OPERATION AND ADMINISTRATION OF DETENTION FACILITIES
BUPERS INSTRUCTION 1640.29

From: Chief of Naval Personnel

Subj: OPERATION AND ADMINISTRATION OF DETENTION FACILITIES

Ref: (a) SECNAV M-1640.1 of May 2019
     (b) SECNAVINST 1640.9D
     (c) DoD Instruction 5525.11 of 3 March 2005
     (d) DoD Instruction 1325.02 of 16 November 2012
     (e) Manual for Courts-Martial, 2019
     (f) Military Handbook 1037/4 of 15 July 1989 (NOTAL)
     (g) Unified Facilities Guide Specifications
     (h) SECNAV M-5210.1 of September 2019
     (i) 32 CFR 701.128
     (j) SECNAVINST 5720.42G
     (k) NAVMED P-117, Manual of the Medical Department

1. Purpose. To publish policies and procedures for the operation and administration of detention facilities (DETFAC). Inherent in the nature of law enforcement and security duties is the temporary holding or detention of individuals suspected of having or who have committed an offense. The health, welfare, and safety of these personnel in detention, as well as the safety of the command and community, must be the primary concerns. This instruction sets forth policies and procedures designed to ensure the welfare of personnel being held at DETFACs and clarifies the requirements of reference (a) and other legal requirements as they apply to DETFACs.

2. Scope and Applicability. This instruction and references (a) through (k) are applicable to the operation of certified DETFACs and provides specific guidance unique to their operation. This instruction becomes applicable upon cancellation of OPNAVINST 1640.9A, Guide for the Operation and Administration of Detention Facilities.

3. Discussion. Per reference (b), Bureau of Naval Personnel Director, Corrections and Programs Office (BUPERS-00D) has primary and final responsibility for developing and issuing corrections policy within the naval service, including DETFACs. On a case-by-case basis, BUPERS-00D may grant waivers to the provisions of this instruction. Such waiver requests must be submitted in writing, identify the provision, specify in detail, and provide justification why the waiver is sought. All waivers must be submitted via the chain of command to BUPERS-00D. Local conditions may require minor deviation from the provisions of this instruction; however, any deviations must be reported via naval correspondence to BUPERS-00D.
4. **Action.** Commanding officers of certified DETFACs will ensure the provisions of this instruction and reference (a) are strictly followed in the operation of their DETFACs. The strong involvement of the chain of command in the day-to-day operation of a DETFAC is essential. Copies of local regulations for implementing the provisions of this policy and reference (a) must be forwarded to BUPERS 00D.

5. **Records Management**

   a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned for the standard subject identification codes (SSIC) 1000 through 13000 series per the records disposition schedules located on the Department of the Navy/Assistant for Administration (DON/AA), Directives and Records Management Division (DRMD) portal page at https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx.

   b. For questions concerning the management of records related to this policy or the records disposition schedules, please contact your local records manager or the DON/AA DRMD program office.

6. **Review and Effective Date.** Per OPNAVINST 5215.17A, BUPERS-00D will review this instruction annually around the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, Department of Defense, Secretary of the Navy, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will be in effect for 10 years, unless revised or cancelled in the interim, and will be reissued by the 10-year anniversary date if it is still required, unless it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the cancellation is known following the guidance in OPNAV Manual 5215.1 of May 2016.

7. **Forms.** See appendix A for forms applicable to this instruction.

A. HOLSEY  
Deputy Chief of Naval Personnel

Releasability and distribution:  
This instruction is cleared for public release and is available electronically only via BUPERS Web site: https://www.mynavyhr.navy.mil/References/Instructions/BUPERS-Instructions/.
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1. General

   a. Detention facilities (DETFAC) are generally shore spaces used only to temporarily detain personnel apprehended by military authorities or turned over to the military by civilian authorities, or for the temporary confinement of prisoners. DETFACs are authorized to confine pretrial and post-trial prisoners under conditions per this instruction.

   b. DETFACs must be inspected and certified as approved by Chief of Naval Personnel (CHNAVPERS) Corrections and Programs Office (BUPERS-00D) as an authorized naval place of detention. Frequency of inspections and certification is per reference (a).

   c. If approved by BUPERS-00D, a DETFAC may be used for either pretrial awaiting court-martial or post-trial confinement awaiting transfer orders to a military correctional facility (MCF), or in support of the Legal Justice System.

   d. Per reference (c), personnel being held for foreign court jurisdiction at overseas activities may also be held in certified DETFACs for periods specified by the status-of-forces agreement.

   e. Authority to apprehend is listed in references (d) and (e). Authority for pretrial restraint is listed in reference (e).

2. Limitations

   a. Personnel may be detained only upon probable cause such that there are reasonable grounds to believe a criminal offense in violation of the Uniform Code of Military Justice (UCMJ) has been committed.

   b. DETFACs are for temporary detention or confinement. Personnel in the DETFAC as a result of detention should be transferred to command representatives for further disposition. Personnel in the DETFAC as a result of confinement should be transferred, as soon as possible, to the nearest MCF for pretrial confinement or the designated place of confinement for post-trial prisoner for further disposition.

   c. No prisoner, as defined in reference (a), will be held in a DETFAC without a completed DD 2707 Confinement Order or DD 2708 Receipt for Pretrial/Post-Trial Prisoner or Detained Person. No person in a detained status will be placed into the DETFAC without a completed NAVPERS 1640/36 Use of Detention Facility and an accompanying entry in a blotter, desk journal or log book, etc., attesting to the opening and closing of the DETFAC.
d. Under no circumstances may an individual be placed in a DETFAC for "protective custody," "safekeeping," or any other reason when no violation of the UCMJ is indicated.

e. DETFACs will not be used to hold individuals under the influence of alcohol or other substances, except for brief periods of time (not to exceed 4 hours) necessary for command representatives or medical personnel to arrive and assume custody. During such brief periods, continuous direct supervision and observation must be maintained to monitor the behavior and physical condition of such persons.

f. At all times, the health, welfare, and safety of personnel being held must be a primary concern.

g. While under authorized escort by command or Navy Absentee Collection and Information Center coordination, personnel may be held in DETFACs for further transport.

h. Personnel of either sex may be held in a DETFAC if the gender management conditions of reference (a) are followed.

i. Administrative disciplinary measures contained in reference (a) are not applicable to DETFACs.

j. Per reference (e), initial review officer requirements apply with respect to procedures for review of pretrial confinement.

3. Designation and Capabilities. Reference (a) identifies the two types of DETFACs: detention space and holding cell.

a. Detention Space. An adequately equipped cell, room, or other berthing space of the shore establishment, certified for use for short-term detention, defined to mean not more than 8 hours.

b. Holding Cell. An adequately equipped cell or multiple cells of the shore establishment certified for short-term detention, generally limited to no more than 24 hours during the work week, not to exceed 72 hours over a weekend, and not in excess of an additional 24 hours over an official extended holiday weekend (totaling 96 hours). Detention in excess of 24 hours is authorized only with the express approval in each instance of the commanding officer (CO) or the CO's designated representative of the installation on which the holding cell is located. This limitation may be extended, on a case-by-case basis, for up to 30 days by BUPERS-00D. Either pretrial or post-trial prisoners may be held 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 designated place of confinement.
(2) When an individual has been placed into an MCF and is transported to and held in a holding cell for the purpose of appearing as either a witness or the accused in a court-martial proceeding.

(3) When a general court-martial convening authority deems it necessary to retain a prisoner locally, during proceedings of a court-martial, in the absence of a local MCF. After trial, if the sentence as adjudged includes confinement, the member must be transferred to an MCF within 72 hours. The written permission of either the installation CO or the general court-martial authority, as appropriate, must be obtained before an individual can be held for more than 72 hours in pretrial confinement status in a holding cell. The time spent in a holding cell under these circumstances is considered and counted as operative time in confinement, as appropriate.

4. Certification and Capacity. BUPERS-00D must certify a DETFAC as a naval place of detention. Biennial inspections (approximately 18 – 24 months) of DETFACs are required to ensure adherence with references (a) through (k) and this instruction and to ensure deficiencies are promptly and adequately corrected. Upon certification for use, BUPERS-00D must assign designation as either a detention space or a holding cell, identify suitability for mixed-gender confinement, and provide a rated capacity.

5. Use of Other Military Service DETFACs. Authorized DETFACs of another Military Service component may be utilized following consultation with BUPERS-00D and if locally approved by both commands.

6. Waivers. Exceptions to the provisions of this instruction must be forwarded, via the chain of command, to BUPERS-00D. Such waiver requests must provide justification and, where applicable, indicate any measures considered necessary to compensate for the waived requirement(s).

   a. Fire and life safety issues require immediate corrective action and waivers generally will not be granted with limited exceptions approved by BUPERS-00D. Such waiver requests will be coordinated with the installation fire marshal or safety manager and then submitted, via the chain of command, to BUPERS-00D for review and final determination.

   b. Holding time limitations for detention spaces and holding cells may be extended on a case-by-case basis following notification, coordination, and approval by BUPERS-00D.
CHAPTER 2
PHYSICAL PLANT AND MAJOR EQUIPMENT

1. Design Criteria. References (f) and (g) identify general and specific design criteria for DETFACs. To the greatest extent possible, national accreditation standards issued by the American Correctional Association must be followed in determining design criteria for new construction.

2. Facility Mission. This section provides generalized information on specific design criteria that must be incorporated into the planning and design of DETFACs.

   a. DETFACs are 8-hour (detention space) and 72-hour (holding cell) temporary holding facilities usually located within an installation's security department. They are designed to provide a capability to military law enforcement agencies, with apprehension authority, to provide secure, temporary custody of alleged offenders until proper authority may be notified and allow transfer of custody. Due to the short-term nature of detention in DETFACs, all support services, such as food and medical, must be provided by the local installation. A DETFAC must serve both male and female personnel under custody, but may be prevented from doing so simultaneously due to design of the facility, which may not support appropriate separation and individual privacy. BUPERS-00D will evaluate the DETFAC suitability for the supervision of mixed-gender confinement as part of the routine inspection process.

   b. As defined in paragraph 1-3 of this instruction, DETFACs are classified and identified as follows:

      (1) Detention Space. Permits detention of personnel for a period up to 8 hours as defined in subparagraph 1-3a of this instruction. Multiple-occupancy cells are permitted, and benches permanently attached to the wall or floor are generally provided in lieu of bunks.

      (2) Holding Cell. Permits the detention of personnel for a period up to 72 hours as defined in subparagraph 1-3b of this instruction. Single-occupancy cells with bunks are required for personnel held for more than 8 hours, but less than 72 hours.

3. Facility Design Criteria. The DETFAC, where feasible, must be located adjacent to and in full view of the dispatcher's desk, but out of the line of sight of public users of the security office. Search, head, and any bathing facilities must be located within the secure area. An interview room, in direct view of the dispatcher, must be accessible to official visitors from the public side and personnel being held on the secure side. Cells should not be located below ground level nor in upper stories requiring the use of stairs.

4. Security and Circulation. Access to and from the DETFAC must be carefully monitored and designated only for qualified staff and personnel being held.
5. **User Needs.** The DETFAC must have access to:

   a. A weapons locker, though no weapons can be accessible by personnel being held;

   b. Individual holding cells must have hot and cold running water, natural light, and a toilet;

   c. Group holding areas must be provided with a built-in bench, running water, and a toilet;

   d. Appropriate levels of ventilation, temperature, lighting, and noise control; and

   e. A bed with security-type mattress is required if personnel will be held more than 8 hours.

6. **Special Requirements, Materials, and Furnishings.** Existing cells will be at least 6 feet wide, 8 feet long, and 8 feet high and provide sight and sound separation between male and female cells. A group holding cell must provide at least 20 net square feet per person and be equipped with fixed benches and a toilet. A shower facility will be available if detention exceeds 24 hours. The interview room must be equipped with two seats and a fixed writing surface. The interview room should provide sound insulation for attorney use, while allowing visual supervision by DETFAC staff. The number of cells and rated capacity of group cells will be determined by an evaluation of prior usage and anticipated need.

   a. Each space must be equipped with the required number of plumbing fixtures and type, depending on whether the space is a single-cell or dormitory type. A metal combination (jail-type) plumbing fixture which contains a commode, lavatory, and bubbler is encouraged for cells.

   b. Each space must be equipped with security, detention-type light fixtures, doors, and locking hardware. Night lights will be provided in all berthing areas and must not be any brighter than the absolute minimum needed for visual control and supervision.

   c. Each space must be insulated to minimize energy consumption.

7. **Security Department.** DETFACs, generally, should be located within the security department of the base, installation, or command. As a result, site selection, overall design, and planning must be based on criteria established for security departments.

8. **Responsibility for Planning.** The local CO is responsible for the planning and establishment and disestablishment of a DETFAC. It is the responsibility of the CO to notify BUPERS 00D with chain of command endorsements through the Commander, Navy Installations Command Total Force Manpower Strategy and Plans (N15), of the intent to establish, renovate or disestablish a DETFAC. In addition, obtain concurrence from BUPERS-00D, via the chain of command, on cell design to assist in approval and final certification of the facility.
9. **Capacity.** The minimum capacity of a new DETFAC is two cells. The two cells must have sight and sound separation for the DETFAC to hold a male and female detainee. The sound separation requirement is met when normal conversation between the two cells is inhibited.

10. **DETFAC Construction Materials.** Walls, ceilings, and floors must be constructed of noncombustible and fire-resistant hardened materials sufficiently secured to prevent escape. The use of suspended or false ceilings is prohibited. Lighting fixtures in cells must 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 personnel being held.

   a. Wall, ceiling, and floor construction will meet requirements per reference (f).


   c. Security component (glazing, doors and windows, locks, funds storage, and closed-circuit television (CCTV)) standards are contained within reference (f). CCTV may be utilized for observation of the DETFAC per reference (a). Opposite gender monitoring of CCTV is not authorized where nudity may routinely occur. Personnel being held need to be informed they are being viewed by CCTV. Privacy screens, blur spots, or other forms of mitigation must be employed when CCTV is used in any area where nudity is expected to occur. Standards for new construction and equipment are identified in reference (g), sections 11191-11195.

11. **Mechanical.** Each single cell or multiple occupancy cell must be equipped with a detention-type stainless steel combination lavatory, water closet, and bubbler. Shower heads must be flush-mounted, non-adjustable detention-type. Floor drains must be secured with tamper-resistant fasteners.

12. **Electrical.** Electrical outlets or switches must not be installed in any cells. All electrical wall plates within the secure area must be nylon and mounted with spanner or security screws.

13. **Pre-Fabricated Detention Units.** Each command should evaluate the use of pre-engineered, pre-fabricated detention units when considering the establishment of a DETFAC. The selection of prefabricated detention units should be based on a life-cycle cost analysis completed per NAVFAC P-442, Economic Analysis Handbook.

14. **Functional Arrangements.** Illustrations of the desirable functional relationships of DETFACs are provided within reference (f).
15. **Habitability Requirements**

a. Plumbing. Furnishings and requirements are identified in paragraph 6.

b. Lighting. Per reference (a), each cell must be provided with an individual security light fixture with candlepower equivalent to current berthing space criteria, but not less than 20-foot candlepower, 30 inches above the finished floor. Night lights will be provided in all berthing areas and must not be any brighter than the absolute minimum needed for visual control and supervision.

c. Temperature and Ventilation. Per reference (a), temperature and ventilation in cells and secure rooms will be maintained per reference (f).

d. Habitability Tests. Lighting, temperature, and ventilation test results will be maintained for 3 years. Per reference (a), tests should be conducted biennially (every 2 years). Results of all inspections must be documented in the DETFAC log.

16. **Fire Protection**. Installation fire department must prescribe the type of fire alarms, fire sprinkler systems, and fire extinguishers required for the facility per National Fire Protection Association 101, Life Safety Code. Fire extinguishers must be readily accessible to the DETFAC staff in the event of an emergency but must be inaccessible to personnel being held. The fire department must conduct regular (at least annual) inspections and on-site fire drills as deemed necessary by the fire marshal. The results of all inspections and drills must be documented in the DETFAC log.

17. **Construction and Alteration**

a. All commands operating DETFACs will ensure BUPERS-00D arranges a biennial inspection of the holding cells or detention spaces. Any command desiring to open, renovate, or close a holding cell or detention space must obtain prior written approval from BUPERS-00D.

b. A request for alterations to existing physical plants or new construction must be submitted in writing with proposed drawings and specifications to BUPERS-00D, via the chain of command, for authorization.

c. Older facilities, constructed prior to publication of reference (g), are not expected to directly be in compliance with newly issued requirements, except for fire, life, and safety issues, however, within reason, must strive to meet the requirements. A waiver for physical plant features not easily renovated will be reviewed during on-site inspections. Inspection reports will note waiver status and plans to resolve related discrepancies.
18. **Field Expedient Spaces.** DETFACs utilized during field or combat operations must correspond to established design standards to the maximum degree feasible under existing conditions. Administration and operations must be consistent with this instruction. A medical officer must approve field expedient spaces prior to their use. Detention in field expedient spaces must be for the minimum amount of time (ideally, no more than 72 hours) required to determine whether to release to a command representative or transport to an approved longer-term correctional facility.
CHAPTER 3
ADMINISTRATION AND OPERATIONS

1. Records

a. Purpose. Records are maintained to provide accurate, current, and readily available information on DETFAC operations and on everyone being held in the DETFAC. Reference (h) governs creation, use, maintenance, and disposition of records. Disposition for completing standardized forms and reports must also be followed. Unauthorized destruction of records may be subject to criminal penalty.

b. Security. The custody files on personnel held in a DETFAC are private. Only personnel who have a need-to-know certain information in the performance of their official duties may have access to a file. This must not, in any way, impede the flow of information to staff involved in the supervision, training, or evaluation of the person in detention. Under no circumstances must personnel being detained be assigned to functions where they have access to files or information about another person being detained. If personnel being held at a DETFAC have their medical records with them, the records will be reviewed by medical personnel (or by their CO) only.

c. Copies. Various functional units within the DETFAC require certain records and reports in order to function properly. Copies of such records and reports may be maintained on an as needed basis at those locations with the original records being kept in controlled administrative files. Units requiring original copies of member (personnel being held) records (e.g., clothing inventory, etc.) will ensure all records are sent to the administrative office when a member is released or when the record is no longer required.

2. Privacy

a. Privacy Act. All personnel must become familiar with the provisions of references (i) through (k). A Privacy Act statement is not required for every form or personal or telephone interview but only for those in which personnel held in a DETFAC are asked to furnish personal information to be included in a system of records. For the purpose of determining whether a Privacy Act statement is required, "personal information" is defined as information about an individual that is intimate or private to the individual, as distinguished from information related solely to the individual's official function.

b. Request for Information. References (i) and (j) provide requirements pertaining to the release of information.

c. Case Files. Detention case files for personnel being held fall under a general exemption from release per the Privacy Act of 1974, 5 U.S.C., 522a(j)(2). Requests by members (persons under custody) or their representatives, e.g., attorney, for any portion of their record, will
normally be denied under the provisions of the Privacy Act of 1974, 5 U.S.C., 522a(j)(2) and
then processed under the provisions of the Freedom of Information Act.

3. **Case File Records.** A case file record which includes all forms and documents, must be
created and maintained on all personnel held in a DETFAC. The case file record will be retained
and disposed of per reference (h).

4. **DETFAC Log.** A DETFAC log must be maintained as a bound ledger with pre-printed
consecutively numbered pages. The log must be marked “For Official Use Only” and must be
maintained and dispositioned per standard subject identification code 5580 (Law Enforcement
Records) per the disposition schedules located on the Department of the Navy/Assistant for
Administration (DON/AA), Directives and Records Management Division (DRMD) portal page
at https://portal.seacnav.navy.mil/orbs/DUSNM/DONAA/DRM/Records-and-Information-
Management/Approved%20Record%20Schedules/Forms/AllItems.aspx. All events of
significance will be recorded in the log. At a minimum, the following information will be
recorded in the log:

   a. For personnel held in the DETFAC: name; Department of Defense identification
      number, command assigned, reason for detention, date and time of detention, and name and
      grade of person ordering the detention

   b. For released members: name, command assigned, date and time of release, and
disposition of the person in detention

   c. Results of all inspections, fire drills, and lighting and ventilation tests, to include date and
time of the event, as well as name(s) and grade(s) of personnel performing the action

   d. To the greatest extent possible, DETFACs should incorporate maximum data (visits,
daily activities, counts, etc.) possible into the authoritative log to prevent unnecessary
administrative burden and duplication of effort

5. **Files and Records Disposition.** All original files related to the detention of personnel at a
DETFAC (case file) and administration of the DETFAC (DETFAC log, inspection results, etc.)
must be maintained and dispositioned per standard subject identification code 5580 (Law
Enforcement Records) per the disposition schedules located on the DON/AA DRMD portal page
at https://portal.seacnav.navy.mil/orbs/DUSNM/DONAA/DRM/Records-and-Information-
Management/Approved%20Record%20Schedules/Forms/AllItems.aspx.

6. **Staff**

   a. Members assigned duties within the DETFAC must normally be assigned to the security
department, generally as security police and master-at-arms personnel. The formal basic law
enforcement school completion suffices for minimum training requirements for such personnel.
Non-security personnel must be trained on DETFAC administration and care of detained personnel and prisoners prior to assumption of duties, with all training individually documented. See subparagraph 7a of this instruction.

b. Personnel (military or civilian) selected for duty in DETFACs must meet and maintain minimum security police or master-at-arms certification and training requirements. Personnel must be mature and emotionally stable. Members who have a history of neuro-psychiatric disorder, excessive use or dependence upon alcohol, or in-Service drug use must not be assigned to DETFAC duty. Members must demonstrate leadership qualities and aptitude for working with people. Military personnel must have no record of a civil court conviction, except for misdemeanor traffic violations. Civilian personnel convicted of a felony are ineligible for employment in a DETFAC (5 U.S.C., chapter 73). Sailors under investigation or being considered for administrative separation must not be assigned to DETFAC duty.

7. Training

a. Pre-Service Training. Prior to assignment, all personnel must attend pre-service training that is conducted at the DETFAC and precedes assumption of duties. It must be sufficiently broad in scope to give a thorough understanding of policies, programs, and procedures to be followed in all phases of the DETFAC operation. Pre-service training must consist of at least three subject matter areas:

(1) General orientation to DETFAC practices and the facility,

(2) General supervised on-the-job practice in all areas of the operation, and

(3) Specific orientation to the particular post assignment.

b. Job Qualification Requirements (JQR). Staff must complete local JQRs that outline specific post requirements and responsibilities of DETFAC operations prior to unsupervised assumption of duties. The JQR of all training must be documented in such a manner to permit verification of attendees, specific curriculum completed, and date and length of training.

c. In-Service Training. In-service training is designed to keep all staff members abreast of changes in policy and operations and to maintain and improve proficiency in DETFAC skills. Each DETFAC must conduct regularly scheduled in-service training so that a complete cycle of subject matter is completed within a 1-year period. All staff and support personnel with regular or daily contact with personnel under custody, regardless of billet assignment are required to attend this training and demonstrate proficiency in the subject matter. At a minimum, in-service training must include the following subjects:

(1) Official policies and procedures for the treatment of personnel held at a DETFAC;
(2) Detention and release process, personal property, completing forms, and, administrative procedures;

(3) Searches, seizures, shakedowns, contraband, and use of force and restraints;

(4) Legal status;

(5) Supervision of personnel held in a DETFAC, staff attitudes, pitfalls of harassment, staff and member (person in detention) relationships, and the Prison Rape Elimination Act;

(6) Problem and special handling of personnel held at a DETFAC, including the assaultive member, suicide risk, drug user, and individuals with mental illness, among others;

(7) Inspection of physical plant, bars, windows, doors, fire safety apparatus, lighting, plumbing, and building exteriors; control of keys, weapons, chemical agents, medications, and tools;

(8) Emergency bills, instruments of restraint and approved methods of restraining, emergency equipment, and hostage survival;

(9) Qualification in appropriate firearms and chemical agents;

(10) First aid and cardiopulmonary resuscitation;

(11) Escort and transfer procedures;

(12) Unarmed self-defense; and,

(13) Human immunodeficiency virus and blood-borne or airborne pathogens.

d. **Training Documentation.** All training must be documented in staff training records.

8. **Use of Force**

a. Individuals must not be permitted to perform duties in a DETFAC until he or she has received instructions on applicable regulations relating to the use of force in the performance of such duties. In addition, instruction must be given periodically to all personnel assigned to ensure they continue to be thoroughly familiar with all policies, including restrictions on the use of force.

b. Use of force to place personnel into a DETFAC will be limited to the minimum amount of force required. Physical abuse, use of unnecessary force, and any form of corporal punishment are strictly prohibited. Use of restraining devices is normally authorized only when
preparing a person being held for transport; if person being held becomes violently aggressive or indicates suicidal tendencies, instruments of restraint may be applied. After applying instruments of restraint, the action will be immediately reported to supervisory authority. In extreme cases, a restraining jacket may be used when specifically authorized by a medical officer. Under no circumstances will a person being held in a DETFAC be chained, handcuffed, or tied to any cell fixture or stationary object (to include a vehicle). Restraints will not be continued beyond 4 hours without approval from the medical officer or CO. Striking or laying hands upon personnel being held is prohibited, except under the following circumstances:

(1) In self-defense

(2) To prevent injury to the person being held and or to other persons

(3) To prevent serious damage to property

(4) To conduct a search

(5) To prevent escape, and or

(6) To quell a disturbance.

c. In all cases, the amount of force used will be the minimum amount necessary to bring the situation under control.

9. Administrative Disciplinary Actions. Administrative disciplinary measures contained in reference (a) are not applicable to DETFACs.

10. Operations

a. Processing. Whenever the DETFAC is opened or closed an entry will be made in the blotter, desk journal or log book, etc. attesting to the opening and closing. The opening and closing will also result in the DETFAC log being used for all operational entries.

(1) Prior to in-processing anyone in the DETFAC, the required documents must be either completed or provided. For personnel being detained, a NAVPERS 1640/36 Use of Detention Facility is required. For prisoners, a completed DD 2707 Confinement Order or DD 2708 Receipt for Pretrial/Post-Trial Prisoner or Detained Person is required.

(2) The proper documents will be required for out-processing from the DETFAC. For personnel being detained, a DD 2708 must be completed to transfer custody of the individual to a command representative for further disposition or action. For prisoners, a DD 2708 must be completed to transfer custody of the prisoner for further confinement. If a prisoner is being released from confinement, a DD 2718 Prisoner Release Order will be completed to release the.
(3) An entry in the blotter, desk journal, or log book attesting to the opening and closing of the DETFAC will be made.

(4) Personnel being held must be thoroughly searched prior to being placed into the DETFAC for detention or confinement. Funds, valuables, and other items in the possession of the person being held (other than necessary clothing being worn, a wedding ring, or religious medallion) will be taken from the member. Items taken will be inventoried on an OPNAV 5580/22 Department of the Navy Evidence/Property Custody Receipt or a NAVPERS 1640/17 Inventory and Receipt of Valuables.

(5) Clothing and Personal Effects, with a copy of the inventory, will be provided to the person in detention. When deemed necessary, items that could inflict bodily injury, such as belts, shoelaces, neckties, garters, and suspenders, may also be taken.

b. Medical Examination

(1) A medical examination should take place before personnel are placed into the DETFAC but must be completed within 24 hours. However, if a person being held appears to be ill or injured, 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 must be examined by qualified medical personnel and certified as being fit for confinement or fit for detention prior to being placed in the DETFAC. All medical certification examinations must be documented on NAVPERS 1640/36 for detained person, or DD 2707 for prisoners, as applicable, and annotated in the DETFAC log. Any visit by medical personnel to personnel being detained or confined must be logged.

(2) If circumstances require detention of a person such medical examination will be accomplished by the most expedient means, with the justification for such detention explained in detail and documented on a NAVPERS 1640/36, as applicable, and annotated in the DETFAC log. In such circumstances, medical personnel must be immediately notified that a medical examination is required. Even in the absence of these factors, personnel under the influence of alcohol or other drugs may only be placed in detention for brief periods (not to exceed 4 hours) necessary for command representatives or medical personnel to arrive and assume custody. During these periods, constant direct supervision must be maintained to monitor the behavior and physical condition of such person(s). The transfer of custody will be executed utilizing a DD 2708.

(3) A person being held requiring medical examination must remain under constant direct supervision while awaiting the arrival of medical personnel. Documentation of checks must be provided on the DD 509 Inspection Record of Prisoner in Segregation, as applicable. No person will be held in excess of 24 hours without a medical examination attesting to fitness for detention (to include a pregnancy test for females) as prescribed in reference (a).
c. Detention and Supervision

(1) No person will enter occupied holding cells or detention spaces or remain in their immediate proximity wearing firearms, batons, chemical agents, or other weapons.

(2) If enough multiple occupancy cells are utilized, segregation will be maintained for varying restraint status to include person being detained awaiting pick-up by command escorts and transport back to the command, and pretrial prisoners, post-trial prisoners being confined awaiting further disposition. This may not always be feasible due to physical plant limitations.

(3) Personnel detained must be closely supervised during the period of detention. Video camera monitoring may be utilized for indirect observation, subject to the provisions of subparagraph 10c.

(4) Meals of the same quality and quantity as those served in the base, installation, or station dining facility must be provided at regular meal hours for person detained beyond 6 hours. Detained personnel, believed to present a security risk, must be fed in their cells. In the event of overnight detention, or detention in excess of 12 hours, minimum bedding consisting of a mattress, blanket, and pillow (with case), will be provided. Staff will ensure the physical needs of personnel detained, such as access to drinking water and head calls, are satisfied.

d. Showers and Exercise. If personnel detained in a cell for longer than 24 hours, a shower and 1 hour of physical exercise must be provided daily. Scheduling will depend upon the availability of supervisors, a secured space for the exercise, and satisfactory behavior of personnel. Such activities must be annotated in the DETFAC log.

e. Emergency Bills. Detailed emergency bills must be prepared to ensure the safety of staff and personnel being held in the event of fire or disorder, per reference (a). Required emergency bills include:

(1) Fire
(2) Natural disaster
(3) Escape
(4) Hostage situation

Note: At a minimum, the escape bill must include an emergency recall bill of staff members, which must be tested at least quarterly to ensure accuracy of recall numbers and the response time of staff members. Conduct of such testing will be documented within the DETFAC log. Fire bill must be coordinated with and approved by the installation fire department. First aid kits and fire extinguishers must be located to be accessible in the event of emergency but not
immediately adjacent to cells. Fire extinguishing devices using any chemical harmful to personnel must not be available to person being held or located in their areas.

f. **Serious Incidents.** Serious incidents or alleged incidents involving personnel being held or incidents within the DETFAC must be reported to the chain of command per provisions of reference (a).

g. **Release.** Upon release from detention, all money, valuables, and other personal property taken from personnel being held must be returned and receipted for by the owner. If personnel being held are released to the custody of another, those personnel must sign a DD 2708 and legibly print and sign for the member's personal property envelope. Personnel released on their own recognizance must be directed to return to their unit, or other appropriate command, after being issued a NAVPERS 1626/7 Report of Disposition of Offense(s), where necessary. An entry must be made in the DETFAC log to reflect the date and time of release, and the disposition of person in detention. One copy of the DD 2708, DD 2718, as appropriate, and the receipt for personal property must be retained on file for 2 years by the unit operating the DETFAC.

h. **Transfer.** A DD 2708 must be used for all transfers from DETFACs to other facilities or correctional facilities. A copy of the custody file must be transferred with personnel, as well as any pre- and or post-trial documents where applicable.

11. **Inspections and Technical Assistance**

   a. DETFACs must be:

   (1) Regularly inspected for cleanliness, adequate lighting and ventilation, general repair, security, and safety.

   (2) Per reference (k), DETFACs must receive a daily inspection by DETFAC staff and an annual sanitation and habitability certification inspection by preventive medicine personnel. Time, date, inspections, and results must be documented in the DETFAC log along with an administratively filed report.

   (3) Inspected periodically per reference (a). If use is rare and considered non-mission essential, the facility should be considered for disestablishment.

   b. **BUPERS-00D is responsible for:**

   (1) Conducting on-site visits and providing technical assistance to all Navy commands and echelons operating DETFACs.

   (2) Conducting inspections, certifying facilities, and preparing standardized inspection
formats for major activity inspections. Biennial inspections (approximately 18 – 24 months) of DETFACs are required to ensure adherence with references (a) through (k), this instruction:

(3) Ensuring that deficiencies are promptly corrected

(4) Providing major activities assistance and training in connection with the operation of a DETFAC and appropriate guidance as needed or requested.
APPENDIX A
FORMS

1. The following forms can be found at http://www.dtic.mil/whs/directives/informgt/forms/formsprogram.htm
   a. DD 509 Inspection Record of Prisoner in Segregation
   b. DD 2707 Confinement Order
   c. DD 2708 Receipt for Pre-Trial/Post-Trial Prisoner or Detained Person
   d. DD 2718 Prisoner Release Order

2. OPNAV 5580/22 Evidence/Property Custody Receipt can be found at https://navalforms.documentservices.dla.mil/

3. The following forms can be found at https://www.mynavyhr.navy.mil/References/Forms/NAVPERS/
   a. NAVPERS 1626/7 Report and Disposition of Offense(s)
   b. NAVPERS 1640/17 Inventory and Receipt of Valuables, Clothing and Personal Effects
   c. NAVPERS 1640/36 Use of Detention Facility

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3 May 2021
APPENDIX B
DEFINITIONS

Note: As used herein, unless otherwise specified, the term "person in detention" denotes individuals under varying status of restraint to include arrest, pretrial confinement, post-trial confinement, and absentees and deserters under escort custody.

1. **Absentee.** See reference (d).

2. **Apprehension.** See references (d) and (e).

3. **Confinement.** Confinement is the physical restraint, imposed by order of competent authority, depriving a person of freedom. Confinement includes pretrial confinement, as discussed, per reference (e), and post-trial confinement (an authorized punishment, subject to limitations), authorized by reference (e).

4. **Deserter.** See reference (d).

5. **Pretrial Prisoner.** See reference (a).

6. **Detention.** The temporary holding of personnel in a DETFAC pending the decision to officially charge them with a criminal offense. Detention is distinctly different from both pretrial and post-trial confinement.

7. **Detention Facility (DETFAC).** A generic term that includes detention spaces and holding cells.

8. **Post-Trial Prisoner.** See reference (e).

9. **Pretrial Confinement.** See reference (e).

10. **Pretrial Restraint.** See reference (e).

11. **Prisoner.** See reference (a).