



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1640
Ser 68B/171
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From: Commander, Navy Personnel Command
To: Distribution

Subj: TEMPORARY UCMJ CONFINEMENT OF FEMALES IN NAVY CONFINEMENT
FACILITIES NOT DESIGNATED WITH A FEMALE CONFINEMENT
CAPABILITY

Ref: (a) SECNAVINST 1640.11D
(b) Uniform Code of Military Justice (UCMJ)
(c) SECNAVINST 1640.9B

1. Purpose. To provide guidance on the confinement of females subject to the jurisdiction of the Uniform Code of Military Justice (UCMJ) in Navy confinement facilities not designed with a female confinement capability.

2. Background. Reference (a) identifies Navy confinement facilities authorized to confine female personnel subject to the jurisdiction of reference (b). Reference (c) standardizes policies and procedures for the operation of Navy and Marine Corps confinement facilities. On occasion, however, particularly OCONUS, there may be cause and pressing need for commanders to seek confinement of female personnel in Navy confinement facilities not designated or designed with a female confinement capability.

3. Policy. The following guidelines apply to commands seeking to confine female personnel in Navy confinement facilities not designated with a female confinement capability per reference (a).

a. The underlying premises for this policy are:

(1) personnel are charged with serious offenses against reference (b). A serious offense includes all offenses under reference (b) for which one year or more of confinement is authorized.

(2) alternative facilities (e.g., local or accessible military detention facilities, shore brig, adequate or authorized civilian facility) are not available.

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b. Prior to using the Navy confinement facility, the senior officer present (installation/region/area commander) must approve this action based upon:

- (1) Adequacy of facility security features
- (2) Adequacy of facility living conditions, to include appropriate gender supervision
- (3) Ability of staff to ensure safety of prisoners
- (4) Adequacy of number of qualified female staff

c. In each such case, such confinement shall be immediately reported by phone call/email from the confinement facility to NAVPERSCOM (PERS-68), furnishing the following information:

- (1) Rate or grade
- (2) Social Security Number
- (3) Offense alleged
- (4) Date confined
- (5) Place confined
- (6) Command ordering confinement
- (7) Senior officer approving use of facility
- (8) Anticipated length of temporary confinement
- (9) Qualified staffing plan (note paragraph 3f(3) below)
- (10) Any other pertinent information

d. A naval message reporting the above information shall follow the phone call/email.

e. The conditions of article 7103.2 of reference (a) apply.

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(1) No servicemembers of the opposite sex shall be confined in the same facility at the same time without direct continuous supervision. Berthing must be segregated.

(2) Confinement facilities shall ensure total visual berthing separation of males and females to ensure adequate privacy during use of the toilet, showering, changing clothes and similar periods of nudity. This may be accomplished by use of privacy screens/partitions for each head area/facility, shower, etc.

(3) Trained and qualified female staff members shall be utilized and may include NEC 2008 (Master at Arms with formal corrections specialist training), NEC 9575 (formal trained corrections specialist), and augmented staff with formal brig afloat corrections specialist training. Trained staff may be coordinated from all available local resources, ship and shore. Untrained female staff may be given local escort and related "snap in" OJT and utilized for direct observation of cells only under the direct supervision of trained staff (of either sex).

f. Prisoners shall be transferred to an appropriate U.S. military confinement facility as expeditiously as possible.

g. The provisions of reference (c) apply with regard to corrections administration, management and operations.

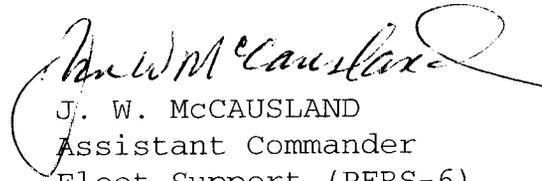
h. In cases involving pregnant prisoners, full security measures, in accordance with the custody level, shall be in effect while in the prisoner's first trimester. Women beyond the first trimester are restrained only with handcuffs, if their custody level requires the use of restraints. A prisoner who has begun labor shall be transported by ambulance without restraints (regardless of her custody classification); however, a staff member with a full set of restraints will accompany her.

4. Applicability. This policy applies throughout the Navy shore corrections system, CONUS and OCONUS.

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5. Implementation. This policy is effective immediately. The above policy and guidelines shall be coordinated for inclusion in the next change to reference (c). As an interim measure, a file copy of this letter shall be retained with reference (c).

6. Point of contact for further information, Mr. Tim Purcell, PERS-68B, (901) 874-4452, DSN: 882, email: timothy.purcell1@navy.mil.



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Fleet Support (PERS-6)
By direction

Distribution:
FFC (N16)
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All Navy shore brigs and PCFs
USMC (PSL Corrections)

Memorandum

28 Jul 04

From: PERS-00J

To: PERS-68

Subj: REVIEW OF MEMO "TEMPORARY UCMJ CONFINEMENT OF FEMALES IN
NAVY CONFINEMENT FACILITIES NOT DESIGNATED WITH A FEMALE
CONFINEMENT CAPABILITY"

1. No legal comments or objections.


W. C. HERRIGAN