



DEPARTMENT OF THE NAVY  
BUREAU OF NAVAL PERSONNEL  
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1640  
Ser 135E/147  
27 Aug 09

From: Director, Navy Corrections and Programs (N135E)  
To: Distribution

Subj: MIXED-GENDER PRISONER MANAGEMENT AND SUPERVISION

Ref: (a) SECNAVINST 1640.9C  
(b) BUPERSINST 1640.18E  
(c) NAVPERS 15560D (Naval Military Personnel Manual (MILPERSMAN))  
(d) American Correctional Association (ACA) Standards for Adult Correctional Institutions, 4th Edition  
(e) OPNAVINST 6000.1C

1. Purpose. Provide clarifying guidance to reference (a) as it relates to policy and procedures governing management and supervision of mixed-gender pretrial and post-trial prisoners confined at Navy shore brigs, consistent with the provisions of references (a) through (d). Hereafter, the term "prisoner" refers to both pretrial and post-trial prisoners. This letter also establishes the Commanding Officer, Naval Consolidated Brig (NAVCONBRIG) Miramar as Curriculum Model Manager for Women Corrections, tasked with supporting the development of women offender policy, procedures, and training for the Navy Corrections Program.

2. Background

a. Per reference (a), article 2101, Navy shore brigs include pretrial confinement facilities (PCF), waterfront brigs, and NAVCONBRIGs.

b. References (b) and (c) identify Navy shore brigs and their capability for confinement by gender.

c. Confinement of both male and female prisoners in a brig manned by both male and female staff presents significant correctional challenges and requires a gender-relevant approach to ensure safety, security, and meet identified privacy needs.

d. Secretary of the Navy (SECNAV) Policy

(1) Per article 7103.2(c)(1) of reference (a), there shall be no prisoners of the opposite sex confined in the same space at the same time. For clarification purposes, the term "space" as annotated above refers to berthing areas to include cells and dormitories. At no time shall male and female prisoners be commingled in any space

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during the period between taps and reveille, or at any time or location without staff supervision.

(2) Per article 7103.2(c)(2) of reference (a), brigs shall ensure visual and acoustic berthing separation of males and females confined if simultaneous confinement of male and female service members is authorized. Acoustic separation is defined as out of range of normal mixed-gender conversation.

(3) Per article 3102.4 of reference (a), staff shall not be assigned duties which require supervision of prisoners of the opposite sex at times when nudity routinely occurs.

### 3. Supplemental Policy

a. Prisoners shall be informed during reception that they are subject to observation by staff, to include staff members of the opposite sex. During use of the toilet, showering, changing clothes, and similar periods of undress and nudity, mitigation efforts shall be employed by the brig to protect prisoner privacy. Efforts (temporary or otherwise) may include staff replacements to ensure observation by only staff members of same sex, privacy screens/partitions for each head area/shower, etc. Nudity shall not be permitted in common areas.

b. When both male and female prisoners are simultaneously confined in the facility, at least one male and one female staff member shall be on duty at all times and be positioned in a manner to support same gender supervision requirements.

c. Accommodations shall be in place to ensure camera monitoring by staff ensures adequate mixed-gender privacy (e.g., use of the toilet, showering, changing clothes, and similar periods of undress and nudity). Where necessary, staff augmentation shall be employed to mitigate security and supervision concerns. For special quarters (SQ) prisoners in a camera cell, specialized clothing may be used to provide privacy. Such clothing would provide sufficient coverage of the body when seated on a toilet (i.e., longer than a standard uniform shirt).

d. For operational planning purposes, the Plan of the Day (POD) shall distinctly identify authorized commingled mixed-gender events and times for general population prisoners. Adequate supervision and communication requirements shall be in place prior to the commencement of the activity.

e. To ensure equal programming opportunities, prisoners need not be separated in work assignments by gender. When assigned to the same work site, the supervisor shall enforce prisoner rules that restrict

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mixed-gender communication to only that required to carry out the assigned work/task.

f. Brig staff, volunteers, and all visitors who interact with prisoners of the opposite sex shall always be under the observation of other correctional staff, at all locations. While direct observation is desired, frequent indirect observation such as camera or observation through a window is authorized.

g. Staff members shall not enter an opposite gender berthing area, including the visual control center area, unless a staff member of the opposite gender is present or the staff member is directly or indirectly observed by other correctional staff, and then only when such entry is justified. Prior to entry into the berthing area, "male/female on deck" shall be voiced in a loud tone.

h. Correctional staff shall not conduct mixed-gender frisk-searches, except as necessary in the event of an emergency affecting facility safety and security. Such searches shall be documented with an Incident/Information Report and notated in the Brig Log.

i. Opposite-sex strip searches are prohibited.

j. Transport of prisoners shall include the following:

(1) Transports shall include at least one trained escort of the same sex as the transported prisoner;

(2) Mixed-gender prisoners will be separated within a transport vehicle to the maximum extent possible; and

(3) Escorts shall plan for meal and bathroom breaks, providing sufficient same-gender supervision at each location.

k. The care and management of pregnant prisoners confined shall conform to the requirements of reference (e), except that convalescent leave can not be authorized. Pregnancy does not preclude confinement where local prenatal care is available via a medical treatment facility that can provide care for labor, delivery, and the management of obstetric emergencies. The following procedures shall be used when transporting pregnant prisoners:

(1) Where a restraining belt is directed for use on a pregnant prisoner, medically trained personnel shall check for proper application;

(2) Full security measures, per the prisoner's custody level, shall be in effect while in the pregnant prisoner's first trimester;

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(3) Pregnant prisoners who are beyond the first trimester shall be restrained only with handcuffs (if their custody level requires the use of restraints), unless additional restraints are authorized by the Brig Officer after consultation with medical staff;

(4) Normally, brig staff shall not use restraints on any women in labor, during delivery, or in recovery immediately after delivery. During transport by ambulance, however, a staff member possessing a full set of restraints will accompany the prisoner for use in emergency (i.e., escape attempt or disorder).

l. Prisoner rules and regulations shall be published at each facility that:

(1) Identify mitigation efforts that provide privacy such as screens/partitions for each head area/shower, etc., and the prisoner's obligation to use available protocols and procedures to avoid compromising themselves or undermining the staff;

(2) Advise prisoners that they shall not initiate or involve themselves in unduly familiar relationships with staff, volunteers, or other prisoners (e.g., knowingly expose themselves in a state of undress where not authorized, conduct conversations of an intimate nature, or engage in sexual contact of any nature); and

(3) That no interaction between opposite gender prisoners is permitted except for verbal greetings and exchanges during supervised activities (e.g., work details, religious activities, prisoner Morale, Welfare and Recreation (MWR) activities such as holiday functions, assigned group therapy, etc.).

m. Mixed-gender prisoner management and supervision training shall be included in brig pre-service and in-service training programs, provided for all staff and volunteers, and documented in training records. This will also include the prohibitions on relationships with prisoners' families. NAVCONBRIG Miramar, Curriculum Model Manager for Women Corrections, is responsible for such curriculum development and shall distribute such training materials upon approval of OPNAV-N135E/PERS-00D1. Topics shall include, but not limited to:

(1) Unique needs and dynamics of female prisoners, mixed-gender supervision, equal opportunity, and sexual harassment policies;

(2) Requirements for reporting sexual harassment, abuse or misconduct and specifics on how reporting is accomplished, including the role of the Command Managed Equal Opportunity (CMEO) program and time frames mandated; and

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(3) Standards of staff conduct; staff and prisoner misconduct (e.g., inappropriate language, verbal degradation, intrusive searches, sexual assault, unwarranted visual supervision, denying of goods and privileges, the use or threat of force, and disrespectful, unduly familiar, or threatening sexual comments).

n. Sexual contact between staff and prisoners is prohibited (emphasizing that any sexual contact between staff and prisoner or between prisoners constitutes assault or abuse). Victims have a right to complain if they are assaulted or abused and staff has a duty to report complaints or knowledge of a prisoner who has been assaulted or abused. Due to the coercive nature of confinement, sex involving prisoners with staff who, by definition, are in positions of superior power, is never consensual on the part of the prisoner.

4. Action

a. Brig Officers shall use the information provided in this letter to develop local standard operating procedures.

b. Post orders shall be updated to identify the specific mitigation efforts to be employed by the brig to protect prisoner privacy.

c. The POD shall distinctly identify authorized mixed-gender events and times for general population prisoners.

d. NAVCONBRIG Miramar, as Curriculum Model Manager for Women Corrections, shall support development of women offender policy, procedures, and training for the Navy Corrections Program.

5. Applicability. This guidance applies to all Navy shore brigs.

6. Point of Contact. Mr. Tim Purcell, OPNAV-N13E/PERS-00D1, (901) 874-4452, DSN 882, timothy.purcell1@navy.mil.

  
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