

MINUTES

DoD Corrections Council

5 April, 2016

1. Meeting. The DoD Corrections Council met on Tuesday, 5 April from 1530-1630 hours.

2. Attendees

a. Council Members (Voting)

- (1) (b)(6), USA, DoD Corrections Council Chair, OUSD, P&R
- (2) (b)(6), Army Review Boards Agency
- (3) (b)(6), Army Clemency and Parole Board
- (4) (b)(6), Director, U.S. Navy Corrections (PERS-00D)
- (5) (b)(6), Deputy Director, U.S. Marine Corps Corrections (PSL Corrections)
- (6) (b)(6), Army Corrections Command
- (7) (b)(6), AF Review Boards Agency
- (3) (b)(6), USAF-A4

3. Agenda Items/ Corrections Service Reports

(a) Restricted Housing.

- (b)(6) provide a full update on the recently-released Presidential Memo restricting the use of Restricted Housing. All concurred that the Department is already in full compliance with the measures therein. The parties agreed that the Chair will issue a memorandum indicating that the Department and the Services will follow the guiding principles set forth.

- (b) Joint Corrections. (b)(6) re-introduced a topic that has been discussed previously: Joint Corrections. The group discussed the topic extensively and agreed that an Inter-Service Working Group should be established with a view toward producing a consolidated Service corrections policy. The Chair will produce a memorandum directing the formation of the Working Group.

- (c) The next agenda item was discussion of Sex Offender Registration forms, especially as they relate to military offenses as compared with offenses in particular states. All agree that our focus can be upon military offenses only and that we cannot, and will not, expect SJAs and/or corrections experts to opine or anticipate what registration requirements individual statements may make.
- (d) Similarly, we then had discussions regarding Victim Witness forms, concentrating on which witnesses are required to be identified and how that squares with notifications, etc. OLP agreed to re-look at recent amendments to the form to ensure they square with requirements and practice.
- (e) The last agenda item was a PREA update. The Army briefed that the USDB and MW facilities are complete and that the NW facility will be audited this summer. The Navy briefed that Miramar was audited in 13-14; that Charleston and Pearl Harbor were completed in 14-15; and that JAX and Chesapeake are next in the Spring of 16. The new cycle then begins in August 16. USMC briefed that Camp Pendleton will be done in Aug 16 and that Camp LeJuene is next. A new brig will be built at Yuma in 17. In addition Okina and Iwakuna were both inspected and received scores of 100 and 96 respectively. Finally the USAF briefed that they will not be able to meet the guidelines because of the number of facilities they have. They have 25 facilities from 4-27 beds. They are making use of the exception in the CFR for additional time for compliance of facilities less than 50 beds.

The meeting adjourned at 1630 hours.

(b)(6)

MINUTES

Ad-hoc DoD Corrections Council

10 August, 2013

1. Meeting. The DoD Corrections Council met on Saturday, 10 August from 1330-1445 hours.

2. Attendees

a. Council Members (Voting)

- (1) (b)(6) USA, DoD Corrections Council Chair, OUSD, P&R
- (2) (b)(6) Army Review Boards Agency
- (3) (b)(6) Director, U.S. Navy Corrections (PERS-00D)
- (4) (b)(6) Director, U.S. Marine Corps Corrections (PSL Corrections)
- (5) (b)(6) Deputy Commander, Army Corrections Command

b. Other/Service Attendees

- (1) (b)(6) USA PMG
- (2) (b)(6), USDB
- (3) (b)(6) USN
- (4) (b)(6) Deputy Director, U.S. Marine Corps Corrections (PSL Corrections)

3. Agenda Items/ Corrections Service Reports

(a) Implementation of PREA.

- a. The PREA DTM went into effect 10 Feb 2013. By their nature, DoD DTMs expire in 180 days and thus, DoD is staffing an extension of the PREA DTM for 90-180 days in order that we have extended coverage as the Services move toward final approval and implementation of their respective PREA programs. The Services are making excellent progress toward adoption of their respective products implementing PREA.

b. Questions continue to arise regarding the exact application of PREA to different types of facilities. As the DTM notes, PREA applies to Level I-III confinement facilities. It does not apply to temporary lock-ups or those facilities commonly referred to as "D-Cells" or to similar facilities operated by the Services.

- (1) This interpretation squares with Departmental practice as to the statistics and reporting mechanisms we utilize with the Department of Justice.
- (2) It is also consistent with the Presidential Memo which refers to "Prisons" and "confinement facilities," and with the Department of Justice Final Rule, which refers to "confinement facilities" not administered by the FBOP and which grants authority to other federal agencies to regulate the operation of their own facilities.
- (3) DoDI 1325.07, para 4(b) allows the Services latitude in the classification of short-term facilities in military police stations. The Council recognizes and supports this latitude and discretion, but

(b) The Army briefed a proposal to increase the sentence threshold for Level III facilities from five years to ten years. (b)(6) presented this proposal and offered several justifications in support including: reducing the number of transfers to the BOP (we have 304 currently); the USDB remains at 90% capacity, thus often necessitating transfers to BOP; and level II facilities are operating typically at less than 50% capacity.

This administrative change would re-balance capacities across facility levels. Several related topics were discussed, including impacts in other areas, such as treatment, and the effects on the legal community (if any). The Navy expressed the preference that any change be made prospectively, thus not taking prisoners currently in level III facilities and transporting to level II and also noted that there are substantial differences in programs for sentence lengths between five and ten years. The Navy also noted that transfers to BOP may also make economic sense.

As a result of extensive discussion, it was agreed unanimously that: the proposal was granted; that it would be implemented as a one-year test program; that Service Corrections officials would maintain discretion in terms of assignment and movement of prisoners; that the DoD Corrections Council would monitor at quarterly meetings and re-assess at the one year mark; and that Office of Legal Policy would produce the memorandum implementing said program.

(c) Sex Offender Registration and IG review was the next agenda item. The USMC advised that their inspection was to occur shortly and that they would advise of issues. Inspections of other Services are pending. The USMC also reported that potential contract issues regarding contracting

civilian facilities for short-term use have been resolved and that Intergovernmental Support Agreements appear to be the solution. USMC Corrections will consult with USMC attorneys thereon. Lastly, Camp Pendleton is soon to undergo an audit.

- (d) The last agenda item was LEO hiring. Extensive discussion ensued regarding different approaches to this issue (scrutiny from a physical requirement or medical standard perspective); issues regarding waivers; and Office of general Counsel review. This item will be carried over and the Services will consult and advise OLP as necessary.

The meeting adjourned at 1015 hours. The next meeting will be conducted in the Spring by teleconference and the summer meeting will be conducted in Washington in conjunction with ACA.

(b)(6)

MINUTES

Ad-hoc DoD Corrections Council

16 August, 2014, Salt Lake City, Utah

1. Meeting. The DoD Corrections Council met on Saturday, 16 August from 1400-1530 hours.

2. Attendees

a. Council Members (Voting)

- (1) (b)(6), USA, DoD Corrections Council Chair, OUSD, P&R
- (2) (b)(6), Army Review Boards Agency
- (3) (b)(6) Director, U.S. Navy Corrections (PERS-00D)
- (4) (b)(6) Director, U.S. Marine Corps Corrections (PSL Corrections)

b. Other/Service Attendees

- (1) (b)(6), USA PMG
- (2) (b)(6), USDB
- (3) (b)(6), USN
- (4) (b)(6), Deputy Director, U.S. Marine Corps Corrections (PSL Corrections)

3. Agenda Items/ Corrections Service Reports

(a) Implementation of PREA.

- The topic of PREA conformity has been an ongoing issue and it occupied again a great deal of discussion. OLP and (b)(6) took the lead, offering the following historical context for the day's discussions. The PREA DTM went into effect 10 Feb 2013. By their nature, DoD DTMs expire in 180 days and thus, DoD is staffing an extension of the PREA DTM for 90-180 days in order that we have extended coverage as the Services move toward final approval and implementation of their respective PREA programs. The Services are

making excellent progress toward adoption of their respective products implementing PREA.

- Questions continue to arise regarding the exact application of PREA to different types of facilities. As the DTM notes, PREA applies to Level I-III confinement facilities. It does not apply to temporary lock-ups or those facilities commonly referred to as "D-Cells" or to similar facilities operated by the Services.

- (1) This interpretation squares with Departmental practice as to the statistics and reporting mechanisms we utilize with the Department of Justice.
- (2) It is also consistent with the Presidential Memo which refers to "Prisons" and "confinement facilities," and with the Department of Justice Final Rule, which refers to "confinement facilities" not administered by the FBOP and which grants authority to other federal agencies to regulate the operation of their own facilities.
- (3) DoDI 1325.07, para 4(b) allows the Services latitude in the classification of short-term facilities in military police stations. The Council recognizes and supports this latitude and discretion; (b)(5)

(b)(5)

- The final topic of discussion on PREA was the Services' ability to exceed PREA standards: i.e. to apply additional protections over and above what PREA may require to certain types of facilities. The Council agreed that the Services may do this and may do so without subjecting such facilities to PREA audits.

- (b) The Army provided an update to the previously-approved proposal to increase the sentence threshold for Level III facilities from five years to ten years. (b)(6) provided an update on statistics and the Group agreed that the policy is working well.

- (c) (b)(7)(E)

- (d) The next and last agenda item was discussion of gender dysphoria issues.

The meeting adjourned at 1530 hours.

(b)(6)

MINUTES

DoD Corrections Council

14 August, 2015

1. Meeting. The DoD Corrections Council met on Saturday, 10 August from 1400-1600 hours.

2. Attendees

a. Council Members (Voting)

- (1) (b)(6) USA, DoD Corrections Council Chair, OUSD, P&R
- (2) (b)(6) Army Review Boards Agency
- (3) (b)(6) Director, U.S. Navy Corrections (PERS-00D)
- (4) (b)(6) Deputy Director, U.S. Marine Corps Corrections (PSL Corrections)

b. Other/Service Attendees

- (1) (b)(6), USA PMG
- (2) (b)(6) USDB
- (3) (b)(6), USN

3. Agenda Items/ Corrections Service Reports

(a) DoD SafeHelp Line.

- (b)(6) DoD SAPRO provided a comprehensive briefing on the DoD SafeHelp Line. A full-scale and wide-ranging discussion regarding the HelpLine and both restricted and unrestricted reporting mechanisms followed.

(b) Joint Corrections. (b)(6) re-introduced a topic that has been discussed previously: Joint Corrections. The group discussed the topic extensively and settled upon (b)(6) providing some edits to the proposal and introducing it at an upcoming meeting.

(c) The USMC representative introduced the topic of prisoner transports, essentially volunteering the USMC, which has an active deserter apprehension program, to provide prisoner escorts for all services. The

Group agreed to table further consideration pending additional data from the USMC.

- (d) The next agenda item was discussion of Sex Offender Registration Positions at Military correctional facilities. Each of the Services briefed that they have such personnel in place and the topic was closed.
- (e) The next agenda item was discussion of the Sexual Violence Survey. The Services now have a fairly long history of completing the survey, so the conversation was somewhat limited.
- (f) The last agenda item was discussion of regarding Gender Dysphoria and policy and procedures in military confinement facilities. Extensive discussion regarding individual cases and treatment plans and policies took place.

The meeting adjourned at 1600 hours.

(b)(6)

MINUTES

DoD Corrections Council

6 August, 2016

1. Meeting. The DoD Corrections Council met on Saturday, 6 August from 1600-1730 hours.

2. Attendees

a. Council Members (Voting)

- (1) (b)(6) USA, DoD Corrections Council Chair, OUSD, P&R
- (2) (b)(6), Army Review Boards Agency
- (3) (b)(6), USAF
- (4) (b)(6), Director, U.S. Navy Corrections (PERS-00D)
- (5) (b)(6), U.S. Marine Corps Corrections (PSL Corrections)
- (6) (b)(6) Army Corrections Command

B. Other Attendees:

- (7) (b)(6), USA
- (8) (b)(6) USAF-A4
- (9) (b)(6) USDB
- (10) (b)(6) CDR, USDB
- (11) (b)(6), CSM, USDB
- (12) (b)(6), USA
- (13) (b)(6) USA
- (14) (b)(6), USMC

3. Agenda Items/ Corrections Service Reports

(a) Restricted Housing.

- (b)(6) and (b)(6) provided a full update on the recently-released Presidential Memo restricting the use of Restricted Housing, as well as reports on the ACA's adoption of the Guidelines, and the department's meetings with DoJ and WH officials on this issue. All concurred that the Department is already in full compliance with the measures therein and concurred with the contents of the draft report to the Administration. We agreed that (b)(6) (b)(6) will add the latest statistics, forward the completed draft for Service review and then staff the action through OSD. On 5 August the ACA passed the Restrictive Housing Standards/ Guidelines.

(b) The Chair (b)(6) accepted Navy's proposal to add Report of Results of Trial and Stipulations of Fact to intake documents required of DoDI; other Services agreed. Chief of Navy Corrections will draft a Memorandum to this issue and staff via other-Services for the Chair's signature.

(c) Service updates were provided.

(d) PREA update. A comprehensive update was provided.

(e) A discussion regarding transgender prisoner status was conducted.

The meeting adjourned at 1730 hours.

(b)(6)

MINUTES

DoD Corrections Council, 19 August, 2017

1. **Meeting.** The DoD Corrections Council met on Saturday, 19 August from 1530-1715 hours.

2. **Attendees**

- a. *Council Members (Voting):*

- (1) (b)(6) USAF, Chair, OUSD, P&R
 - (2) (b)(6) Director, U.S. Navy Corrections
 - (3) (b)(6) Army Corrections Command
 - (4) (b)(6) USMC

- b. *Other Attendees:* None.

3. **Agenda Items/ Corrections Service Reports**

- (a) *Restricted Housing (RH).* Each of the Services represented indicated the policy has been implemented. Navy reports less than 10 each day in RH. Army noted there has been a noticeable decrease in RH without any negative impacts. USMC has implemented the policy.
 - (b) *Prison Rape Elimination Act (PREA).* Each of the Services represented presented a status update on the PREA policy. Navy noted that PREA applies only to CONUS installations but they are applying the policy to all facilities. Each of their facilities have been audited and are in compliance. NAVCONBRIG Miramar was audited and scored 100 percent. The reports are on their website. Army noted they are on their second round of audits and all facilities are in compliance, including overseas locations even though they are not required to be PREA-compliant. USMC is in compliance and had nothing further to report.
 - (c) *Transgender policy status.* The Chair updated the services on the latest status with Transgender policy following the President's tweet that he was reversing course and prohibiting transgender service. Army noted there is one Air Force prisoner at the U.S. Disciplinary Barracks who is transgender and was starting a medical plan when the President sent his tweet. The issue is now with their lawyers to determine the way forward in light of the new policy position. Navy and USMC do not have any transgender prisoners at the moment.

- (d) *Capital Punishment Drugs.* Army noted that inmate (b)(6) appeals are complete (b)(5)

(b)(5)

- (e) *Department of Defense Instruction updates.* The Chair provided an update on the status of revisions to the Department's correction and victim/witness policies, and the bottleneck that has resulted from the executive order requiring removal of two regulations in order to implement a new one (and that a revision of an existing regulation is considered a "new" regulation for this Administration). The Chair noted that an administrative correction to the corrections policy was pending and should be released soon; the revision updates offense codes for law enforcement, sex offender registry, and security level classifications of inmates.

- (f) *Service Updates.* Service updates were provided.

The meeting adjourned at 1715 hours.

(b)(6)

MINUTES

Ad-hoc DoD Corrections Council

21 January, 2012

1. Meeting. The DoD Corrections Council met on Saturday, 21 January 2012 from 1420 - 1552 hours.

2. Attendees

a. Council Members (Voting)

- (1) (b)(6) USA, DoD Corrections Council Chair, OUSD, P&R
- (2) (b)(6), Chairman, Army Clemency and Parole Board
- (3) (b)(6), Director, U.S. Navy Corrections (PERS-00D)
- (4) (b)(6) Deputy Director, U.S. Marine Corps Corrections (PSL Corrections)
- (5) (b)(6), U.S. Army Clemency and Parole Board (AC&PB), Army Review Board Agency (ARBA)
- (6) (b)(6), U.S. Air Force Corrections, Air Force Security Forces, Security Forces Corrections (via telecon)
- (7) (b)(6) Naval Clemency and Parole Board (via telecon)
- (8) (b)(6), USAF Clemency and Parole Board

b. Other/Service Attendees

- (1) (b)(6), ACC
- (2) (b)(6) USAF
- (3) (b)(6), USDB
- (4) (b)(6) Navy Corrections
- (5) (b)(6), USA PMG

3. Agenda Items/ Corrections Service Reports

(a) The first agenda item was the status of DoDI 1325.07. That issue was the topic of a longer session with the Service Representatives that met immediately prior to the Corrections Council. During the prior session, which was described for the full corrections council, the group reviewed fully the formal coordination comments offered by the Services (save USAF comments which are pending). While no formal adjudication of the comments took place, there was good and valuable discussion thereon. Especially relevant was discussion on the formal requirements for labeling comments as "Critical" or "substantive" a discussion that will inform future efforts.

Thus, the deadline for formal submission of comments has been extended to 24 Feb and group will conduct a telecon in the first week of Feb to review submissions.

On a related note, there was discussion regarding the status of policies or DTMs setting forth additional guidance on issues such as computation of good-time credit. It is the OLP and OGC opinions that these policies remain in effect and are being incorporated into the new DoDI.

(b) The next topic of conversation was the status of NIS visits to DoD facilities. The Army advised that one visit (JRCF) has already been completed without incident and that another (USDB) would take place the week of 23 Jan. During this visit, approx 250 of 460 inmates will be surveyed.

The NAVY reported that the remaining visits are scheduled and are moving forward.

c) The next topic of conversation was the applicability of PREA to DoD corrections facilities. (b)(6) summarized the current state of discussions.

(b)(5)

(d) The next topic of discussion (b)(5)

(b)(5)

(e) (b)(6) introduced the topic of the draft MOA between the services regarding the JRCFNW. (b)(6) had sent the document to Council members previously for review and there was general agreement thereon. Negotiations will continue.

(f) (b)(6) requested discussion of proposals regarding the possible use of FBOP halfway houses for sex offenders unable currently to develop satisfactory release plans. (b)(6) briefed the Council on the relatively long

history of the issue, especially as it relates to his discussions with the previous Director of the FBOP. (b)(6) and (b)(6) also offered their thoughts.

The group agreed to continue to entertain and explore the topic with the USAF agreeing to take the lead in continued research and development of possible COAs.

The meeting adjourned at 1547 hours. The next meeting will be conducted in the Spring by teleconference and the summer meeting will be conducted in Denver in July.

(b)(6)

**DOD Corrections Council Meeting
March 15, 2018**

LOCATION:

(b)(6)

Dial-in Number: (b)(6)

Passcode: (b)(6)

AGENDA

0830 – 0900 Arrival

0900 – 1100 Discussion (with breaks as necessary)

DISCUSSION TOPICS:

- **DODI 1325.07 Revisions and status**
 - o **PREA, Rest. Housing,**
 - o **Incorporate and cancel DODD 1325.04**
 - o **Addressing reporting requirements for Brady**
 - o **Potential new form for Brady reporting similar to SORNA**
- **Changes to ROT DD Form 2707 to capture more reporting requirements**
- (b)(6) **Letters and FBI complaints**
- **Level II/Level III classification , DOD memo and future, DODI**
- **Halfway Houses**
- **Census records**
- **Future of Corrections Council – meetings, goals, etc.**
- **Other Items brought up by council**
- **Around the room/any other issues**
- **Next Meeting:**
 - o **? 2018**

**DOD Corrections Council Meeting
March 15, 2018**

LOCATION:

(b)(6)

Dial-in Number: (b)(6)

Passcode: (b)(6)

MINUTES

The meeting began at 0900, 15 March 2018.

ATTENDEES:

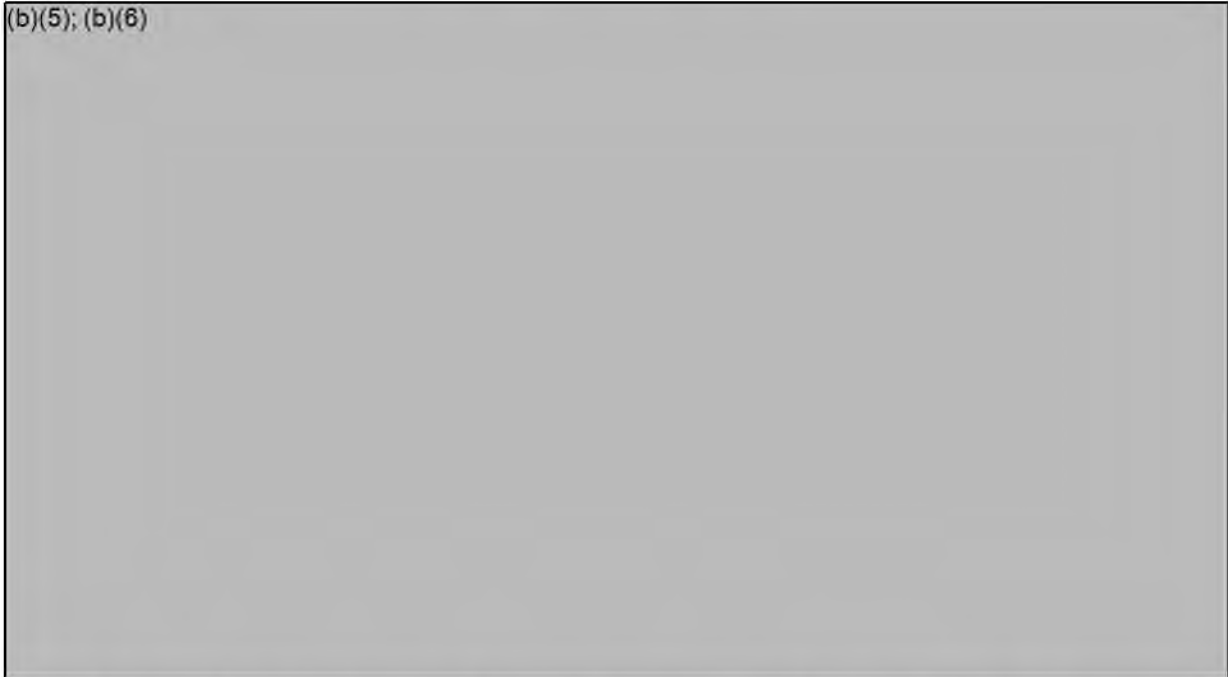
- (b)(6) OUSD(P&R)
- (b)(6) OUSD(P&R)
- (b)(6) Army Corrections Command
- (b)(6) Air Force Clemency and Parole Board (via telephone)
- (b)(6) Air Force Corrections (via telephone)
- (b)(6) AFLOA, Clemency, Corrections and Officer Review Division
- (b)(6) Marine Corps Corrections
- (b)(6) Navy Corrections Command (via telephone)

DISCUSSION TOPICS:

- **DODI 1325.07 Revisions and status** – (b)(6) described briefly the revisions that are underway, some of which have been previously discussed and addressed, such as PREA and restrictive housing. Informed members that the revised DoDI will also address reporting requirements for Brady bill disabilities, and will incorporate and cancel DoDD 1325.04. We discussed the plans for a new form, similar to the required form for reporting under SORNA, which would put inmates on notice when they are potentially prohibited from purchasing or possessing a gun under Brady. No one had an issue with such a form being introduced and used upon release from confinement.
- **Changes to ROT DD Form 2707 to capture more reporting requirements** – This form will now include several new boxes to address reporting requirements for Brady bill provisions, including a domestic violence box. There was a recommendation to make the form mandatory, which all concurred with. That is how P&R plans to go forward with the form. There were a couple of questions from (b)(6) about the distribution on the form and some consistency with statutory and regulatory references. These will be considered and addressed by P&R prior to finalizing the revision.
- (b)(6) **Letters and FBI complaints** – (b)(5)
(b)(5)

**DOD Corrections Council Meeting
March 15, 2018**

(b)(5); (b)(6)



- **Level II/Level III classification, DOD memo and future, DODI** – The group discussed the current definition of level 3 as 10 years, instead of 5. This has been in practice for the last few years as directed by a past Corrections Council decision IAW DoDI 1325.07 Enc. 2, paragraph 4.a. It was agreed that this will remain in effect and will be changed in the revision to the DoDI. (b)(6) pointed out that if the level 2 facilities have an inmate that becomes too problematic and is not able to be held in the level 2 facility, they can request transfer to USDB with documentation as to the need. This resolves the question of whether this is a permanent change (it is), thus allowing the marine corps corrections to work agreements with other services when there is a need for more beds.
- **Halfway Houses** – (b)(6) explained that there have been some times in the past when inmates who are up for parole or release can't be released because they can't find housing, maybe because they are a sex offender, for example. This becomes an issue for the clemency and parole boards, and also the prisons, because they have to hang on to prisoners who should be released or paroled. It is very infrequent and the discussion led to the conclusion that a good option might be to work with FBOP to try to make arrangements for any of the military inmates who need housing in a federal halfway house. This could be done by a formal agreement, or just on a case by case basis as needed.
- **Census records** – The census bureau is looking for demographic data on military inmates for the future census. The DMDC was willing to assist, but there is no way for them to access the data needed. The discussion ended with the conclusion that the Manpower or AFPC or other "personnel" branches of the services were the best place to gather such data.

DOD Corrections Council Meeting March 15, 2018

- **Future of Corrections Council – meetings, goals, etc.** – The members concurred that the council could meet semi-annually and as needed, called by the Chair, and be as productive and useful as it is now. This will be considered for the revision to the DoDI.
- **Other Items brought up by council** – the facilities have some concern about the issue of **fingerprinting**. All agree that they are the place of last resort.
- **Around the room/any other issues**
- **Next Meeting:**
TBD – 2018 With the revision of DoDI 1325.07 on the way, it was decided that, depending on the timing of the draft coming out for review, a meeting will be held for all to discuss that draft.