



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
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From: Commander, Navy Personnel Command (PERS-00D1)
To: Distribution

Subj: CONFINEMENT FACILITY OFFENSES

Ref: (a) SECNAVINST 1640.9C, 3 Jan 06

Encl: (1) U.S. ACC Policy Letter #16 of 27 May 09

1. Purpose. Standardize confinement facility offenses within the Department of the Army and Department of the Navy corrections system.

2. Background

a. Article 5104 of reference (a) provides a list of confinement facility offenses within the naval corrections system. While this is not an all inclusive list, the Corrections Management Information System (CORMIS) is aligned with this list for reporting purposes.

b. The Headquarters and Support Activities Joint Cross-Service Group, Base Realignment and Closure (BRAC) Report for BRAC 2005, as required by Section 2903(c)(5) of the Defense Base Closure and Realignment Act of 1990, as amended, restructures the Department of Defense (DoD) corrections system. By 15 September 2011, the DoD corrections system will have downsized from 17 to 6 Level II facilities within 5 geographical regions. Efforts to better align the Army and Navy corrections system are underway, with this subject initiative a clear example.

c. On 10 July 2009, CORMIS will be revised to align confinement facility offenses with enclosure (1).

3. Policy. By 10 July 2009, Navy brig officers will ensure prisoner rules and regulations are revised to accommodate the confinement facility offenses contained within enclosure (1). The confinement facility offenses contained within enclosure (1) replaces the list contained within 5104 of reference (a).

4. Applicability. This policy applies to all Navy brigs, ship and shore.

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5. Point of Contact. Mr. Tim Purcell, PERS-00D1B, (901) 874-4452,
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W. E. PECK
By direction

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**DEPARTMENT OF THE ARMY
U.S. ARMY CORRECTIONS COMMAND
150 ARMY PENTAGON
WASHINGTON DC 20310-0150**

REPLY TO
ATTENTION OF

DAPM-ACC

POLICY LETTER # 16

MAY 27 2006

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Corrections Command (ACC) Policy Letter #16 – Institutional Offense Policy

1. References:

a. Department of Defense Instruction 1325.7, Administration of Military Correctional Facilities and Clemency and Parole Authority, dated 17 July 2001.

b. Army Regulation 190-47, The Army Corrections System, dated 15 June 2006.

2. Facility commanders can impose administrative and disciplinary measures to ensure compliance with rules and regulations of the facility (policies and procedures) maintain safety, custody and control for prisoners in their jurisdiction. A person subject to the UCMJ who is properly ordered to confinement pursuant to Manual for Courts-Martial (MCM) 2008 is subject to the provisions of this policy. All newly assigned prisoners will be briefed on facility rules and regulations, UCMJ and disciplinary authorities and procedures.

3. All prisoners confined in Army Corrections System facilities will be required to become familiar with the rules and procedures outlined in the facility rulebook and other guidance provided by the facility commanders.

4. This policy letter lists and describes offenses under which a prisoner may be disciplined. Category I & II offenses are considered minor infractions. Category III, IV & V offenses are considered serious infractions.

a. Academic Misconduct (Category III offense). Missing class through design or misconduct, cheating or assisting another to cheat on any academic or vocational training examination, disrupting an academic or vocational training session.

b. Aiding Another (Category I, II, III, IV, or V offenses). Conspiring with, soliciting, or aiding another to commit or attempt any prohibited act, to include failing to report a prohibited act. The category corresponds to the attempted level of offense will be the same as the prohibited offense.

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c. Arson (Category V offense). Igniting any item which could cause personal injury or damage to any property.

d. Assault (Category III, IV, or V offense). To attempt or offer to do bodily harm to another with unlawful force or violence, with apparent ability to do so. Category IV offense if committed with a weapon; Category V offense, if committed against a staff member.

e. Assault Consummated by Battery (Category IV or V Offense). To intentionally and without consent, strike, touch, or apply force to the person of another, either directly or indirectly, resulting in either bodily harm or an offensive touching of any form. Category V offense, if committed against a staff member.

f. Attempt (Category I, II, III, IV, or V offenses). Any attempt to do a prohibited act, including any steps of preparation necessary to accomplish the prohibited act. The category level of the attempted offense will be the same as the prohibited offense.

g. Being Unsanitary or Untidy (Category I offense). Failing to keep one's person, clothing, or living area sanitary and per prescribed standards. This offense includes littering of common use areas, etc.

h. Breach of Peace (Category III offense). Use of rough (offensive), loud, profane, boisterous language or action, which disturbs or threatens the peace and good order of the facility.

i. Bribery (Category IV offense). Asking, offering, rendering, accepting or receiving anything of value, this includes personal services, with intent to influence another to make a decision or commit an act that is prejudicial to the good order and discipline. Category V offense, if committed against a staff member.

j. Cell Alteration (Category II offense). Making unauthorized changes to living quarters such as, but not limited to, moving furniture, painting or marking walls, hanging items to block the view into the living area, affixing shading devices to lights or obstructing the intercom and/or public address system.

k. Communicating a Threat (Category IV or V offense). Communicating verbally, in writing, or by physical gestures, a message intended to, or which may reasonably be expected to intimidate or threaten another, either directly or indirectly. This includes conditional threats or intimidation. Category V offense, if committed against a staff member.

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l. Communications Tampering (Category IV offense). Tampering with any part of a radio, jack, headset, television, telephone, cassette disk player or any other communication device without permission etc.

m. Conduct Which Threatens (Category IV offense). Any conduct which interferes with the orderly running, safety, good order and discipline, or security of the facility.

n. Contact Between Male and Female Prisoners (Category III offense). Any physical contact between male and female prisoners is prohibited, except within the scope of duties. Verbal communication between male and female prisoners is prohibited except, as necessary on a detail, or at official facility programs. Written correspondence is covered in the unauthorized writing rule. Female and male prisoners will not socialize during fellowship times at religious services or gatherings.

o. Counterfeiting (Category IV offense). Knowingly making, submitting, reproducing, or altering any signature, writing, document, article of identification, money, security, or official paper without proper authority.

p. Damaging or Destroying Property (Category III offense). Defacing, altering, or destroying property belonging to the government, or belonging to an individual. Anything issued to a prisoner is government property (e.g., correctional facility operating instruction, identification badges, cell furnishings, clothing, and all equipment). This offense also includes marking, defacing, or destroying any posted instructions/orders.

q. Disobedience (Category III offense). Disobeying an order given by civilian or military personnel in the performance of their duties, to include failure to comply with any order in a timely manner.

r. Disorderly Conduct (Category III offense). Conduct of such a nature as to affect the peace and quiet of individuals, or who may thereby be disturbed or provoked to resentment. This charge could encompass all participants in a fight, regardless of who started the fight, or against individuals who engage in disruptive conduct, such as trashing the facility (e.g., throwing things on the floors, or flooding the facility by any means).

s. Disrespect (Category IV or V offense). Being disrespectful in language or actions toward or about any member of the facility staff or other person of authority. Disrespect may consist of behavior that detracts from the respect due the authority and person of a facility staff member. It includes acts or language, however expressed. Abusive epithets or other contemptuous or denunciatory language may convey disrespect by words. Disrespect by acts includes showing a marked disdain, indifference, insolence,

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impertinence, undue familiarity or other rudeness in the presence of a staff member. Category V offense, if committed against a commissioned officer.

t. **Escape (Category V offense).** Leaving custodial control without authority, including departing the correctional facility, detail, escort, housing unit, job site or failing to return from temporary or emergency home parole.

u. **Extortion (Category IV offense).** Demanding or receiving anything of value, to include personal services from another, by threatening to harm or exposure to authorities or disgrace, etc.

v. **False Statement (Category II offense).** Signing, with the intent to deceive, any false record, return, order, regulation or other official document, knowing it to be false, or making any other false official statement knowing it to be false. This includes lying to a staff member about an official matter, either verbally or in writing, including signing or printing the name of another on any official document without authority of correctional facility officials.

w. **Funds Manipulation (Category III offense).** Directly or indirectly transferring money or negotiable instruments, including, but not limited to, checks and money orders to another, except as specifically authorized. Receiving money or negotiable instruments from a person or persons is identified as a prohibited source for funds.

x. **Gambling (Category III offense).** Participating in games of chance for anything of value, to include personal services. Use of authorized recreational equipment for games of chance, or operating of any gambling pool. Possession of gambling paraphernalia.

y. **Indecent Exposure (Category IV offense).** Intentionally exhibiting one's sexual organs, bare buttocks, or in the case of a female, bare breast, to another or to public view.

z. **Interfering with Count (Category IV offense).** Delaying or interfering with count including failing to timely move to assigned cell or area when lockdown is ordered or otherwise failing to assume a position in accordance with an order or this regulation so as to be readily visible to staff.

aa. **Intoxicants (Category V offense).** Consuming, possessing, introducing, manufacturing or using any narcotic, drug paraphernalia, drug or intoxicant (to include any type of alcohol) not prescribed by the medical staff.

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bb. Larceny (Category III or IV offense). The taking, obtaining or withholding from the possession of the owner or another without authority, money, property or article of value of any kind. All articles or property, individually or government-owned, that are deposited in a trash receptacle within the grounds of the facility will be considered owned and in the possession of the government until departure of said property from the grounds of the facility. All articles of property deposited in the trash receptacle under this paragraph will be considered to be of the same value. Taking of government property is a Category IV offense.

cc. Lock Tampering (Category IV offense). Tampering with locking devices or other security equipment, to include obstructing doors to prevent them from locking or unlocking.

dd. Loitering (Category I offense). Lingered, moving slowly, stopping, or pausing in any area during individual or mass movement. Taking more than the prescribed time to consume a meal.

ee. Malingering (Category II offense). Avoiding any responsibility, requirement, or order by feigning illness, physical disablement, mental lapse, or derangement, includes abuse of sick call; or inflicting self-injury or removing stitches and bandages without authority.

ff. Medicine Misuse (Category III or IV offense). Using, possessing, handling or storing of medicine, except as authorized by the facility medical staff. Failure to take medication as prescribed by medical staff.

gg. Mutilation (Category III offense). Tattooing, piercing, marking, or maiming any part of the body or another person's body.

hh. Out of Place (Category III or IV offense). If prisoners are not at their designated detail, housing unit, scheduled appointment, religious activity, recreational activity, or dining area, and are not on pass or under escort, they are out of place. If prisoners are not where they are supposed to be, they are out of place. This includes prisoners who deviate from the most direct authorized route from one authorized location to another and those visiting in or around another prisoner's cell. If the facility's movement or normal operations is ceased and/or a special count is conducted due to the prisoner being out of place, it is a category IV offense.

ii. Possession, Introduction, or Use of a Weapon (Category V offense). Construction, introduction, possession, or the use of weapons is expressly forbidden. Weapons include, but are not limited to: guns, knives, clubs, brass knuckles, saps,

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blackjacks, and hard object(s) in a sock or similar container, or any item modified so it could be used as a weapon (e.g., modifying a disposable razor to expose the cutting edge, or placing a bar of soap in a sock).

jj. **Possession of Stolen Property (Category III or IV offense).** Having on one's person or in one's living area property belonging to another or the government, which has been stolen. Having government property that has been stolen is a category IV offense. While actual knowledge that the property was stolen is required, such knowledge may be inferred and proved by circumstantial evidence.

kk. **Profiteering/Racketeering (Category IV offense).** The loaning, buying, selling, trading, transferring, receiving, or lending of property, services or anything of value for profit, increased return or something of value.

ll. **Prohibited Property (Category III offense).** Anything not specifically authorized by proper authority to be in a prisoner's possession is prohibited. Prisoners must obtain and keep written permission from the Facility Commander, or authorized representative, to possess any item not authorized by facility policy or staff. Any item not specifically authorized and found in a prisoner's possession will be considered prohibited property. Possession of property obtained from trash receptacles, or that which was discarded in any other way by other prisoners or staff is prohibited. Property that has been altered from its original form without facility authorization will be considered prohibited property.

mm. **Provoking Words or Gestures (Category III offense).** Verbal or written communications or physical gestures that may anger, irritate, or incite another to induce a breach of peace under the circumstances.

nn. **Rations Misuse (Category III offense).** Use of any ration in any manner for which it was not intended, such as throwing a ration item, using rations to make intoxicants, using rations in other illegal acts, wasting rations, or adding foreign substances to rations.

oo. **Resisting Forced Cell Moves (Category IV or V offense).** Any action taken to impede, resist, or interfere with the actions of forced cell move teams, including, but not limited to, trying to keep the cell door closed, throwing objects at the Force Cell Move Team(FCMT) or attempting to grab team members while in the performance of their duties. Any action taken that causes the FCMT to be activated, even if it is not used is a category IV offense.

pp. **Rules Violation (Categories III offenses).** Violation of any posted or published correctional facility rule. This includes, but is not limited to, the rules or instructions

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posted in housing units, details, and other offices/work areas, limitations imposed by recreation restriction, quarters and medical profiles, the terms of MIN or trusty pledges, visitation rules, and requirements not otherwise specified as institutional offenses.

qq. Running (Category I offense). Running anywhere inside the correctional facility is prohibited, except as appropriate when engaged in authorized recreational activities, or as part of the corrections-training program.

rr. Sex Offender Contact with Minor Children (Category IV Offense). Prisoners who committed sexual offenses with minor children are prohibited from having contact, either written, telephonic, or in person, directly or indirectly with minor children unless written approval is granted by the facility commander or designee authorizing contact.

ss. Sexual Misconduct (Category IV offense). Soliciting, threatening, or engaging in sexual or lewd conduct with another. Masturbating in open/plain view or continuing to masturbate in view of staff is considered sexual misconduct.

tt. Sleeping on Duty (Category II offense). Falling asleep or appearing to fall asleep while at a detail or place of duty.

uu. Solicitation (Category V Offense). Asking, requesting or suggesting a staff member to perform any act, or give, provide or make available any item for the prisoner that is outside the staff member's normal performance of duty.

vv. Staff Harassment (Category II offense). Any comment, conversation, question, or other communication (verbal or non-verbal expressions) intended to or which may reasonably be expected to anger, irritate, or demean a staff member. Such communications will be considered staff harassment, when directed to a staff member or to another, and overheard or observed by a staff member.

ww. Suffering Loss of Property (Category II offense). Loss of property due to carelessness, to include loss of property due to unsecured lockers within the living areas, whether or not the prisoner is present.

xx. Trafficking (Category III offense). Selling, buying, trading, giving, receiving, or lending any item within the facility is prohibited except as specifically authorized by the proper authority.

yy. Unauthorized Ordering/Receiving (Category II offense). Purchasing, receiving or ordering goods or services that are not authorized, or purchasing or ordering goods or services in a manner that is prohibited or not authorized.

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zz. Unauthorized Contact (Category III offense). Any contact or communications, directly or indirectly, by a prisoner with facility staff members, or installation employees, other than during the normal course of duty performance, or during a facility sponsored activity, is prohibited. This includes prisoner having family member contact facility staff on behalf of the prisoner. Prisoners are also prohibited from communicating with, or having contact with prisoners confined in other institutions, former facility prisoners, or former staff members, except as authorized in advance through a request by the prisoner concerned to the Facility Commander or designee.

aaa. Unauthorized Use of Mail or Telephone (Category III offense). Using the mail or telephone for unauthorized purposes as specified by law, regulation, or correctional facility rules.

bbb. Unauthorized Writing (Category III offense). Writing, distributing, or possessing any written motto, creed, saying, or drawing within the prisoner population, whose content is designed to or could disrupt the correctional facility by encouraging strikes, riots, fights, racial or religious hatred, or other prohibited acts.

ccc. Victim Witness (Category IV offense) Unauthorized contact or communicating with, directly or indirectly or causing another to contact any individual who qualifies as a prisoner's victim or witness is prohibited.

ddd. Violation of UCMJ Punitive Articles (Category IV offenses). Violation of any punitive articles of the UCMJ, regardless of whether the misconduct violates a facility rule. Category V if the violation meets the specifications for any Category V offense.

5. ACC will coordinate the changes to the Centralized Operations Police Suite - Army Corrections Information System and facilities will implement policy and procedural changes within 45 days after the date of this policy. This policy will be reviewed at least annually and updated as needed.

6. Point of contact for the policy is Mr. Gerald Patterson, Corrections Program Specialist, Operations Division, ACC Headquarters, 703-602-8881/DSN 332-8881.



KATHERINE N. MILLER
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