



UNITED STATES MARINE CORPS
MARINE AIR GROUND TASK FORCE TRAINING COMMAND
MARINE CORPS AIR GROUND COMBAT CENTER
BOX 788100
TWENTYNINE PALMS, CALIFORNIA 92278-8100

CCO 5811.1
SJA

SEP 23 2014

COMBAT CENTER ORDER 5811.1

From: Commanding General
To: Distribution List

Subj: PROCEDURES FOR COMBAT CENTER PRE AND POST-TRIAL CONFINEMENT

Ref: (a) Memorandum of Agreement between the Commandant of the Marine Corps, Plans, Policies, and Operations Department, Security Division and Sheriff, San Bernardino County, Twentynine Palms, CA, April 9, 2013
(b) Request for Confinement Support, March 30, 2012
(c) BUPERS Instruction 1640.22
(d) BUPERS Instruction 1640.20
(e) Manual for Courts-Martial, United States, Rule 304, 2012
(f) Manual for Courts-Martial, United States, Rule 305, 2012
(g) MCO 1640.3F
(h) U.S. Navy Confinement Requirements, Prisoner Clothing and Health and Comfort Items
(i) <http://www.29palms.marines.mil/Offices/LegalServicesSupportTeam/TrialServices.aspx>

Encl: (1) DD Form 2707 (Confinement Order)
(2) Sample Report of Result of Trial
(3) DD Form 2704 (Victim/Witness Certification and Election Concerning Inmate Status)
(4) DD Form 2718 (Prisoner Release Order)
(5) Initial Review Officer Paperwork
(6) DD Form 458 (Charge Sheet)
(7) DD Form 2708 (Receipt for Inmate or Detained Person)

1. Situation. Marine Corps and Naval personnel stationed aboard the Combat Center ordered into pretrial confinement (PTC) will initially be held in San Bernardino County's Morongo Basin Jail (MBJ) in Joshua Tree, California until Headquarters Marine Corps (HQMC) determines that Marine Corps personnel will be transported to another Department of Defense confinement facility. For the purposes of this Order, both pre and post-trial prisoners will be referred to as prisoners. In accordance with reference (a), the Commandant of the Marine Corps and the San Bernardino County Sheriff has agreed that the San Bernardino County Sheriff's Department will provide the U.S. Marine Corps (USMC) confinement services. The MBJ is an authorized place of confinement for male and female enlisted and officer Marines in accordance with the references. For male and female enlisted and officer Marines, notification to HQMC, Law Enforcement & Corrections (PSL) is required. Civilians subject to the Uniform Code of Military Justice (UCMJ) shall only be confined in accordance with the current United States Navy Regulations and approval of the Commanding General (CG).

DISTRIBUTION STATEMENT A: Approved for public release; distribution is unlimited.

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2. Mission. To provide instruction and procedures on the confinement support agreed upon per reference (a). Specifically, this Order addresses the proper procedures that will be followed by tenant units when it is necessary to house Marine Corps and Naval personnel ordered into pre and post-trial confinement at MBJ.

3. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. The regulations and procedures set forth in this Order govern the confinement, release, and administration of prisoners in the MBJ.

(2) Concept of Operations

(a) PTC

1. No Service member may be confined unless the following requirements are met:

a. There is a reasonable belief an offense has been committed that may be tried by court-martial;

b. There is a reasonable belief the Service member committed the offense; and

c. There is a reasonable belief confinement is required because it is foreseeable that:

(1) The Service member will not appear at trial, a pretrial hearing, or an investigation;

(2) The Service member will further engage in serious criminal misconduct; and

(3) Less severe forms of restraint are inadequate under the facts and circumstances of the particular case.

2. Authority to Order PTC Based on Rank of Prisoner

a. Officers/Midshipmen/Cadets/Civilians. A commissioned officer, midshipmen/cadet, or a civilian may be ordered into arrest or confinement only by the Commanding Officer exercising command authority over him or her. This authority may not be delegated [reference (e)]. Orders to confine may be written or oral and may be delivered in person or by another commissioned officer. The MBJ will not accept prisoners without a written confinement order.

b. Enlisted Personnel. An enlisted person of the naval service may be ordered into arrest or confinement by an order, written or oral, of any commissioned officer and delivered in person or through other persons subject to the UCMJ. Commanding officers may authorize warrant officers, petty officers, or noncommissioned officers to order enlisted persons of their command, or subject to their authority, into arrest or

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confinement [reference (e)]. However, this authority is normally restricted to commissioned officers. The MBJ will not accept prisoners without enclosure (1).

c. Other Armed Services. The purpose of this document is to outline the confinement process for USMC commanders stationed aboard Marine Air Ground Task Force Training Command (MAGTFTC), Marine Corps Air Ground Combat Center (MCAGCC), and to outline the procedures agreed upon in reference (a). Other Armed Services requesting confinement capabilities through the MBJ may be required to directly request services on behalf of their respective branch of service.

3. Notification Requirements. The parent command must notify the following organizations and receive approval prior to placing a Marine in PTC at the MBJ:

a. HQMC (PSL) Corrections at (703) 604-4137/3667.

b. San Bernardino County Sheriff's Department, Joshua Tree, CA at (760) 366-4175. The San Bernardino County Sheriff's Department will serve as the 24 hour point of contact (POC) for any issues related to prisoners held by the County.

c. The parent command should also consult with their Staff Judge Advocate and the Legal Services Support Team-Twenty-nine Palms Trial Services Office at (760) 830-6782, prior to placing a Marine in PTC.

4. Notification and Action by the Commander

a. Unless the commander of the prisoner ordered the PTC, the commissioned, warrant, noncommissioned, or petty officer whose charge the prisoner was committed, shall within 24 hours after that commitment, cause to be made a report to the commander which shall contain the name of the prisoner, the offenses charged against the prisoner, and the name of the person who ordered or authorized confinement.

b. Within 48 hours of the prisoner being ordered to PTC, the prisoner's commander will make a written determination on whether probable cause exists to keep the prisoner in PTC. Probable cause exists if the requirements in paragraph 3a(2)(a) of this Order are met. This probable cause determination known as a "48-hour letter" [see reference (i)] will then be forwarded to the Initial Review Officer (IRO).

c. Within 72 hours of the prisoner being ordered to PTC, the commander will prepare a written memorandum that states the reasons for the conclusion that the requirements for confinement in paragraph (h)(2)(B) of reference (f) are met. This memorandum, known as a "72-hour letter", [see reference (i)], should include evidence supporting the commander's decision. This 72-hour letter will then be forward to the IRO.

(b) Advice to the accused. Upon confinement, notification, and acknowledgement of the rights of the accused will be completed by reading the rules/conduct procedure sheet. After acknowledgement, the form will be signed by the person being placed in PTC and the staff member explaining the provisions. This form shall be made a permanent part of the prisoner's MBJ record. The confining command shall inform the prisoner of the following:

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1. The nature of the offenses for which he/she is being held (article of UCMJ and brief explanation).

2. The right to remain silent and a warning that any statement he/she makes can be used against him/her in disciplinary proceedings.

3. The right to counsel.

4. The Initial Review Hearing process.

5. That the prisoner is subject to the rules and regulations governing the discipline and administration of the MBJ.

(c) Confinement Procedures. Service members can be placed in PTC 24 hours a day, provided that the requirements of this Order and the requirements of the references are met. Upon initial confinement of a prisoner, the confining command shall provide the MBJ with two 24 hour POCs that can be reached for prisoner issues.

1. A properly completed original confinement order (DD Form 2707), enclosure (1), listing details of the offense(s) and medical certification of fitness for confinement must accompany the offender to the MBJ at the time of confinement, except in an emergency where oral confinement is properly directed. In the case of females, a pregnancy test must be completed and results annotated on enclosure (1) in accordance with paragraph 1640-070.107 of reference (c). If the confinement results from a sentence adjudged by a court-martial, enclosure (1) will be accompanied by enclosure (2), that is signed by the summary court-martial or by the trial counsel of the special or general court-martial that imposed the punishment and a completed DD Form 2704, enclosure (3), if applicable. The MBJ will not accept a prisoner without enclosure (1).

2. Copies of the prisoner's health record, dental record, and enclosure (2) of the personnel serving a sentence of confinement, including pretrial agreement information shall, if practicable, accompany all prisoners to the MBJ at the time of confinement.

3. Prior to acceptance of prisoners for confinement, each prisoner shall be examined by qualified medical personnel to determine fitness for confinement by identifying any medical problems, and to provide recommendations, if any, to the MBJ regarding appropriate medical care. The appropriate medical personnel will certify in writing on enclosure (1), that the person is physically fit for confinement.

a. Medical officers, nurse practitioners, and physician assistants can perform confinement physical examinations. Medical screening for confinement may be performed by a hospital corpsman after regular working hours when a medical officer or Independent Duty Corpsmen is not available. A follow up exam by a medical officer, nurse practitioner or physician's assistant must be completed within 24 hours of the initial exam.

b. The member's medical record, when available, shall be provided to the examining medical personnel at the time of the confinement physical examination. Physical limitations to full duty performance should be specified in writing by the examiner. The examining official shall note

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on the SF 600 the presence of cuts, bruises, or unusual marks. If persons ordered into confinement display irrational or inappropriate behavior, which is symptomatic of mental disturbance or of the effects of hallucinatory substances, they shall be referred to a physician who will determine if hospitalization is required.

c. If a prisoner refuses to allow authorized personnel to perform the initial or re-certification physical examination:

(1) The prisoner shall be ordered to undergo the examination.

(2) If the order is refused and medical personnel feel they can make a determination regarding fitness for confinement from medical records, audible information, and what they are able to observe, this is acceptable. The prisoner's refusal and the determination of fitness via observation and records shall be noted on enclosure (1).

(3) If the medical personnel cannot make the determination of fitness, the individual will not be placed at MBJ. The prisoner will be transported to the Camp Pendleton Base Brig for PTC.

(4) If a prisoner refuses to take a physical after being ordered to do so by the medical officer, additional charges (Failure to Obey an Order) will be forwarded to the command.

(d) Logistical Support by Confining Command. The confining command is responsible for providing all logistical support for the prisoner including providing uniforms for the prisoner's court-martial and transportation to and from the MBJ for court martial hearings, medical/dental appointments, and legal visits, when required. If a prisoner is required to be transferred to the Camp Pendleton Base Brig, the confining command is responsible for ensuring that prisoners have all the uniform items listed in reference (h). These items shall accompany the prisoner at the time of confinement to the Camp Pendleton Base Brig. Confining commands must also provide the MBJ with two POCs to address any PTC issues. These POCs must be available 24 hours a day in the event that an issue arises after normal working hours.

(e) Command Visits

1. Parent commands shall conduct the required command visitation, per reference (c). Command visits are designed to allow prisoners to retain identity with the parent command and to reinforce to prisoners that the unit remains their primary chain of command and visits will occur on a weekly basis.

2. Command visits shall be made by a representative of the parent command and will be a staff noncommissioned officer, chief petty officer/chief warrant officer, or officer and senior to the member placed in confinement. When the prisoner's command is on extended deployment, the immediate superior-in-command should provide command visits. The appropriate seasonal service uniform (Service "C" or Service "B") or appropriate civilian attire will be the proper uniform. Chaplains will not serve as the command visitors or the command's representative to satisfy this requirement. The chaplain's role in the rehabilitation process has a value distinct from

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that of being the command representative. Documentation of each command visit shall be made part of the prisoner's permanent record. In the event a prisoner's spouse is also a member of the command, the spouse is not authorized to conduct or be a part of the command visit.

(f) Initial Review Hearings

1. Within seven days of the imposition of confinement, a neutral and detached IRO shall review the probable cause determination and the necessity for continued PTC. This review will be conducted in accordance with paragraph (i) of reference (f).

2. To conduct initial review hearings for Marines being held at the MBJ, the CG, MAGTFTC, MCAGCC, will appoint a primary and alternate IRO. These IROs will be field-grade officers from separate commands aboard the base. The assigned IROs will serve for a period six months, and will receive formal training from the base magistrate prior to conducting a review of the PTC under reference (f). To ensure that an IRO is available at any time, officers assigned as IROs must inform the base magistrate of any leave or temporary additional duty plans.

3. The initial review hearing will be conducted at the MBJ. To ensure that the initial review takes place within seven days of initial confinement, the parent command will immediately notify the IRO, Senior Trial Counsel, and the Senior Defense Counsel, MCAGCC, when they place a Marine in PTC.

(g) Legal Visits. Legal visits by the appointed military defense counsel can be conducted in person or by telephone. Legal visits can be coordinated by contacting the MBJ, as well as the parent command of the detainee. It is necessary that the military defense counsel provide notice to the MBJ two days prior to the legal visit. Under certain circumstances it will be necessary for the detainee to be transported to the Combat Center.

(h) Temporary Absence (TA). Temporary absence of prisoners from the MBJ for investigations, trial, and other purposes is authorized under custodial procedures when approved by the confining command. Neither a prisoner release order [enclosure (4)] nor a confinement order is required for temporary absence and subsequent return. However, the parent command must give notice to MBJ of any TA, no later than 48 hours before the planned TA. When the temporary absence is for purposes of trial, and the trial has concluded during such temporary absence, enclosure (2) and enclosure (3) if applicable, signed by the trial counsel before which trial was held, shall be required for further confinement to MBJ.

1. TAs shall be conducted for a valid purpose, including, but not limited to, appearance at courts-martial, article 32 hearings, request mast hearings; consultation with legal counsel; obtaining uniforms for trial; or attendance at medical and dental appointments.

2. Procedures. TAs should be limited to normal working hours. Time of return of the prisoner to the MBJ should not extend past 2200 hours. If, however, it is necessary to detain the prisoner outside the confinement facility past that time, the prisoner's escort shall call the MBJ identifying the approximate return time and citing the reason(s) for delay.

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In the event that an overnight absence is required, the parent command will coordinate with the Provost Marshal's Office and must comply with Combat Center Order 1630.8_.

a. The confining command will generate enclosure (7) for each prisoner at the time of the temporary absence.

b. Enclosure (7) forms will be dated and time-stamped by the MBJ, and the unit escort signs for the prisoner. The escort takes the original form with him and the MBJ shall contact the confining command's 24 hour POC using the contact number provided by the confining command upon initial confinement to verify that the TA has been properly authorized. Upon return, the MBJ shall list the date and time of return on the original, annotate the prisoners return in its log, and return the original receipt to the MBJ's Administration Office for filing.

3. Medical Care and Procedures for prisoners at the MBJ.

The San Bernardino County Sheriff will provide basic medical care to prisoners which includes; sick and self-care of any condition which can be treated by the prisoner with the approval of medical staff, as well as medical conditions which require immediate assistance by trained personnel in first aid procedures. For medical conditions that are not emergencies but are deemed necessary and appropriate by the Sheriff's medical staff, notification will be made to the parent command to coordinate the temporary release of the prisoner.

4. In those cases involving emergencies, specialized treatment or evaluation, or psychiatric treatment which cannot be deferred and require hospitalization the following procedures shall apply:

a. Staff members from the MBJ shall escort the prisoner to the nearest emergency room and remain with the prisoner until properly qualified unit escorts arrive to take custody of the prisoner. The MBJ shall provide any information that will assist the hospital in the treatment and supervision of the prisoner.

b. Prisoners undergoing psychiatric treatment shall be retained in the psychiatric ward until treatment is completed. Prisoners capable of being released outside of the ward shall be returned to the MBJ directly from the psychiatric ward. A medical officer or clinical services director shall be consulted and a medical care plan established prior to the prisoner's return.

c. After being notified that a prisoner has been transported to a health care facility, the parent command will provide certified escorts to take custody of the prisoner from the MBJ.

d. It will be requested that the hospital place the prisoner in a restricted ward or within view of the central station, and that the prisoner's movements off the ward will be closely controlled. All of the prisoner's clothing shall be secured and a special colored hospital gown will be issued to the prisoner. Liaison with the hospital security personnel should occur upon arrival and should continue throughout the prisoner's stay.

e. The unit escorts will ensure telephonic contact with the MBJ Control Center at least four times daily.

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f. At a minimum, two unit escorts will be provided for a 24 hour watch of each hospitalized prisoner.

g. As soon as prisoners no longer require hospitalization, they shall be returned to the confinement facility for completion of confinement, utilizing enclosure (7).

h. Hospitalization while confined counts day-for-day as time in confinement.

i. All direct costs associated with emergency care, transport and security escorts of a military prisoner confined in the MBJ as directed by the direction of competent military authorities will be reimbursed at the actual costs. HQMC Corps (PSL), upon receipt of any emergency medical billing, will forward to Tri-Care for appropriate disposition.

(i) Detainee transport requirements

1. The physical transport of prisoners to (other) confinement facilities will generally be conducted in accordance with references (c) and (g). Escorts are to ensure they receive the following items at a minimum:

- a. Original DD Form 2707 [enclosure (1)]
- b. IRO paperwork [enclosure (5)]
- c. DD form 2708 [enclosure (7)]
- d. DD Form 2704 [enclosure (3), if applicable]
- e. Funds and valuables
- f. Identification card
- g. DD Form 458 [enclosure (6), if applicable]

2. Mode of Travel. A government owned bus or other vehicle should be used for all transports. A frequently used bus or vehicle should be equipped with security screen for protection of escorts and the driver. The vehicle must be searched prior to allowing prisoners to enter. The following additional requirements apply:

a. All prisoners will be briefed by the escort personnel before embarkation, about proper procedures and conduct during transportation.

b. Before embarkation, all escorted prisoners will be thoroughly frisked searched and relieved of articles considered hazardous to the safety of themselves, to others, and to the transport vehicle. Restraining equipment should be thoroughly inspected while on the prisoners to ensure it is secure and has not been tampered with by the prisoners. All restraints will be checked for tautness.

c. All prisoners will be seated during transport. Every effort will be made by the escorts to not draw attention to themselves and

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the occupants of the vehicle. Yelling, waving, or gesturing to passing vehicles or pedestrians by prisoners is prohibited. Prisoners will not talk among themselves.

3. Escorts

a. Escort Training. The confining command is responsible for ensuring that escorts are properly certified. All escorts will attend escort class to ensure they understand all rules and regulations pertaining to the handling of prisoners. Escorts must be certified by Camp Pendleton Base Brig. Escort classes are conducted at the Camp Pendleton Base Brig. Escort cards will be generated and issued to qualified escorts and will remain valid for a one year period at which time an escort will be required to become recertified.

b. Escorts shall be responsible for the custody, conduct, appearance, and treatment of prisoners in their care until returned to the MBJ. Escorts will be given clear instructions as to their duties and responsibilities. They will not relinquish this responsibility or their prisoners except to competent authority at the MBJ. They are instructed to immediately contact the confining command if they encounter any situations that require them to deviate from the instructions they received from the confining command.

c. Escort To Prisoner Ratio. In accordance with reference (d), the escort to prisoner ratio is as follows:

(1) Prisoners require constant and immediate supervision by two escorts and one driver per prisoner.

(2) The only exception to the constant and immediate supervision escort requirements is for privileged or attorney/client communications. In this situation, escorts will remain immediately outside the door of the interview room.

4. Restraints. Instruments of restraint are not used to degrade or punish prisoners, but rather to reduce probability of escape, assault, and disruptive behavior that would threaten the welfare and safety of the prisoner, his escorts, and the community. Confining units are responsible for possessing prisoner restraints.

a. The use of restraints is not required when transporting a prisoner to a MBJ for the initial confinement. Thereafter, however, prisoners will wear restraints during any TA or transport.

b. Care should be taken not to unnecessarily display restrained prisoners to the general public.

c. Under no circumstances will escorts be armed unless restraining devices are being used and the prisoner's commanding officer approves the use in accordance with reference (d). When firearms are carried they must be kept in a safe and secure place or on the person of an individual who will not, during the entire trip, come in direct contact with the prisoner. Firearms must not be carried by an escort within a car, unless positive precautions have been taken to ensure avoidance of contact between prisoner and escort.

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b. Subordinate Element Missions. Commanders shall have the following responsibilities:

(1) Provide HQMC (PSL) and the MBJ Staff two 24 hour POCs for prisoner issues. These POCs must be available for support 24 hours a day.

(2) Provide the appropriate amount of escorts and a driver for all TA's and unexpected releases from the MBJ.

(3) Keep HQMC (PSL) informed of all matters regarding prisoners to include but not limited to medical and dental appointments, court appearances etc.

(4) Maintain communication with the MBJ staff and ensure prisoners get haircuts weekly.

(5) Maintain current escort qualifications for all escorts and contact the Camp Pendleton Base Brig to receive escort training prior to the expiration of escort cards.

(6) Ensure prisoners adhere to all USMC requirements and remind prisoners they are subject to the UCMJ at all times.

(7) Ensure that prisoner's uniforms are maintained for court-martial proceedings.

(8) Ensure the appropriate restraints are obtained for prisoner TAs and transports.

4. Administration and Logistics. Distribution Statement A directives issued by the CG are distributed via the email upon request. This Order can be viewed at <http://www.29palms.marines.mil/Staff/G1Manpower/AdjutantOffice/Orders.aspx>.

5. Command and Signal

a. Command. This Order is applicable to all active duty, reserve, and civilian personnel aboard the Combat Center, including all officers and noncommissioned officers authorized to order the confinement of military personnel.

b. Signal. This Order is effective the date signed.


J. B. HANLON
Chief of Staff

Distribution: A

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CONFINEMENT ORDER

1. PERSON TO BE CONFINED				2. DATE (YYYYMMDD)	
a. NAME (Last, First, Middle Initial)			b. SOCIAL SECURITY NUMBER		
c. BRANCH		d. GRADE		e. UNIT/AGENCY (Parent unit)	
3. TYPE OF CONFINEMENT					
a. PRE-TRIAL <input type="checkbox"/> NO <input type="checkbox"/> YES		b. RESULT OF NJP <input type="checkbox"/> NO <input type="checkbox"/> YES		c. RESULT OF COURT MARTIAL: <input type="checkbox"/> NO <input type="checkbox"/> YES	
d. TYPE OF COURT MARTIAL: <input type="checkbox"/> SCM <input type="checkbox"/> SPCM <input type="checkbox"/> GCM <input type="checkbox"/> VACATED SUSPENSION					
4. OFFENSES/CHARGES OF UCMJ ARTICLES VIOLATED (List all charge(s) if prisoner is pre-trial. List guilty finding(s) only if prisoner is post-trial.)					
5. SENTENCE ADJUDGED (Annotate sentence from the result of trial)					b. ADJUDGED DATE (YYYYMMDD):
6. IF THE SENTENCE IS DEFERRED, THE DATE DEFERMENT IS TERMINATED:					
7. PERSON DIRECTING CONFINEMENT					
a. TYPED NAME (Last, First, Middle Initial), GRADE AND TITLE			b. SIGNATURE		c. DATE (YYYYMMDD)
d. TIME					
8. LEGAL REVIEW AND APPROVAL REQUIRED (Review required by different statute at 7.a and b.)					
a. DNA PROCESSING <input type="checkbox"/> IS <input type="checkbox"/> IS NOT REQUIRED UNDER 10 U.S.C. <input type="checkbox"/>					
COLLECTED: <input type="checkbox"/> YES <input type="checkbox"/> NO KIT# _____					
b. SEX OFFENDER REGISTRATION <input type="checkbox"/> IS <input type="checkbox"/> IS NOT REQUIRED UNDER 42 U.S.C. 14071.					
c. TYPED NAME (Last, First, Middle Initial), GRADE AND TITLE			d. SIGNATURE		e. DATE (YYYYMMDD)
9. MEDICAL CERTIFICATE (Required completion only when applicable by Service regulation)					
a. The above named prisoner was examined by me at _____ on _____ and found to be <input type="checkbox"/> Fit <input type="checkbox"/> Unfit					
(Time) (YYYYMMDD)					
for confinement. I certify that from this examination the execution of the foregoing sentence to confinement <input type="checkbox"/> will <input type="checkbox"/> will not produce serious injury to the prisoner's health.					
b. The following irregularities were noted during the examination: (List only non-medical information. Refer to SF 600 for all medical information, including HIV, TB and pregnancy tests and results.)					
10. EXAMINER					
a. TYPED NAME (Last, First, Middle Initial), GRADE AND TITLE			b. SIGNATURE		c. DATE (YYYYMMDD)
d. TIME					
11. RECEIPT FOR PRISONER (Completed by the correctional facility staff upon arrival of the prisoner)					
a. THE PRISONER NAMED ABOVE HAS BEEN RECEIVED FOR CONFINEMENT AT (Facility Name and Location)					
ON _____ AND TIME: _____					
(YYYYMMDD) (Time)					
b. PERSON RECEIPTING FOR PRISONER (Typed name (Last, First, Middle Initial), Grade and Title)			c. SIGNATURE		d. DATE (YYYYMMDD)
e. TIME					

REPORT OF RESULT OF TRIAL

1. FULL NAME OF ACCUSED: (Last, First, Middle)		2. DoD EDIPI:	3. GRADE:	4. SERVICE:
5. UNIT:		6. TYPE OF COURT & FORUM:		
7. CONVENING AUTHORITY:				
8. CHARGES			PLEAS	FINDINGS
CHARGE: VIOLATION OF THE UCMJ, ARTICLE				
Specification:				
9. SENTENCE				
DISCHARGE		REDUCTION		
REPRIMAND		CONFINEMENT		
FORFEITURE		FINE		
OTHER		CLEMENCY RECOMMENDATION		
10. CASE CHRONOLOGY:		11. SENTENCE DATE:		12. CONFINEMENT CREDITS:
Preferral Date:		Date of Sentence:		PRETRIAL (Days):
Article 32 Date:		Adjudged forfeitures <input type="checkbox"/>		COURT ORDERED (Days):
Referral Date:		Adjudged reduction <input type="checkbox"/>		OTHER CREDIT (Days):
Arraignment Date:		Automatic forfeitures <input type="checkbox"/>		TOTAL CREDIT (Days):
Trial Date(s):		The marked actions will occur on or below date, 14 days after the date of sentencing, unless the convening authority defers reduction or forfeiture.		
13. Was there a Pretrial Agreement (PTA) in this case? <input type="checkbox"/> YES <input type="checkbox"/> NO				
14. IS DNA PROCESSING REQUIRED UNDER 10 USC 1565 AND 32 CFR 5505.14?				
15. DID THIS CASE INVOLVE AN ALLEGATION OF HAZING?				
16. WAS THERE A FINDING OF GUILTY BASED ON MENTAL INCOMPETENCY?				
17. DID THIS CASE INVOLVE AN ALLEGATION OF SEXUAL ASSAULT?				
18. IS SEX OFFENDER NOTIFICATION REQUIRED?				
19. LIST ANY OTHER SPECIAL NOTIFICATIONS				
PERSONNEL DETAILED				
20. MILITARY JUDGE(S):		21. DEFENSE COUNSEL(S):		
22. TRIAL COUNSEL(S):		23. CIVILIAN COUNSEL(S):		
_____ Printed Name/Rank/Title		_____ Signature Date		_____ Signature Field
COPY TO: CA SJA OIC LSSS OIC LSST OIC IPAC RTC STC TCAP				

SAMPLE

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PRISONER RELEASE ORDER

1. CORRECTIONAL FACILITY/BRIG OFFICER OR DESIGNEE		2. INSTALLATION	3. DATE (YYYYMMDD)
4. THE PRISONER NAMED BELOW WILL BE RELEASED FROM CONFINEMENT ON THE UNIT/AGENCY SHOWN BELOW.			AND DELIVERED TO (YYYYMMDD)
5. PRISONER NAME (Last, First, Middle)		6. REGISTRATION NUMBER	7. GRADE
8. BRANCH	9. UNIT/AGENCY		
10. REASON FOR RELEASE			
FOR THE COMMANDER			
11. AUTHENTICATING OFFICER NAME (Last, First, Middle Initial)		12. SIGNATURE	
13. GRADE, UNIT/AGENCY, AND TITLE			
RECEIPT			
14. RECEIPT OF THE ABOVE NAMED RELEASED PERSON IS ACKNOWLEDGED.		15. DATE (YYYYMMDD)	16. TIME
17. NAME, GRADE, UNIT/AGENCY, TITLE		18. SIGNATURE	
19. REMARKS/PRISONER SIGNATURE (In cases where there is no unit pick-up)			

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Initial Review Officer Paperwork

PROCEDURES FOR THE CONDUCT OF THE MAGISTRATE HEARING

1. At a specifically designated date/time you will appear before the Initial Review Officer within seven days of your initial confinement for a probable cause hearing, which shall determine your release from or continuance of pre-trial confinement.
2. Prior to your designated hearing, you will be afforded the opportunity to confer with your appointed military counsel or your retained civilian counsel.
3. You shall be attired in the appropriately designated uniform for your appearance before the Magistrate.
4. If you desire to be represented by and have already retained a civilian counsel at your own expense, initial each item within the Statement of Understanding, with the exception of G (1) and (3).
5. If you desire to be appointed a military defense counsel, initial each item within the Statement of Understanding with the exception of G (2) and (3).
6. At the designated date/time of your hearing, you will report in: "Greeting, Rank, Last Name, Reporting to the Initial Review Officer as ordered, Sir/Ma'am". You will stand aligned with your defense counsel at the position of attention, four paces from the Magistrate's desk. When you are dismissed, whether you are ordered to be released from or continued in pre-trial confinement, you will acknowledge with "Greeting, Sir/Ma'am"; take a step back with your left foot and about face and exit the room. You will "Stand-by" outside the hatch for further instructions.
7. If you have any further questions or comments, address them to your designated defense counsel prior to your designated hearing.

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INITIAL REVIEW OFFICER
BASE BRIG
CAMP PENDLETON, CA 92055-5226

INITIAL REVIEW OFFICER'S FINDINGS AND ORDER

UNITED STATES
VS

NAME: _____
RANK: _____
SSN: _____
UNIT: _____

BACKGROUND INFORMATION

Date and time detainee ordered to confinement: _____
Date CO notified detainee of confinement: _____
Date CO's Confinement Order/Letter received by IRO: _____
Offense(s) alleged: UCMJ Article(s): _____

Personnel in attendance at the Initial Review Hearing (See below):

INITIAL REVIEW OFFICER: _____
DUTY DEFENSE COUNSEL: _____
UNIT REPRESENTATIVE(S): _____

HEARING SUMMARY

1. The detainee:
 - a. Was advised of his rights, including Art. 31 UCMJ.
(Statement of Understanding) YES NO
 - b. Was shown or read CO's letter to IRO. YES NO
 - c. Was represented by counsel. YES NO
 - d. Personally appeared before IRO. YES NO
 - e. Waived personal appearance before IRO. YES NO

2. The unit, via the Commander's memoranda and/or unit representative(s) presented the following reason(s) and supporting evidence for continued confinement:

Enclosure (5)

SEP 23 2014

THE MAGISTRATE SHALL COMPLETE AND INITIAL EACH ITEM AND PROVIDE A SUMMARY OF EVIDENCE AS APPROPRIATE.

- ___ An offense triable by a Courts-martial has been committed and the detainee committed it;
- ___ Confinement is necessary because by the preponderance of the evidence, the detainee will not appear at trial, a pre-trial hearing, or applicable investigations;
- ___ Confinement is necessary because by the preponderance of the evidence, the detainee will engage in serious criminal misconduct i.e. intimidation of witnesses or other forms of obstruction of justice;
- ___ Confinement is necessary because by the preponderance of the evidence, the detainee poses a serious threat of committing serious injury to himself or other;
- ___ Confinement is necessary because less severe forms of restraint are inadequate.

Summary of Evidence: _____

3. The detainee made a statement supporting release: ___ YES ___ NO

If yes, summary of statement: _____

4. The defense counsel presented the following reason/rationale for the detainee's release:

5. The following other information/document(s) was presented or considered: _____

Enclosure (5)

SEP 23 2014

FINDINGS WORKSHEET

THE MAGISTRATE SHALL COMPLETE AND INITIAL EACH ITEM AND PROVIDE A SUMMARY OF EVIDENCE AS APPROPRIATE.

Having considered the CO's Letter, the facts/evidence presented by the unit representative(s), the detainee testimony (as appropriate), the testimony of the detainee's defense counsel, other relevant testimony and documentary evidence:

- I (do) (do not) find good cause to extend the time limit on Initial Review.
- I (do) (do not) find that by a preponderance of the evidence, an offense triable by courts-martial has been committed.
- I (do) (do not) find that by a preponderance of the evidence, that the detainee committed it.
- I find that less severe forms of restraint (have) (have not) been considered.
- I find that by a preponderance of the evidence, less severe forms of restraint are (adequate) (inadequate).
- I find that by a preponderance of the evidence, that if released, the detainee (will) (will not) appear at trial, a pre-trial hearing or applicable investigations.
- I find that by a preponderance of the evidence, that if released, the detainee (will) (will not) engage in further serious criminal misconduct.
- I find that by a preponderance of the evidence, that if released, the detainee (will) (will not) commit other offenses punishable under the UCMJ which pose a serious threat to safety, moral, discipline or readiness of his Command, or to the U.S. Armed Forces.
- I find alternate action (is) (is not) appropriate.

Summary of Evidence: _____

ORDER

Accordingly, the detainee shall be (continued in) (released from) pre-trial confinement.

Executed at Marine Corps Base, Camp Pendleton on _____.

INITIAL REVIEW OFFICER
(Signature)

Enclosure (5)

SEP 23 2014

STATEMENT OF UNDERSTANDING

1. I have been informed as to the nature of the offenses for which I have been placed in pre-trial confinement. I have received and read the letter from my Commanding Officer in regard to the charges. _____
2. I understand that I have the right to remain silent and that any statements made by me can be used against me at the Magistrate's Hearing and/or at my Courts-martial. _____
3. I have the right to terminate any statement I decide to make at any time. _____
4. I have the right to present to the IRO relevant documents and may make a written or oral statement and/or have my defense counsel make a statement on my behalf. _____
5. I understand that the IRO must conduct a pre-trial confinement hearing within seven days of my initial confinement and make a decision to either order me to be released from or continued in pre-trial confinement. _____
6. I understand the procedures that will be used by the IRO to review my pre-trial confinement as ordered by my command. _____
7. I understand that I have the right to a military defense counsel appointed to represent me at the IRO hearing free of charge or have a civilian counsel represent me at no expense to the government. _____
 - a. I (do) (do not) desire that military counsel be assigned to represent me at the initial review and I understand that he/she will be assigned only for this limited purpose of the IRO hearing. _____
 - b. I (do) (do not) desire to retain civilian counsel at my own expense. _____
 - c. I request a delay of my IRO Hearing, not to exceed seven days, in order to retain civilian counsel. _____

WITNESS

DETAINEE SIGNATURE

DATE

Enclosure (5)

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (<i>Last, First, Middle Initial</i>)			2. SSN	3. GRADE OR RANK	4. PAY GRADE
5. UNIT OR ORGANIZATION				6. CURRENT SERVICE	
				a. INITIAL DATE	b. TERM
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	9. DATE(S) IMPOSED	
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL			
		0.00			

II. CHARGES AND SPECIFICATIONS

10. CHARGE: VIOLATION OF THE UCMJ, ARTICLE _____

SPECIFICATION: _____

SAMPLE

III. PREFERRAL

11a. NAME OF ACCUSER (<i>Last, First, Middle Initial</i>)		b. GRADE	c. ORGANIZATION OF ACCUSER
d. SIGNATURE OF ACCUSER			e. DATE (YYYYMMDD)

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser this _____ day of _____, _____, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

Typed Name of Officer

Organization of Officer

Grade

*Official Capacity to Administer Oath
 (See R.C.M. 307(b) must be commissioned officer)*

Signature

12. On _____, _____, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

Typed Name of Immediate Commander

Organization of Immediate Commander

Grade

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at _____ hours, _____ at _____
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE _____
1

Typed Name of Officer

Official Capacity of Officer Signing

Grade

Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY _____ b. PLACE _____ c. DATE (YYYYMMDD) _____

Referred for trial to the _____ court-martial convened _____

_____, subject to the following instructions: ²

By _____ of _____
Command or Order

Typed Name of Officer

Official Capacity of Officer Signing

Grade

Signature

15. On _____, _____, I (caused to be) served a copy hereof on (each of) the above named accused.

Typed Name of Trial Counsel

Grade or Rank of Trial Counsel

Signature

FOOTNOTES: ¹ - When an appropriate commander signs personally, inapplicable words are stricken.
² - See R.C.M. 601(e) concerning instructions. If none, so state.

SEP 23 2014

RECEIPT FOR PRE-TRIAL/POST-TRIAL PRISONER OR DETAINED PERSON

1. RECEIVED FROM

a. UNIT/AGENCY (Annotate the releasing Unit/Agency.)		b. DATE (YYYYMMDD)	c. TIME
d. PRISONER NAME (Last, First, Middle)	e. SOCIAL SECURITY NUMBER (Last 4 only)	f. GRADE	g. BRANCH
h. INSTALLATION		i. DUTY STATION	

2. TYPE OF CONFINEMENT (X all that apply) PRE-TRIAL POST-TRIAL UNDER CUSTODY

3. OFFENSES/CHARGES OR UCMJ ARTICLES VIOLATED (Annotate the Article Number(s) and the specific charge(s) associated with each one.)

4. PURPOSE OF TRANSFER OR TEMPORARY RELEASE

5. STATUS OF PERSONAL PROPERTY (Annotate where the prisoner's personal property is located, i.e., unit supply room, personal storage facility, mailed to Home of Record, etc.)

6. REMARKS (Include observation/comments about the prisoner's health, behavior, etc., that will assist in the successful completion of the Temporary Release or Transfer.)

7. RECEIPT FOR PERSON/PRISONER (Identification/verification required on the person receiving custody of this prisoner.)

a. NAME, GRADE, TITLE (Type or print)		b. SSN (Last 4 only)	c. GRADE
d. UNIT/AGENCY	e. SIGNATURE		f. DATE (YYYYMMDD)

SAMPLE