest of the safety of informers, witnesses or others who would otherwise be jeopardized. The board president will inform the prisoner of the charges against them. Documentary evidence to be considered will be shown or read to the prisoner. All witnesses will be sworn by the board president.

(a) The proceedings will be conducted so evidence reasonably obtained and available will be used and considered. Formal rules of evidence are not applicable to the administrative hearing. All oral or written material relevant to the

case will be admitted into evidence without regard to technical rules of admissibility, at the discretion of the board president.

(b) The prisoner will be informed of the right to make a statement to the board and advised anything said may be used in the board's determination.

(c) The prisoner will not be questioned or called by the board to testify without their consent.

(6) When all evidence has been presented, the board will enter a closed session to consider its findings and recommendations. Each finding of the board will be supported by a preponderance of the evidence. This means that the finding must be supported by a greater weight of evidence than supports a contrary conclusion. The weight of the evidence is not determined by the number of witnesses or volume of exhibits, but by considering all the evidence and evaluating such factors as the witness' demeanor, opportunity for knowledge, information possessed, ability to recall and relate events, and other indications of veracity. If the prisoner is found not to have committed the alleged misconduct, they will be acquitted of any charges and no entry concerning the proceedings will be placed in the CTF. The board will document in writing the evidence relied on for their findings and reasons for the administrative disciplinary actions and/or management actions recommended.

(7) A majority vote of all board members is required for a finding of guilty. Appropriate recommendations concerning corrective action will be decided by majority vote. When the board completes its deliberations, it will reconvene in the presence of the prisoner who will be advised of its findings and recommendations.

(8) Board recommendations may include any or all of the following administrative disciplinary or management actions subject to the limitation of this regulation. Despite a finding of guilty, the board may also recommend no punishment.

17–29. Authorized forms of administrative discipline actions and management actions

The authorized forms of administrative disciplinary action, management actions, and punishments to be administered to ACS facility prisoners are those described in this regulation, Intuitional offenses, and in the UCMJ. Procedures, rules, regulations, living conditions, and similar factors affecting discipline will be constantly reviewed in reference to violations and administrative disciplinary problems.

a. Administrative disciplinary actions.

(1) A written or oral reprimand or warning (1-Member/3-Member).

(2) Extra duty on work projects not to exceed two hours per day and for not more than 14 consecutive days. Extra duty will not conflict with regular meals, sleeping hours, or attendance at regularly scheduled religious services (1-Member/3-Member).

(3) Deprivation of one or more privileges for a specified period of time not to exceed 60 days (1-Member/3-Member). Visits may be deprived or restricted as an administrative disciplinary action only when the offense involves violations of this particular privilege. Forfeiture of monthly H&C allotment up to the amount of the depreciated value of the loss, but no more than 25 percent of their monthly allotment for four months. (60-day limit) (1-Member/3-Member).

(4) Vacation of previously suspended administrative disciplinary actions, provided the suspended administrative discipline action is the type and amount that the comprised (1-Member /3-Member) D&A Board is empowered to recommend.

(5) Disciplinary segregation not to exceed 60 days for any single D&A Board hearing (3-Member).

(6) Reduction of custody or classification (domicile or work detail) (3-Member).

(7) Forfeiture of all or any part of earned military GCT, ET, or SAA in accordance with AR 633–30, DoDI 1325.07 and DoDM 1325.07. These forms of abatement may satisfy forfeiture; however, forfeiture will be taken from GCT before it is taken from ET or SAA (3-Member).

b. Management actions.

(1) Suspension of any action imposed for not more than 180 days.

(2) Vacation of any previous suspended punishment (1-Member/3-Member depending on the suspended punishment being vacated).

(3) An Article 72 board may be convened to determine whether a suspended sentence concerning punitive discharge and or forfeiture of pay and allowances should be vacated.

(4) Trial by court-martial.

(5) In cases of Government property damage or loss, forfeiture of the monthly H&C allotment up to the amount of the depreciated value of the loss, but no more than 25 percent of the monthly allotment for four months.

c. Other recommendations. In addition to the measures described above, including recommending no administrative or disciplinary action, the board may make any other recommendations taking into consideration the circumstances of the prisoner or the violation.

17–30. Prohibited punitive measures

Physical or mental punishments are strictly prohibited and applies to all actions at the prison, not just punishments implemented by the board. The following are prohibited as forms of punishment, both as a sentence of the board or at any time—

- a. Clipping prisoner's hair excessively close.
- b. The lock-step.
- c. Requiring silence at meals.
- d. Breaking rocks.
- e. The use of irons, restraining straps and jackets, shackles, hand irons, or leg irons.
- f. Removing prisoner's underclothing, clothing, or other debasing practices.
- g. Flogging, branding, tattooing, or any other cruel or unusual punishment.
- h. Any strenuous physical activity or body position designed to place undue stress on the prisoner.
- i. The use of hand irons, leg irons, belly chains or the like to create or give the appearance of a chain gang.
- j. Withholding of food, water, medical care or access to religious services.

17–31. Approval authority

a. *Imposition of recommended disciplinary and management actions.* The ACS facility commander or deputy ACS facility commander is the approval authority to impose administrative disciplinary actions and management actions recommended by D&A Boards. This authority may not be further delegated.

b. *Board findings.* The approval authority may not reverse a finding in which the prisoner was exonerated and found not responsible for committing misconduct.

c. *Board authority and limits.* D&A Board recommendations are advisory; however, the approval authority may not impose administrative disciplinary actions greater than those recommended by the board.

d. *Board result annotations.* When DS is recommended and approved or amended the approving authority must annotate: "the prisoner must be credited for time spent in Administrative Segregation Pending Investigation (ASPI) and/or Administrative Segregation Pending Final Disposition (ASFD)."

17–32. Appeals

Prisoners may only appeal administrative disciplinary actions for disciplinary segregation, reduction of custody grade or classification, and forfeiture of GCT, ET, or SAA.

a. *Imposition of disciplinary actions and management actions.* The execution of approved administrative disciplinary actions and management actions will not be delayed due to submission of an appeal.

b. *Appeals policy.* Appeals will be submitted through command channels within 15 calendar days subsequent to notification of approval action. The 15 calendar days begin the day after the prisoner is notified of the approval action. Appeals will be addressed through the approval authority imposing the actions or designated representative to the next higher authority. The appeal will not be acted upon if it is without substantial merit. Formal appeal procedures are published in the prisoner manual designating the appeal authority.

c. *Appeal results.* Appeals will be acted upon and results communicated to the prisoner normally within 30 days of submission. Failure to process an appeal within this period is not grounds for reversing approved administrative disciplinary and management actions. Prisoners will be promptly notified.

d. *Classification appeal.* Prisoners will be informed of classification actions, including appearance before boards, and pending action by officers or Secretaries of the Service, when involved in the classification action, and will not be suspended pending outcome of the appeal.

e. *Records.* Appeal action resulting in modification or disapproval of administrative disciplinary and/or management actions taken will cause all records and CTF to be corrected and modified as appropriate.

17–33. Restoration of privileges and forfeited abatement

Prisoners who have forfeited GCT, ET, SAA, or privileges because of administrative disciplinary actions may over a period of time display positive behavior modification. ACS facility commanders may establish procedures for restoration.

a. *Restoration.* ACS facility commanders where the prisoner is presently confined may restore any privilege deprived or restricted as administrative disciplinary action, including suspended or forfeited GCT, ET, and SAA regardless of where forfeited.

b. *Restoration of privileges and abatement.* The USDB Commandant may restore forfeited GCT, ET, and SAA regardless of where forfeited, to prisoners who have been transferred to the custody of the FBOP and are under the administrative control of the USDB.

Chapter 18

Special Communications and Contacts Control Measures

18–1. Special Communications and Contacts Control Measures Purpose

This regulation establishes Special Communications and Contacts Control Measures (SCCCM). These measures provide specific limitations on the communications and contacts with ACC prisoners. The measures are intended to protect national security; public safety; and the good order, discipline, and correctional mission of ACS facilities from acts of violence or terrorism.

18–2. Policy

a. Implementation of Special Communications and Contacts Control Measures. Upon direction from the Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA (M&RA)), the CG, ACC, may authorize the commander of an ACS facility to implement SCCCMM that are reasonably necessary to protect persons against the risk of death or serious bodily injury. These procedures may be implemented when the ASA (M&RA) notifies the CG, ACC in writing that a prisoner's contacts or communications with persons pose a substantial risk that could result in death or serious bodily injury to persons or in substantial damage to property that would entail the risk of death or serious bodily injury to persons. These SCCCMM ordinarily may include housing the prisoner in administrative segregation and/or limiting certain conditions of confinement, including, but not limited to, correspondence, visiting, interviews with representatives of the news media, and use of the telephone, as is reasonably necessary to protect persons against the risk of death or serious bodily injury. The authority of the CG, ACC under this paragraph may not be delegated.

b. Notification. As soon as practicable, designated ACS facility staff will notify the affected prisoner in writing of the restrictions imposed and the basis for the restrictions. The notice's statement of the basis may be limited in the interest of prison security or safety to protect against acts of violence or terrorism that could result in death or serious bodily injury to persons, or substantial damage to property that would entail the risk of death or serious bodily injury to persons. The prisoner will sign for and receive a copy of the notification. The prisoner's attorney(s) of record will also acknowledge in writing receipt of the notice and agreement to abide by the SCCCMM.

c. Procedure and authority. Initial placement of a prisoner in administrative segregation and/or the imposition of any limitation of the prisoner's conditions of confinement may be imposed for up to 120 days or, with the approval of the ASA (M&RA), a period not to exceed 1 year. Special restrictions imposed may be extended thereafter by the CG, ACC in increments not to exceed 1 year if the CG, ACC receives additional written notification from the ASA (M&RA) that a substantial risk remains that the prisoner's communications or contacts with other persons could result in death or serious bodily injury to persons or substantial damage to property that would entail the risk of death or serious bodily injury to persons. The authority of the CG, ACC under this paragraph may not be delegated.

d. Invoking Special Communications and Contacts Control Measures and additional monitoring to prevent terrorism. Based on information from the PMG that reasonable suspicion exists to believe that a particular prisoner may use communications with attorneys or their agents to solicit, further, or otherwise facilitate acts of terrorism, the PMG may direct the CG, ACC to impose additional SCCCMM. In addition to the SCCCMM imposed, the CG, ACC will implement appropriate procedures for the monitoring and/or review of communications between that prisoner and attorneys or attorneys' agents who are traditionally covered by the attorney-client privilege, for the purpose of deterring future acts of terrorism.

(1) This will be in addition to any findings or determinations relating to the need for the imposition of other SCCCMM, but may be incorporated into the ASA (M&RA)'s written notification to the CG, ACC.

(2) Except in the case of prior court authorization, the CG, ACC will provide written notice to the prisoner and to the attorneys involved before the initiation of any monitoring or review. The notice will explain that—

(a) Notwithstanding the provisions of DoDI 1325.07, AR 190–47, or other rules, all communications between the prisoner and attorney(s) or attorney's agents may be monitored, to the extent determined to be necessary for the purpose of deterring future acts of terrorism; and

(b) Communications between the prisoner and attorney(s) or agents are not protected by the attorney-client privilege if there is reasonable suspicion to believe they may facilitate criminal acts or a conspiracy to commit criminal acts, or if those communications are not related to the seeking or providing of legal advice.

(3) The CG, ACC, with the concurrence of OTJAG and OGC, will employ appropriate procedures to ensure that all attorney-client communications are reviewed for privilege claims and that any properly privileged materials (including, but not limited to, recordings of privileged communications) are not retained during the course of the review or monitoring. To protect the attorney-client privilege and ensure that the investigation or judicial proceeding is not compromised by exposure to privileged material relating to the investigation, judicial proceeding, or defense strategy,

OTJAG will designate a privilege team, consisting of individuals not involved in the underlying investigation or judicial proceeding. The monitoring will be conducted pursuant to procedures designed to minimize the intrusion into privileged material or conversations. Except in cases where the person in charge of the privilege team determines the acts of terrorism are imminent, the privilege team will not disclose any information unless and until such disclosure has been approved by a Federal or military judge presiding over the legal matter for which attorneys or their agents represent the particular prisoner.

e. Review. The affected prisoner may seek review of any specific limitation on communications or contacts imposed pursuant this regulation. The CG, ACC will act on any request for review.

18–3. Implementing guidance for special communication and contact control measures

This regulation establishes the CID and ACC as the units responsible for the administration of SCCC. These measures provide specific limitations on the communications and contacts with ACC prisoners. These measures aim to protect national security; public safety; and the good order, discipline, and the correctional mission of ACS facilities from acts of violence or terrorism.

18–4. Responsibilities

a. U.S. Army Criminal Investigation Command responsibilities.

(1) CID will conduct threat assessments and, in coordination with ACC, request the implementation of SCCC through OPMG to the ASA (M&RA). OPMG will obtain a legal review from OTJAG and OGC prior to sending the request to the ASA (M&RA) for approval. SCCC approved by the ASA (M&RA) will be transmitted to the CG, ACC for implementation. Specific responsibilities include—

(a) CID in close coordination with HQ, ACC - Operations Division, establish procedures between the two commands to ensure proper implementation of SCCC. These procedures will be captured in a MOU.

(b) In order to ensure the timely identification of ACC prisoners for whom SCCC should be implemented, CID will evaluate and assess ACC prisoners for national security or criminal intelligence value. Conduct this evaluation initially upon incarceration, on an annual basis thereafter, and at the request of an ACS facility commander. Based on CID's assessment, and if appropriate within the guidelines of SCCC, CID will recommend SCCC(s) of non-privileged communication, to include all mail, telephone, and in-person visits.

(2) Upon identifying a threat requiring mitigation via SCCC, CID will draft a recommendation detailing the assessed threat associated to the prisoner's communications and/or contacts, and recommend the SCCC required to mitigate or eliminate the threat. Recommendation for the SCCC will be in accordance with Appendix D (SCCC Process Flow Chart and SCCC Control Measures), coordinated with ACC, and submitted thru the OPMG for approval by the ASA (M&RA). The request will clearly identify the prisoner's contact or communication with persons posing a substantial risk that could result in death or serious bodily injury to persons, or in substantial damage to property that would entail the risk of death or serious bodily injury to persons.

(3) If a SCCC is implemented, conduct an assessment of the threat posed by the prisoner no later than 120 days after implementation. If the threat persists, CID will submit a recommendation to the ASA (M&RA), through OPMG for a SCCC extension. The 120-day assessment must occur before expiration of the SCCC to ensure there is not a lapse in SCCC.

(4) Immediately notify OPMG if there is a reasonable suspicion to believe that a prisoner may use communications with attorneys or their agents to solicit, further, or otherwise facilitate acts of terrorism.

(5) Coordinate with the FBI and establish procedures to access the expertise of the National Joint Terrorism Task Force for the evaluation and mitigation of suspected terrorist threats.

b. Army Corrections Command responsibilities.

(1) ACC, in close coordination with CID, will establish written MOA and procedures between the two commands to ensure proper implementation of SCCC.

(2) Upon direction of SCCC implementation from the ASA (M&RA), ACC will inform the appropriate ACS commander of the SCCC order and ensure proper implementation.

(3) With regard to prisoners for whom SCCC(s) are imposed, the ACS facility will immediately notify CID of all attempted contacts or communications (either to or from the prisoner).

(4) Provide copies of all supporting documents, to include copies of unprivileged correspondence, envelopes, logs, and so forth to CID for analysis and sharing with appropriate law enforcement or intelligence community partners required to mitigate the threat.

c. Special communications and contacts control measures implementation procedures.

(1) A law enforcement or intelligence community entity identifies a prisoner's contacts or communications with persons who pose a substantial risk that could result in death or serious bodily injury to persons, or in substantial damage to property that would entail the risk of death or serious bodily injury to persons.

(2) CID assesses the threat, in coordination with law enforcement and intelligence community partners, and drafts the recommendation for SCCCCM to mitigate the threat. CID notifies and coordinates with ACC.

(3) CID submits the recommendation for SCCCCM to OPMG.

(4) The PMG endorses or rejects the recommendation for SCCCCM. OPMG forwards endorsed recommendations to OTJAG for OGC coordination and legal review.

(5) OPMG forwards the SCCCCM recommendation and legal review to the ASA (M&RA) for decision. The ASA (M&RA) decision and any additional guidance are returned to OPMG.

(6) OPMG receives the decision and guidance from ASA (M&RA) and, in coordination with CID, issues the order to ACC for implementation of SCCCCM. OPMG will provide notification of this order to OTJAG and OGC.

(7) ACC issues the SCCCCM order to the designated ACS facility commander for implementation.

(8) CID conducts a review of the threat prior to expiration of the SCCCCM order. CID, in coordination with investigative partners, submits to OPMG a recommendation for continued, enhanced, reduced, or cessation of SCCCCM.

(9) OPMG endorses the CID review and recommendation, and forwards to OTJAG for OGC coordination and legal review.

(10) OPMG provides a recommendation to continue or cease SCCCCM to the ASA (M&RA) for decision. A legal review will accompany the recommendation. The ASA (M&RA) decision and any additional guidance is forwarded to OPMG for implementation.

d. Automation technologies. PMG may, to extent possible and allowable, implement or otherwise direct creation of new technology or modification of existing technologies (for example, ACIS) to facilitate and effectively communicate and manage various aspects of the SCCCCM notification, approval, authorization and implementation process to facilitate efficient approval and facility notification in order to protect national security.

Appendix A

References

Section I

Required Publications

Unless otherwise indicated, all Army publications are available on the Army Publishing Directorate website at <https://armypubs.army.mil>. DoD issuances are available on the ESD website at <https://www.esd.whs.mil>.

AR 11–2

Managers' Internal Control Program (Cited in title page.)

AR 15–6

Procedures for Administrative Investigations and Boards of Officers (Cited in para 15–3c(3).)

AR 15–130

Army Clemency and Parole Board (Cited in para 14–7.)

AR 20–1

Inspector General Activities and Procedures (Cited in para 10–1b(2).)

AR 25–22

The Army Privacy and Civil Liberties Program (Cited in para 5–3b.)

AR 25–30

Army Publishing Program (Cited in title page.)

AR 25–55

The Department of the Army Freedom of Information Act Program (Cited in para 5–3b.)

AR 25–400–2

Army Records Management Program (Cited in para 1–5a.)

AR 27–40

Litigation (Cited in para 10–7f.)

AR 40–5

Army Public Health Program (Cited in para 6–1a.)

AR 40–501

Standards of Medical Fitness (Cited in para 6–2d(3).)

AR 190–9

Absentee Deserter Apprehension Program and Surrender of Military Personnel to Civilian Law Enforcement Agencies (Cited in para 17–24a(3).)

AR 190–14

Carrying of Firearms and Use of Force for Law Enforcement and Security Duties (Cited in para 17–10c.)

AR 360–1

The Army Public Affairs Program (Cited in para 5–1b(5).)

AR 601–210

Regular Army and Reserve Components Enlistment Program (Cited in para 14–4d(2).)

AR 601–280

Army Retention Program (Cited in para 14–4h(6)(f).)

AR 630–10

Absence Without Leave, Desertion, and Administration of Personnel Involved in Civilian Court Proceedings (Cited in para 16–7a.)

AR 633–30

Military Sentences to Confinement (Cited in para 1–4f(1).)

AR 700–84

Issue and Sale of Personal Clothing (Cited in para 16–5a.)

DoDD 5210.56

Arming and the Use of Force (Cited in para 17–14a(1)(b).)

DoDI 1100.21

Voluntary Services in the Department of Defense (Cited in para 2–6c(1).)

DoDI 1325.07

Administration of Military Correctional Facilities and Clemency and Parole Authority (Cited in the title page.)

DoDI 5525.14

DoD Law Enforcement Officers (LEOs) Flying Armed (Cited in para 17–14a.)

Section II**Related Publications**

A related publication is a source of additional information. The user does not have to read it to understand this publication.

AR 1–1

Planning, Programming, Budgeting, and Execution

AR 1–20

Legislative Liaison

AR 5–9

Installation Agreements

AR 15–39

Department of the Army Intergovernmental and Intragovernmental Committee Management Program

AR 25–98

Information Management Control Requirements Program

AR 27–1

Judge Advocate Legal Services

AR 27–10

Military Justice

AR 40–61

Medical Logistics Policies

AR 40–66

Medical Record Administration and Healthcare Documentation

AR 40–400

Patient Administration

AR 40–657

Veterinary/Medical Food Safety, Quality Assurance, and Laboratory Service

AR 165–1

Army Chaplain Corps Activities

AR 190–30

Military Police Investigations

AR 190–45

Law Enforcement Reporting

AR 190–51

Security of Unclassified Army Resources (Sensitive and Nonsensitive)

AR 190–55

U.S. Army Corrections System: Procedures for Military Executions

AR 195–2

Criminal Investigation Activities

AR 195–5

Evidence Procedures

AR 215–1

Military Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities

AR 215–3

Nonappropriated Funds Instrumentalities Personnel Policy

AR 215–4

Nonappropriated Fund Contracting

AR 215–8

Army and Air Force Exchange Service Operations

AR 350–1

Army Training and Leader Development

AR 385–10

The Army Safety Program

AR 600–8–11

Reassignment

AR 600–8–24

Officer Transfers and Discharges

AR 600–8–104

Army Military Human Resource Records Management

AR 600–20

Army Command Policy

AR 600–62

United States Army Personnel Control Facilities and Procedures for Administering Assigned and Attached Personnel

AR 600–63

Army Health Promotion

AR 608–99

Family Support, Child Custody, and Parentage

AR 614–30

Overseas Service

AR 614–200

Enlisted Assignments and Utilization Management

AR 635–200

Active Duty Enlisted Administrative Separations

AR 638–2

Army Mortuary Affairs Program

AR 670–1

Wear and Appearance of Army Uniforms and Insignia

AR 735–5

Property Accountability Policies

AR 870–5

Military History: Responsibilities, Policies, and Procedures

ATP 3–22.40

Multi-Service Tactics, Techniques, and Procedures for the Employment of Nonlethal Weapons

DA Pam 638–2

Procedures for the Army Mortuary Affairs Program

DA Pam 710–2–1

Using Unit Supply System (Manual Procedures)

DoD 7000.14–R, Volume 13

Department of Defense Financial Management Policy: Nonappropriated Funds Policy (Available at <https://www.esd.whs.mil/>.)

DoDI 1030.02

Victim and Witness Assistance (Available at <https://www.esd.whs.mil/>.)

DoDI 5200.48

Controlled Unclassified Information (CUI) (Available at <https://www.esd.whs.mil/>.)

DoDM 4160.21

Defense Materiel Disposition Manual (Available at <https://www.esd.whs.mil/>.)

Manual for Courts–Martial (2005)

See cited sections in text (Available at <https://armypubs.army.mil/default.aspx>.)

MCM RCM 305

Pretrial confinement review procedures will be followed in accordance with the Manual for Courts Martial (Available at <https://jsc.defense.gov/>.)

MEJA

Military Extraterritorial Jurisdiction Act of 2010 (MEJA) (Available at <https://www.congress.gov/bill/>.)

PREA

National Level Prison Rape Elimination Act (PREA), Prison and Jail Standards, 28 Code of Federal Regulations Part 115 (Available at <https://www.govinfo.gov/>.)

Pub. L. 106–546, 114 stat 2726, 2728 (2000)

DNA Analysis Backlog Elimination Act of 2000 (Available at <https://thomas.loc.gov/bss/>.)

RCM 304

Rule for Court-Martial (RCM) 304 A pretrial prisoner is a person subject to the UCMJ who is properly ordered to confinement pursuant to Manual for Courts Martial (Available at <https://jsc.defense.gov/>.)

UCMJ, Art. 14

Delivery of offenders to civil authorities (Available at <https://jsc.defense.gov/>.)

UCMJ, Art. 15

Commanding officer’s non-judicial punishment (Available at <https://jsc.defense.gov/>.)

UCMJ, Art. 26

Military judge of a general or special court-martial (Available at <https://jsc.defense.gov/>.)

UCMJ, Art. 27

Detail of trial counsel and defense counsel (Available at <https://jsc.defense.gov/>.)

UCMJ, Art. 31

Compulsory self-incrimination prohibited (Available at <https://jsc.defense.gov/>.)

UCMJ, Art. 58a

Sentences: reduction in enlisted grade upon approval (Available at <https://jsc.defense.gov/>.)

UCMJ, Art. 74

Remission and suspension (Available at <https://jsc.defense.gov/>.)

UCMJ Provisions

(<https://jsc.defense.gov/military-law/current-publications-and-updates/>)

5 CFR 731

Suitability (<https://www.opm.gov/suitability/suitability-executive-agent/suitability-adjudications/>)

28 CFR 115

Prison Rape Elimination Act National Standards (9<https://www.ecfr.gov/current/title-28/chapter-I/part-115>)

32 CFR 219

Protection of Human Subjects (<https://www.ecfr.gov/current/title-32/subtitle-A/chapter-I/subchapter-M/part-219?toc=1>)

32 CFR 2002.20

Marking (<https://www.ecfr.gov/current/title-32/subtitle-B/chapter-XX/part-2002>)

45 CFR 46

Protection of Human Subjects (<https://www.hhs.gov/ohrp/regulations-and-policy/regulations/45-cfr-46/index.html>)

49 CFR 1544.219

Carriage of accessible weapons (<https://www.ecfr.gov/current/title-49/subtitle-B/chapter-XII/subchapter-C/part-1544/subpart-C/section-1544.219>)

49 CFR 1544.221

Carriage of prisoners under the control of armed law enforcement officers (<https://www.ecfr.gov/current/title-49/subtitle-B/chapter-XII/subchapter-C/part-1544/subpart-C/section-1544.221>)

5 USC

Government Organization and Employees (Available at <https://uscode.house.gov>.)

5 USC 552a

Records maintained on individuals (Available at <https://uscode.house.gov>.)

10 USC 818

Jurisdiction of general courts-martial (Available at <https://uscode.house.gov>.)

10 USC 819

Jurisdiction of special courts-martial (Available at <https://uscode.house.gov>.)

10 USC 826

Military judge of a general or special courts-martial (Available at <https://uscode.house.gov>.)

10 USC 827

Detail of trial counsel and defense counsel (Available at <https://uscode.house.gov>.)

10 USC 951

Establishment; organization; administration (Available at <https://uscode.house.gov>.)

10 USC 1588

Authority to accept certain voluntary services (Available at <https://uscode.house.gov>.)

12 USC 265

Insured banks as depositaries of public money; duties; security; discrimination between banks prohibited; repeal of inconsistent laws (Available at <https://uscode.house.gov>.)

31 USC 3530

Adjusting accounts (Available at <https://uscode.house.gov>.)

Section III**Prescribed Forms**

Unless otherwise indicated, DA forms are available on the Army Publishing Directorate (APD) website at <https://armypubs.army.mil>. DD forms are available on the Executive Services Directorate (ESD) website at <https://www.esd.whs.mil/directives/forms/>.

DA Form 1130

Request For Withdrawal From Personal Deposit Fund

DA Form 1132

Prisoner Personal Property (Prescribed in para 5–4b(8).)

DA Form 1133

Prisoner Personal Property Shipping Request

DA Form 2569

Attorney of Record Designation (Civilian and Individual Military Counsel) (Prescribed in para 5–4*b*(10)(*c*).)

DD Form 458

Charge Sheet (Prescribed in para 13–2*b*(1).)

DD Form 499

Prisoner’s Mail and Correspondence Record (Prescribed in para 10–7*b*(3)(*g*).)

DD Form 504

Request and Receipt for Health and Comfort Supplies (Prescribed in para 10–7*b*(6)(*b*).)

DD Form 506

Daily Strength Record of Prisoners (Prescribed in para 10–6*d*(2).)

DD Form 509

Inspection Record of Prisoner in Segregation (Prescribed in para 10–7*b*(5)(*c*).)

DD Form 510

Prisoner Request (Prescribed in para 10–4*a*.)

DD Form 553

Deserter/Absentee Wanted by the Armed Forces (Prescribed in para 15–1*c*(7).)

DD Form 2704

Victim/Witness Certification and Election Concerning Prisoner Status (Prescribed in para 12–1*a*(1).)

DD Form 2705

Notification to Victim/Witness of Prisoner Status (Prescribed in para 12–1*a*(2).)

DD Form 2706

Annual Report on Victim and Witness Assistance (Prescribed in para 2–3*b*(5).)

DD Form 2707

Confinement Order (Prescribed in para 10–7*b*(2)(*a*).)

DD Form 2708

Receipt for Pre-Trial/Post Trial Prisoner or Detained Person (Prescribed in para 10–7*i*(6)(*b*).)

DD Form 2710

Prisoner Background Summary (Prescribed in para 7–7*k*.)

DD Form 2710–1

Prisoner Sentence Computation (Prescribed in para 10–1*b*(17).)

DD Form 2711

Initial Custody Classification (Prescribed in para 10–1*b*(18).)

DD Form 2711–1

Custody Reclassification (Prescribed in para 10–7*b*(4)(*b*).)

DD Form 2712

Prisoner Evaluation (Prescribed in para 10–7*b*(4)(*c*).)

DD Form 2713

Prisoner Observation Report (Prescribed in para 5–6*a*.)

DD Form 2714

Prisoner Disciplinary Report/Action (Prescribed in para 7–3*a*.)

DD Form 2715

Clemency/Parole Submission (Prescribed in para 7–7*k*.)

DD Form 2715–1

Disposition Board Recommendation (Prescribed in para 7–7*f*.)

DD Form 2715–2

Prisoner Summary Data (Prescribed in para 7–7k.)

DD Form 2715–3

Prisoner Restoration/Return to Duty, Clemency and Parole Statement (Prescribed in para 7–7k.)

DD Form 2716–1

Department of Defense Certificate of Supervised Release (Prescribed in para 10–7b(4)(g).)

DD Form 2717

Department of Defense Voluntary/Involuntary Appellate Leave Action (Prescribed in para 10–7b(2)(h).)

DD Form 2718

Prisoner Release Order (Prescribed in para 10–7b(2)(i).)

DD Form 2719

Correctional Facility Continuation Sheet (Prescribed in para 7–7k.)

DD Form 2720

Annual Correctional Report (Prescribed in para 2–3b(3).)

DD Form 2791

Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements (Prescribed in para 1–4g(4).)

Appendix B

Guidelines for Medical Research Request

B-1. Project title

Enter complete project title. If an amendment, the words “amendment to...” will precede the project title.

B-2. Investigators

- a. Principal investigator.
- b. Associate investigators.

B-3. Facility

Location of study and list of facilities to be used.

B-4. Time required to complete the project

Give month and year of expected start and completion dates.

B-5. Introduction

- a. *Synopsis.*
 - (1) Brief summary (one page) of proposed study similar to the abstract of a scientific paper.
 - (2) Briefly highlight major safety concerns for human subjects.
- b. *Military relevancy.* Briefly explain the medical importance and possible usefulness of the project.
- c. *Objectives.* State briefly, but specifically, the objectives of the project. Include the items below when applicable.
 - (1) Study design.
 - (2) Type of subject population observed.
- d. *Status.* State what has been accomplished or published in the proposed area of study. Describe the way in which the project will relate to or differ from what has been accomplished.
- e. *Bibliography.* List all references used in preparing the protocol.

B-6. Plan

Outline expected accomplishments in enough detail to show a clear course of action. Include technological validity of procedures and chronological steps to be taken. The plan should include, at a minimum, the information shown below and the study subjects.

- a. *Number of subjects.* Give the total number of subjects expected to complete the study.
- b. *Age range.*
- c. *Sex.*
- d. *Inclusion criteria.* Specific and detailed reasons for inclusion should be presented.
- e. *Diagnostic criteria for entry.*
- f. *Evaluations before entry.* Entries should include X-ray, physical examinations, medical history, hematology, chemistry and urinalysis as deemed appropriate.
- g. *Exclusion criteria.* Include a complete list detailing the subjects, diseases and medications excluded from the study.
- h. *Source of subjects.* Describe briefly where the subjects will be obtained.
- i. *Subject identification.* Describe the code system used.
- j. *Analysis of risks and benefits to subjects.* Describe the risks to those conducting research and the benefits to the subjects.
- k. *Precautions.* Precautions to be taken to minimize or eliminate risks to subjects and those conducting the research.
- l. *Corrective action.* Corrective action necessary.
- m. *Special medical care or equipment.* Describe special medical care or equipment needed for subjects admitted to the project.

B-7. Evaluations made during and following the project

An evaluation may also be represented by using a project schematic. It is very important to identify in the protocol the person who will perform the evaluations below.

- a. *Data to be collected.*

- (1) Amount and schedule of collections.
- (2) Evaluations, data, scoring procedures.
- (3) Storage. State where and if special conditions are required.
- (4) Labeling and disposition.
- (5) Laboratories performing evaluations.
- (6) Special precautions for subject and investigators.
- b. Clinical assessments.* Include how adverse effects are to be recorded.
- c. Vital signs.* When desired and frequency.
- d. Follow-up procedures.* If necessary.
- e. Disposition of data.* State the location and duration of data storage.
- f. Methods used for data collection.* State critical measurements used as end points to characterize safety, efficacy, or equivalency.

B–8. Departure from protocol for individual subjects

- a. When allowed.* Use flexible but definite criteria.
- b. Notification.* Who will be notified? For example, subject, Human Use Committee (HUC), or local approving official.

B–9. Incidents

- a.* Definition of incidents.
- b.* Immediate reporting requirements.
- c.* Routine reporting requirements.

B–10. Modification of protocol

Describe the procedure to be followed if the protocol is to be modified, terminated or extended.

B–11. Forms and examples

Examples of all forms to be used in the protocol.

B–12. Use and publication

Use of information and publications arising from the study.

B–13. Findings and results

Special or unusual funding implications.

B–14. Contact information

Name and telephone number of the medical monitor, when applicable.

B–15. Human Use Committee

Brief explanation of which Human Use Committee (HUC) will provide initial, continued and annual review.

B–16. Approval

Signature of appropriate approving official and date.

B–17. Documentation

- a.* Completed DA Form 5303 (Volunteer Agreement Affidavit).
- b.* Institutional review of scientific and human use issues.
- c.* HUC review with commander's approval.
- d.* Biographical sketch of principal and associate investigator.

Appendix C

Internal Control Evaluation

C-1. Function

The function covered by this evaluation is for prisoner funds.

C-2. Purpose

The purpose of this evaluation is to assist in evaluating the key internal controls listed below. It is not intended to cover all controls.

C-3. Instructions

Answers will be based on a random review of key internal controls (for example, document analysis, direct observations, sampling, simulation, other). Answers which indicate deficiencies will be explained and corrective action indicated in supporting documentation.

C-4. Test questions

- a.* Does each prisoner have a PDF account?
- b.* Does each prisoner have either a positive, or zero, balance on hand?
- c.* Are transactions recorded in each prisoner account in chronological date order?
- d.* Are prisoners provided notification of funds received?
- e.* Are funds received accurately recorded as a one-line entry on DA Form 1125 (Summary Receipt and Disbursement Voucher Personal Deposit Fund)?
- f.* Is a petty cash fund maintained?
- g.* Are voids, to include stale dated checks, and/or stop payments of PDF checks recorded on DA Form 1125?
- h.* Is each PDF check issued supported by a prisoner request to have funds deducted?
- i.* Are PDF checks sequentially numbered and kept in a secure area?
- j.* Is the balance of the PDF account reconciled to the bank statement at least monthly?
- k.* If a discrepancy exists between the bank balance and the PDF balance is adequate explanation prepared and maintained by the custodian?
- l.* Are the custodians properly appointed in writing?

C-5. Supersession

This evaluation replaces the evaluation previously published in AR 190-47, dated 15 June 2006.

C-6. Comments

Help make this a better tool for evaluating internal controls. Submit comments to Headquarters, Department of the Army, Army Corrections Command (DAPM-ACC), 150 Army Pentagon, Washington, DC 20310-1500.

Appendix D

Special Communications and Contacts Control Measures Process Flow Chart and Control Measures

Process flow chart

The Special Communications and Contacts Control Measures Process Flow Chart is shown in figure D-1.

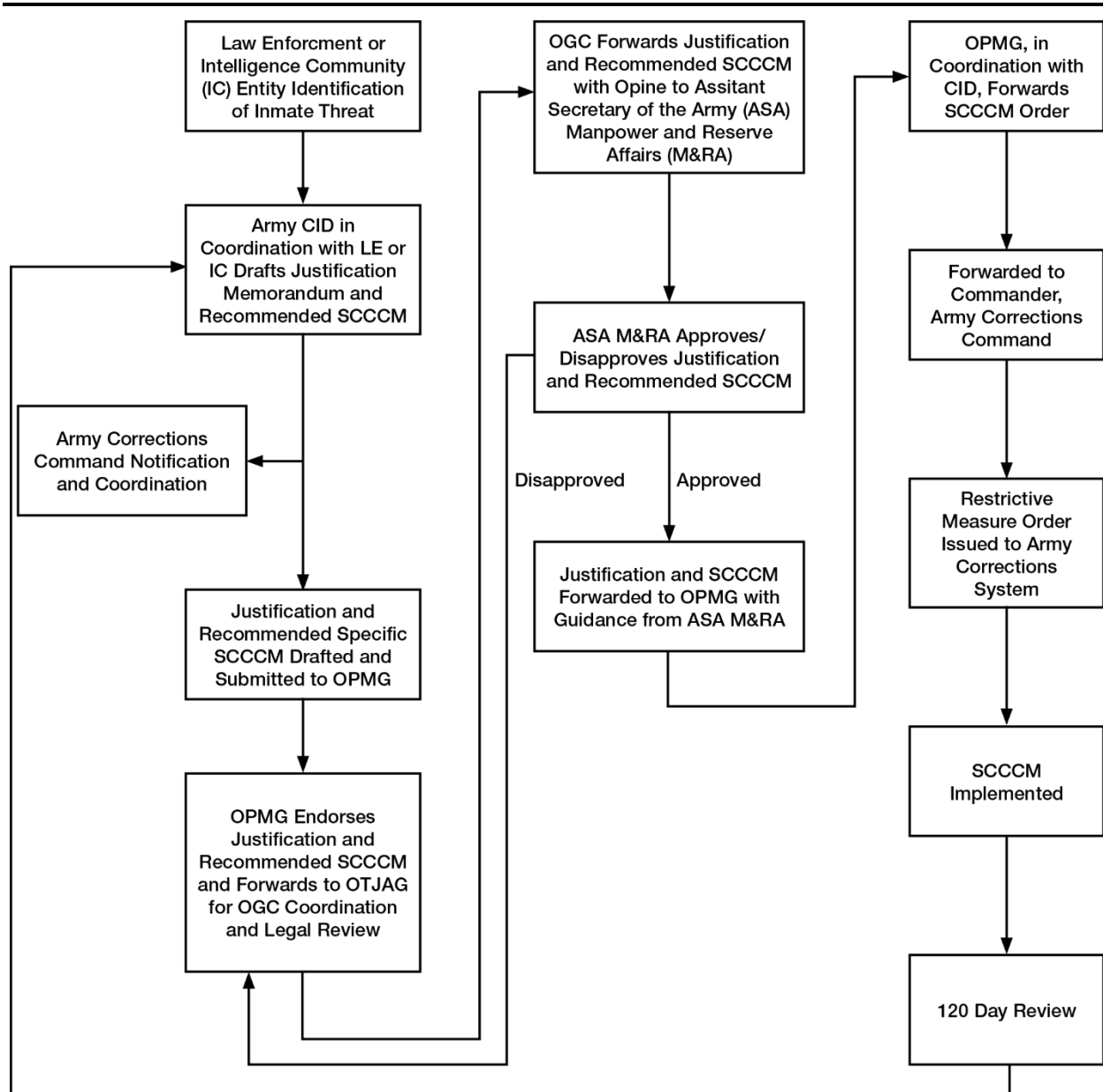


Figure D-1. Process flow chart

Appendix E

Army Correctional Information Systems

E-1. Function

ACC uses and administers the ACIS, a Web-enabled computerized database automation platform technology, to uniformly collect, record, organize, and process data from ACS facilities and to share and disseminate data. ACIS is used for all facets of facility and agency operations where applicable.

E-2. Purpose

The ACIS platform combines law enforcement and parole agencies with correctional data automatically, and efficiently provides data to enable evaluation of correctional goals. Protection of such data in accordance with applicable regulation and law is incumbent upon all users of ACIS. ACS Facility commanders will utilize ACIS to the maximum extent possible for record-keeping, accomplishing daily, weekly and monthly statistical reporting, facilitating accountability and maintaining institutional information.

E-3. Army Corrections Information System repository and control

ACIS provides privacy protections of prisoners and staff. Information gathered in ACIS is restricted on a need to know basis. Individuals responsible for adding information into ACIS will only submit verified information. Information contained within ACIS, as applicable to the ACS, is intended for law enforcement purposes and will be protected as such, in accordance with DoDI 5200.48, and applicable regulations and policies. Generally, data and records maintained and stored within ACIS is for the purpose of law enforcement reporting. Requests for access to ACS-related information contained within ACIS will be compliant with, and protected as such, in accordance with 32 CFR 2002.20 and DoDI 5200.48.

E-4. Army Corrections Information System platform integration

ACIS technology and capability will continue to develop in scale, capacity, capability and interoperability, enabling ACC to automate and modernize various reporting and data management aspects; major capability developments will be communicated by ACC to facility operators as available. ACS facility commanders will ensure administrative personnel and staff members responsible for accessing, managing, and reporting information regarding facility function, processes and status are fully trained and utilize ACIS for maximum efficiency.

E-5. Army Corrections Information System administration

Access to ACIS is strictly controlled by ACIS administrators. ACIS administrators within ACC will provide facility command teams and users with updated guidance on system capability developments, refinements and technical procedures for employment of the technology. ACS Facility commanders will maintain a roster of personnel and employees whom require access to ACIS and will designate individuals with a need for access to ACIS with a written appointment memorandum. Individuals requiring access to ACIS will submit a DD Form 2875 through their chain of command, to ACC ACIS administrator(s). Appointed individuals requiring access to the system will submit a request through the ACIS platform, and once approved by ACC, the agency/facility ACIS administrator will provide access to the applicable areas within ACIS to perform their duties. Approval of non-law enforcement personnel for access to prisoner and facility data contained within ACIS is prohibited unless specifically authorized by ACC ACIS administrators. Prisoners are not authorized access to ACIS or the data contained within the platform.

E-6. Army Corrections Information System research usage

ACIS is able to retrieve and collect data for reports, research, and decision making. There are global reports providing combined data and reports from all facilities, standard reports which are by facility and include a roster of all prisoners assigned to the facility; and confinement reports which are a snap shot in time of all facilities by facility. The system also allows for data queries. Examples of global and standard reports include, but are not limited to, prisoner offenses, prisoner sentences, prisoner detainers, prisoners on parole, prisoner co-defendants, gangs, disciplinary report list, release date rosters, discharges, transfers, appointments, bunk roster, health and comfort (H&C), and prisoner religious preference. ACIS is sufficient to provide data to enable evaluation of the correctional goals. Any new required reports or data can be received either through a data query or establishing a new report by submitting a Help Ticket request. Use of ACIS for collection of research data from requestors outside of ACC, ARBA, ACPB and USACID administrative personnel or users is authorized only by authority of the PMG.

Appendix F

Accreditation, Audits, Facility Inspection and Technical Assistance Visits

F–1. Background and goal of accreditation

The ASA (M&RA) will exercise Army Secretariat oversight for Army corrections, parole, MSR, clemency functions and accreditation. ASA (M&RA) has delegated responsibilities to the DASA–RB for oversight of Army corrections, parole, MSR, clemency functions and accreditation. Instituting an accreditation procedure enables the ACS to incorporate those professional standards as prescribed by a nationally recognized organization, standardizing procedures and rehabilitation practices generally accepted at all federal correctional institutions. Adopting such principles and standards provides a consistent approach to correctional and rehabilitative efforts, while providing such safety and security protocols necessary to protect prisoners, correctional staff members and facility personnel.

F–2. Function

CG, ACC is required to establish, implement and maintain an inspection and review program for all ACS facilities which meets accreditation standards of an external national correctional organization agency in coordination with the DASA–RB. All ACS facilities and the ACC headquarters will maintain accreditation by an external national correctional organization agency approved by CG, ACC, in coordination with the DASA–RB.

F–3. Administration

HQ, ACC, will conduct annual TAV, periodic inspections and perform oversight of accreditation audit preparation in support of all ACS facilities worldwide. Accreditation planning, activity scheduling and audit findings will be coordinated with DASA–RB. DASA–RB will participate as oversight for TAV's and audits, and upon completion will receive compiled findings and recommendations.

F–4. Scheduling

HQ, ACC, is responsible for scheduling and coordinating accreditation related activities.

F–5. Accreditation standards

HQ, ACC will utilize or otherwise adopt a nationally recognized correctional organization standard and administer a selected applicable accreditation standards manual. ACS facilities will utilize the adoptive manual, incorporating aspects into local policy and procedures, where applicable. ACC recognizes not all practices are applicable to the MCF or appropriate for ACS confined servicemembers, however ACC, and facility commanders, will generally adopt all standards as prescribe to incorporate the spirit of such standards in implementation. Accreditation will consist of functional, operational, and situational guidance concerning correctional rehabilitation of prisoners, and detail virtually all aspects of facility operation.

F–6. Certification and credentialing

Statistical summary information concerning professional corrections certifications and credentials earned or held by all military and civilian personnel as defined within accreditation standards of the selected external national correctional organization agency will be maintained by ACC. Facilities will collect and maintain such statistics on the workforce and report to ACC as appropriate.

F–7. Facility accreditation

ACS facility commanders will produce and publish policies, standardized procedures, rules and other such guidance relating to facility operations, staff training requirements, emergency action plans, prisoner guidance on conduct and behavior, including discipline standards, penalties and board procedures for prisoners, and additional plans, policies and guidance consistent with this regulation and accepted practices within correctional settings as specified in nationally recognized correctional organizations. For facilities, maintaining an audit-ready posture is critical to successful accreditation, and efforts to operate in such a manner allows correctional and rehabilitative programs to progress in a quantifiable and effective manner for the benefit of society and prisoners in preparation for productive return to society. Training programs will incorporate provisions of a nationally recognized correctional accreditation standard, identified as required training, conducted on an annual basis, and on more frequent basis when required.

F–8. Facility inspection, audit and evaluation

Inspection, technical review, audit and evaluation of facility plans, procedures and publications will be accomplished by CG, ACC through a cyclical technical assistance visits and through an accreditation audit review process administered by the Director, ACC, in coordination with DASA–RB and other organizations or agencies as deemed appropriate by the PMG. HQ, ACC will designate accreditation TAV and audit teams as appropriate to facilitate accreditation preparations and assist during accreditation audits performed by the accrediting organization.

F–9. Technical assistance visits

During annual technical assistance visits and accreditation audit preparation, the DASA–RB will provide oversight on behalf of the Secretary of the Army. TAVs are designed to focus on aspects of facility procedures and records which are identified for future audit during the accreditation process.

F–10. Accreditation reports

At the conclusion of a facility accreditation audit, a comprehensive report is compiled. After review, the CG, ACC will forward the report to DASA–RB for further analysis and publication on behalf of the Secretary of the Army.

Appendix G

Internal Control Evaluation

G–1. Function

To ensure the evaluation of key internal controls for administration of the ACS at HQDA, major command and installation level. Major Army commands will use the biannual technical staff inspection established in this regulation to evaluate above-listed key internal controls (minimum standard).

G–2. Purpose

The purpose of this evaluation is to assist users in evaluating their key internal controls. It is not intended to cover all controls.

G–3. Instructions

Answers will be based on the actual testing of key internal controls such as document analysis, direct observation, interviewing, sampling, and simulation. Answers indicating deficiencies will be explained and corrective action indicated in supporting documentation. These internal controls will be evaluated at least once every 5 years. Certification this evaluation has been conducted will be accomplished on DA Form 11–2 (Internal Control Evaluation Certification).

G–4. Test questions

- a.* Have uniform DA policies for the scope and responsibilities of The Army Corrections System been established and coordinated with appropriate and interested DoD elements? (HQDA ONLY).
- b.* Are policies updated to reflect changes in public law and DoD guidance to ensure mission compatibility? (HQDA ONLY).
- c.* Are U.S. Army prisoners incarcerated in the appropriate confinement facilities in accordance with AR 190–47, Chapter 4? (ACS facility commander).
- d.* Is the incarceration of other Service prisoners within the Army Corrections System being conducted in accordance with AR 190–47? (ACS facility commander).
- e.* Are correctional and work release programs conducted in accordance with AR 190–47?
- f.* Are adequate professional support services being provided to all prisoners at all facilities in accordance with AR 190–47? (ACS facility commander).
- g.* Is the consideration and administration of clemency, parole, and restoration to duty, conducted in accordance with AR 190–47? (ACS facility commander).
- h.* Are staffing, training, and physical plant standards of confinement and correctional facilities, to include key and lock control, in accordance with AR 190–47? (ACS facility commander).
- i.* Is the administration and management of military prisoners, their records, health/comfort supplies, property, funds, and mail, conducted in accordance with AR 190–47? (ACS facility commander).
- j.* Is the security and control of military prisoners conducted in accordance with AR 190–47? (ACS facility commander).
- k.* Are the facility's administrative disciplinary measures and disciplinary action procedures conducted in accordance with AR 190–47? (ACS facility commander).
- l.* Is the Victim Witness Program administered and managed in accordance with AR 190–47? (HQDA, ACS facility commander).
- m.* Are prisoner's sentences to confinement computed in accordance with applicable policy? (ACS facility commander).
- n.* This manual will be reviewed in accordance with AR 190–47 and at least annually by the CG, ACC or designated representative and updated as needed.

G–5. Supersession

This process replaces the Internal Control Review evaluations for AR 190–47, AR 190–55, and AR 633–30, previously published in DA Circular 11–88–7.

G–6. Comments

Help make this a better tool for evaluating internal controls. Submit comments to Headquarters, Department of the Army, Army Corrections Command (DAPM–ACC), 150 Army Pentagon, Washington, DC 20310–1500.

Glossary

Section I

Abbreviations

AASA

Administrative Assistant to the Secretary of the Army

ACC

Army Corrections Command

ACH

annual command history

ACIS

Army Corrections Information System

ACPB

Army Clemency and Parole Board

ACS

Army Corrections System

AIT

Advanced Individual Training

APSR

Accountable Property System of Record

AR

Army regulation

CCIR

Commander's Critical Information Requirements

CFM

Cubic feet per minute

CFR

Code of Federal Regulations

CG

Commanding General

CID

Criminal Investigation Division

CMRP

Command master religious plan

CODIS

Combined DNA Index System

CONUS

Continental United States

CTF

Correctional treatment file

CUI

Controlled Unclassified Information

D&A Board

Discipline and Adjustment Board

DA

Department of the Army

DAPM

Department of the Army, Provost Marshal General

DD

Department of Defense (forms)

DFSC

Defense Forensic Science Center

DNA

Deoxyribonucleic Acid

DoD

Department of Defense

EDO

Exempt Determination Official

ET

Earned time

FBI

Federal Bureau of Investigation

FBOP

Federal Bureau of Prisons

FCMT

Forced Cell Move Team

FL

Funding letter

FLIPL

financial liability investigation of property loss

GCM

General Court-Martial

GCT

Good Conduct Time

GED

General Educational Development

GS

General Schedule

H&C

Health and Comfort

HIV

Human Immunodeficiency Virus

HQDA

Headquarters, Department of the Army

IMCOM

U.S. Installation Management Command

JRCF

Joint Regional Correctional Facilities

LEO

Law Enforcement Officer

MCM

Manual for Courts-Martial

MCF
Military Correctional Facilities

MILAIR
U.S. Military Aircraft

MOA
memorandums of agreement

MOS
Military occupational specialty

MOU
memorandums of understanding

MSR
mandatory supervised release

NAF
Nonappropriated Fund

NCIC
National Crime Information Center

NCO
Noncommissioned Officer

NLW
Nonlethal Weapons

OAA
Office of the Administrative Assistant

OC
Oleoresin Capsicum

OCONUS
outside the continental United States

OPMG
Office of the Provost Marshal General

PBAC
Program Budget Advisory Council

PBO
property book officer

PCF
Personnel Control Facility

PDF
Personal Deposit Fund

PMG
Provost Marshal General

POM
Program Objective Memorandum

PREA
Prison Rape Elimination Act

RCF
Regional Correctional Facilities

RCM
Rules for Courts-Martial

RSW

Resource Services-Washington

RUF

Rules for Use of Force

SAA

Special Acts Abatement

SAAR

System Authorization Access Request

SC&PB

Service Clemency and Parole Board

SCCCM

Special Communications and Contacts Control Measures

SIR

serious incident reports

SOFA

status of forces agreement

SOP

standard operating procedure

SRC

Special Retirement Coverage

TAV

technical assistance visits

TFCF

Theater Field Detention Facilities

TJAG

The Judge Advocate General

TPSN

troop program sequence number

UCMJ

Uniform Code of Military Justice

USACID

U.S. Army Criminal Investigation Division

USACIL

U.S. Army Criminal Investigation Laboratory

USACRC

U.S. Army Crime Records Center

USC

United States Code

USD

Unarmed Self Defense

USDB

United States Disciplinary Barracks

USMS

U.S. Marshals Service

USPS

United States Postal Service

VWC

Victim/witness coordinator

Section II

Terms

ACS Facility Commander

An officer appointed by appropriate orders as the commanding officer of an ACS facility. Responsible for the facility's administration and operation. Also oversees the custody, control, and correctional treatment of prisoners assigned to the facility.

Administrative segregation

The separation of a prisoner from general population to prevent injury to others or to themselves, or to promote the general, safe, and orderly administration of the ACS facility.

Appellate or excess leave

Leave a Soldier may be ordered to take involuntarily when a sentence to an unsuspended punitive discharge or dismissal is pending completion of appellate review.

Approved

The term used to describe action taken when the convening authority sanctions the findings and the sentence or a part thereof.

Behavioral Health Professional

Mental Health Staff who are qualified to diagnose and treat patients with mental illness, (for example, physicians, physician extenders, psychologists, licensed professional counselors, and social workers) in accordance with each health care professional's scope of training and applicability licensing, registration, certification and regulatory requirements.

Clemency

An action taken to remit or suspend the unexecuted part of an approved court-martial sentence, to include upgrading a discharge and the restoration or reenlistment of an individual convicted by a court-martial.

Confinement

Confinement is the physical restraint of a person imposed by order of competent authority, either pending disposition of charges (pretrial) or because of a sentence adjudged by a court-martial. Although not involving physical restraint, a sentence to confinement may also be served in a parole or mandatory supervised release status.

Contraband

Any item, article, or substance not authorized to be possessed in a correctional facility by facility staff visitors, or prisoners. This includes items or substances to cause physical injury or adversely affect the security, safety and good order of the institution, or the security and control of prisoner.

Correctional facility

A facility providing correctional treatment to military prisoners to motivate them for return to military duty or return to the civilian community.

Custodial Personnel

Those personnel not correctional staff that provide supervisory support for prisoners on work details.

Deferment of confinement

Postponement of the service and of the running of the sentence to confinement. Deferment is not suspension of the sentence or a form of clemency.

Designation

Designation is the process of determining the initial place of incarceration for military prisoners after trial. This is accomplished by reviewing the post-trial documents and utilizing designation criteria set by ACC.

Disciplinary segregation

The separation of a prisoner from general population as an administrative disciplinary measure. A group of cells used to house those prisoners who have serious adjustment problems, create anxiety and disruption among other prisoners

in general population. Programs, movements, and privileges should be limited only as is necessary for the good maintenance for the good order.

Earned time

A deduction from a prisoner's release date earned for participation and graded effort in the areas of work, offense-related or other rehabilitation programs, education, self-improvement and personal growth, and support activities.

Earned time detail

Work programs the ACS facility commander designates as qualifying for award of ET.

Earned time programs

A program relating to rehabilitation the ACS facility commander designates as a qualified method for participating prisoners to be awarded ET.

Escape

Any instance of a prisoner breaching the authorized limits of military custody or incarceration before being released by proper authority.

Final orders

Orders publishing the proceedings of courts-martial, and all action taken pursuant to those proceedings binding upon all departments, courts, agencies, and officers of the United States, subject only to action upon a petition for a new trial under Article 73, UCMJ; to action by TJAG under Article 69, UCMJ, to action by the Secretary concerned as provided in Article 74, UCMJ, and the authority of the President (R.C.M. 1209(b)).

Good conduct time

A deduction from a prisoner's release date for good conduct and faithful observance of all facility rules and regulations.

Health care personnel

Individuals whose primary duty is to provide health services to juveniles or prisoners in keeping with their respective levels of health care training or experience.

Health care practitioner

Clinicians trained to diagnose and treat patients, such as physicians, dentists, psychologists, podiatrists, optometrists, nurse practitioners, and physician assistants.

Health care professional

Staff who perform clinical duties, such as health care practitioners, nurses, social workers, and emergency medical technicians in accordance with each health care professional's scope of training and applicable licensing, certification, and regulatory requirements.

Health care provider

An individual licensed in the delivery of health care.

Health care services

A system of preventative and therapeutic services that provide for the physical and mental well-being of a population. Includes medical and dental services, mental health services, nursing, pharmaceutical services, personal hygiene, dietary services, and environmental conditions.

Health/medical screen

A structured inquiry and observation to prevent newly arrived offenders who pose a health or safety threat to themselves or others from being admitted to the general population and to identify offenders who require immediate medical attention. The screen can be initiated at the time of admission by health care personnel or by a health-trained correctional officer.

Health-trained personnel/Medically trained personnel

Correctional officers or other correctional personnel who may be trained and appropriately supervised to carry out specific duties with regard to the administration of health care.

Inexorable prisoner

A prisoner who demonstrates aggressive, predatory, or compulsory behavior, including homosexual behavior and those of a predatory homosexual nature, or those with psychological disorders or other inexorable conditions who do not adjust to living with other prisoners; and those who otherwise cannot be controlled. Often, these prisoners require administrative segregation for the protection of themselves, other prisoners or staff.

Inoperative time

Any period(s) of time during which a prisoner is not credited with serving a sentence to confinement.

Installation parolee

Post-trial custody grade prisoner requiring minimal custodial supervision.

Intractable prisoner

A prisoner designation as intractable (INTRAC), indicating the prisoner is unmanageable or uncontrollable, warranting segregation from the general population as necessary, restriction to a designated area, limited mobility, or removal of liberties and privileges in accordance with facility policy. Such designation may be imposed when a prisoner is consistently destructive or when they consistently and flagrantly refuse to comply with orders and instructions issued by the ACS facility staff to such an extent that they pose a threat to themselves, other prisoners, to the security of the facility, or the staff.

Mandatory supervised release

A form of conditional release granted to qualifying individuals who have served a portion of their sentence to confinement up to the minimum release date. This form of release is served until the adjusted maximum release date unless otherwise revoked or remitted by the respective Service C&PB.

Maximum custody

Classification assigned to newly arrived prisoners until an initial assignment board is conducted. Also the classification assigned to prisoners who are considered to be extremely violent, an escape risk or who require continuous correctional supervision.

Military Correctional Facility

A facility, owned and operated by a DoD service component, providing correctional treatment to military prisoners to motivate them for return to military duty or return to the civilian community.

Minimum custody

Prisoner considered being sufficiently dependable as to require little correctional supervision.

Mitigated sentence

A sentence reduced in either quantity or severity; its general nature remaining the same.

Parole

A form of conditional release from a confinement facility prior to MRD when a prisoner is under the guidance and supervision of a U.S. probation officer (USPO).

Post-trial confinement

Confinement adjudged by courts-martial including death or confinement (R.C.M. 1101).

Pretrial

Any person who is subject to trial by courts-martial and has been ordered by competent authority into pretrial confinement pending disposition of charges.

Pretrial confinement

Physical restraint imposed by order of competent authority, depriving a person of freedom pending disposition of charges. (R.C.M. 305(a)).

Prisoner

A person sentenced by a court-martial to confinement or death and ordered into confinement by competent authority whether or not the sentence has been ordered approved by the convening authority. A person placed into confinement by competent authority pending trial by court-martial is a pretrial prisoner.

Prohibited Property

Anything not specifically authorized by proper authority to be in a prisoner's possession is prohibited. Prisoners must obtain and keep written permission from the ACS facility commander, or designee, to possess any item not authorized by facility policy or staff. Any item not specifically authorized and found in a prisoner's possession will be considered prohibited property. Possession of property obtained from trash receptacles, or which was discarded in any other way by other prisoners or staff is prohibited. Property that has been altered from its original form without facility authorization will be considered prohibited property.

Reenlistment

The return to active duty status of an individual whose court-martial sentence includes an executed punitive discharge.

Remission of sentence

Action whereby any portion of the unexecuted punishment is canceled.

Restoration of duty

Procedures taken to restore a prisoner to duty whose court-martial sentence does not include a punitive discharge or includes a punitive discharge that is either suspended or unexecuted.

Sentenced

An individual becomes a sentenced prisoner when the convening authority approves the confinement portion of the sentence.

Service Statement of Trial

After final adjournment of the court-martial in a case, the trial counsel will promptly notify the immediate commander of the accused, the convening authority, or the convening authority's designee, and, if appropriate, the officer in charge of the confinement facility of the findings and sentence (R.C.M. 1101(d)).

Setting aside

Action whereby the punishment or any portion thereof, executed or unexecuted, is set aside and any property, privileges, or rights affected by that portion of punishment set aside are restored.

Special Acts Abatement

SAA is awarded to a prisoner for extraordinary achievements that are neither associated with their GCT or ET.

Suspended sentence

A sentence or portion thereof held in abeyance by the commander who imposed the punishment or a successor in command.

Unencumbered space

Usable space that is not obstructed by furnishings or fixtures. In determining unencumbered space, all fixtures will be in operational position and will provide the following minimum areas per person: bed, plumbing fixtures, desk and lockers.

Working days

Ordinarily includes Monday through Friday of a given calendar week, but does not include Federal holidays, days in which the Department of Defense is experiencing a partial or complete shutdown for lapse of appropriations, or days in which a confinement facility's supporting garrison is closed to non-essential employees for weather, safety, or other emergency reasons.

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