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MCO 1630.3D
POS-40
6 Dec 00

MARINE CORPS ORDER 1630.3D

From: Commandant of the Marine Corps
To: Distribution List

Subj: OPERATION AND ADMINISTRATION OF HOLDING CELLS AND DETENTION SPACES

Ref: (a) SECNAVINST 1640.9B
(b) MCO 5740.2F
(c) Military Handbook 1037/4
(d) SECNAVINST 5212.5D

1. Purpose. To publish policies and procedures applicable to the operation and administration of holding cells and detention spaces.
2. Cancellation. MCO 1630.3C.
3. Background. Inherent to the nature of Military Police duties is the temporary detention of individuals suspected of or having actually committed an offense. The health, welfare, and safety of these individuals while detained must be the primary concern. This Order sets forth policies and procedures designed to ensure both the welfare of detained individuals and compliance with legal requirements.
4. Information. Detention spaces and holding cells are used to temporarily detain personnel apprehended by military authorities or turned over to the military by civilian authorities. Persons may be detained only if there are reasonable grounds to believe a criminal offense has been or is being committed and the person to be detained committed or is committing the offense. Under no circumstances may an individual be placed in detention for protective custody or safekeeping. While under escort by cross-country chasers, individuals may be detained for further transport (FFT). Administrative disciplinary measures contained in reference (a) are not applicable to holding cells and detention spaces.
 - a. Holding Cell. A holding cell is used for short-term detention, defined to mean no more than 24 hours during the work week, not more than 72 hours over a weekend, and not more than an additional 24 hours over an official holiday weekend. Detention in excess of 24 hours is authorized only with the express approval in each instance of the Commanding Officer of the installation on which the holding cell

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is located, or his or her designated representative. Pre-trial or post-trial personnel may be confined in a holding cell for more than 72 hours under the following conditions:

(1) When an individual has been sentenced to confinement by a court-martial, and is pending transfer to a confinement facility.

(2) When an individual has been placed in confinement in a confinement facility, and is moved to, and confined in, a detention facility for the purpose of appearing as a witness or as the accused in a court-martial proceeding.

(3) When a general court-martial convening authority deems it necessary to retain an accused locally, during progress of a court-martial, in the absence of a brig. After trial, if the sentence as adjudged includes confinement, the member shall be transferred to a confinement facility within 72 hours. The written permission of either the installation commanding officer or the general court-martial authority, as appropriate, must be obtained before an individual can be held for more than 72 hours in pre-trial confinement status in a holding cell or detention space. Time spent detained under these circumstances is considered and counted as pre-trial or post-trial confinement, as appropriate.

b. Detention Space. A detention space is any cell, room, or other berthing space of the shore establishment used for short-term detention, defined to mean not more than eight hours.

5. Physical Plant

a. Number and Location. The number of cells required by an activity depends upon the population served; however, at least two usable cells should normally be available. Where possible, cells should be located near the security watch desk, but sufficiently removed so as not to hamper normal operations or be accessible to casual visitors. Cells should not be located below ground level nor in upper stories requiring the use of stairs. When females are detained, female supervisory personnel must be utilized, and segregation must be provided for males and females.

b. Size. Single occupancy cells are preferred. Existing cells will be at least six feet wide, eight feet long, and eight feet high. If multiple occupancy cells are used for very short-term detention periods (up to eight hours), each detainee will be provided a minimum of 20 square feet, exclusive of head facilities.

c. Construction Requirements. Walls, ceilings, and floors shall be constructed of noncombustible and fire resistant hardened materials

sufficiently secure to prevent escape. The use of suspended or false ceilings is prohibited. Lighting fixtures in cells shall be security type (vapor proof, shatter proof, and recessed flush with security type screws). All water piping, electrical outlets, fixtures, switches, and heating or cooling conduits will be inaccessible to detainees.

d. Habitability Requirements

(1) Plumbing. Each cell should have internal plumbing providing hot and cold water. A metal combination security type fixture, which contains a commode, lavatory and water bubbler, is desirable.

(2) Lighting. Each cell shall be provided with an individual security light fixture with not less than 20-foot candlepower 30 inches above the finished floor. The spaces below 30 inches should be painted a light color. Light controls will be located outside the cell.

(3) Temperature and ventilation. Temperature and ventilation in cells will be maintained in accordance with reference (c). Ventilation shall not fall below 10 cubic feet per minute per detainee.

(4) Lighting and ventilation tests will be conducted at least biennially, with results maintained on file for three years.

e. Fire Protection. The installation fire department shall prescribe the type of fire alarms, fire sprinkler systems, and fire extinguishers required for the facility in accordance with NFPA 101, Life Safety Code. Fire extinguishers shall be readily accessible to staff in the event of an emergency, but shall be inaccessible to detainees. The fire department shall conduct regular (at least quarterly) inspections and on-site fire drills.

6. Administration and Operations

a. Files. All forms related to the detention of an individual will be retained for two years from date of release and then destroyed, per reference (d). At a minimum, the following required forms will be on file and properly completed:

(1) Statement of Force/Use of Detention Space (NAVMC 11130).

(2) Inspection Record of Prisoner in Segregation (DD 509).
Note paragraph 6h(3).

(3) Prisoner Inventory and Receipt of Valuables and Personal Effects (NAVPERS 1640/17) or Evidence Property Custody Document (OPNAV 5527/22).

(4) Privacy Act Statement of 1974 (NAVMC 11000).

(5) Receipt for Prisoner or Detained Person (DD 629)

b. Logbook. A holding cell/detention space log will be maintained as a bound ledger with consecutively pre-printed numbered pages. Per reference (d), the log will be retained for two years from the date of the last entry and destroyed. All events of significance will be recorded in the log. At a minimum, the following information will be recorded in the log:

(1) Detention. The reason for, the date and time of detention, and the name and grade of the person ordering the detention.

(2) Release. The date and time of release, and the disposition of the detainee.

(3) Conduct and results of all inspections, fire drills, and lighting and ventilation tests, to include the date and time of the event, as well as the name and grade of the individual performing the action. It is recommended the presence of maintenance workers be entered, to include a description of work performed.

c. Inspections. Holding cells and detention spaces will be regularly inspected for cleanliness, adequate lighting and ventilation, general repair, security, and safety.

(1) A daily security and sanitation inspection of the holding cell and detention space will be made by a senior member of the security staff.

(2) The holding cell and detention space will be inspected at least monthly by a member of the medical department to ensure the operation of the facility and the physical plant meet accepted health and environmental standards, and that detained personnel are provided adequate health services.

(3) Per reference (a), a triennial on-site Functional Adequacy Inspection (FAI) will be conducted by CMC (POS-40). The conduct of the FAI will be guided by the applicable Inspector General (IG) checklist, and will include analysis of procedures and operations, construction, maintenance, and safety conditions as set forth in reference (a).

d. Emergency Measures. Detailed emergency bills will be prepared to ensure the safety of detainees in the event of fire or disorder, as per reference (a). Required emergency bills include fire, natural disaster, escape, and hostage. At a minimum, the escape bill will include an emergency recall bill of staff members, which will be tested periodically to ensure accuracy of recall numbers and the response time of staff members. The conduct of such testing will be documented within the holding cell log or other suitable method. The fire bill will be coordinated with and approved by the command Fire Marshal.

e. Serious Incidents. Serious incidents or alleged incidents involving detainees shall be reported to CMC (POS-40) per the provisions of references (a) and (b).

f. Training. Personnel assigned to staff a holding cell or detention space will complete training as prescribed by the Provost Marshal. Inclusion of relevant portions of reference (a) in pre-service and in-service training is strongly encouraged. It is recommended staff members complete the Corrections Course (MCI 58.1) and Corrections Supervisor Course (MCI 58.2). No individual is authorized to staff or supervise a holding cell or detention space until they have received specific training on applicable instructions relating to the use of force stipulated in reference (a). A Provost Marshal Instruction (PMI) governing the administration and operation of holding cells and detention spaces will be maintained and readily available to assigned staff.

g. Use of Force. Use of force to place an individual into a holding cell or detention space will be limited to the minimum amount of force required. Physical abuse, use of unnecessary force, and any form of corporal punishment is prohibited. Although use of restraining devices is normally authorized only when preparing a detainee for transport, if a detainee becomes violently aggressive or indicates suicidal tendencies, instruments of restraint may be applied. Such action will be immediately reported to the Provost Marshal. In extreme cases, a restraining jacket may be used when authorized by the Provost Marshal and a medical officer. Under no circumstances will a detainee be chained, handcuffed, or tied to any cell fixture or stationary object. Restraints will not be continued beyond four hours without Medical Officer or Provost Marshal authorization. Striking or laying hands upon detainees is prohibited, except in self-defense, to prevent injury to other persons, to prevent serious damage to property, to conduct a search, or to quell a disturbance. In all cases, the amount of force used will be the minimum amount necessary to bring the situation under control.

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h. Detention and Supervision

(1) No person shall enter occupied holding cells or detention spaces or remain in their immediate proximity wearing firearms, nightsticks, or other weapons.

(2) If multiple occupancy cells are utilized, segregation must be maintained for pre-trial and post-trial personnel, to include individuals detained for further transport by cross-country chasers.

(3) A Privacy Act Statement will be completed on all detainees upon collection of personal information required to complete documentation upon detention.

(4) Detainees will be thoroughly searched prior to detention. Funds, valuables, and other items in the detainee's possession (other than the clothing being worn, a wedding ring, or religious medallion) will be taken from the detainee. The items taken will be inventoried on an Evidence Property Custody Document (OPNAV 5527/22) or a Prisoner Inventory and Receipt for Personal Effects (NAVPERS1640/17), with a copy of the inventory provided to the detainee. When deemed necessary, items which could inflict bodily injury, such as belts, shoelaces, neckties, garters, and suspenders, may also be removed.

(5) A person may generally be detained for up to 24 hours before a medical examination is required. However, if an individual appears to be ill, requests medical attention, indicates pregnancy, exhibits suicidal ideations, or exhibits an abnormal loss of control due to use of alcohol or other drugs, he or she shall be examined by medical personnel and certified as being fit for confinement prior to being placed in detention. If exigent circumstances require detention of these individuals prior to medical evaluation, such examination will be accomplished by the most expedient means available, with the justification for such detention explained in detail on the NAVMC 11130. Even in the absence of these factors, individuals under the influence of alcohol or other drugs may only be placed in detention for brief periods of time (not to exceed four hours) necessary for command representatives or medical personnel to arrive and assume custody. During these periods, constant surveillance must be maintained to monitor the behavior and physical condition of such persons. No person will be detained in excess of 24 hours without a medical examination (to include a pregnancy test for females) as prescribed in reference (a).

(6) Detainees will be closely supervised during the period of detention. A closed circuit television may be utilized for observation of the detention space. While detainees will be kept under continuous observation by staff members, periodic physical checks of the detainees are required. The Inspection Record of

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Prisoner in Segregation (DD 509), or other form with a duplicate format of the DD 509 (for example, on the reverse of the [NAVMC 11130](#)) will be utilized to record the frequency of checks. Detainees exhibiting suicidal ideations will be physically checked every five minutes while awaiting diagnosis of being suicidal; other detainees at least once every fifteen minutes. Detainees diagnosed by qualified medical personnel as being suicidal will not be detained, or if detained prior to diagnosis, will not remain detained in a holding cell or detention space.

(7) Meals of the same quality and quantity as that served in the base or station dining facility will be provided at regular meal hours for personnel detained beyond six hours. In the event of overnight detention, minimum bedding consisting of a mattress, blanket, and pillow (with case) will be provided. Staff personnel will ensure the physical needs of the detainees, such as water and head calls, are satisfied.

(8) Individuals detained in a cell in excess of 24 hours will be provided one hour of physical exercise daily. Shower access will be provided daily to any detainee held over 24 hours if behavior is satisfactory.

i. Release. Upon release from detention, the detainee or a command representative will receipt for all funds, valuables, and other personal property previously taken from the detainee. A DD Form 629 will be completed for military and civilian detainees being released to the cognizance of another individual; detainees released on their own recognizance will comply with the instructions issued by detention staff upon release.

7. Field Expedient Spaces. Holding cells or detention spaces utilized during field or combat operations will correspond to established design standards to the maximum degree feasible under existing conditions. Administration and operations will be consistent with this Order. A Medical Officer will approve field expedient spaces prior to their use. Detention in field expedient spaces shall be for the minimum amount of time for determination of release to a command representative, or transport to a longer-term facility.

8. Construction and Alteration. All commands operating holding cells or detention spaces will ensure the CMC (POS-40) is aware of the existence, size, and location of the spaces. Any command desiring to open, renovate, or close a holding cell or detention space must obtain prior approval from the CMC (POS-40).

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9. Waivers. Requests for exceptions will be resolved as follows:

a. Fire and life safety issues require immediate correction, and waivers will not be granted except as provided for in reference (a). Such waiver requests will be coordinated with the installation's fire department or Base Safety Manager and submitted, via the chain of command, to CMC (POS-40).

b. Waivers for other than fire and life safety issues may be granted based on compensatory operational procedures in effect and outlined in the PMI. Such waiver requests will be submitted via the chain of command, with full justification and compensatory measures, to CMC (POS-40).

10. Reserve Applicability. This Order is applicable to the Marine Corps Reserve.



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