



DEPARTMENT OF THE NAVY

NAVAL TRAINING CENTER
2601A PAUL JONES ST
GREAT LAKES, ILLINOIS 60088-2845

NTCGLAKESINST 1640.1D
(SJA)
19 Apr 02

NTC GREAT LAKES INSTRUCTION 1640.1D

Subj: INITIAL REVIEW OFFICER (IRO) PROGRAM, NTC GREAT LAKES

Ref: (a) Rules for Courts-Martial 305, MCM 2000
(b) JAGMAN 0127C
(c) CNETINST 5400.2C

Encl: (1) Sample IRO Hearing Notes
(2) Sample IRO Memorandum Decision

1. Background.

a. Reference (a) requires that not later than 48 hours after ordering a member into pretrial confinement, or after receipt of a report that a member of the command has been confined, the member's Commanding Officer shall decide whether pretrial confinement will continue. If continued pretrial confinement is approved, the Commanding Officer shall submit a memorandum of the circumstances and reasons to an Initial Review Officer (IRO). The IRO shall review both the adequacy of probable cause that the detainee has committed the alleged offense and the necessity for continued pretrial confinement. This review shall be made within 7 days of the imposition of pretrial confinement. Upon completion of the review, the IRO shall either approve continued confinement or order immediate release.

b. Reference (b) provides that IROs shall be appointed by the officer exercising general court-martial jurisdiction at the location of the confinement facility. The officer appointed as the IRO should be neutral and detached, should be selected for his or her maturity and experience, and, if practicable, should have had command experience.

2. Cancellation. NTCGLAKESINST 1640.1C

3. Action.

a. A sufficient number of primary IROs will be appointed by Commander, Naval Training Center, Great Lakes, pursuant to

references (a) and (b). The senior IRO appointed shall also be designated as the "Senior Initial Review Officer." The appointments and designation as Senior IRO will be by letter issued to the officers concerned.

b. IROs shall perform their duties per references (a) through (c) and this instruction.

c. Senior IRO shall be responsible for the day-to-day administration of the IRO Program at Great Lakes. In particular, the Senior IRO shall:

(1) Provide training and guidance to the IROs.

(2) Establish an equitable rotation of IROs to conduct reviews during designated periods of time, or for particular cases when the regularly assigned IRO may be disqualified.

(3) Establish and promulgate uniform procedures for the scheduling and conduct of reviews. If considered necessary, the Senior IRO may recommend that such procedures or any change thereto be approved by Commander, Naval Training Center, Great Lakes, and promulgated by change to this instruction or by the issuance of supplementary correspondence.

(4) Immediately inform the Staff Judge Advocate, Naval Training Center, Great Lakes, of any circumstances that may require the appointment of a temporary IRO, such as when all primary IROs may be unavailable or disqualified to conduct reviews in particular cases or for particular periods of time.

d. IROs shall keep the Senior IRO informed of any circumstances that may make them temporarily unavailable to conduct reviews, such as official travel, scheduled leave, or other good cause. IROs shall also inform the Senior IRO as soon as possible of pending PCS orders for transfer from Great Lakes.

4. Administration.

a. Commanding Officers shall deliver the original and two copies of their "72 hour memorandums" directly to Officer-in-Charge, Pretrial Confinement Facility, Great Lakes, except when the member is confined at another facility (such as the Federal

Metropolitan Correctional Center, Chicago). In such cases the memorandum shall be delivered directly to the presiding IRO (the identity of the presiding IRO can be obtained from the Pretrial Confinement Facility).

b. Upon receipt of the memorandum, Officer-in-Charge, Pretrial Confinement Facility, Great Lakes, shall expeditiously notify and forward the original memorandum to the presiding IRO for scheduling, and shall expeditiously notify and forward a copy of the memorandum to the Naval Legal Service Office North Central Detachment, Great Lakes, Defense Department, for assignment of military counsel pursuant to subparagraph (f) of reference (a). When the member is confined at another facility, the presiding IRO will schedule the hearing in coordination with the Naval Legal Service Office.

c. The subsequent reviews should be held at the Pretrial Confinement Facility, Great Lakes, for members confined in the Brig. The IROs should take Brig evolutions into account when scheduling the times for their reviews. With regard to members confined at another facility, the presiding IRO may request that the member's Commanding Officer deliver the member to a location at the Naval Training Center, as determined by the presiding IRO, for the hearing.

d. Officer-in-Charge, Pretrial Confinement Facility, Great Lakes, shall provide adequate space and support for reviews conducted at the Brig. IROs shall provide for his/her clerical assistance.

e. The IRO's conclusions, including the factual findings on which they are based, shall be set forth in a written memorandum. Enclosures (1) and (2) are sample forms that may be used for these purposes. A copy of the memorandum and documents considered shall be maintained by the IRO until the IRO is notified that appellate review has been completed, at which time they will be destroyed. IROs shall transfer all pending files in alphabetical order to the Staff Judge Advocate, Naval Training Center, Great Lakes, upon his/her termination of appointment. The Staff Judge Advocate will retain the files until appellate review has been completed.

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f. Any problems with the administration of the IRO Program and recommendations for improvement shall be submitted by the IROs or any interested commands to the Senior IRO for consideration.

g. The Staff Judge Advocate, Naval Training Center, Great Lakes, shall provide technical assistance to the Senior IRO with respect to the IRO Program at Great Lakes.



A. E. RONDEAU

Distribution:

NTCGLAKESINST 5161.5f

Lists I, II (Case A), III (A & C)

Senior IRO

IROs

NAVAL TRAINING CENTER
GREAT LAKES, ILLINOIS 60088

_____/_____
Date Time

U.S. v. _____

1. On the above date, a review of the adequacy of probable cause to believe the named pretrial confinee (accused) has committed an offense and the necessity for continued pretrial confinement was held pursuant to RCM 305.

2. The following persons were present:

- a. Accused
- b. _____ (Defense Counsel)
- c. _____ (Government Counsel)
- d. _____ (Other - Specify)

3. Findings. Upon consideration of the attached documents:

a. There is apparent jurisdiction over the accused and the offense(s) charged.

b. There is probable cause to believe the accused committed offense(s) under the following Article(s) of the UCMJ: _____
_____.

c. Continued Pretrial Confinement of the accused is determined:

_____ NOT TO BE NECESSARY. Accused is ordered released, effective two hours from the time of this action. The following lesser form of restraint is recommended.

_____ Arrest _____ Restriction

_____ Conditions on liberty: _____

_____ TO BE NECESSARY. Lesser forms of restraint are inadequate and it is foreseeable that:

_____ Accused is a flight risk, i.e., will not appear at trial or other hearing.

_____ Accused is a threat to the community and to engage in a serious criminal misconduct.

Comments, Recommendations: _____

4. By copy of this memorandum accused is advised that he/she may petition, in writing, for reconsideration of his/her pretrial confinement case, based upon any significant information not previously considered.

_____/_____/_____
Military Magistrate

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