DoD Instruction 1325.07

Administration of Military Correctional Facilities and Clemency and Parole Programs

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Purpose: In accordance with the authority in DoD Directive (DoDD) 5124.02, this issuance establishes policy, assigns responsibilities, and prescribes procedures to administer and operate military correctional facilities (MCFs) and their programs, and to administer clemency, restoration, reenlistment, and parole of military prisoners.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

This issuance applies to OSD, the Military Departments (including the United States Coast Guard (USCG) at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the "DoD Components").

1.2. POLICY.

a. Corrections programs operated by the Military Departments will strive to administer correctional functions and programs uniformly, effectively, and efficiently.

b. DoD is committed to preventing, detecting, responding to, and eliminating sexual abuse, sexual harassment, and all other types of violence against prisoners in MCFs.

c. All prisoners confined in MCFs will have access to, and receive, timely and appropriate medical treatment, as required by applicable DoD regulations, Federal law, and the Eighth Amendment of the Constitution of the United States.

d. Post-trial military confinement is for incapacitating, rehabilitating, deterring, and punishing military prisoners.

e. Service members may not be placed in confinement in immediate association with enemy prisoners or other individuals who are detained under the law of war and are foreign nationals, and who are not Service members pursuant to Section 812 of Title 10, United States Code (U.S.C.)).

f. To the greatest extent possible, national accreditation standards developed by the American Correctional Association (ACA) will be followed in determining corrections policies and administering correctional facilities and functions that safeguard life, health and safety of prisoners and personnel who work within the MCF.

g. MCFs located in the United States and its territories and possessions must follow standards required by Sections 30301 through 30309 of Title 34, U.S.C. (also known and referred to in this issuance as the "Prison Rape Elimination Act" (PREA)). Although PREA does not apply to MCFs located outside the United States (e.g., Germany, Korea), to the greatest extent possible, MCFs located in these areas should follow standards required by PREA.

1.3. SUMMARY OF CHANGE 1.

The changes to this issuance are administrative and update language to comply with Executive Order 14168.

SECTION 2: RESPONSIBILITIES

2.1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)).

The USD(P&R):

a. Monitors compliance with this issuance and promotes uniformity of administration and operation in the Military Services' correctional programs.

b. Is the OSD focal point for confinement matters and correctional programs policies and procedures. As such, considers requests for waivers to this issuance.

c. Ensures a senior staff member (GS-15 or O-6) in the Office of the USD(P&R) (OUSD(P&R)) Office of Legal Policy chairs the DoD Corrections Council (established by DoDD 1325.04E and referred to in this issuance as "the Council").

d. Directs the Council to recommend policies and procedures promoting consistency, effectiveness, and efficiency in military correctional programs, including implementing PREA, clemency and supervised release programs, and MCF operations.

2.2. ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS.

Under the authority, direction, and control of the USD(P&R), the Assistant Secretary of Defense for Health Affairs:

a. Oversees development of medical policies, analyses, and recommendations to the Secretary of Defense and the USD(P&R), and issues guidance to DoD Components on medical matters arising under this issuance.

b. Oversees the provision of medical care, services, and support to prisoners, including:

(1) Those held in the control of the Military Services.

(2) Others entitled to, or eligible for, DoD medical care and benefits, including those under TRICARE.

2.3. SECRETARIES OF THE MILITARY DEPARTMENTS.

The Secretaries of the Military Departments:

a. Issue regulations on confining prisoners and administering military corrections programs and MCFs consistent with this issuance and provide the USD(P&R) with a copy for review at least 30 days before implementation.

b. Designate a senior officer of their respective Military Services (or in the case of the Secretary of the Air Force, Military Department) to administer MCFs.

c. Provide MCFs or enter into agreements as necessary to incarcerate Service members who:

(1) Have been ordered into pretrial confinement; or

(2) Are confined as a result of court-martial conviction.

d. Direct that each Military Department is represented on the Council. The Department of the Navy will represent the USCG on the Council, and the Department of the Air Force will represent the U.S. Space Force (USSF) on the Council.

e. Provide programs for work, education, training, rehabilitation, welfare, return to duty, and parole of prisoners in accordance with Sections 951 through 956 of Title 10, U.S.C.

f. Retain clemency and parole authority over their respective Service members who have been sentenced by court-martial, including when the Service member is located in an MCF operated by another Military Department or Federal correctional facility.

g. Establish a clemency and parole board (C&PB) to execute clemency, parole, and mandatory supervised release (MSR) authority, and to serve as the primary authority for administration of clemency, parole, and MSR policy and programs.

h. Establish policies and procedures for executing their respective Service members who have Presidentially-approved death sentences, and oversee responsibility, management, and resources for executions.

i. Establish policies and procedures to ensure MCFs report prisoner information in accordance with the November 4, 2020 Under Secretary of Defense for Intelligence and Security Memorandum.

j. Coordinate the proposed reduction, closure, or re-designation of any MCF used to confine prisoners from more than one Military Service, or other changes that impact other Military Services with each Military Service and the USD(P&R). The proposal to reduce, close, or re-designate an MCF must be provided to the Council and OUSD(P&R) Office of Legal Policy for review and comment at least 120 days before proposed implementation.

k. Prescribe procedures for implementing special administrative measures for preventing acts of violence or terrorism or compromising national security, in accordance with this issuance.

l. Require their Military Department's Service correctional headquarters to provide the USD(P&R), through the Office of Legal Policy, with:

(1) The results of Military Service headquarters-level or outside agency audits, inspections, technical assistance visits, and similar surveys performed regarding MCFs.

(2) Information regarding plans, timeframes, and progress made with addressing deficiencies identified during Military Service headquarters-level or outside agency audits, inspections, technical assistance visits, and similar surveys.

(3) Prompt notification of all significant incidents, accidents, criminal acts, misconduct, or disturbances involving MCFs. A significant event is one in which death or life-threatening injury occurs, the discipline and order of the facility is greatly affected, anticipated media interest, or disciplinary action in accordance with Chapter 47 of Title 10, U.S.C., also known and referred to in this issuance as the "Uniform Code of Military Justice (UCMJ)," is deemed appropriate.

2.4. SECRETARY OF THE ARMY.

In their capacity as the DoD Executive Agent for DoD Level III Corrections as designated in DoDD 1325.04E and in addition to the responsibilities in Paragraph 2.3., the Secretary of the Army:

a. Operates, funds, and staffs facilities for incarcerating Service members who are classified as Level III prisoners based on length of sentence, except those transferred to the Federal Bureau of Prisons (FBOP).

b. Is the point of contact with the FBOP for transferring prisoners in MCFs to other Federal facilities.

c. Ensures the MCF commander obtains the concurrence of the Secretary of the Military Department concerned or Commandant of the USCG for members of the USCG, or their designee, before transferring prisoners to FBOP facilities.

d. Coordinates with other Military Departments and Commandant of the USCG, as applicable, on agreements involving prisoners with the FBOP.

e. Provides, or coordinates with, an MCF to execute prisoners with Presidentially-approved death sentences.

2.5. COMMANDANT OF THE USCG.

The Commandant of the USCG:

a. Provides MCFs or enters into agreements as necessary to provide for incarcerated Service members who:

(1) Have been ordered into pretrial confinement; or

(2) Are ordered to a period of confinement as a result of court-martial.

b. Retains clemency and parole authority over USCG Service members, including when the Service member is located in an MCF operated by a Military Department or Federal correctional

facility. The Commandant may enter into an agreement for a Military Department to exercise parole authority over USCG Service members.

c. Establishes policies and prescribes procedures for executing USCG Service members subject to Presidentially-approved death sentences, and oversees responsibility, management, and resources for executions.

SECTION 3: MCF ADMINISTRATION AND PROCEDURES

3.1. ADMINISTERING MCFS.

a. Goals and Responsibilities.

(1) The Military Services:

(a) Should follow standards developed by the ACA in determining corrections policies and administering correctional facilities and functions.

(b) Are encouraged to incorporate modern correctional methodologies and program accountabilities, functional compliance aspects, and protocols consistent with ACA accreditation standards to promote consistent correctional services among military and federally operated correctional systems.

(c) Will, for economic and efficient administration, use the MCFs of any other Military Service to confine prisoners.

(d) May enter into agreements or memorandums of understanding to address costs and terms for post-trial confinement. Pretrial confinement of prisoners will be on a non-reimbursable basis at the MCF nearest to the place of the court-martial proceedings.

(e) On behalf of the Military Services, MCFs may enter into agreements relating to acquisition and implementation of ACA accreditation standards framework, promoting investment of such recommended technologies for policy and data management platforms and performance evaluation systems, where such methodologies and technologies are obsolete or nonexistent, for the purpose of providing inter-service operability.

(2) The MCF commander will:

(a) Operate the MCF in a manner that maintains good order, discipline, safety, and security.

(b) Implement procedures for operating the MCF, processing prisoners, and conducting programs that are consistent with this issuance as well as with DoD Instructions (DoDIs) 1300.17 and 6055.01.

(c) Require using Department of Defense (DD) forms to promote uniformity, effectiveness, and efficiency in administering MCFs and clemency and supervised release programs.

(3) Prisoners confined in MCFs will be subject to the rules and regulations of the confining MCF regardless of the Service affiliation of the prisoner.

(4) Prisoners confined in an MCF are subject to DoDIs 1325.06 and 1300.17.

(5) A prisoner's confinement location will be determined by the length of their sentence, rehabilitative needs, and their respective Service corrections headquarters policy in accordance with Rule for Courts-Martial 1102, "Execution and effective date of sentences," Manual for Courts-Martial, United States, current edition

(6) Primary jurisdiction for offenses committed in violation of the UCMJ by a prisoner in confinement is vested in the Service commander exercising general court-martial convening authority over the confining MCF in which the prisoner is confined.

b. DoD Corrections Council.

(1) Purpose and Responsibilities.

(a) In accordance with DoDD 1325.04E, the Council will provide a regular forum for the interchange of information, the consideration of corrections and clemency and parole policy, and the review of issues on the administration, use, efficiency, and consolidation of MCFs. The Council will review this issuance and other applicable corrections, clemency, and parole guidance at least annually and provide recommendations for updates to USD(P&R), as needed; as well as Service implementing regulations to promote uniformity in corrections programs consistent with Service needs.

(b) The Council will review requests for waivers to this issuance and provide recommendations to the USD(P&R).

(2) Membership.

The Council will consist of the following members:

(a) The Army, Navy, Marine Corps, and Air Force will designate a person serving in a position with a primary responsibility for their Military Service's corrections policies as a voting Council member. The Navy will represent the USCG's interests, and the Air Force will represent the USSF's interests.

(b) Each Military Department will designate one additional member with a primary responsibility for parole and clemency matters as a voting member. The Department of the Navy will represent the USCG's interests, and the Department of Air Force will represent the USSF's interests.

(c) A member of the OUSD(P&R) Office of Legal Policy will chair the Council.

(3) Functions.

The Council will consider matters involving military correctional programs and facilities, and clemency and parole policies and procedures.

(a) Specific issues may be submitted to the Council by any Council member or by the Secretaries of the Military Departments or Commandant of the USCG.

(b) The Council will attempt to resolve inter-Service conflicts in corrections policies and procedures and achieve uniformity through voluntary adjustments in policy or practice by the Military Service(s) concerned.

(c) Policy matters that require resolution at the OSD level will be submitted to the USD(P&R) for decision.

(4) Administration.

The Council chair from OUSD(P&R), Office of Legal Policy, will:

(a) Set meeting dates.

(b) Develop the meeting agenda.

(c) Prepare meeting minutes.

(d) Perform other administrative functions related to Council meetings.

(e) Review and process waiver requests to this issuance and forward to the USD(P&R) for action. Waiver requests should include justification, alternate courses of action, planned resolution that will remove the necessity for the waiver, and length of time waiver is needed.

(5) Meetings.

The Council will meet quarterly or when requested by the Council chair. Any Council member may request the Council chair convene a special meeting to consider a matter that requires the Council's input before the next quarterly Council meeting.

(6) Decisions.

The Council should resolve issues through consensus. If a consensus cannot be reached, each member will have one vote on the issue, with the Council chair having a vote only in the case of a tie.

c. Victim and Witness Requirements.

(1) Form.

Upon confinement of a post-trial prisoner, the MCF Victim/Witness Coordinator will review the completed DD Form 2704, "Victim/Witness Certification and Election Concerning Prisoner Status," available at https://www.esd.whs.mil/Directives/forms/, to ensure it is properly completed. If there is an issue concerning any information contained on the form, the MCF Victim/Witness Coordinator will immediately refer the issue to the appropriate staff judge advocate.

(a) The prisoner is not entitled to see the DD Form 2704 and must be prevented from doing so.

(b) When a prisoner is transferred, ensure the gaining MCF receives a copy of the DD Form 2704.

(2) Notification.

A victim witness assistance program (known as VWAP), established by each Military Service, will include procedures to provide timely, advance notice to those victims and witnesses indicating a desire to be notified of any significant change in the status of a prisoner confined in an MCF.

(a) Notifications and procedures must be consistent with Part 114 of Title 32, Code of Federal Regulations (CFR), Article 6b of the UCMJ, and DoDI 1030.02.

(b) Any witness may, at the discretion of the Secretary concerned, be afforded an opportunity to make a personal appearance at a Military Department C&PB hearing.

(c) A victim has a right to be reasonably heard at a public proceeding of a Military Department C&PB concerning an offense against the victim.

(3) Central Repository.

The Military Services will establish and administer a central repository to serve as a clearinghouse of prisoner information and to collect and report data on victim and witness assistance, including changes in a prisoner's confinement status.

d. Deoxyribonucleic Acid (DNA) Collection and Analysis.

(1) MCF commanders will verify that a prisoner confined, or to be confined, in their MCF as a result of any court-martial conviction, had a DNA sample taken and submitted to the United States Army Criminal Investigative Laboratory (USACIL) in accordance with DoDI 5505.14.

(2) MCF commanders may accept prisoners into their MCF without adequate documentation that a DNA sample was received by USACIL, but they must contact USACIL to confirm receipt of the DNA sample. If USACIL cannot confirm receipt of the DNA sample sent in a timely manner, MCF commanders must collect and forward a DNA sample to USACIL in accordance with DoDI 5505.14 and Section 40702 of Title 34, U.S.C.

(3) MCF commanders will ensure that a Service member ordered into pretrial confinement by a competent military authority has a DNA sample taken and submitted to USACIL after completing the commander's 72-hour memorandum pursuant to Rule for Courts-Martial 305, Manual for Courts-Martial, United States, current edition.

e. Information Requests.

(1) The Military Services will develop procedures to ensure that the MCFs complete, submit, and update the corrections to the National Incident-Based Reporting System and National Instant Criminal Background Check System in accordance with the November 4, 2020 Under Secretary of Defense for Intelligence and Security Memorandum.

(2) Annual confinement and clemency or parole reports will be submitted to the OUSD(P&R) by February 16 for the preceding calendar year.

(a) Military Services will submit an annual confinement report using DD Form 2720, "Annual Correctional Report," available at https://www.esd.whs.mil/Directives/forms/.

(b) The Military Service's central office for corrections matters will review and ensure the data on the DD Form 2720 is correct before submitting it to:

OUSD(P&R)
Attention: Office of Legal Policy
4000 Defense Pentagon, Washington, DC 20301-4000

(3) The Military Services will establish procedures to ensure that required prisoner information is provided to the Federal Bureau of Investigation.

(4) MCFs will consult on terrorism matters with the local joint terrorism task force or other similar agencies at least biannually. Terrorism matters include:

(a) Lists of known terrorist prisoners in custody.

(b) Information regarding prisoners with suspected terrorist ties.

(c) Information regarding specific incidents, events, or threats affecting the MCF that have a possible terrorism connection.

3.2. PRISONER INTAKE AND TRANSFER PROCEDURES.

a. Confinement or Transfer Procedures.

(1) Establishing Procedures.

MCF commanders will establish processing procedures to ensure good order, discipline, safety, and security of persons and property are maintained. The processing procedures will include requirements related to relevant service policies and requirements and instructions for the use of forms listed in Paragraph 3.2.a.(2).

(2) Required DD Forms and Documents.

The documents and information required to be submitted to the MCF include (DD forms available at https://www.esd.whs.mil/Directives/forms/):

(a) DD Form 458, "Charge Sheet."

(b) DD Form 2704.

(c) DD Form 2707, "Confinement Order."

(d) DD Form 2707-1, "Department of Defense Report of Result of Trial."

(e) DD Form 2708, "Receipt for Pretrial/Post-Trial Prisoner or Detained Person."

(f) DD Form 2710, "Prisoner Background Summary."

(g) Pretrial agreement or plea agreement (if applicable).

(h) Stipulation of fact (if applicable).

(i) Any known details regarding suicide risk, which will be documented by MCF personnel using DD Form 2711, "Initial Custody Classification."

(3) Commander's Responsibilities When Transferring Prisoners.

MCF commanders transferring prisoners will direct that required documents accompany the prisoner to assist in risk assessment and appropriate classification, including:

(a) All reasonably available investigative reports concerning the confining offense(s), including victim and witness statements and investigator's summary.

(b) Medical records (e.g., medical, behavioral health, and dental records).

1. Hardcopy records will be transferred with the prisoner unless the transferring commander confirms before transfer that their electronic health records are available to appropriate clinical staff of the receiving commander.

2. When transferred electronically, notice of transfer may be provided to the prisoner.

(c) Completed victim and witness forms, statement of trial results, statement of conduct (including all disciplinary reports received while in confinement), previous confinement records, court-martial promulgating order (if any), and no contact orders or restrictions.

(d) Permanent change of station orders, military personnel file, Common Access Card or military identification card, and personnel data sheet summary, if available.

(e) All pending disciplinary actions to be completed and closed, if transferred from an MCF.

(f) Any documents that indicate whether the prisoner, based on conviction, is required to register as a sex offender.

(4) Use of Civilian Confinement Facilities.

(a) If an MCF, including military police or security forces detention cells, is not reasonably available, prisoners may be confined in civilian confinement facilities used by the U.S. Marshals Service.

(b) If a facility used or approved by the U.S. Marshals Service is not reasonably available, prisoners may be confined or transferred to a facility accredited by an external

nationally-recognized correctional organization agency or a confinement facility accredited by the State.

(5) Notification and Coordination Requirements.

(a) When transferring a prisoner from one Military Service's custody to the MCF of another, the transferring commander must coordinate with the corrections headquarters of the receiving Military Service at least 48 hours before the transfer.

(b) After coordinating, the Service corrections headquarters will notify the gaining MCF and provide the prisoner's:

1. Name.
2. Sex.
3. Offenses.
4. Sentence.
5. Assigned escorts.
6. Arrival time and date.
7. Potential problems or issues.

b. Initiating a Transfer.

(1) A prisoner should be promptly transferred to an appropriate facility as soon as the court-martial convening authority has taken action (i.e., approved or amended the sentence in whole or part) on the prisoner's court-martial sentence.

(2) A prisoner may be transferred to an appropriate MCF before the convening authority takes action on the court-martial sentence when required by the needs of the Military Services of the prisoner or MCF.

(3) If properly authorized, a prisoner may be transferred to an appropriate MCF or assigned to an organization to participate in a return-to-duty program.

c. Foreign National Prisoner.

(1) The MCF will coordinate with U.S. Immigration and Customs Enforcement to review the prisoner's records for possible deportation of a foreign national whose personnel records do not clearly indicate they are U.S. citizens.

(2) A foreign national prisoner will be notified of their right to have access to their diplomatic representatives.

(3) MCF commanders must forward information on the prisoner's charge(s), final judicial action, and place of confinement to the Custody Programs Division, through Service corrections headquarters.

(a) The Custody Programs Division can be reached by contacting the Enforcement and Removal Operations Contact Center of Operations at (888) 351-4024 or ERO.INFO@ice.dhs.gov, or by submitting an enforcement and removal operations contact form at http://www.ice.gov/webform/ero-contact-form.

(b) For additional information relating to enforcement and removal operations, visit https://www.ice.gov/ero.

3.3. TRANSFER TO FEDERAL INSTITUTIONS.

a. Transfer to FBOP.

(1) A prisoner may be transferred to FBOP facilities with the concurrence of, or by direction of, the Secretary concerned and by agreement with the FBOP.

(2) The MCF commander may submit a request along with justification to the Secretary concerned to transfer a prisoner to the FBOP.

(3) The DoD Executive Agent for Level III Corrections (established by DoDD 1325.04E) must maintain a memorandum of agreement with the FBOP containing the terms and conditions for transferring a prisoner to the FBOP.

(4) Changes in the memorandum of agreement after the effective date of this issuance will be forwarded to the Council for review and comment before being implemented.

b. Factors for Determining Transfer to FBOP.

Factors for determining whether to transfer a prisoner to a FBOP facility include:

(1) Their demonstrated potential for return to duty or rehabilitation.

(2) The nature and circumstances of the offenses for which they were convicted.

(3) The nature and circumstances of their sentence, including length of sentence to confinement.

(4) Their confinement file, including participation in rehabilitation programs.

(5) The status of their court-martial appeal and involvement in other legal proceedings.

(6) Their age.

(7) Any other special circumstance relating to the prisoner, the needs of the Military Service, or the interests of national security.

(8) Whether or not they have been discharged from their Military Service.

c. Prisoner Request for Transfer to FBOP.

A prisoner may request transfer to an FBOP facility; however, when deciding if a prisoner should be transferred, except for cases involving inpatient psychiatric treatment, the MCF commander is not required to consider the prisoner's input.

d. Inpatient Psychiatric Treatment.

A prisoner proposed for transfer to an FBOP facility for inpatient psychiatric treatment must be afforded procedural due process, including:

(1) Notice of the proposed transfer.

(2) Representation by an attorney or representative of the prisoner's choice provided at no cost to the Government, or by appointed military counsel certified in accordance with Article 27(b) of the UCMJ.

(3) The opportunity for a hearing before a military judge.

3.4. SENTENCE COMPUTATION.

a. Forms.

DD Form 2710-1, "Prisoner Sentence Computation," available at https://www.esd.whs.mil/Directives/forms/, will be used to compute a prisoner's confinement sentence.

b. Calculation.

(1) For a prisoner with a sentence adjudged on or after July 27, 2004, sentence computation will be calculated in accordance with DoD Manual 1325.08.

(2) For a prisoner with a sentence adjudged before July 27, 2004, sentence computation will be calculated in accordance with Service regulations.

c. Credit of Non-Military Facility Time.

(1) A prisoner can receive credit towards their sentence if:

(a) They are confined in a non-military facility for a charge or offense for which they are court-martialed.

(b) They were arrested after committing the offense for which the military sentence was imposed.

(2) The prisoner will receive no credit for time confined in the non-military facility on any unrelated charges when calculating their sentence adjudged at court-martial.

SECTION 4: CLASSIFICATION AND USE OF MCFS

4.1. CLASSIFICATION AND LEVELS OF MCFS.

a. Classification.

To promote effective and efficient corrections programs, the Military Services will classify MCFs based on:

(1) The physical security features of the MCF.

(2) Assigned or available staff.

(3) The availability of treatment, training, and work programs.

b. Changes in Classification.

Changes in an MCF's classification must be staffed for comment with the Council and the USD(P&R) before implementation.

c. Levels of Facilities.

All MCFs will be classified as follows:

(1) Level I.

Minimum security facility capable of providing pretrial and post-trial confinement (up to 1 year) for minimum risk prisoners.

(2) Level II.

Medium security facility capable of providing pretrial and post-trial confinement (up to 10 years) for medium risk prisoners.

(3) Level III.

Maximum security facility designed for high risk, long-term (including life), and death sentence prisoners, and are capable of providing post-trial confinement exceeding that of Level II facilities. The United States Disciplinary Barracks (USDB) is the only Level III MCF and will not provide pretrial confinement. Level II facilities with a mission to confine Level III long-term prisoners may provide pretrial confinement.

4.2. LEVEL I MCF.

a. Authorization for Temporary Prisoners.

Level I MCFs may temporarily hold prisoners classified with a higher risk (e.g., pretrial prisoners, prisoners held for post-trial court appearances, or those pending transfer). Level I MCFs will not provide post-trial confinement for more than 1 year.

b. Characteristics of Level I MCF.

(1) A Level I MCF will at least include:

(a) A single-fenced perimeter with periodic roving patrol (by foot or vehicle).

(b) Internal security hardware and walls.

(c) Single cells.

(d) Multiple occupant cells or dormitory.

(e) At least five percent segregation cells (single cells).

(2) Level I MCFs require staff supervision and movement control based on design and population. MCFs co-located with military police or security forces stations do not require a single-fenced perimeter and may be designated by their respective Military Service as a Level I MCF.

(3) Level I MCFs must at least provide:

(a) Access to counseling services.

(b) Crisis intervention.

(c) Victim impact awareness.

(d) Work opportunities for prisoners with sentences over 6 months.

(e) Substance abuse and drug and alcohol education.

(4) If the minimum services in Paragraph 4.2.b.(3) are not possible, Service corrections headquarters may further limit the maximum period of post-trial confinement provided at that MCF.

(5) Prisoners of either sex may be confined in the same MCF, but sleeping and personal hygiene areas must be separated based on the prisoners' sex markers in the Defense Enrollment Eligibility Reporting System (DEERS).

c. Physical Security Features of Level I MCF.

All MCF physical security feature characteristics in Paragraph 4.2.b. are required for MCFs with final designs approved after March 11, 2013. MCFs in operation (or whose final designs were approved) before March 11, 2013 are exempt from these requirements.

4.3. LEVEL II MCF.

a. Characteristics of Level II MCF.

(1) A Level II MCF will at least include:

(a) A double-fenced perimeter with electronic detection system and internal security hardware and walls, with periodic roving patrol (by foot or vehicle) or towers.

(b) Single or double occupant cells.

(c) Between 6 and 12 percent segregation cells, which will be based on requirements determined by Service corrections headquarters.

(d) A wide variety of work and appropriate offense-specific programs based on the prisoners' needs.

(e) Less staff supervision and movement control than a Level III MCF, but more than a Level I MCF.

(2) Level II MCFs must at least provide:

(a) Crisis intervention counseling.

(b) Substance use treatment.

(c) Victim-impact awareness.

(d) Stress and anger management.

(e) Vocational training.

(f) Functional skills testing.

(g) Remedial education.

(h) High school-level education classes or a general equivalency diploma program.

(3) Programs at each Level II MCF should be based on a needs assessment of the prisoner population.

(4) Prisoners of either sex may be confined in the same MCF, but sleeping and personal hygiene

areas must be separated based on the prisoners' sex markers in DEERS.

b. Physical Security Features of Level II MCF.

All MCF physical security feature characteristics listed in Paragraph 4.3.a.(1) are required for MCFs with final designs approved after March 11, 2013. MCFs in operation (or whose final designs were approved) before March 11, 2013 are exempt from these requirements.

4.4. LEVEL III MCF.

a. Characteristics of Level III MCF.

(1) A Level III MCF will at least include:

(a) A double-fenced perimeter with electronic detection system.

(b) Internal security sensor system.

(c) High-security walls.

(d) Detention hardware.

(e) Roving patrol or towers.

(f) Single occupant cells.

(g) At least 15 percent segregation cells.

(h) Close staff supervision and movement control, with a higher staff to prisoner ratio than a Level II MCF.

(i) A wide variety of work and appropriate offense-specific programs based on the prisoners' needs.

(2) Level III MCFs must at least provide:

(a) Crisis intervention counseling.

(b) Substance use treatment.

(c) Victim-impact awareness.

(d) Stress and anger management.

(e) Vocational training.

(f) Functional skills testing.

(g) Remedial education.

(h) High school-level education classes or a general equivalency diploma program.

(3) Programs at Level III MCFs should include programs and services available in Level II MCFs based on a needs assessment of the prisoner population.

(4) Prisoners of either sex may be confined in the same MCF, but sleeping and personal hygiene areas must be separated based on the prisoners' sex markers in DEERS.

b. Physical Security Features of Level III MCF.

All MCF physical security feature characteristics listed in Paragraph 4.4.a.(1) are required for MCFs with final designs approved after March 11, 2013. MCFs in operation (or whose final designs were approved) before March 11, 2013 are exempt from these requirements.

SECTION 5: PRISONER ADMINISTRATION

5.1. PRISONER ADMINISTRATION.

a. Forms.

The common forms, available at https://www.esd.whs.mil/Directives/forms/, used for prisoner administration include:

(1) DD Form 506, "Daily Strength Record of Prisoners," or its electronic equivalent, will be used to report names and units of prisoners who were newly confined, released, transferred, escaped, hospitalized, or died.

(2) DD Form 510, "Prisoner Request," will be used to document a prisoner's request for an interview or communication with Correctional System staff and to record approval or disapproval of the request and staff remarks. It is archived in the prisoner's individual correctional prisoner file when completed.

(3) DD Form 515, "Roster of Prisoners," will be used for keeping a daily roster of the prisoners, including name, registration number, Military Service, sentence, minimum release date (MRD), and date of release or transfer.

(4) DD Form 553, "Deserter/Absentee Wanted by the Armed Forces," will be used to provide information to local, State, and/or Federal law enforcement officials when a prisoner escapes.

(5) DD Form 553-1, "Parole/Mandatory Supervised Release (MSR) Violator Wanted by the Armed Forces," will be used to provide information to local, State, and/or Federal law enforcement officials on parole violators wanted by the Military Services.

b. Responsibilities.

(1) MCFs must maintain:

(a) An individual correctional prisoner file on each prisoner.

(b) A daily strength record of prisoners using the DD Form 506.

(c) A daily roster of prisoners using DD Form 515.

(2) Service corrections headquarters will establish policy whereby a prisoner can request an interview or assistance from responsible MCF staff and include a system responsive to the prisoner. DD Form 510 will be used for such requests.

5.2. CLASSIFICATION PROCESS OF CUSTODY AND CUSTODY LEVELS.

a. Forms.

The forms, available at https://www.esd.whs.mil/Directives/forms/, used in the classification process, include:

(1) DD Form 512, "Installation Custody Agreement," will be used to identify and authenticate the prisoner's status as a trusty.

(2) DD Form 2710 will be used to collect a new prisoner's personal history to assist in the classification and assignment process. The information will also be used to evaluate progress toward rehabilitation and/or suitability for parole or clemency.

(3) DD Form 2711 will be used to collect a new prisoner's personal history to assist in the custody classification.

(4) DD Form 2711-1 will be used the approved objective classification process for Level I and Level II MCFs.

b. Classification Process.

(1) During the reception process, a prisoner (pretrial or post-trial) will receive an initial custody classification. Corrections officials will use DD Forms 2710 and 2711 to document the classification process.

(2) Level II MCFs with a mission to confine a small population of Level III long-term prisoners may use the Level II classification system.

(3) Level III MCFs will develop and use an objective classification system based on the assessed risk applicable to the prisoner.

(a) Assessed risk considered will be identified as internal and external risk.

(b) Substantive changes in this system must be coordinated with the Council at least 90 days before implementation.

c. Custody Levels.

The four custody levels are:

(1) Maximum Custody.

(a) Maximum custody prisoners require special custodial supervision due to:

1. The seriousness of their offenses;

2. A high risk of causing injury to self or others;

3. A high escape risk; or

4. The prisoner's disposition toward, or history of, being dangerous, violent, or noncompliant with confinement authorities, among other factors.

(b) Accordingly, quarters and work assignments may be assigned to ensure maximum control and supervision.

(2) Medium Custody.

Medium custody prisoners pose a minimal risk of harm toward others and adjust well to confinement and controlled institutional living. If authorized by the MCF commander, such prisoners may be assigned work details outside the MCF under continuous supervision.

(3) Minimum Custody.

(a) Minimum custody prisoners:

1. Do not pose a risk of harm towards others and the general public.

2. Adjust well to confinement and controlled institutional living.

3. Are considered by the MCF commander to be dependable to be assigned work details outside the MCF.

(b) If authorized by the MCF commander, such prisoners may be assigned work details outside the MCF under minimal supervision.

(4) Installation Custody or Trusty Prisoners.

(a) Trusty prisoners:

1. Have made progress in a correctional treatment program, having demonstrated a capability to function in society without deviant, violent, criminal, or wanton behavior.

2. Are considered by the MCF commander to be reliable and dependable.

3. Are able to live, work, and train with minimal supervision.

(b) With the installation commander's approval, and authorization by the MCF commander, trusty prisoners may be assigned work details or individual activities outside the MCF under minimal supervision. MCF commanders may grant other privileges deemed appropriate.

(c) The DD Form 512 will be used for installation custody agreements involving trusty prisoners.

5.3. CUSTODY LEVELS AND CLASSIFICATIONS FOR LEVEL I AND LEVEL II PRISONERS.

a. Initial Custody Classification.

(1) The forms, available at https://www.esd.whs.mil/Directives/forms/, used for custody classification include:

(a) DD Form 2710.

(b) DD Form 2711.

(2) During the reception process, a prisoner (pretrial or post-trial) must receive an initial custody classification. The initial risk assessment considerations will include, but are not limited to, the prisoner's:

(a) Length of sentence.

(b) Time served in confinement.

(c) Criminal behavior elements associated with increased risk.

(d) Mental health.

(e) Criminal history.

(f) Previous institutional adjustment.

(g) Existence of detainers.

(3) The Offense Severity Scale UCMJ Codes for DoD Use table, available at https://prhome.defense.gov/ will be used to score an offense severity to determine risk, including classification and parole.

b. Review of Custody Level.

(1) Timing of Review.

A prisoner's custody level within any given security level institution is routinely reviewed and may change for various reasons during the period of confinement.

(2) Custody Level Determination.

The review process that determines the prisoner's custody level will be in accordance with applicable Service MCF regulations and policy.

(3) Documentation.

All reviews must be documented in the prisoner's individual correctional file.

c. Reclassification.

(1) The DD Form 2711-1 will be used to reclassify a prisoner's custody level.

(2) A prisoner's custody-level reclassification will be conducted by the classification board in accordance with this issuance using the Offense Severity Scale UCMJ Codes for DoD Use Table (available at https://prhome.defense.gov/), and applicable Service regulations and policy.

d. Classification Risk Assessment Factors.

(1) In making the appropriate custody-level classification assignment, using an objective classification system, all facts and circumstances related to the UCMJ offense(s) for which the prisoner was convicted should be considered.

(2) Classification risk assessment considerations will include, but are not limited to, the prisoner's:

(a) Offense(s).

(b) History of violence and criminal history.

(c) Detainers and warrants.

(d) Sentencing.

(e) Status.

(f) Escape history.

(g) Institutional disciplinary history.

(h) Substance abuse history.

(i) Stability factors (e.g., age, employment, residence, family ties).

(j) Mental health.

(k) Quality of participation in treatment and educational programs.

5.4. CUSTODY LEVEL AND CLASSIFICATION FOR LEVEL III PRISONERS.

a. In making the appropriate custody-level classification assignment, in addition to the procedures in this issuance, Level III MCFs will use an objective classification system based on the assessed risk applicable to the prisoner.

b. Assessed risk considered will be identified as internal and external risk. Significant changes in this system must be coordinated with the Council at least 90 days before implementation.

c. Level II MCFs with a mission to confine a small population of Level III long-term prisoners will use the Level II classification system used at that MCF.

d. For classification risk assessments:

(1) In making the appropriate custody-level classification assignment, using an objective classification system, all facts and circumstances related to the UCMJ offense(s) for which the prisoner was convicted should be considered.

(2) Initial risk assessment considerations will include, but are not limited to, the prisoner's:

(a) Length of sentence.

(b) Time served in confinement.

(c) Criminal behavior elements associated with increased risk.

(d) Mental health.

(e) Criminal history.

(f) Previous institutional adjustment.

(g) Existence of detainers.

5.5. DISCIPLINARY AND ADMINISTRATIVE CONTROL MEASURES.

a. Forms.

The disciplinary and administrative forms used, available at https://www.esd.whs.mil/Directives/forms/, include:

(1) DD Form 503, "Health Assessment Certificate for Segregation," will be used to assess the prisoner's health and determine whether there are any medical reasons prohibiting the prisoner from being placed in segregated housing and any other protocols established by the MCF healthcare practitioners.

(2) DD Form 509, "Inspection Record of Prisoner in Segregation," will be used to record daily staff visits and any special instructions or remarks.

(3) DD Form 2713, "Prisoner Observation Report," will be used to document a prisoner's behavior, both positive and negative, in situations not covered in other related forms.

(4) DD Form 2714, "Prisoner Disciplinary Report/Action," will be used to document a prisoner's violation of MCF rules and regulations.

b. Administrative or Disciplinary Actions.

MCF commanders or designated representatives may impose:

(1) Disciplinary measures on a prisoner due to misconduct, rules violations, or adjustment problems.

(2) Administrative control measures on a prisoner to maintain good order and discipline, prevent injuries, maintain proper health standards, and ensure safety.

c. Types of Disciplinary Measures.

(1) Form.

The DD Form 2714 must be used to report prisoner infractions of rules and regulations.

(2) Types of Administrative Action.

MCF commanders or designated representatives are authorized to impose one or more disciplinary measures on a prisoner confined under their jurisdiction for misconduct or infraction of regulations, including, but not limited to:

(a) Reprimand or warning.

(b) Loss of one or more privileges, or restrictions on movement or activities.

(c) Extra duty.

(d) Reduction of custody or classification.

(e) Forfeiture or suspension of earned good conduct time (GCT), earned time (ET) abatement, or special acts abatement (SAA). See Glossary for specific requirements.

(f) Disciplinary segregation.

(g) Restitution for damages or loss of property belonging to the facility or persons.

(3) Timing.

A suspension period of any disciplinary measure must not exceed 6 months.

(4) Approval Authority.

The MCF commander or designated representative must approve any disciplinary measure before imposition and must commence as approved.

(5) Restoration.

(a) MCF commanders may restore any action imposed as a disciplinary measure, including suspended or forfeited GCT, ET, or SAA from any prior commander or activity.

(b) The Commandant, USDB, may restore any action imposed as a disciplinary measure, including suspended or forfeited GCT, ET, or SAA for prisoners permanently transferred to FBOP.

d. Segregation.

A prisoner may be placed in segregation for either administrative or disciplinary reasons. The individual placing a prisoner in segregation must document the basis for doing so in a memorandum for record.

(1) Supervision in Segregation.

A prisoner in segregation must be closely supervised and precautions will be taken in preparing, equipping, inspecting, and supervising segregation quarters to maintain a healthy environment and prevent escapes and injuries.

(2) Transfer to Segregation.

(a) When a prisoner is transferred to segregation, healthcare personnel will be informed immediately.

(b) Healthcare personnel will assess the prisoner using the DD Form 503 and other protocols established by the MCF health authority.

(3) Review of Prisoner Medical Conditions.

(a) Healthcare personnel will visit the prisoner in segregation at least once each day to observe the prisoner's health and the sanitary conditions of the segregation.

(b) Healthcare personnel will immediately inform the MCF commander of any unhealthful, unsafe, or unsanitary condition and document their findings in a memorandum for record. The MCF commander will ensure immediate and appropriate action is taken to correct any noted problems.

(c) The MCF commander or designated representative will conduct a daily visit to prisoners in segregation and document the visit on the DD Form 509.

(4) Review of Segregation Status.

(a) Initial Review.

When segregation is imposed, the MCF commander or designated representative must review the action within 72 hours.

(b) Continuing Review.

The classification board or other authorized staff group will review the status of a prisoner in administrative segregation and protective custody every 7 days for the first 2 months and at least every 30 days thereafter.

(c) Confinement Over 30 Days.

Continuous confinement in administrative segregation (including for protective custody) for over 30 days requires the MCF commander's review and approval.

1. When a prisoner has been in administrative segregation (including for protective custody) for 30 days, a qualified or credentialed mental health provider will personally interview the prisoner(s) at the 30-day point and prepare a written report on whether the prisoner should remain in segregation.

2. If administrative segregation (including for protective custody) continues beyond 30 days, a mental health assessment by a qualified or credentialed mental health provider will be made at least every 3 months – or more frequently, if prescribed by a qualified or credentialed mental health provider.

e. Prisoner Rights When Disciplined or in Segregation.

(1) A prisoner is entitled to an informal evidentiary hearing before a discipline and adjustment (D&A) board on the need for disciplinary segregation. At least 24 hours in advance of the hearing, the prisoner will be notified, in writing, of the basis for disciplinary segregation and of the prisoner's opportunity to make an oral or written statement.

(2) The MCF commander will appoint an individual as the hearing officer to conduct the hearing, review the evidence, and make recommendations to the MCF commander or designated representative.

(3) The hearing officer's recommendation will not be binding on the MCF commander or designated representative. If the MCF commander or designated representative disagrees with the recommendation, the prisoner will be provided the rationale in writing.

(4) A prisoner may only be placed in disciplinary segregation for a rules violation after consideration by a D&A board and approval by the MCF commander or designated representative. A prisoner held in disciplinary segregation for more than 60 days must be provided the same program services and privileges as a prisoner in administrative segregation.

5.6. TYPES OF BOARDS.

a. Forms.

The forms boards should use, available at https://www.esd.whs.mil/Directives/forms/, include:

(1) DD Form 2714.

(2) DD Form 2715, "Clemency/Parole Submission," will be used to forward a clemency/parole package to the Military Department C&PB.

(3) DD Form 2715-1, "Disposition Board Recommendation," will be used to record the disposition board recommendation regarding clemency, restoration/return to duty, MSR, parole, supplemental/special clemency, or other recommendation by the Military Department C&PB.

(4) DD Form 2715-2, "Prisoner Summary Data," will be used to record information about individual prisoners upon confinement and their progress in confinement.

(5) DD Form 2715-3, "Prisoner Restoration/Return to Duty, Clemency and Parole Statement," will be used to provide information that allows military officials to review prisoners' requests for restoration/return to duty, clemency, or parole and to provide recommendations to the appropriate Military Department C&PB.

(6) DD Form 2719, "Correctional Facility Continuation Sheet," will be used as a continuation sheet for DD correctional forms used as needed.

(7) Their electronic equivalents:

(a) Prisoner Assessment Tool Targeting Estimated Risk and Need (known as PATTERN), completed by FBOP staff.

(b) Summary Reentry Plan - Progress Report, completed by FBOP staff.

b. Purpose of Boards.

(1) D&A Boards.

(a) D&A boards will evaluate facts and circumstances surrounding alleged prisoner violations of institutional rules and UCMJ violations. Based on its findings, the board will recommend whether administrative action should be taken to the MCF commanders or designated representatives.

(b) Administrative action may be recommended for a prisoner as a result of misconduct, rules violations, or adjustment problems.

(2) Disposition Boards.

(a) Each MCF will establish a disposition board (in person, telephonic, or video teleconference) to make recommendations for a prisoner's clemency, parole, and MSR.

(b) Parole, clemency, and MSR requests will be forwarded, along with the disposition board's recommendation, through the MCF commander to the appropriate Military Department C&PB.

(c) For Service members transferred to FBOP facilities, the Commandant, USDB, will coordinate with the FBOP for input beforehand. The Commandant, USDB, will make clemency, parole, and MSR recommendations to the Military Department C&PBs.

(d) The Commandant, USDB will:

1. Coordinate with the FBOP to obtain documents for clemency, parole, and MSR reviews.

2. Submit documents, as required, to the Military Department C&PB concerned for its Military Department's prisoners confined in the FBOP facilities.

3. Coordinate with FBOP to access the FBOP facility where the prisoner is housed to conduct in-person, telephonic, or video teleconference disposition boards if appropriate.

(e) The transferring MCF will:

1. Coordinate with the USDB for the documents provided by the FBOP.

2. Forward the completed disposition board packet to their respective Military Department C&PB in accordance with applicable Service policy.

(3) Classification and Assignment Boards.

An MCF may establish a classification and assignment board, or use the disposition board, to review and recommend custody levels, work and billeting assignments, and treatment program or training assignments.

c. Administrative Control.

(1) The forms used for administrative control, available at https://www.esd.whs.mil/Directives/forms/, include:

(a) DD Form 2712, "Prisoner Evaluation," will be used to document performance.

(b) DD Form 2713 will be used to document a prisoner's behavior, both positive and negative, and other situations not covered in related forms.

(c) DD Form 2714 will be used to record information about rules violations by a prisoner, a summary of any related investigation, findings, and disposition.

(2) MCF commanders or designated representatives may impose:

(a) Disciplinary measures on a prisoner due to misconduct, rules violations, or adjustment problems.

(b) Administrative control measures on a prisoner to maintain good order and discipline, prevent injuries, maintain proper health standards, and ensure safety.

5.7. PRISONER TREATMENT.

a. Forms.

The forms used to monitor prisoner treatment and payment for a prisoner's health and comfort supplies include:

(1) DD Form 504, "Request and Receipt for Health and Comfort Supplies," available at https://www.esd.whs.mil/Directives/forms/, will be used for requesting and receiving health and comfort supplies, which may be paid for from the prisoner's personal funds.

(2) Standard Form 1034, "Public Voucher for Purchases and Services other than Personal," available at https://www.esd.whs.mil/Directives/forms/sd_forms/, will be used to identify the creditor and amount to be paid for a prisoner's health and comfort supplies.

b. PREA.

(1) The Military Services operating Level I, II, and III MCFs in the United States will develop and implement rules and procedures to satisfy PREA requirements. Strict enforcement measures and standardized requirements will be in accordance with PREA and Part 115 of Title 28, Code of Federal Regulations, also known as the "Prison Rape Elimination Act National Standards."

(2) The Council will oversee PREA-related issues and requirements and will ensure each Military Service develops and maintains effective inspection standards, based on the applicable MCF's mission.

(3) Military Services operating Level I, II, and III MCFs in the United States will designate a PREA coordinator (at least a GS-11 or above or in the grade of E-7 or above) who will develop, implement, and oversee Departmental MCF compliance with PREA standards.

(4) MCF commanders will maintain zero-tolerance for sexual abuse, sexual harassment, and all other types of violence in an effort to prevent, detect, and respond to sexual abuse in their MCFs. As applicable, MCF policies, procedures, and standards regarding PREA will at least include provisions regarding:

(a) General prevention planning to meet PREA inspection standards and ensure that eliminating sexual assault and sexual harassment in MCFs remains a high priority.

(b) Designating a PREA Compliance Manager.

(c) Hiring, supervising, and monitoring corrections personnel and prisoners, as applicable.

(d) Configuring facilities and using technology (e.g., placing surveillance cameras).

(e) Protocols for investigating, collecting and handling evidence, training, education, screening, collecting data, storage, and auditing.

1. These protocols will be consistent with the provision that all allegations of sexual abuse, regardless of severity, which the MCF becomes aware of will be reported immediately to the appropriate military criminal investigative organization (MCIO).

2. The MCIO may determine that the case does not fall under their purview in accordance with the respective Military Department's protocol or regulations and, in such cases, a trained facility investigator will investigate.

3. Protocols will require that allegations of sexual abuse, sexual harassment, and all other types of violence be reported immediately to the appropriate trained investigator.

(f) Reporting, responding to, and accessing care and support services in accordance with PREA standards and this issuance.

(g) Searching and viewing prisoners.

(h) Providing appropriate funding for implementing Military Department PREA policies, procedures, and standards.

(i) The PREA requirement that the MCF or other appropriate authority conducts a sexual abuse incident review at the conclusion of every investigation.

1. This review will be conducted in all cases except where the allegation of sexual abuse has been by determined to be unfounded.

2. The MCF will review data collected to improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training.

(j) Other items, as deemed essential by the Council or the Military Department concerned.

c. Reporting Incidents of Sexual Abuse and Sexual Harassment.

(1) Investigation Procedures.

(a) The Military Service must investigate all allegations of sexual abuse and sexual harassment involving a prisoner, in accordance with PREA.

(b) Prisoners may report sexual abuse and sexual harassment following the procedures in this section. The Military Services may provide additional anonymous means in addition to these procedures.

(2) Reporting Allegations of Sexual Assault.

(a) All prisoners will have two options to report allegations of sexual assault:

1. An unrestricted report to law enforcement, for prisoners who want an official investigation and command notification in addition to healthcare, including forensic examination, victim advocacy, and legal services; or

2. An anonymous report, for prisoners who want to privately disclose the allegation and remain anonymous during the mandatory investigation required by PREA.

(b) Prisoners do not have a restricted reporting option pursuant to PREA. Consequently, reporting options for prisoners are controlled by PREA, not by the DoD sexual assault prevention policies in DoDD 6495.01 and DoDI 6495.02.

(c) A prisoner may anonymously report sexual abuse and sexual harassment using the DoD Safe Helpline (202-540-5962).

1. Anonymous reports submitted through the DoD Safe Helpline will be routed to the MCF commander or designated representative via the agency PREA coordinator through DoD Sexual Assault Prevention and Response Office (SAPRO).

2. If the prisoner wants to file an unrestricted report, the DoD Safe Helpline personnel will provide a "warm hand-off" to the appropriate sexual assault response coordinator (SARC) and sexual assault prevention and response victim advocate or a local point of contact that the MCF designates in accordance with DoDD 6495.01 and DoDI 6495.02.

(d) Sexual abuse victims must be protected, treated with dignity and respect, and receive timely access to appropriate and comprehensive medical treatment in accordance with applicable MCF procedures. Regardless of their reporting option, sexual assault victims must receive all statutory and regulatory protections, including access to medical and mental health care in anonymous reports of sexual assault (e.g., going directly to medical care or approaching a chaplain to facilitate access to medical care).

(e) The SARC must immediately notify the MCF commander or designated representative and provide any additional voluntary information about the incident provided by the prisoner. If the prisoner declines to be connected to the SARC or any other additional

assistance, appropriate DoD Safe Helpline personnel will notify DoD SAPRO in accordance with established protocol.

1. If required by the protocol, DoD SAPRO will notify the MCF commander or designated representative via the agency PREA coordinator of the anonymous report, based on the information provided by the prisoner. If the prisoner made an anonymous report, their name, registration number, and social security number must not be identified.

2. Sexual assault victims seeking healthcare associated with the assault must be offered healthcare in accordance with DoDI 6310.09.

(f) In cases of alleged sexual abuse, the MCF commander or designated representative must contact the responsible MCIO, which will conduct a criminal investigation based on the available information in accordance with DoDI 5505.18. If the MCIO determines the specific allegations are not within its purview, the MCF commander or designated representative will provide the available information to the responsible facility investigator.

(3) Crisis Intervention.

(a) The DoD Safe Helpline will provide crisis intervention services for prisoners who have been sexually abused and provide appropriate referrals to other support services.

(b) MCFs will continue to make the Safe Helpline accessible to prisoners and publicize the DoD Safe Helpline for crisis intervention for prisoners who have been sexually abused and provide appropriate referrals to other support services.

(4) Anonymous Report of Sexual Harassment.

(a) A prisoner may make an anonymous report of sexual harassment in accordance with applicable Military Department procedures.

(b) In all cases of reported sexual harassment, the MCF commander must contact the responsible facility investigator, who will investigate based on the available information.

d. Sex Offender Registration.

(1) A Service member who is convicted in a general or special court-martial of any covered offense listed in the tables, "Offenses Defined Before October 1, 2007 Requiring Registration," "Offenses Defined On or After October 1, 2007 and Before June 28, 2012 Requiring Registration," "Offenses Defined On or After June 18, 2012 Requiring Registration," and "Offenses Defined On or After January 1, 2019 Requiring Registration," (available at https://prhome.defense.gov/ and referred to in this issuance as the "covered offenses tables"), must register with the appropriate authorities in the jurisdiction (i.e., State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the U.S. Virgin Islands, and Native American Tribes) in which they will reside, work, or attend school upon leaving confinement, or upon conviction (if not confined) in accordance with DoDI 5525.20.

(2) Appropriate DoD officials, as designated in implementing Service regulations, must inform the prisoner of their duty to register and must inform the appropriate officials in the offender's jurisdiction as soon as possible after conviction (if not confined) and before the prisoner's release (if confined) using the DD Form 2791, "Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements," available at https://www.esd.whs.mil/Directives/forms/. Failure to notify an offender of this requirement will not serve to relieve that offender of their duty to register.

(3) A Service member convicted of any offenses listed in the covered offenses tables, or convicted of similar offenses, must be advised that the individual jurisdictions in which the offender might live, work, or attend school may require registration for offenses not listed. Each registration jurisdiction sets its own sex offender policy and laws.

(4) Sex offenses committed before October 1, 2007, requiring registration are included in the table, "Offenses Defined Before October 1, 2007 Requiring Registration," available at https://prhome.defense.gov. However, reporting may still be required if the offense contained elements that would require reporting if the offense occurred on or after October 1, 2007.

(5) Notwithstanding the covered offenses listed in the covered offenses tables, offenses listed in Articles 120 or 134 of the UCMJ that constitute only public sex acts between consenting adults do not require sex offender registration (i.e., indecent conduct).

(a) An offense involving consensual sexual conduct between adults is not a reportable offense, unless the adult victim was under the custodial care of the offender at the time of the offense.

(b) Additionally, an offense involving consensual sexual conduct is not a reportable offense if the victim was at least 13 years old and the offender was not more than 4 years older than the victim (as determined by date of birth), in accordance with Section 20911(5)(C) of Title 34, U.S.C.

e. Medical Evaluation of Prisoners.

(1) MCF healthcare personnel and other Military Department medical professionals who treat prisoners confined in Level I, II, and III MCFs will at least:

(a) Obtain the prisoner's medical records with the prisoner's consent. In general, healthcare will be provided with the prisoner's consent. Standard exceptions for lifesaving emergency medical care provided to a patient incapable of providing consent or for care necessary to protect public health, such as to prevent the spread of communicable diseases, will apply.

(b) Develop an individualized assessment, evaluation, and treatment plan that promotes the physical and behavioral health of the patient.

(c) Update and review all treatment plans, as necessary.

(d) Consult or arrange for care with healthcare specialists when the patient's needs exceed local capabilities.

(2) Clinicians will apply their professional medical judgment in providing care and treating prisoners and will adhere to the same medical standards applicable to all Military Service personnel.

(3) MCF healthcare personnel and other Military Department medical professionals who treat prisoners will maintain complete, accurate, and timely patient data and medical records in accordance with DoDIs 6025.18, 6040.40, 6040.42, and 6040.45.

(4) Nothing in this issuance may be construed to alter any legal obligations of healthcare personnel under applicable law.

f. Medical Treatment Outside Medical Treatment Facilities.

(1) Memorandum of Understanding (MOU) Consideration.

(a) If the MCF is not able to treat a specific physical or mental health condition, healthcare practitioners will first consider all MOUs. An MOU may allow the patient to be transferred or receive healthcare outside of the MCF, such as FBOP, DoD medical treatment facilities, or civilian public and private hospitals or medical treatment facilities.

(b) If no MOUs or agreements exist, healthcare practitioners must consider either providing care through outside consultation or arranging transport for patients to receive care outside the MCF.

(2) Temporary Medical Transfer.

Before temporarily transferring a prisoner to FBOP, the MCF commander must review FBOP Health Service and DoD Interagency Agreement 670-02 for Temporary Medical Transfers.

(3) Factor for Determining Transfers.

Factors for determining whether an MCF should recommend transferring a prisoner to a FBOP facility or other medical treatment facility outside the MCF for temporary, non-emergent medical treatment, include:

(a) The nature and circumstances of the prisoner's sentence, including length of sentence to confinement.

(b) Whether the required medical care exceeds the capacity of the DoD corrections system.

(c) Any other special circumstance relating to the prisoner, the needs of the Military Department, or the interests of national security. A prisoner's desire to be, or not to be, transferred to the FBOP need not be considered in making the transfer decision.

(4) Communication.

The DoD Executive Agent for Level III Corrections, FBOP officials, and other healthcare personnel will maintain direct lines of communication, through established points of contact, to ensure the timely exchange and delivery of appropriate medical and mental healthcare.

g. Restrictive Housing Standards.

(1) Military Departments operating Level I, II, and III MCFs in the United States will develop and implement necessary rules and procedures to satisfy the requirements of limiting the use of restrictive housing and the Department of Justice's "Guiding Principles," which are intended as best practices for MCFs in the United States.

(2) All prisoners confined in Level I, II, and III MCFs will be housed in the least restrictive setting necessary to ensure their own safety, as well as the safety of staff, other prisoners, and the public. Restrictive housing should always serve a specific penological purpose.

h. Health and Comfort Supplies.

(1) Supplies necessary for personal hygiene and maintaining good health will be provided to all prisoners. The Military Services may also provide supplies for comfort and establish monetary or quantity limitations on any supplies and other limitations as deemed appropriate by Service corrections headquarters.

(2) Supplies issued to prisoners in a non-pay status will be paid from appropriated funds. The cost of health and comfort supplies provided to prisoners in a military pay status will be charged against their military pay accounts using the DD Form 504.

i. Using Prisoner's Personal Funds.

(1) Prisoners' personal funds will be held in safekeeping.

(2) In addition to a gratuitous issue for prisoners in a non-pay status for health and comfort items, a prisoner may be permitted to use personal funds for other items, as authorized by the MCF commander. For example, additional use of personal funds may be permitted for special purposes such as purchasing educational materials, remittances to dependents, paying debts or attorney's fees, or restitution to victims.

(3) Service corrections headquarters may impose reasonable limitations on a prisoner's use of personal funds.

j. Clothing Allowances.

(1) The MCF commander may prescribe mandatory clothing or uniforms for a prisoner confined in an MCF.

(2) If a distinctive prisoner uniform is prescribed, it must be provided at government expense. All necessary items of clothing for a prisoner confined in a non-pay status will be provided at government expense.

(3) A prisoner will wear prescribed Service uniforms during appearances before courts-martial and post-trial hearings, if not discharged, as determined by the local staff judge advocate's office, and for other appropriate events and occasions as authorized by the MCF commander.

(4) A unit commander confining a prisoner at an MCF will be responsible for all clothing items prescribed by the MCF's Service corrections headquarters.

(a) Permanent issue items, except for distinctive prisoner clothing, will be subject to personal funds withdrawal if the prisoner is in a pay status.

(b) In cases requiring issuing Service-unique items to members of other Military Services, reimbursement may be made on a cross-Service basis.

k. Gratuities.

(1) The MCF may provide a prisoner who is not returning to duty suitable clothing in addition to other grants and gratuities upon the prisoner's release from the MCF.

(2) These gratuities are permissible using Standard Form 1034 in accordance with Volume 7A of DoD 7000.14-R.

SECTION 6: MCF ADMINISTRATION

6.1. PROGRAM ADMINISTRATION AND TYPES OF PROGRAMS.

a. Forms.

The forms used for program administration, available at https://www.esd.whs.mil/Directives/forms/, include:

(1) DD Form 499, "Prisoner's Mail and Correspondence Record," will be used to record the offender's approved correspondents and notify the offender that all incoming mail with the exception of privileged correspondence will be inspected and what actions may be taken regarding inappropriate mail or questionable privileged correspondence. The form may also be used to record the issuance and number of postage stamps.

(2) DD Form 2712 will be used to document performance in work and training.

(3) DD Form 2704 will be used to:

(a) Inform victims and witnesses of their post-trial rights.

(b) Determine whether the victim or witness of a crime elects to be notified of changes in the confinement status of a convicted criminal offender.

(c) Record the election by the victim or witness of their desire to be notified about subsequent changes in prisoner status.

b. Administration.

(1) Regular work, training, and rehabilitation programs should be conducted to:

(a) Offset a prisoner's costs.

(b) Increase the prisoner's usefulness.

(c) Prevent idleness.

(d) Aid in alleviating custodial problems.

(e) Prepare the prisoner for release from confinement and successful reentry into the community.

(2) A prisoner's participation in such programs should be based on the MCF's needs and resources and the prisoner's needs in terms of confinement, capabilities, motivation for successful adjustment, and preparing for community release. The combined time spent in training programs and employment should approximate the workday in the outside community.

(3) A prisoner should be afforded a reasonable opportunity to participate in basic educational, vocational, and rehabilitative training and useful government work consistent with available facilities, personnel, and resources.

(4) Each Military Service will establish policies and procedures for prisoner return-to-duty programs.

(a) The scope of these programs should be determined by available Service resources, facilities, personnel, and needs.

(b) A prisoner will be evaluated in accordance with their Service regulations for suitability for the program and provided appropriate opportunities to improve potential for return-to-duty.

(5) Except in the case of a prisoner sentenced to death, prisoners will be afforded reasonable opportunities to participate in meaningful treatment programs. Programs should be offered based on the MCF's capabilities and classification level and prisoner needs. Level II and III MCFs will provide reasonable opportunities for participation in offense-related treatment programs. Significant changes in treatment programs, including proposals to discontinue established programs in Level II and III MCFs, will be coordinated with the Council and OUSD(P&R) at least 120 days before proposed implementation. Treatment programs should include current behavioral theory and treatment methodology while ensuring staff and prisoner safety and security.

(6) Except in the case of a prisoner sentenced to death, all medically able prisoners will be required to engage in useful work projects or vocational training to develop occupational skills and good work habits consistent with the prisoners' custody level, skills, and physical abilities.

(7) MCF commanders should promote opportunities for on-the-job training consistent with prisoner custody classification, the prisoner's need for retraining to increase employability upon release, and MCF resources.

(a) When authorized by law and Service regulations, prisoners in a non-pay status may be compensated for work performed as part of a correctional program using appropriated funds.

(b) Vocational training will be designed to provide prisoners with apprenticeship and training certificates from the Department of Labor to provide meaningful occupational skills to enhance reentry to society upon release.

(8) The Military Services should establish vocational training programs in Level II and Level III MCFs.

(a) Vocational training will be designed to provide prisoners with the opportunity to acquire meaningful occupational skills.

(b) MCFs may also operate prisoner vocational training as non-appropriated fund instrumentalities.

c. Exercise, Morale, and Recreation Activities.

(1) MCFs should provide morale and recreation activities to maintain a prisoner's physical condition and mental health consistent with personnel, space, and other resources necessary to conduct a safe, efficient, and effective program.

(2) Morale and recreational activities should include appropriate access to fiction and nonfiction books, periodicals, newspapers, motion pictures, radio, television, physical recreation facilities and equipment, competitive sports, and special programs and events.

(3) Military Services may authorize using funds generated by a prisoner's work to supplement other available sources of funds for morale and recreation activities.

d. Religious Activities.

(1) A prisoner should be afforded opportunities to participate in religious activities, consistent with personnel, space, and other resources necessary to conduct a safe, efficient, and effective program.

(2) Religious and spiritual activities should be designed to accommodate a variety of religions in accordance with DoDI 1300.17.

(3) Authorized religious activities in an MCF include worship services, sacramental ministry, pastoral counseling, religious education, spiritual growth, prayer, and meditation.

(4) Religious practices that include controlled substances are prohibited unless the Service corrections headquarters, following consultation with a legal advisor, determines that such use is consistent with applicable law and DoD policy.

e. American Red Cross.

In accordance with existing agreements, the American Red Cross may be used as the primary agency to provide a prisoner with community and family information.

6.2. ADMINISTRATIVE MATTERS.

a. Correspondence and Visits.

(1) An MCF commander may limit correspondence and visiting privileges for a prisoner based on protecting public safety, an MCF's schedule, space, or institutional order and security.

(2) Visits or correspondence with a prisoner may be limited when necessary to maintain security and control or based on the prisoner's treatment program.

(a) Visits and correspondence with persons who are not victims or witnesses may be approved by the MCF commander if the visit or correspondence would be in the prisoner's best interests and not inconsistent with safety and security of the community and the MCF.

(b) Correspondence with a prisoner in another MCF will not be permitted unless such individual is an immediate family member and the correspondence is approved in advance by the MCF commanders of both facilities.

(3) Special administrative measures may be taken to prevent acts of violence or terrorism and compromising national security. Types of measures include reviewing, limiting, or confiscating prisoner correspondence, privileged and non-privileged, when circumstances warrant and consistent with this issuance.

(a) These procedures may be implemented upon written notification to the Secretary concerned, by the head of a Federal law enforcement agency or U.S. intelligence agency that there is a substantial risk that a prisoner's communications or contacts with persons could result in:

1. Death or serious bodily injury to person; or

2. Substantial damage to property that would entail the risk of death or serious bodily injury to persons.

(b) When the head of a Federal law enforcement agency or U.S. intelligence agency reports to the Secretary concerned, that a reasonable suspicion exists to believe that a particular prisoner may use communications with attorneys or their agents to further acts of violence, terrorism, or to compromise national security, the procedures prescribed by the Secretaries concerned may be implemented to monitor communications that are traditionally covered by attorney-client privilege.

(c) Except in the case of prior court authorization, the MCF commander will provide written notice to the prisoner and to the attorneys involved before initiating monitoring or review in accordance with Paragraph 6.2. The notice will explain that communications between the prisoner and attorneys:

1. May be monitored, to the extent determined to be reasonably necessary for the purpose of deterring future acts of violence or terrorism.

2. Are not protected by attorney-client privilege if they would facilitate criminal acts or a conspiracy to commit criminal acts, or if those communications are not related to seeking or providing legal advice.

(4) The Secretary concerned will employ procedures to ensure that all attorney-client communications are reviewed for privilege claims, and that a privilege team consisting of individuals not involved in the underlying investigation, is designated. Monitoring will be conducted pursuant to procedures established by the Secretary concerned to minimize the intrusion into privileged material or conversations.

(5) Restrictions will not be placed on the number of letters to and from authorized correspondents, except as necessary to maintain security and control, or to prevent unreasonable or excessive individual use of outgoing mail privileges. Restrictions or limitations on correspondence privileges requires approval by the MCF commander.

(6) Disapproved correspondence and visitor requests will be documented as a permanent part of the prisoner's file and the prisoner will be notified of the disapprovals.

(7) A prisoner's letters containing accusations, charges, or complaints will be forwarded through the proper channels established by the Military Department to the official who has the authority to correct the complaint or alleged wrong. Petitions or writs for release will be forwarded to the proper authority, determined by the Military Department.

(8) A prisoner may receive packages and articles other than correspondence, under reasonable terms, conditions, and limitations approved by the MCF commander.

(9) A prisoner will be provided reasonable postage as a health and comfort item. Postage for a prisoner in a non-pay status will be purchased from appropriated funds. A prisoner in a pay status may purchase their postage using personal funds.

(10) MCF commanders not permitting prisoners to maintain stamps will use DD Form 499 to ensure proper accountability of individual stamp accounts.

(11) A prisoner may be allowed reasonable opportunity to make telephone calls at no expense to the government.

(a) The MCF commander may monitor and limit the number and length of a prisoner's telephone calls unless the call is to an attorney of record.

(b) The MCF will provide a telephone that is not monitored for a prisoner to call their attorney(s) of record, prospective attorney of record, or clergy member. Telephone calls to non-government attorneys or non-government clergymen will be at no expense to the government. MCF commanders will ensure staffing during normal duty hours needed to schedule telephone calls between prisoners and their attorney(s) of record.

(c) Personal interviews and telephonic communications between a prisoner and media representatives are not authorized unless the MCF commander or designated representative determines that such interview or communication serves a legitimate public interest or is in the best interest of the military. Service regulations will specify procedures for approving and conducting personal interviews between prisoners and the media. Written communication with media representatives is permitted in accordance with this issuance and Service regulations.

b. Correspondence and Visits with Victims or Witnesses.

(1) Any form of contact with a victim or witness requires the MCF commander's approval.

(2) Correspondence and visits with family members should be approved unless the MCF's security needs, the prisoner's treatment program, or the circumstances of the offense committed warrant limitations or disapproval.

(3) For the protection, health, safety, and welfare of the victims and witnesses, correspondence and visits with victims will ordinarily not be permitted. However, if the victim or witness is an immediate family member, the correspondence or visit may be approved in advance by the MCF commander.

(a) Victims and witnesses include, but are not limited to, all those persons listed on the DD Form 2704 or named in any specification that resulted in a finding of guilty and has not been dismissed upon appellate review.

(b) A prisoner may not request or cause a third party to contact a victim or witness without the advance approval of the MCF commander.

c. Privileged Mail.

(1) Privileged mail (incoming and outgoing) will be opened in the prisoner's presence in accordance with this issuance (see Paragraph 6.2.a. for special considerations and exceptions).

(2) Military and civilian attorneys of record must mark "Privileged Mail" on the front of the envelope for it to be considered privileged mail. Initial correspondence with any attorney listed in professional or other directories that is marked "Privileged Mail" on the front of the enveloped will be considered privileged mail.

6.3. STAFFING AND PERSONNEL REQUIREMENTS.

a. Corrections Personnel.

(1) Major Duties.

Correctional personnel will be responsible for the security and control of prisoners.

(2) Knowledge Required by Position.

Correctional personnel will be:

(a) Graduates of civilian or military corrections training programs;

(b) Former corrections officials or employees; or

(c) Specialists at military or civilian confinement facilities.

(3) Training.

(a) Security staff performing a corrections mission at a police or security station determined to be a Level I MCF by the Military Service will meet Service-training requirements.

(b) The Military Services are encouraged to:

1. Adopt and employ appropriate training and certification models specified within nationally accepted correctional industry accreditation standards (e.g., ACA) to deliver consistent application of correctional practices.

2. Incorporate correctional practices, standards, policy management, and compliance accountability protocols consistent with ACA accreditation standards, including recommended data management platforms, systems, and functional methodologies.

b. Chaplaincy.

(1) Chaplaincy personnel will be responsible for providing religious instruction, guidance, and services for prisoners, including facilitating reporting sexual assault (e.g., anonymous or unrestricted reports).

(2) All chaplains must successfully complete four units of clinical pastoral education (three units of Level 1 certification and one unit of Level 2 certification).

c. Healthcare Personnel.

Level I, II, and III healthcare personnel will be trained to support MCF commanders and operations, including PREA requirements.

d. Healthcare Practitioners.

Healthcare practitioners will:

(1) Be responsible for prisoner health and the sanitary conditions of the MCF.

(2) Complete the continuing education necessary to retain licensure.

(3) Ensure medical support staff are trained in triage, basic life support, and emergency medical procedures.

e. Licensed and Credentialed Mental Healthcare Professionals.

Mental healthcare professionals will:

(1) Be responsible for assessing and treating prisoners presenting special personality problems or psychiatric disorders.

(2) Be licensed and credentialed psychiatrists, clinical psychologists, social workers, or mental health technicians.

(3) Complete the continuing education necessary to retain licensure and ensure medical support staff remain trained in triage, basic life support, emergency medical procedures, and serve as a resource to facilitate the disclosure of a sexual assault.

(4) Explain whether medical professionals are required to report a disclosure of sexual assault (e.g., anonymous or unrestricted reports).

(5) Ensure mental health technicians receive training commensurate with their duties, including PREA, as well as the same topics of assessment and treatment of personality disorders and other mental health disorders.

(6) Facilitate the disclosure of a sexual assault in accordance with PREA.

(7) Explain whether mental healthcare professionals are required to report a disclosure of sexual assault (e.g., anonymous or unrestricted reports).

f. Correctional Treatment Personnel.

(1) Corrections treatment personnel will:

(a) Compile case histories and other background data required to plan correctional programs for a prisoner and provide the basis for recommending clemency, restoration to duty, or other appropriate disposition.

(b) Assess a prisoner's educational needs and provide educational training and programs. Positions titled as supervisors and interviewers or instructor personnel.

(c) Assess a prisoner's vocational needs and provide vocational programs. Positions titled as supervisor and interviewers or instructor personnel.

(d) Counsel a prisoner. Positions titled as correctional counselors.

(e) Have no civilian felony convictions or court-martial convictions for any offense for which a maximum authorized sentence to confinement exceeded 1 year, whether or not adjudged to be in excess of 1 year.

(f) Meet ACA pre-service and in-service training standards. Security staff performing a corrections mission at a police or security station determined to be a Level I MCF by the Military Service will meet Service training requirements.

(2) Transient personnel must not be used for functions involving contact with a prisoner, except when approved by the Service corrections headquarters that oversees the MCF.

SECTION 7: CLEMENCY, RESTORATION, REENLISTMENT, AND PAROLE

7.1. AUTHORITIES AND RESPONSIBILITY FOR CLEMENCY, PAROLE AND MSR.

The Secretary of the Military Department concerned may remit or suspend a part or all of the unexecuted portion of any sentence, other than a sentence approved by the President, adjudged by a court-martial for a prisoner who, at the time of commission of their offense, was subject to the authority of that Secretary.

a. For a prisoner serving an approved unsuspended sentence of confinement for life without eligibility for parole, for an offense committed after October 29, 2000, only the Secretary concerned may exercise this authority, and only after the prisoner has served a period of confinement of not less than 20 years.

b. The reduction, suspension, or remittance of sentences will be consistent with maintaining good order and discipline in the Military Services and when in the best interest of society and the prisoner.

7.2. C&PB RESPONSIBILITIES.

C&PB, established by the Secretary of the Military Department concerned, will:

a. Execute clemency, parole, and MSR authority, and serve as the primary authority for administration of clemency, parole, and MSR policy and programs.

b. Approve or disapprove all clemency, parole, MSR, restoration to duty, and reenlistment actions, except those for which the Secretary concerned has expressly withheld approval authority or for which this issuance expressly withholds such authority to the Secretary concerned.

c. Inform the prisoner that there is no right to clemency, parole, reenlistment, or restoration.

7.3. C&PB PROCEDURES.

a. Forms.

The following forms, available on the DoD Forms Management Program Website at https://www.esd.whs.mil/directives/forms, will be used in processing clemency and parole matters:

(1) DD Form 2704, "Victim/Witness Certification and Election Concerning Prisoner Status."

(a) When considering a prisoner for release on supervision (for either parole or MSR), the MCF commander must ensure all victims listed on DD Form 2704 who indicated a

desire to be notified were given an opportunity to provide information to the Military Department C&PB. All information provided by the victim(s) will be forwarded to the Military Department C&PB every time the prisoner is considered by the board. An MCF facility must make every effort to include previous or current written statements provided by the victim(s)/witness(es) for Military Department C&PB consideration unless withdrawn by the submitter.

(b) The notice must be provided before a determination of release.

(c) Responses will be documented and maintained in a separate secure file within the MCF.

(2) DD Form 2715, "Clemency/Parole Submission," will be used to forward a clemency/parole package to the Service C&PB.

(3) DD Form 2715-1, "Disposition Board Recommendation," will be used to record the disposition board recommendation regarding clemency, restoration/return to duty, mandatory supervised release, parole, supplemental/special clemency or other recommendation by the Military Department C&PB.

(4) DD Form 2715-2, "Prisoner Summary Data" or electronic equivalent generated by an automated database/information system, will be used to record information about individual prisoners upon confinement and progress in confinement.

(5) DD Form 2715-3, "Prisoner Restoration, Clemency and Parole Statement," will be used to review requests for restoration/return to duty, clemency, or parole and provide recommendations to the appropriate Military Service C&PB.

(6) DD Form 2716-1, "Department of Defense Certificate of Supervised Release," will be used to certify a prisoner for Supervised Release from confinement, notify the individual of the Conditions of Supervised Release, and record the individual's release from confinement and placement on Supervised Release.

(a) If a prisoner is approved for MSR, the Military Department C&PB will promptly transmit by electronic means its decisional documents (e.g., the DD Form 2716-1) to the MCF.

(b) The terms and conditions of supervised release, as determined by the Military Department C&PB and identified in the supervision plan, must be communicated to the prisoner using DD Form 2716-1.

b. Procedures for Consideration.

(1) Each Military Department C&PB will develop procedures and review factors when considering an individual for:

(a) Clemency;

(b) Parole;

(c) MSR;

(d) Restoration to duty; or

(e) Reenlistment.

(2) The Military Department C&PB will:

(a) Develop procedures for prisoners from non-military confinement facilities that include:

1. Prisoners confined at the FBOP.

2. Collecting such data as may be necessary to execute its responsibilities.

3. Collecting information deemed necessary by the C&PB from the transferring MCF commander or USDB.

(b) Strive for uniformity of operations consistent with individual Service needs.

(3) When considering an individual for clemency, parole, MSR, restoration to duty, or reenlistment, the Military Department C&PB will consider:

(a) The nature and the circumstances of the prisoner's offenses.

(b) The prisoner's military and civilian history.

(c) The prisoner's confinement file, including offense-related rehabilitation programs.

(d) The prisoner's personal characteristics, including age, education, marital and family status, and psychological profile.

(e) The impact of the prisoner's offense on the victim and the prisoner's efforts to make restitution to the victim.

(f) The protection and welfare of society.

(g) The need for good order and discipline in the Service.

(h) Other matters, as appropriate.

c. Eligibility and Procedures for Consideration for Clemency, Restoration and Reenlistment.

(1) The Military Department C&PB will consider a prisoner for clemency, restoration to duty, or reenlistment when:

(a) The entry of judgment (EOJ) has been completed.

(b) The prisoner's case has been reviewed by an MCF, disposition board, or probation official.

(c) The prisoner meets the eligibility criteria in the Military Department's published guidance.

(2) Prisoners may waive consideration by the Military Department C&PB in accordance with instructions and guidance issued by the Military Department C&PB concerned.

(3) A prisoner sentenced to death is ineligible for consideration by a Military Department C&PB.

(4) When a prisoner whose approved unsuspended sentence includes no confinement or the approved unsuspended sentence to confinement is less than 12 months, there will be no consideration by the Military Department C&PB unless the Secretary concerned directs the Military Department C&PB to consider the case.

(5) Consideration of clemency, restoration to duty, or reenlistment for a prisoner whose sentence is on or before April 9, 2013:

(a) A prisoner whose approved unsuspended sentence to confinement is 12 months or more, initial consideration by the Military Department C&PB will not be more than 9 months from the date that confinement began.

1. The time limit for consideration may be extended to allow up to 90 days' processing time between the date the EOJ is received at the MCF and the initial consideration by the Military Department C&PB.

2. This does not apply to prisoners serving an approved unsuspended sentence of confinement for life without eligibility for parole adjudged for offenses committed after October 31, 2000.

(b) A prisoner whose approved unsuspended sentence is 12 months or more, but less than 20 years, consideration by the Military Department C&PB will be at least annually, following the initial review.

(c) A prisoner whose sentence is 20 years or more, but less than 30 years, consideration by the Military Department C&PB will be at least annually, following the initial review 3 years from the date confinement began.

(d) A prisoner whose sentence is 30 years or more, including life, consideration by the Military Department C&PB will be at least annually, beginning 10 years from the date that confinement began.

(e) A prisoner whose approved unsuspended sentence includes confinement for life without eligibility for parole, consideration by the Military Department C&PB will be at least once every 3 years, beginning 20 years after the date confinement began.

1. The Secretary concerned may not delegate the authority to grant clemency for approved life sentences without eligibility for parole.

2. Subordinate clemency approval authorities may deny clemency for approved life sentences without eligibility for parole.

(6) Consideration of clemency, restoration to duty, or reenlistment by the Military Department C&PB for a prisoner's adjudged sentence on or after April 10, 2013.

(a) When a prisoner's approved unsuspended sentence to confinement is 12 months or more, but less than 10 years, initial consideration by the Military Department C&PB will not be more than 9 months after the date confinement began.

1. The time limit for consideration may be extended to allow up to 90 days' processing time between the date the convening authority's action is received at the MCF and the initial consideration by the Military Department C&PB.

2. Subsequent consideration will occur at least annually thereafter.

(b) When a prisoner's approved unsuspended sentence is 10 years or more, initial consideration by the Military Department C&PB will be at least annually, beginning when the prisoner would be eligible for parole, whether or not the prisoner had an approved unsuspended punitive or administrative discharge or dismissal or an approved retirement. This paragraph does not apply to a prisoner serving an approved unsuspended sentence of confinement for life without eligibility for parole adjudged for offenses committed after October 31, 2000. Subsequent reviews will occur at least annually.

(c) The MCF commander confining a prisoner with an unsuspended sentence to confinement of 10 years or more may recommend the Military Department C&PB review the prisoner for clemency due to extraordinary reasons before the prisoner would otherwise be eligible for an initial clemency review.

(d) A prisoner with an approved unsuspended sentence to confinement of 10 years or more may request an initial clemency consideration by the Military Department C&PB due to extraordinary reasons, before the prisoner would otherwise be eligible for an initial clemency consideration.

1. The request should set out those extraordinary reasons and be sent to the Military Department C&PB through the MCF commander who will provide a recommendation.

2. The request may be rejected by the Military Department C&PB chair.

(e) Due to extraordinary reasons, a Military Department C&PB chair may direct an initial clemency review of a prisoner before the prisoner would otherwise be eligible for an initial clemency review. In such a case, the Military Department C&PB chair or deputy will notify the MCF to make appropriate victim/witness notifications, initiate a review of the prisoner, and provide the MCF staff's and commander's recommendations concerning the clemency request before the Military Department C&PB reviews the prisoner for clemency to the Military Department C&PB.

1. The Secretary concerned may not delegate the authority to grant clemency for any portion of approved sentences of life without eligibility for parole.

2. Subordinate clemency approval authorities may deny clemency for approved sentences of life without eligibility for parole.

(f) Except in the case of a prisoner sentenced to death or confinement for life without eligibility for parole, the Military Department C&PB may for cause grant special consideration for clemency, restoration to duty, or reenlistment.

(g) Clemency actions are not appealable.

(7) A prisoner released on supervision must be considered, upon the prisoner's request, by the Military Department C&PB for clemency, restoration to duty, or reenlistment 12 months after release on supervision and annually thereafter, upon request, until expiration of the sentence.

(a) When a prisoner has been returned to military control as a supervision violator, the prisoner's consideration for clemency, parole, restoration, and reenlistment will normally be 12 months after the prisoner's return to military control and annually thereafter.

(b) When a prisoner is not returned to military control, but supervision has been revoked and reinstated, the Military Department C&PB will normally consider the prisoner, upon the prisoner's request, for clemency, restoration to duty, or reenlistment 12 months after supervision has been reinstated and annually thereafter upon request.

(8) When considering a prisoner for parole, the Military Department C&PB may also consider the prisoner for clemency, and upon request by the prisoner, for restoration to duty or reenlistment.

(9) When considering prisoners for restoration to duty or reenlistment, each Military Department will:

(a) Provide a program to restore-to-duty or reenlist prisoners in accordance with the needs of that Military Department. This issuance does not afford any prisoner a right to participate in any particular restoration program.

(b) In selecting prisoners and supervisees for restoration to duty or reenlistment, consider:

1. Demonstrated motivation for future honorable service.

2. Military Department needs.

3. Demonstrated ability to perform military duties in a creditable manner.

4. Mental and physical fitness for continued service.

5. The impact of the supervisee's restoration or reenlistment on the morale, good order, and discipline of the Military Department.

(c) Ensure the needs of the Military Department, not the desires of individual prisoners, govern reenlistment and restoration programs.

(10) A prisoner not selected for reenlistment or a restoration-to-duty program may not appeal, or otherwise contest, non-selection unless applicable Service regulations provide a right of appeal.

d. Eligibility for Parole.

(1) Timing for Consideration.

(a) The Military Department C&PB will consider a prisoner for parole when the prisoner first becomes eligible, and at least every 2 years after their initial review. Military Department C&PB boards may conduct annual reviews after the initial review at their discretion.

1. Prisoners confined in FBOP facilities will receive consideration consistent with prisoners in MCF custody. Requests for parole, clemency, and/or restoration to duty may be considered up to 120 days in advance of eligibility date when such action will permit concurrent consideration based on the initial review, clemency eligibility dates, and parole eligibility dates. At no time will a review be adjusted within this 120-day window that would cause either the initial review, clemency eligibility dates, or parole eligibility consideration to occur later than the earliest of the review dates.

2. Following the initial review adjustment, subsequent annual reviews will be conducted by one board annually to consider all board actions.

(b) A prisoner who is eligible for parole but elects to not be considered for parole should be provided a no action memorandum by the Military Department C&PB concerned.

(2) Eligibility.

A prisoner is eligible for parole when requested by the prisoner, and when there is:

(a) An approved unsuspended punitive discharge to include a dismissal;

(b) An approved administrative discharge or retirement; or

(c) An unsuspended sentence or aggregate sentence to confinement that is 12 months or more. For cases in which:

1. The sentence to confinement is less than 30 years, the prisoner must have served one third of the term of confinement, but in no case less than 6 months.

2. The sentence to confinement is 30 years or more up to and including life, the prisoner has served at least 10 years of confinement.

3. A prisoner is convicted of an offense committed after February 15, 2000, and has been sentenced to confinement for life, the prisoner must have served at least 20 years of confinement.

(3) Non-Eligibility.

A prisoner sentenced to death or to life without eligibility for parole is ineligible for parole.

(4) Eligible for Parole with Fine.

(a) A prisoner eligible for parole, with an approved sentence including a fine, with a provision for further confinement if the fine is not paid, will be considered for parole by a Military Department C&PB based on the approved sentence to confinement.

(b) Confinement resulting from failure of the prisoner to pay a fine will not be considered in computing eligibility for consideration by a Military Department C&PB.

(c) A prisoner with an approved sentence that includes a fine and no confinement, but with a provision for confinement if the fine is not paid, will be considered for parole by a Military Department C&PB on their imprisonment if the fine is not paid, and if otherwise eligible for parole.

(5) GCT and Other Abatements.

Projected GCT and other abatement of confinement will be excluded in computing eligibility for parole.

(6) Eligibility for Parole of Prisoners with Multiple Sentences to Confinement.

(a) This paragraph applies to prisoners:

1. Who have been released from confinement between the two (or more) sentences.

2. Who have sentences that overlap their parole eligibility date.

(b) For parole consideration, the prisoner's sentence will be computed based on the aggregated sentence length. MCF personnel, not a petition of the prisoner or the prisoner's representative(s), initiate the determination.

(c) Clemency review will be conducted by the Military Department C&PB on the active sentence.

e. Parole Revocation.

(1) The Military Department C&PB normally will not reconsider for parole a prisoner whose parole has been revoked until the prisoner has served 12 months in confinement after return to military custody.

(2) Earlier parole consideration of a prisoner whose parole has been revoked may be considered if it is:

(a) Directed by the Secretary concerned;

(b) Requested by the MCF commander; or

(c) Initiated by the Military Department C&PB on its own motion.

f. Exceptional Circumstances or Good Cause for Parole.

A Military Department C&PB may waive any prisoner's parole eligibility requirement except for:

(1) Those prisoners sentenced to death;

(2) Those prisoners sentenced to life without eligibility for parole; or

(3) Those prisoners whose cases are reserved for final decision by the Secretary concerned.

g. Supervision Plan.

A prisoner requesting parole will submit a supervision plan and agree, in writing, to abide by that plan. The plan will at least indicate:

(1) Where, and with whom, the supervisee will live.

(2) Employment status, which may include:

(a) Guaranteed employment, except in the case of a medically disabled prisoner;

(b) An offer of effective assistance to obtain employment; or

(c) Acceptance in a valid educational or vocational program and, if applicable, a restitution plan. A valid education or vocational program includes proof or a verifiable means to fund the education not merely acceptance to an institution.

h. Granting of Parole.

(1) Parole may be granted until the expiration of a prisoner's full sentence regardless of GCT or other sentence abatements.

(2) Prisoners who accept parole must waive all GCT, ET, and SAA, earned up to the date of release on parole.

i. Parole Denial.

A prisoner who is denied parole will be provided a written explanation of the reasoning behind the decision by the C&PB.

j. Appeal of Parole Denial.

(1) A prisoner denied parole may submit a parole appeal if:

(a) New or additional material or information that existed before the board convened was not previously considered by the Military Department C&PB. The new or additional material or information must be annotated as such and included in the appeal, and at least one of the following conditions must be met:

1. There was significant information in existence but not known to the prisoner at the time of the hearing.

2. The Military Department C&PB made a procedural error in the prisoner's case, and a different decision would have resulted if the correct procedure had been followed.

3. The Military Department C&PB applied a statute or regulation incorrectly (e.g., in determining their period of imprisonment as a supervised release violator or their further term of supervised release).

4. There are especially mitigating or exigent circumstances which justify a different decision.

(b) An appeal of parole denial which does not meet the criteria of Paragraphs 7.3.j.(1)(a)1. through 7.3.j.(1)(a)4. may be grounds for the Military Department C&PB to return the package without action.

(2) When processing a parole appeal:

(a) The appeal must be submitted within 30 days of the prisoner's receipt of written notification of the denial of parole. If additional time is necessary, it may be granted on a case-by-case basis by the Military C&PB concerned.

(b) The MCF commander will:

1. Review the appeal.

2. Recommend an appropriate disposition and a basis for the recommendation.

(c) The Secretary concerned will make the final decision.

(d) After the Secretary concerned makes a final decision, no further appeal or reconsideration is authorized.

(e) The Secretary concerned may return the appeal without action if the prisoner does not meet the criteria in Paragraphs 7.3.j.(1)(a) through 7.3.j.(1)(b).

7.4. ADMINISTRATION FOR PRISONERS WITH CONSIDERATION FOR MSR AT THEIR MRD.

a. Military Department C&PB Responsibilities.

(1) Review.

The Military Department C&PB will promptly review each supervision plan and case file within 45 days of receipt.

(2) Additional Supervision Conditions.

The Military Department C&PB may impose additional reasonable supervision conditions to the MSR supervision plan that, in the judgment of the Military Department C&PB, would:

(a) Further a released prisoner's orderly and successful transition to civilian life; or

(b) Better protect the communities into which the prisoner is released.

(3) Modify or Terminate Terms or Conditions of Supervision.

(a) The Military Department C&PB chair, at their discretion or upon the request of the supervising U.S. probation officer (USPO), may:

1. Modify any terms or conditions of supervision; or

2. Terminate supervision entirely.

(b) Any modifications or termination will be communicated in writing to the prisoner.

b. MSR and Parole, Responsibilities, and General Provisions.

(1) A prisoner who meets the criteria for MSR review will not be released at their MRD without first being:

(a) Considered and approved in writing by the Military Department C&PB; or

(b) Considered and disapproved for MSR in writing by the Military Department C&PB.

(2) Only a prisoner with an approved finding of guilty for an offense committed after August 15, 2001, and, who is eligible for parole, in accordance with this issuance, is eligible for MSR.

c. Procedure for MSR.

(1) When considering a prisoner for MSR, an MCF and the Military Department C&PB will ensure:

(a) Notification.

1. Victims and Witnesses. When considering a prisoner for release on supervision, the FBOP's Victim/Witness Notification Program office and/or the MCF commander must provide all victims and witnesses listed on the DD Form 2704 who indicated a desire to be notified an opportunity to provide information to the Military Department C&PB in advance of its determination, as documented in the confinement file.

2. Prisoners. An MCF must inform the prisoner of their eligibility for MSR, in writing using the template provided in Figure 1, and ensure the prisoner acknowledges receipt during reception and in-processing time.

Figure 1. Template for Acknowledgement of MSR Briefing

Subject: Acknowledgement of Mandatory Supervised Release Briefing

1. In accordance with DoDI 1325.07, "Administration of Military Correctional Facilities and Clemency and Parole Authority:" If you are not approved for or you have not accepted parole, you may be reviewed by your Military Department Clemency and Parole Board (C&PB) for release at your minimum release date under Mandatory Supervised Release (MSR). MSR is similar to parole. A prisoner released on MSR through good conduct time (GCT) and abatement credits is subject to supervision by a U.S. probation officer up to the full-term of the sentence imposed.

2. If placed on MSR, you will be under the supervision of a U.S. probation officer with specific release conditions. You will remain on supervised release provided you comply with conditions of release. You will continue to be entitled to an annual clemency review by your Service C&PB. The Service C&PB may, at its discretion or upon request of the supervising probation officer, modify any terms or conditions of supervision or may terminate supervision entirely. Violations of MSR conditions may lead to revocation of MSR and possible return to confinement.

3. You are required to complete a release plan. Information required to complete your MSR plan includes where and with whom you will live with and, except in the case being medically disabled, either guaranteed employment, an offer of effective assistance to obtain employment, or acceptance in a valid educational or vocational program. Obtaining this information and these documents in a timely manner will assist in your transition to MSR. These documents can be sent directly to a correctional facility or can be sent to you and then delivered to the facility staff. They do not have to be notarized or in a special format. GCT, earned time (ET), or special acts abatement (SAA) earned but held in abeyance will be awarded upon approval of an acceptable MSR plan. Failure to prepare an acceptable MSR plan may result in no award of GCT, ET, and SAA or, for those inmates with vested abatement, forfeiture of abatement through a D&A board process. Upon release on MSR, all GCT, ET, and SAA will be waived.

4. It is to your advantage to prepare yourself for release through good behavior, program participation, preparation of a viable release plan, and acceptance of parole, if offered. In either parole or MSR, you will be under some sort of supervision upon release. Parole will be an earlier release from confinement than MSR.

5. I, _____, have been briefed and provided a copy of this document concerning MSR.

Prisoner signature: _____ Date: _____

Briefed and served by: _____ Date: _____

(b) Timing of MSR Review.

The first MSR review must take place at the first disposition board. The first disposition board typically occurs when the prisoner is within 22 months of their projected MRD.

(c) Administration.

A signed copy of the MSR acknowledgement will be filed in the prisoner's confinement file.

(d) Continued Duty.

1. A prisoner who is returning to a military unit for continued duty (e.g., retention on active duty, administrative discharge) will not be reviewed by the Military Department C&PB for MSR. A prisoner who is returning to a military unit for out-processing/appellate leave and is otherwise eligible for parole will be reviewed.

2. A supervisee will remain on supervision provided the supervisee complies with the conditions of supervision. If the supervisee violates the conditions of supervision, the C&PB will consider a violation hearing. A prisoner who meets the criteria for MSR review will not be released at their MRD without first being approved or disapproved for MSR in writing by the Military Department C&PB. The Military Department C&PB, as an act of clemency, may end supervision before the expiration of a prisoner's full sentence.

d. Criteria for Granting MSR.

(1) A prisoner whose approved sentence (or adjudged sentence, if the completed EOJ has not been received) to confinement is more than 1 year must be reviewed by the Military Department C&PB for MSR at the prisoner's MRD.

(a) If an MCF commander determines that MSR may be appropriate for such a prisoner and recommends a favorable MSR decision, the MCF commander will forward the recommendation to the Military Department C&PB for a decision at the prisoner's last Military Department C&PB review before the prisoner's MRD.

(b) The recommendation and case file will be forwarded to the Military Department C&PB, no later than 4 months before the prisoner's MRD.

(2) The Military Department C&PB will review all prisoners for MSR, including those prisoners returned to confinement as a supervision violator, with an approved sentence (or adjudged sentence, if the convening authority has not acted) to confinement of 3 years or longer except in the case of prisoners sentenced to death or life without eligibility for parole.

(3) The Military Department C&PB may direct the review of any prisoner for MSR and can direct the MCF to have any prisoner with less than a 3-year sentence to confinement provide an MSR supervision plan for the Military Department C&PB review as a prerequisite for release on MSR. A prisoner with a 3-year or longer sentence to confinement must prepare an MSR supervision plan for review before the Military Department C&PB considers the prisoner for MSR, and the plan must be deemed acceptable by the Military Department C&PB before the prisoner is released on MSR.

(4) The Military Department C&PB may direct the review of any prisoner for MSR and may direct the MCF to have any prisoner who is otherwise eligible (to include those with less than a 3-year sentence to confinement) to appear before a disposition board for consideration.

(5) To accommodate these reviews, the MCF will submit MSR documentation in accordance with this issuance.

(6) After the Military Department C&PB orders a prisoner to MSR, the MCF will forward the complete supervision plan to the appropriate U.S. probation office for review and approval by the supervising USPO.

e. Submission Guidelines for MSR.

(1) The MCF will submit a case file to the Military Department C&PB on each prisoner eligible for MSR in accordance with this issuance.

(2) The case file will be created in the same manner as a request for parole consideration.

(3) The case file will include an MSR supervision plan (verified residence, verified employment, effective employment assistance, or acceptance into a valid educational or vocational program) and, if applicable, a restitution plan.

(4) A prisoner's willful or negligent failure to prepare an acceptable supervision plan may result in a D&A board and loss of GCT, ET, and SAA, for failure to follow an order or dereliction of duty.

(5) For prisoners whose award of GCT, ET, or SAA is conditioned, as outlined in Table 1, the MCF commander will not award the GCT, ET, or SAA until the supervisory USPO approves such a plan.

(6) If the Military Department C&PB decides MSR is not required for a prisoner, the MCF commander will award the requisite GCT, ET, or SAA to the prisoner.

(7) After being ordered to MSR, a prisoner's MSR supervision plan and appropriate portions of the case file will be forwarded to the USPO at the earliest possible time after the prisoner submits their plan to the MCF, but typically not earlier than 12 months before MRD.

(8) Those prisoners not otherwise scheduled for a disposition board before their MRD or who waive review for clemency and/or parole when they are eligible for MSR will still be reviewed for MSR. The MCF commander will forward results and recommendations to the Military Department C&PB, normally, no later than 4 months before the MRD.

f. MSR Decision.

(1) The Military Department C&PB will promptly communicate its MSR decision to the MCF no later than 75 days before the prisoner's projected MRD.

(2) If the MCF has not received a decision on a prisoner's MSR from the respective Military Department C&PB 60 days before the prisoner's projected MRD, the MCF commander will contact the Military Department C&PB for guidance and resolution.

g. Coordination of MSR Decision.

(1) When notified that a prisoner is ordered to MSR, the MCF will notify the prisoner and coordinate the supervision plan with the appropriate USPO.

(2) The prisoner will acknowledge, in writing, their receipt of the terms and conditions of supervision and any modifications.

(a) If the prisoner refuses to acknowledge receipt in writing of an order onto MSR, the notification of the prisoner will be witnessed.

(b) The witness will certify the prisoner was advised of:

1. The terms and conditions of MSR.

2. The provisions of the release including the loss of GCT, ET, and SAA for willful failure to comply with all aspects of the DoD MSR program.

(3) The prisoner may request, in writing, reconsideration of the MSR decision or modification of its conditions through the MCF commander to the Military Department C&PB within 30 days of notification of the order to MSR.

(a) The MCF commander will forward reconsideration requests to the appropriate Military Department C&PB.

(b) The appropriate Military Department C&PB official will make the final decision.

h. MSR Supervision Plan Rejected.

(1) When the Military Department C&PB rejects an MSR supervision plan the Military C&PB will:

(a) Return the plan promptly to the submitting MCF with an explanation of the plan's deficiencies for the prisoner's prompt review, revision, and resubmission by the prisoner through the MCF staff.

(b) Notify the MCF when it is determined the prisoner willfully or negligently did not submit an acceptable release plan for the MCF to take appropriate action.

(2) The MCF:

(a) May consider a D&A board for:

1. Loss of GCT, ET, and SAA.

2. A prisoner whose failure to follow an order or dereliction of duty offense occurred before October 2, 2004.

3. Who is eligible for MSR and willfully or negligently fails to prepare an acceptable supervision plan.

(b) Does not award such credits, until such a plan is:

1. Accepted by the Military Department C&PB and approved by the supervising USPO for a prisoner whose offenses all occurred after October 1, 2004.

2. Award of GCT, ET, or SAA is conditioned on the prisoner submitting an acceptable supervision plan.

i. Procedures for Revoking MSR or Parole.

(1) Credible Information of Violation.

On receipt of credible information that a supervisee may have violated a condition of supervision, the Military Department C&PB concerned may:

(a) Suspend the supervision and revoke the supervision if the supervisee is determined to have violated a condition of their supervision.

(b) Order the supervisee's return to military custody pending resolution of the alleged violation. A supervisee released from FBOP will not be returned to military custody but will be returned to the designated federal facility assigned by the FBOP.

(2) Suspension.

When a supervisee is suspended, the Military Department C&PB will promptly determine whether probable cause exists to believe a supervisee violated a condition of supervision. A Military Department C&PB may:

(a) Order a preliminary interview to make a recommendation to the Military Department C&PB as to whether probable cause exists to proceed to a supervision violation hearing. Preliminary interviews are normally be conducted by a USPO in the district where the supervisee is supervised, provided that the USPO has not previously supervised the supervisee. The C&PB chair may appoint a C&PB hearing examiner or another neutral and detached official to conduct a preliminary interview.

(b) Determine that such probable cause exists without a preliminary interview. For example:

1. The supervisee absconds supervision.

2. The supervisee pleads guilty to, is convicted of, or a court takes action tantamount to, a finding of guilty for an offense that is punishable by imprisonment.

3. A civilian court issues a warrant for the supervisee's arrest or orders a supervisee's continued confinement in accordance with this instruction.

(3) Preliminary Interview.

If a preliminary interview is performed to determine whether probable cause exists, it will normally follow this process:

(a) The interview will be conducted by a neutral and detached person.

(b) The supervisee will be provided written notice of the preliminary interview, including the purpose of that interview.

(c) The supervisee will be given notice of the evidence on which the preliminary interview is based and an opportunity to be heard and to present relevant matters. Witnesses called by the supervisee will be at no expense to the U.S. Government.

(d) When requested by a supervisee not represented by a civilian attorney, a military attorney will be provided, as designated by defense services of the appropriate Military Department. However, the supervisee has no right to a military attorney of their choice.

(e) If the person conducting the preliminary interview finds probable cause to believe the supervisee violated any condition of supervision, the Military Department C&PB may order a supervision violation hearing.

(f) Results of the preliminary interview/inquiry will be provided to the MCF administratively responsible for the supervisee.

(4) Suspension of MSR.

When a supervisee's supervision has been suspended and the supervisee has been returned to military custody, the Military Department C&PB may:

(a) Determine a supervision violation hearing can be held as promptly as a preliminary interview; and if so,

(b) Forgo the preliminary interview to determine whether probable cause exists to believe a supervisee violated a condition of supervision and order a supervision violation hearing to determine whether the supervisee violated a condition of supervision and, if so, whether to revoke the supervisee's supervision.

(5) Violation Hearing.

The violation hearing will be conducted before a supervisee's parole or MSR is revoked. The violation hearing process includes these requirements:

(a) Location.

1. Unless the supervisee is returned to military custody, the hearing will normally be held at or near the place of the alleged violation.

2. When the supervisee has been returned to an MCF or is confined by civil authorities, the supervision violation hearing may be held at the place of confinement.

(b) Hearing Officer or Panel.

The prisoner's Military Department C&PB will appoint a hearing officer or panel to conduct a supervision violation hearing. The hearing officer or panel will be neutral and detached, and need not be, or include, a judicial officer or attorney.

(c) Notice.

The supervisee will be given written notice of the violation hearing 24 hours in advance of the hearing. The notice to the supervisee will inform the supervisee of:

1. The alleged violation.

2. The purpose of the supervision violation hearing.

3. The evidence on which the supervision violation hearing is based.

4. The supervisee's rights at the supervision violation hearing.

5. The options available to the Military Department C&PB.

(d) Evidence.

The supervisee may present, at no expense to the U.S. Government, witnesses and documentary evidence on their behalf and may cross-examine adverse witnesses subject to limitations imposed by the hearing officer or panel for good cause.

1. The hearing officer or panel may limit or exclude any irrelevant or repetitious witness, statement, question, or documentary evidence.

2. If the supervision violation hearing is not held at or near the place of the alleged violation, the hearing officer will make reasonable efforts to contact witnesses requested by the supervisee, and to allow them to testify by audio communication equipment, unless the hearing officer determines the witness's testimony is irrelevant, repetitious, or could be presented adequately through another medium, such as documentary evidence.

(e) Scope of Hearing.

The scope of a supervision violation hearing will be limited to:

1. The examination of evidence of an alleged supervision violation.

2. Relevant questioning of witnesses.

3. Pertinent statements as to an alleged supervision violation.

4. Whether the supervision should be revoked.

5. Whether the supervisee should be reincarcerated.

(f) Representation.

The supervisee may be represented at a supervision violation hearing by a civilian attorney or other representative of their choice at no expense to the U.S. Government. When requested by a supervisee not represented by a civilian attorney, a military attorney will be provided, as designated by defense services of the appropriate Military Department. However, the supervisee has no right to the military attorney of their choice.

1. The role of any representative or attorney will be limited to the examination of witnesses, presentation of evidence, and the offering of a statement on the supervisee's behalf as to whether supervision should be revoked. Challenges to the supervision violation hearing proceeding will not be permitted.

2. If the supervisee requests a military attorney and the supervision violation hearing is held in an MCF, the legal/judge advocate office that supports the MCF will ensure any authorized defense services relating to the hearing are provided. In those rare cases when the legal support relating to a supervision violation hearing cannot be provided to the supervisee, the Military Service defense services or the correctional headquarters will provide, in writing, to the supervisee's Military Department C&PB (with a copy to Office of Legal Policy, Office of the Executive Director, OUSD(P&R)) a detailed justification for its inability to support the hearing.

3. If the supervisee requests a military attorney and the supervision violation hearing is held in the local community (e.g., without the supervisee's return to an MCF), the supervisee's Military Service will provide any authorized military defense services relating to the hearing.

(g) Decision.

Evidence on which a finding of violation may be based will be disclosed to the supervisee at least 10 days before the supervision violation hearing. If evidence supporting a supervision violation is discovered subsequent to the hearing, the supervisee will be given 10 days to respond in writing to the new evidence. A report will be provided to the prisoner's Military Department C&PB within 30 days of the supervision violation hearing.

1. Supervision may be revoked based on a finding that a supervisee has violated a condition of supervision by failure to pay a fine or make restitution only if the supervisee refused to pay the fine or make restitution when the supervisee had sufficient resources; or the supervisee failed to make sufficient *bona fide* efforts to obtain employment, or legally acquire funds with which to pay the fine or make restitution.

2. If the supervisee could not pay the fine or make restitution, despite sufficient *bona fide* efforts to acquire the resources to do so, supervision may be revoked only if no alternative disposition exists that will adequately serve the need for good order and discipline within the Military Services and the correctional treatment of the supervisee.

(h) Waiver of Interview or Hearing.

A supervisee may waive their preliminary interview, supervision violation hearing, or both. The Military Department C&PB, at any stage of investigating an alleged supervision violation, may offer the supervisee an expedited proceeding. The offer will:

1. Summarize the facts and explain that the Military Department C&PB believes it has the facts to determine appropriate action in the case.

2. The general due process to which the supervisee is entitled in a preliminary interview, supervision violation hearing, or both.

3. The action the Military Department C&PB will take if the supervisee waives the specific due process entitled.

4. If the supervisee does not accept the expedited proceedings, the Military Department C&PB will not consider that decision in making its final decision in the supervisee's case.

(i) Final Action on Decision.

A Military Department C&PB will take final action on the findings and recommendations of the officer or panel conducting a supervision violation hearing.

1. A determination by a Military Department C&PB to revoke supervision will be supported by a preponderance of the evidence, as determined by the Military Department C&PB, that the supervisee has violated a condition of supervision and the violation warrants supervision revocation.

2. That a supervisee has neither committed a criminal offense nor been convicted of committing a criminal offense does not prevent a decision to revoke supervision.

(j) Credit.

1. A prisoner whose parole or MSR is revoked will receive credit for time spent on supervision.

2. The prisoner will not receive credit when:

a. If, after being released on supervision, the supervisee commits and pleads guilty to, is convicted of, or a court takes action tantamount to a finding of guilty to a new offense that is punishable by a term of imprisonment (even if no imprisonment is actually imposed), the Military Department C&PB may order the forfeiture of the time from the date after release to the date of suspension, revocation, or return to custody to serve the military sentence.

b. To support sentence computation, the Military Department C&PB will provide the MCF commander in writing the inclusive dates of credit. Such forfeited time will not be credited to the service of the military sentence.

3. If a plea, finding, action, or conviction occurs subsequent to a supervision violation hearing, a Military Department C&PB may reconsider the forfeiture of time served on supervision or other disposition, as appropriate.

(k) Refusal or Failure to Respond to Reasonable Request, Order, or Summons.

1. A Military Department C&PB may order the forfeiture of time from the date of the refusal, failure, or violation to the date of revocation or return to custody to serve the military sentence:

a. If the Military Department C&PB finds that a supervisee refused or failed to respond to any reasonable request, order, or summons of a Military Department C&PB or any agent thereof, including the assigned USPO; or

b. If a Military Department C&PB finds that the supervisee was not in material compliance with the conditions of supervision.

2. The length of time between release on supervision and the refusal, failure, or violation, and the nature and seriousness of the misconduct will be considered in determining whether a supervisee was ever in material compliance with the supervision conditions.

(l) Sentence Computation.

The computation of any sentence to be served will be done in accordance with DoD Manual 1325.07 for a prisoner's sentence adjudged on or after July 27, 2004, or Service regulations for a prisoner with a sentence adjudged before July 27, 2004.

j. MSR Process when Sentence is Set Aside.

(1) MCF commanders will review appeal status prior granting MSR.

(2) MCF commanders will not release a prisoner for MSR whose sentence has been set aside by the decision of an appellate court until such release is specifically directed by The Judge Advocate General of the prisoner's Military Service or other competent authority.

k. Departure.

(1) The departure of the prisoner from the MCF constitutes acceptance of the terms and conditions of MSR and operates as a waiver of all accrued GCT, ET, and SAA.

(2) If the prisoner refuses to depart the MCF, the prisoner is subject to disciplinary action.

(3) If a prisoner refuses to accept the conditions of supervision, they may forfeit all earned GCT, ET, and SAA.

(4) For prisoners whose award of GCT, ET, or SAA is conditioned (as outlined on the appropriate decisional documents) on an acceptable supervision plan, the MCF commander will not award the abatement.

l. Approval of Supervision Plan.

(1) If the USPO has not approved the supervision plan 30 days before the prisoner's projected MRD, the MCF commander or designated representative will notify the respective Military Department C&PB, which will work with the USPO to resolve any issues.

(2) The prisoner will not be held past the prisoner's projected MRD if:

(a) Due to the sole fault of the MCF staff, the Military Department C&PB, or the USPO, a supervision plan has not been reviewed; or

(b) Due to no fault of the prisoner, the prisoner is unable to provide an acceptable supervision plan to either the Military Department C&PB or the USPO.

(3) The Military Department C&PB chair will determine, no later than 10 days before the prisoner's projected MRD, whether the failure to provide an acceptable plan was willful or otherwise at the fault of the prisoner.

(a) A prisoner's willful or negligent failure to prepare an acceptable supervision plan may result in a D&A board and loss of GCT, ET, and SAA, for failure to follow an order or dereliction of duty. The prisoner will be given a new projected MRD, and subject to another MSR review and plan approval.

(b) For prisoners whose award of GCT, ET, or SAA is conditioned, the MCF commanders will not award the GCT, ET, or SAA until the supervisory USPO approves such a plan or the prisoner reaches their MRD.

(c) If the Military Department C&PB determines a prisoner was at fault in not providing, or willfully or negligently did not provide an acceptable supervision plan, the prisoner may appeal the decision within, but not to exceed 30 days of notification of the denial. The Secretary concerned, or their designated representative, is authorized to make final decisions on parole appeals will make the final decision on these appeals.

(4) Within 3 days after the prisoner's release, the MCF must send the Military Department C&PB an electronic copy of the signed supervised release certificate and signed attachments, and the supervising USPO's name, telephone number, fax number, e-mail, and address.

7.5. PROCEDURES AND NOTIFICATIONS AFTER GRANTING OF MSR.

a. Forms.

(1) DD Form 553-1 "Parole/Mandatory Supervised Release Violator Wanted by Armed Forces," informs local, state, and/or Federal law enforcement officials on parole violators wanted by the Armed Forces.

(2) DD Form 2708, "Receipt for Pretrial/Post Trial Prisoner or Detained Person" is prepared and maintained to reflect that a prisoner has been taken out of an MCF for any reason.

(3) DD Form 2717, "Department of Defense Voluntary/Involuntary Appellate Leave Action," is prepared and maintained when a prisoner with an unexecuted punitive discharge is released from confinement.

(4) DD Form 2718, "Prisoner's Release Order," is prepared and maintained upon each prisoner's final release from the MCF.

(5) DD Form 2791. The documentation will be made part of the prisoner's permanent file and maintained by the prisoner's branch of Military Service according to policies and regulations prescribed by the Secretary concerned.

b. Sex Offender Notification and Registration Procedures for MSR.

(1) MCF commanders will direct the review of all available records concerning a prisoner to determine if the prisoner has been convicted of a covered sex offense at a general or special court-martial. The notice requirements will apply to all prisoners who were convicted of a covered offense at a general or special court-martial whenever the records fail to reflect a prior notice has been made.

(2) MCFs will obtain the prisoner's acknowledgement in writing that the prisoner was informed of the registration requirements using DD Form 2791.

(3) Before release of a prisoner convicted of a covered sex offense (see the covered offenses tables) at a general or special court-martial, in accordance with Paragraph 3.2. of DoDI 5525.20, the MCF commander must provide written notice of the release to:

(a) U.S. Marshals Service National Sex Offender Targeting Center at IOD.NSOTC@usdjo.gov with a DD Form 2791.

(b) The chief law enforcement officer of the State, tribe, territory, or local jurisdiction in which the prisoner will reside.

(c) The State or local agency responsible for the receipt or maintenance of a sex offender registration in the State, tribe, territory, or local jurisdiction in which the person will reside.

(4) The chief law enforcement officer of the tribe or local jurisdiction, consistent with the prisoner's release address. When multiple jurisdictions have overlapping authority, the more geographically specific agency should be notified. MCF commanders may refer to the National Directory of Law Enforcement Administrators to identify appropriate State, tribe, territory, and local chief law enforcement officers. The written notice will include:

(a) The address where the prisoner intends to reside.

(b) Information that the prisoner will be subject to registration.

(c) The prisoner's criminal history and a description of the offense of which the prisoner was convicted and any restrictions or conditions of release.

(5) The Secretaries concerned will establish a system to verify the required notifications have been made for prisoners and military members whose sentences do not include confinement.

(6) Notice about a subsequent change of residence by a prisoner falling within this paragraph during any period of MSR or parole will be provided to State, tribal, territorial, or local authorities as well as the U.S. Marshals Service National Sex Offender Targeting Center.

(7) Notification to State, tribal, territorial, and local authorities as well as the U.S. Marshals Service National Sex Offender Targeting Center is not required for a prisoner transferred to another MCF. Their email address is IOD.NSOTC@usdoj.gov.

(a) However, upon the transfer of a prisoner to a facility under the control of the FBOP, the MCF from which the prisoner is being transferred will provide written notification to the FBOP that the prisoner has been convicted of a covered sex offense at a general or special court-martial.

(b) If a prisoner remains confined in a facility under the control of the FBOP until the time of release, the FBOP will provide notice of release and inform the prisoner concerning registration obligations.

c. Abatement.

GCT, ET, and SAA are the only types of abatement of a sentence to confinement authorized in an MCF or for DoD prisoners transferred to an FBOP facility.

(1) GCT.

(a) Eligibility for GCT.

1. GCT will be awarded to each prisoner serving a sentence imposed by a court-martial for a definite term of confinement.

2. For a prisoner who has an approved finding of guilty for an offense that occurred after October 1, 2004, the award of GCT will be conditioned on the prisoner submitting an acceptable supervision plan and fully cooperating in all other respects with the mandatory supervision policy herein, if directed to do so.

3. A pretrial prisoner will earn GCT for confinement served, but any earned GCT must not be awarded until a sentence is adjudged.

4. GCT will not be awarded to a prisoner who has a life, life without eligibility for parole, or death sentence. A prisoner with one of these sentences will earn GCT, but it must be held in abeyance and awarded only if the sentence is reduced to a determinate length.

5. Earned GCT for a prisoner not eligible for parole or MSR will be administratively determined at the adjudged date solely as an administrative convenience for establishing the MRD.

(b) Administration of GCT.

1. The Military Services may elect to calculate an anticipated release date at the beginning of a prisoner's sentence to confinement based on the GCT that could be earned for the entire period of the sentence or sentences. GCT will reduce a prisoner's release date on a day-for-day basis.

2. If a sentence to confinement is later reduced by the convening authority, as a result of appellate action or due to a grant of clemency, the prisoner's release date will be recomputed based on the new sentence.

3. Upon return to confinement, a parole or supervised release violator will earn GCT at the rate applicable to the sentence in effect at the time of the violation of parole or supervised release.

4. GCT for a prisoner, any of whose offenses occurred before January 1, 2005, will be calculated as:

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 1 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.

f. Partial month rates will be calculated in accordance with Table 1.

Table 1. Old Partial Month Rate of Earning Table

Portion of Month of Sentence	Less Than 1 Year	Not Less Than 1 Year and Less Than 3 Years	Not Less Than 3 Years and Less Than 5 Years	Not Less Than 5 Years and Less Than 10 Years	10 Years and Over, Excluding Life	Portion of Month of Sentence
1	0	0	0	0	0	1
2	0	0	0	0	0	2
3	0	0	0	0	1	3
4	0	0	0	1	1	4

Table 1. Old Partial Month Rate of Earning Table, Continued

Portion of Month of Sentence	Less Than 1 Year	Not Less Than 1 Year and Less Than 3 Years	Not Less Than 3 Years and Less Than 5 Years	Not Less Than 5 Years and Less Than 10 Years	10 Years and Over, Excluding Life	Portion of Month of Sentence
5	0	1	1	1	1	5
6	1	1	1	1	2	6
7	1	1	1	1	2	7
8	1	1	1	2	2	8
9	1	1	2	2	3	9
10	1	2	2	2	3	10
11	1	2	2	2	3	11
12	2	2	2	3	4	12
13	2	2	3	3	4	13
14	2	2	3	3	4	14
15	2	3	3	4	5	15
16	2	3	3	4	5	16
17	2	3	3	4	5	17
18	3	3	4	4	6	18
19	3	3	4	5	6	19
20	3	4	4	5	6	20
21	3	4	4	5	7	21
22	3	4	5	5	7	22
23	3	4	5	6	7	23
24	4	4	5	6	8	24
25	4	5	5	6	8	25
26	4	5	6	6	8	26
27	4	5	6	7	9	27
28	4	5	6	7	9	28
29	4	5	6	7	9	29
30	5	6	7	8	10	30

5. With respect to a prisoner with an approved finding of guilty, all of whose offenses occurred after December 31, 204, GCT will be calculated at a rate of 5 days for each

month of confinement, and 1 day for each 6-day portion of a month in accordance with Table 2, regardless of sentence or multiple sentence length.

Table 2. Partial Month Rate of Earning Table

Number of Days	GCT	Number of Days	GCT
1	0	16	2
2	0	17	2
3	0	18	3
4	0	19	3
5	0	20	3
6	1	21	3
7	1	22	3
8	1	23	3
9	1	24	4
10	1	25	4
11	1	26	4
12	2	27	4
13	2	28	4
14	2	29	4
15	2	30	5

(2) ET.

(a) Eligibility.

1. A prisoner serving a sentence imposed by a court-martial is eligible to earn ET.

2. For a prisoner who has an approved finding of guilty for an offense that occurred after October 1, 2004, the award of ET will be conditioned on the prisoner submitting an acceptable supervision plan and fully cooperating in all other respects with the MSR policy in this issuance.

3. A pretrial prisoner is ineligible for ET.

4. A prisoner sentenced to imprisonment for life, life without eligibility for parole, or death may earn ET, but such abatement must be held in abeyance and only awarded if the sentence is reduced to a determinate length.

5. The Commandant, USDB, will evaluate a prisoner confined in a FBOP facility for ET at the time of the prisoner's annual clemency consideration.

a. Based on the FBOP facility's annual evaluation and submissions, the Commandant will determine the amount, if any, of ET to award the prisoner for the prior year, using the ET activities list and rates of earning in effect at the USDB.

b. The amount of ET to be awarded will not be based on the amount of ET the prisoner was earning before entering the FBOP system.

6. ET may be awarded even if the prisoner has previous forfeitures of ET or GCT.

(b) Rate of Earning.

1. An eligible prisoner may earn up to 8 days of ET per month, regardless of sentence or multiple sentence length, for participation and graded effort in authorized component areas. ET will only be earned when overall evaluations are average or higher.

2. The Military Services may delegate to MCF commanders the authority to determine the activities eligible for ET at their respective facilities and, subject to limitations in DoD Manual 1325.08, the rate at which a prisoner may earn ET by participating in those activities. The activities will be published and made available to all prisoners.

3. A prisoner may participate in activities during a given month that would make them eligible for more than 8 days ET, but a maximum of only 8 days ET may be earned per month.

4. Incremental and proportional rates are authorized when a prisoner engages in an activity for a portion of a month.

(c) Administration.

1. ET must be recorded separately from GCT. The MCF will maintain a record of ET for each prisoner.

2. When calculating a prisoner's anticipated release date at the beginning of a prisoner's sentence to confinement, the Military Services must not consider ET that could be earned during the sentence.

3. Recommendations for award of ET may be made by a formal board or by any other method deemed appropriate by the Military Services but will subject to the approval of the MCF commander in full or in part.

4. ET may be earned, within authorized limits, through evaluation of the separate ET program components. Evaluation of each component will be documented on the DD Form 2712, or on an equivalent form approved by the USD(P&R), at intervals determined by the Military Services, but at least quarterly, and will reduce a prisoner's release date accordingly.

5. When an eligible prisoner does not enroll in, progress in, or complete available offense-related or maintenance programs primarily designed to address problems directly associated with their criminal offense or other rehabilitation programs, a maximum of 5 days ET

per month may be earned within other components of the ET program. This limitation does not apply to a prisoner on a waiting list for an offense-related or maintenance program, but no ET may be earned for that program until the prisoner successfully completes the program. In the event the prisoner fails to successfully complete the entire offense-related or maintenance program, none of the associated ET for program participation will be earned.

6. Subject to Service guidelines, a maximum of 5 calendar days ET per month may be earned within the work component of the ET program.

7. ET will not be earned within 30 days of the scheduled release date from confinement.

(d) Components of ET.

1. Work.

A prisoner in an MCF, unless precluded from doing so because of a disciplinary, medical, or other reason determined appropriate by the MCF commander, will engage in useful employment under appropriate supervision.

a. A prisoner may be employed in maintenance, support, and vocational training activities that provide 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/MCF needs.

b. A prisoner, when not engaged in prescribed training or counseling, will perform a full 8-hour day of useful, constructive work and a standard 40-hour workweek. This restriction does not limit the authority of commanders to direct extra work during emergencies, prevent the assignment of a prisoner to details that normally encompass weekends, or prevent a prisoner from volunteering for extra work.

c. Reception and orientation processing may qualify as work.

d. A prisoner will work a minimum of 40 hours each week to receive ET for work unless the MCF commander determines that the failure to complete 40 hours was due to factors outside the prisoner's control. Up to 8 hours of offense-related programs per week can count towards the 40-hour workweek.

2. Offense-Related or Other Rehabilitation Programs.

A prisoner may earn ET by conscientiously participating, (e.g., progressing in MCF rehabilitation programs). To the maximum extent possible, ET programs will address problems associated with a prisoner's criminal activity or behavior.

3. Education.

A prisoner may earn ET while pursuing formal education objectives, including but not limited to, completion of vocational education sequences, general equivalency degrees, or post-secondary degrees or credits when the institution awarding the certificate, license,

diploma, degree, or credits to the prisoner has been accredited by an accrediting agency recognized by the U.S. Department of Education.

a. Participation in non-traditional sources of educational credit (e.g., college-level examination program, defense activity for non-traditional educational support, American college test, and military education) may qualify for earning of ET when authorized by the Military Service responsible for the MCF.

b. Time spent obtaining a certificate, license, diploma, degree, or post-secondary credits will generally be in addition to the normal workweek for which ET for work can be earned, unless such coursework is related to vocational training and education.

c. ET may be earned only for coursework performed by correspondence, classroom attendance, or participation in vocational training and education while in confinement.

d. Once a prisoner achieves an education objective, additional ET will not be earned for that objective.

e. To be eligible for education ET, a prisoner's higher education objectives must be identified in writing; pre-authorized by the MCF commander; and, on file with the MCF's academic division.

f. The MCF commander normally approves educational programs offered by an accrediting agency recognized by the U.S. Department of Education.

4. Self-Improvement and Personal Growth.

A prisoner may earn ET by participating in self-improvement and personal growth programs that have been identified in writing and pre-authorized by the MCF commander.

5. Support Activities.

A prisoner may earn ET by participating in support activities, to include community service programs, special projects, and work assignments supportive of institutional goals or missions, volunteer work, work encompassing weekends and holidays, and for extraordinary achievements that do not rise to the level of those for which SAA may be earned.

(3) SAA.

(a) Eligibility.

1. A prisoner serving a sentence imposed by a court-martial is eligible for SAA.

2. For a prisoner who has an approved finding of guilty for an offense that occurred after October 1, 2004, the award of SAA will be conditioned on the prisoner submitting an acceptable supervision plan and fully cooperating in all other respects with the mandatory supervision policy herein, if directed to do so.

3. A pretrial prisoner is not eligible for SAA.

4. A prisoner sentenced to imprisonment for life, life without eligibility for parole, or death may earn SAA, but such abatement must be held in abeyance and awarded only if the sentence is reduced to a determinate length.

(b) Rate of Earning.

The Military Services may authorize a maximum of 2 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 2 days of SAA per month. Additional special acts may only extend the period of abatement but may not increase the number of days of SAA that can be received in any given month.

(c) Administration.

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

d. Monthly Limit on All Types Abatement.

The total of GCT, ET, and SAA awarded for any 1 month will not exceed 15 days.

e. Prisoner Acknowledgement of Conditional Award of Abatement.

(1) A prisoner who has an approved finding of guilty for an offense that occurred after October 1, 2004 will be informed of and given an opportunity to acknowledge in writing during MCF in-processing that the award of GCT, ET, or SAA is conditioned on the prisoner submitting an acceptable supervision plan and fully cooperating in all other respects with the mandatory supervision policy pursuant to this issuance, if directed to do so.

(2) The acknowledgment will also state that if the MCF commander determines that this condition has not been met, deductions from the prisoner's release date for earning GCT, ET, or SAA held in abeyance will not be awarded.

f. Forfeiture and Restoration of Abatements.

(1) As a consequence of violations of institutional rules or the UCMJ, the MCF commander may direct that a prisoner forfeit GCT, ET, and SAA. The MCF will convene a D&A board for forfeiture of abatement.

(2) Only abatement earned before or on the date of a violation is subject to forfeiture. GCT subtracted from a prisoner's release date, but not yet earned, is not subject to forfeiture.

(3) Generally, GCT will be forfeited before forfeiture of ET, and ET will be forfeited before 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 will be held in abeyance until the sentence to confinement begins.

(6) Forfeited GCT, ET, and SAA may be reinstated at the discretion of the MCF commander or, in the case of a prisoner transferred to the FBOP, the Commandant of the USDB.

GLOSSARY

G.1. ACRONYMS.

ACRONYM	MEANING
ACA	American Correctional Association
C&PB	clemency and parole board
D&A	discipline and adjustment
DD	Department of Defense (form)
DEERS	Defense Enrollment Eligibility Reporting System
DNA	deoxyribonucleic acid
DoDD	DoD directive
DoDI	DoD instruction
EOJ	entry of judgment
ET	earned time
FBOP	Federal Bureau of Prisons
GCT	good conduct time
GS	general schedule
MCF	military correctional facility
MCIO	military criminal investigative organization
MOU	memorandum of understanding
MRD	minimum release date
MSR	mandatory supervised release
OUSD(P&R)	Office of the Under Secretary of Defense for Personnel and Readiness
PREA	Prison Rape Elimination Act
SAA	special acts abatement
SAPRO	Sexual Assault Prevention and Response Office
SARC	sexual assault response coordinator
UCMJ	Uniform Code of Military Justice
USACIL	United States Army Criminal Investigative Laboratory
U.S.C.	United States Code
USCG	United States Coast Guard
USDB	United States Disciplinary Barracks
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

ACRONYM	MEANING
USPO	U.S. probation officer
USSF	United States Space Force

G.2. DEFINITIONS.

These terms and their definitions are for the purpose of this issuance.

TERM	DEFINITION
administrative segregation	The separation of a prisoner from general population to prevent injury to others or themselves, or to promote the MCF's general, safe, and orderly administration. Administrative segregation includes protective custody, Federal transfer, death sentence prisoner, and restrictive housing including suicide risk.
classification	A process for determining the custody level and program requirements for prisoners.
classification board	A board established by the MCF that consists of at least three voting members who consider and make recommendations to the MCF commander on custody grades, housing unit assignments, correctional treatment programs, and training and work assignments. The chair must be a non-commissioned officer in the grade of E-7 or higher or GS-11 employee or above.
convening authority	Persons authorized to convene courts-martial.
custody	The degree of supervision each prisoner requires.
custody levels	The classification level assigned to each prisoner signifying the degree of supervision and type of restraint appropriate based on the prisoner, the circumstances of the confinement, and all other appropriate factors. The four basic custody levels are maximum custody, medium custody, minimum custody, and installation custody or trusty. Facilities may further subdivide these custody grades as required to facilitate additional security controls.
disciplinary segregation	The separation of a prisoner from general population as an administrative disciplinary measure. A group of cells or secure rooms used to house those prisoners who have serious adjustment problems, or create anxiety and disruption among other prisoners in the general population. Programs, movements, and privileges should be limited only as necessary for the maintenance of good order.

TERM	DEFINITION
ET	A deduction of days 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.
external risk	The potential danger a prisoner represents to the community for possible recidivism or other criminal behavior.
forfeiture	The loss of ET, GCT, or SAA directed by the MCF commander that has been held in abeyance awarded as a consequence of violations of MCF rules or the UCMJ.
GCT	A deduction of days from a prisoner's release date for good conduct and faithful observance of all facility rules and regulations.
healthcare 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.
healthcare practitioner	Clinicians trained to diagnose and treat patients, such as physicians, dentists, psychologists, podiatrists, optometrists, nurse practitioners, and physician assistants.
high risk prisoners	Prisoners who require special custodial supervision due to the seriousness of their offenses, high risk of causing injury to self or others, high escape risk, or a disposition toward or history of being dangerous, violent, or noncompliant with confinement authorities, among other factors. Accordingly, quarters and work assignments may be assigned to ensure maximum control and supervision.
internal risk	The potential danger a prisoner represents to staff, other prisoners, and the day-to-day good order of the facility.
Level I MCF	Minimum security facility capable of providing pretrial and post-trial confinement (up to 1 year) for minimum risk prisoners.
Level II MCF	Medium security facility capable of providing pretrial and post-trial confinement (up to 10 years) for medium risk prisoners.

TERM	DEFINITION
Level III MCF	Maximum security facility designed for high risk, long-term (including life), and death sentence prisoners, and are capable of providing post-trial confinement exceeding that of Level II facilities. The USDB is the only Level III MCF and will not provide pretrial confinement. Level II facilities with a mission to confine Level III long-term prisoners may provide pretrial confinement.
minimum release date	The adjusted maximum release date adjusted for credit or forfeiture of GCT and abatements.
minimum risk prisoners	Prisoners who do not pose a risk of harm towards others and the general public; adjust well to confinement and controlled institutional living, and are considered to be sufficiently dependable to be assigned work details outside the facility. If authorized by the MCF commander, such prisoners may be assigned work details outside the facility under minimal supervision.
medium risk prisoners	Prisoners who pose a minimal risk of harm toward others and adjust well to confinement and controlled institutional living. If authorized by the MCF commander, such prisoners may be assigned work details outside the facility under continuous supervision.
MSR	A form of conditional release granted to a qualifying individual who has served that portion of their sentence to confinement up to their MRD. This form of release is served until the adjusted maximum release date unless otherwise revoked or remitted by the respective Military Department C&PB.
parole	A prisoner on a conditional release from confinement, under the guidance and supervision of a United States parole officer.
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.
restrictive housing	Any type of tension that involves three basic elements: removal from the general prisoner population, whether voluntary or involuntary; placement in a locked room or cell, whether alone or with another prisoner; and inability to leave the room or cell for the bast majority of the day, typically 22 hours or more.

TERM	DEFINITION
SAA	A deduction of days from a prisoner's release date earned for a specific act of heroism, humanitarianism, or extraordinary institutional or community support deemed appropriate by the MCF commander.
substance use education	An educational program that focuses on the adverse effects and consequences of alcohol and other drug abuse.
substance use treatment	A program to treat a prisoner's substance abuse and alcohol and other drug abuse.
supervised release	Both parole and MSR.

REFERENCES

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DoD 7000.14-R, Volume 7A, "Department of Defense Financial Management Regulation (DoD FMR): Military Pay Policy – Active Duty and Reserve Pay," current edition

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DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008

DoD Directive 6495.01, "Sexual Assault Prevention and Response (SAPR) Program," January 23, 2012, as amended

DoD Instruction 1030.02, "Victim and Witness Assistance," July 27, 2023

DoD Instruction 1300.17, "Religious Liberty in the Military Services," September 1, 2020

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DoD Instruction 5505.14, "DNA Collection and Submission Requirements for Law Enforcement," April 4, 2022

DoD Instruction 5505.18, "Investigation of Adult Sexual Assault in the Department of Defense," March 22, 2017, as amended

DoD Instruction 5525.20, "Registered Sex Offender Management in DoD," November 14, 2016, as amended

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DoD Instruction 6040.40, "Military Health System (MHS) Data Quality Management Control (DQMC) Program," December 27, 2019

DoD Instruction 6040.42, "Management Standards for Medical Coding of DoD Health Records," June 8, 2016

DoD Instruction 6040.45, "DoD Health Record Life Cycle Management," November 16, 2015, as amended

DoD Instruction 6055.01, "DoD Safety and Occupational Health (SOH) Program," October 14, 2014, as amended

DoD Instruction 6310.09, "Healthcare Management for Patients Associated with a Sexual Assault," May 7, 2019

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[1] Available at https://www.justice.gov/dag/file/815551/dl

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[2] Available at https://prhome.defense.gov.
[3] Available to authorized personnel by contacting osd.pentagon.ousd-intel-sec.mbx.usdi-law-enforcement-office@mail.mil