

Model Affidavit

APPENDIX B: MODEL AFFIDAVIT

How to use this document. This is a drafting aid, not prepared testimony. It is modeled on the structure the program has used in the affidavits of March 2016 and September 2020 so that the request is recognizable to the affiant. It must be transmitted to the affiant as a draft to be verified, corrected, supplemented, or rejected in whole or in part. No affiant should be asked to swear to language drafted by a party. Bracketed items are for the affiant to complete or correct; every bracketed item that asks for a current figure or a current practice — in paragraphs 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 18, and 19 — is the reason for the affidavit and must not be pre-filled from the older affidavits.

Editing this drafting version: shaded boxes contain the exact model language. Replace or expand entire paragraphs as appropriate; current figures remain placeholders. Text must fit visibly in its box. Use the final continuation page for longer additions.

AFFIDAVIT

Affiant name and opening declaration

I, [full name and post-nominals], do hereby swear and affirm that the following is true and correct:

Paragraph 1: Identity, position and responsibilities

1. I am [name], [grade/series], [position title], Naval Consolidated Brig Miramar (NCBM), San Diego, California[, and Senior Clinician, Navy Corrections]. In that capacity I am responsible for [state responsibilities: policy and procedure guidance for clinical services, oversight of offense-related treatment programming, supervision of clinical treatment providers, and headquarters-level advice on correctional treatment programs and prisoner rehabilitation].

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Paragraph 2: Credentials, experience and career history

2. I am a [licensed clinical psychologist / licensed independent clinical social worker], [State] license number [], credentialed through the Naval Medical Center San Diego. I hold [degrees, institutions]. I am [a member of / eligible for clinical membership in] the Association for the Treatment and Prevention of Sexual Abuse and [describe other memberships and certifications]. I have [] years of experience in [correctional mental health / sexual offense-specific assessment and treatment] and receive approximately [] hours of continuing specialized education annually. [Summarize relevant career history.]

3. The statements in this affidavit are based on my personal knowledge of the programs at NCBM, on the policies and instructions governing them, and on the records of the command.

Paragraph 4: Exclusive program site and equivalent programs

4. NCBM is designated as Navy Corrections' exclusive site for the Sex Offender Treatment Program (SOTP). [State whether any equivalent offense-specific sexual offense treatment program is available at any other Naval Consolidated Brig, and whether you are aware of any equivalent program at any other military correctional facility, including the United States Disciplinary Barracks and the Joint Regional Correctional Facility at Fort Leavenworth. If so, describe it or state the limits of your knowledge of it.]

Paragraph 5: Other services and designation authority

5. [State whether prisoners of the Air Force, Army, and Coast Guard are accepted into the SOTP on the same terms as Navy and Marine Corps prisoners; the process by which a non-Navy prisoner is designated to NCBM for participation; and which authority makes that designation.]

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Paragraph 6: SOED structure and differences from SOTP

6. All prisoners convicted of an offense having a sexual component, including possession of child pornography, are required to attend the Sex Offense Education Course (SOED). SOED is [] weeks in length, meets [frequency and session length], and is available at [facilities]. Its purpose is education, motivation toward treatment, and preparation for post-release consequences. Prisoners are not required to make personal disclosures during the course. SOED is not offense-specific treatment. [State the principal differences between SOED and SOTP in intensity, duration, disclosure requirements, and clinical content.]

Paragraph 7: SOTP components, phases and duration

7. The SOTP is a comprehensive, specialized cognitive-behavioral treatment program that includes psychological and physiological assessment, intensive structured group and individual therapy, educational seminars, and training in cognitive-behavioral techniques. It is delivered within a Risk-Need-Responsivity model in which treatment is individualized to risk and criminogenic need. [State the current phase structure, the frequency and length of each component, and the current expected duration of the program.]

Paragraph 8: Provider qualifications and current staffing

8. The SOTP Director is required to meet the clinical criteria for membership in the Association for the Treatment and Prevention of Sexual Abuse and to implement its standards. Group and individual sessions are provided only by licensed, credentialed mental health providers. [State current staffing composition, psychiatric consultation arrangements, and any external consultation such as the Community Sex Offender Advisory Board and its frequency.]

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Paragraph 9: Current eligibility threshold and authority

9. To enter the SOTP, a prisoner must, upon arrival at NCBM, have no less than [] months of confinement remaining to be served. This requirement is imposed by [cite the governing document and its date]. It became effective on [date] and superseded a prior requirement of [] months.

Paragraph 10: Remaining confinement computation

10. The computation of confinement remaining for this purpose accounts for [state each element: pretrial confinement credit; transfer time to NCBM; the general orientation period; the interval between arrival and program entry; the assessment period; good conduct time abatement; earned time abatement; the length of the program]. It is calculated from [state the source document, e.g., Section 5.s (Minimum Release Date) of the DD Form 2710-1, Prisoner Sentence Computation].

Paragraph 11: Eligibility preservation mechanism

11. [State whether any mechanism presently exists by which a prisoner who would otherwise fall below the threshold may preserve eligibility — for example, by voluntarily holding good conduct time or earned time abatement in abeyance, whether by pretrial agreement or on arrival — and if so, how and when it must be invoked.]

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Paragraph 12: Programming for an ineligible prisoner

12. A prisoner who arrives at NCBM with less than the required time remaining is not enrolled in the SOTP and is not transferred to NCBM for the purpose of attending it. Such a prisoner receives SOED and [state what other programming and what release referrals are provided].

Paragraph 13: Illustrative sentence and confinement credit

13. By way of illustration, a prisoner sentenced to [] months who received [] months of pretrial confinement credit would [have / not have] sufficient time remaining upon arrival at NCBM to be enrolled in the SOTP. Transfer time to NCBM further reduces the confinement remaining and can render a prisoner ineligible.

Paragraph 14: Phase I interval and current waiting list

14. The current interval between a prisoner's arrival at NCBM and entry into Phase I of the SOTP is approximately []. [State whether a waiting list presently exists and its length.]

Paragraph 15: Program sequencing for longer sentences

15. [For a prisoner whose confinement remaining substantially exceeds the length of the SOTP, state when in the sentence the program is ordinarily commenced, and whether entry into the program is sequenced relative to the projected release date. State the clinical reasons for that sequencing.]

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Paragraph 16: Incomplete Phase I and transfer policy

16. [State the consequence of a prisoner commencing Phase I and being transferred or released before completing it, and the current policy governing transfer of prisoners actively engaged in Phase I.]

Paragraph 17: Outcome evaluations and available data

17. [State whether the SOTP has ever been the subject of an outcome or recidivism evaluation; whether the command maintains post-release recidivism data on program participants; and if such data exists, whether it is releasable and through what process.]

Paragraph 18: Aftercare and community transition

18. The Aftercare Program provides referrals for community sex offender treatment for eligible prisoners and transitional assistance services including []. Satisfactory completion of the SOTP does not constitute a cure. Following completion of the structured program, the individual should participate in a structured aftercare program continuously, which is typically a condition of parole or mandatory supervised release. A substantial period of supervised release in the community is often crucial to long-term success in preventing recidivism.

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Paragraph 19: Optional conditional sentence computation

19. [Optional and preferred, if the command will provide it: Stated as a conditional computation and without reference to any individual, a prisoner arriving at NCBM with an adjudged sentence of [] months and [] months of pretrial confinement credit would be eligible for the SOTP, whereas a prisoner arriving with an adjudged sentence of [] months and the same credit would [be ineligible / not enter the program until approximately [] months before his projected release date].]

Physical signature

Affiant name and post-nominals

[Name, post-nominals]

Affiant position title

[Position title]

Naval Consolidated Brig Miramar

Execution date - complete the source date line

Executed on _____

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