



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
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BUPERSINST 1640.27A
BUPERS-00D
13 Jun 2023

BUPERS INSTRUCTION 1640.27A

From: Chief of Naval Personnel

Subj: WOMEN'S CORRECTIONS PROGRAM

- Ref:
- (a) BUPERSINST 1640.18L
 - (b) DOJ NIC, Gender-Responsive Strategies for Women Offenders; "A Summary of Research, Practice, and Guiding Principles for Women Offenders" of May 2005
 - (c) DOJ NIC Gender-Responsive Strategies for Women Offenders; "The Gender-Responsive Strategies Project: Jail Application" of April 2005
 - (d) SECNAV M-1640.1
 - (e) American Correctional Association (ACA) Performance-Based Standards and Practices for Adult Correctional Institutions, 5th Edition March 2021 (NOTAL)
 - (f) Manual for Courts Martial (2019 Edition)
 - (g) JAGINST 5800.7G Manual of the Judge Advocate General (JAGMAN)
 - (h) SECNAVINST 1000.10B

1. Purpose

a. To implement gender-responsive strategies and principles in the management of women offenders within the Navy Corrections System.

b. Major changes include on-unit hair braiding between women offenders to allow hair styling and braiding between women offenders to be conducted in the barbershop under staff supervision; the requirement to conduct frisk searches of women offenders outside of the view of male prisoners changed to, where possible; the requirement to separate male and female visitation has been removed; the requirement has been added for each Navy military correctional facility (MCF), which confines women, to appoint in writing a senior staff member responsible for advising the commanding officer (CO) or officer in charge (OIC) on women's policy and procedural matters; a training update has been made to change job qualification requirements to personnel qualification standard for Navy corrections ashore (NAVEDTRA 43387-3A).

2. Scope and Applicability. This policy applies to all Navy MCF authorized to confine women offenders per reference (a) and the transportation, restraint, and supervision of women offenders within or in transit to such MCFs.

3. Cancellation. BUPERSINST 1640.27.

4. Background

a. Confinement of women offenders within the Navy Corrections System prompts the need for development and implementation of correctional programming, services, and supervision to address the unique needs of women offenders. This instruction implements gender-responsive strategies and principles as applicable to women offenders, though does not attempt to explain the complex reasons behind each practice. Such related information may be obtained from references (b) and (c) and the CO, Naval Consolidated Brig (NAVCONBRIG) Miramar. NAVCONBRIG Miramar is designated as the model manager for the Women's Corrections Program for the Navy Corrections System.

b. Confinement of both male and women offenders in an MCF, staffed by both male and female staff, necessitates a gender-sensitive approach to ensure safety and security and to meet programmatic and treatment needs of male and women offenders. This instruction supplements policy contained within reference (d).

5. Definitions

a. Comingled Mixed-Gender Prisoners. Male and women offenders mixed (i.e., comingled in the same area at the same time).

b. Co-occurring Disorders. More than one diagnosed mental health disorder.

c. Gender-Responsive. Defined by researchers as "an environment that reflects an understanding of the realities of women's lives and addresses the issues of women." Per reference (b), being gender-responsive fosters an environment considering site selection, staff selection, program development, content, and material that addresses gender-unique issues including social and cultural factors, economics, abuse, violence, family relationships, substance abuse, and co-occurring disorders.

d. Opposite-Gender or Mixed-Gender Supervision. MCF staff supervising a prisoner of the opposite gender.

e. Parity. Equal in value and significance; equality, as in amount, status, or value; functional equivalence. Equivalent in purpose and effort rather than identical content.

6. Women Offender Management

a. General Guidelines

(1) Navy shore MCFs authorized to confine women offenders must provide offenders with "best practice" programs and services to meet their physical, social, and psychological needs. Such programs must be gender-responsive and comparable to those provided to male offenders and provide parity for women to work, obtain education and vocational training, engage in positive social relationships, seek and receive therapeutic assistance, and reenter society to live in an offense-free manner.

(2) Women offenders will be provided parity as male prisoners to ensure adequate care, treatment, and security. Per reference (e), Standard 3D-04, women offenders must not be discriminated against in programming or services needs based solely on gender. Women offenders will not be denied equal access to available services and programs solely due to small population size per reference (e), Standard 3D-05. While programs or services directed or recommended for women offenders may also be of interest to or beneficial to male prisoners, it should not be assumed that these programs or services must be offered to male prisoners. A program, service, or approach that is critical to meet women offenders' needs may be non-critical to male offenders in reducing recidivism and, therefore, not required nor considered offense-related for male offenders and vice versa.

b. Program Management Responsibility

(1) Model Manager

(a) CO, NAVCONBRIG Miramar is tasked with supporting the development of women offender policy, procedures, and training. Bureau of Naval Personnel (BUPERS) Corrections and Programs Office (BUPERS-00D) provides policy and oversight for correctional programs within the Navy Corrections System and technical assistance to all Navy command operating MCFs.

(b) CO, NAVCONBRIG Miramar will appoint designees to ensure advocacy for appropriate resources, staff, training, policies and procedures, and equal priority to women offender issues. Focus will address the needs of women offenders in areas such as programs (mental health, medical, exercise and recreation, and self-help), personal property, hygiene (including female hygiene items), contact with children and family, and community reintegration. The appointed member(s) will attend applicable correctional training and management meetings to maintain a focus on gender-responsive issues per references (b) and (c).

(2) Women Offender Confinement Assignments. Reference (a) identifies designated places of shore confinement within Navy Corrections and associated capabilities.

c. Post-Trial Confinement Parameters. Post-trial confinement parameters for Navy shore MCFs authorized to confine pretrial and post-trial women offenders are contained in reference (a).

d. Transfer Guidelines. All requests for initial designation for place of confinement and transfers of women offenders will be per references (a) and (d) and routed through BUPERS-00D.

e. Women's Unit Approach and Creating Sense of Safety

(1) Rehabilitation. To rehabilitate women offenders, the MCF must provide a physically and psychologically safe environment. Staff working with women offenders must be trained to understand their pathways into the criminal justice system, their histories contributing to misconduct, the importance of self-worth, and a sense of self in the context of their connections

with others. For these offenders, connecting their crimes, substance abuse, violence, mental illness, and trauma histories explains not only their way into, but also out of the Criminal Justice System. It is relationship-oriented, different from most male prisoners' pathways to and from crime.

(2) Promoting Healthy Relationships. Staff working with women offenders will often spend more time interacting with them, and promoting and modeling healthy relationships as a core feature within the unit. Learning healthy communication skills and avoiding dysfunctional relationships among women are critical within the correctional environment and key to reducing recidivism. Self-empowerment is vital and requires staff to promote a sense of community within the housing unit in which prisoners have a voice. Direct supervision, as defined in reference (d), remains the approach, with additional features that empower women offenders (such as regular "town hall" meetings, increased participation in the décor, and upkeep of the unit) are typical.

(3) Risk Assessment. Women offenders generally present lower levels of risk to public safety and within an MCF. Design of the housing unit can capitalize on this reduced violence risk by including features that help create the "home and community-based" environment that is safe and promotes rehabilitation efforts. Features may include wood versus high-security metal doors, moveable furniture, small socialization groups within the housing unit, and greater responsibility for self-care such as housing unit laundry facilities.

(4) Custody Classification. A woman's custody classification system must be validated for a women offender population to be reliable. If the classification system is not validated for women, additional staff consideration must be given when determining classification, in addition to any guidance the current objective classification system provides. As the Adult Internal Management System is not validated for a female population, it is not to be used as a basis for assignments and management of women offenders.

(5) Frisk Searches. Frisk searches of women offenders will be conducted out of view of male prisoners where possible. To reduce re-traumatization, staff will strictly follow proper search procedures that instruct the prisoner of the proceeding search and required touches prior to the actual touch and movement.

(6) Visitation. Families and friends should be encouraged to visit. Facility visitation areas must have furnishings and equipment appropriate for children.

(7) Laundry. All applicable MCFs must have written policy and standard operating procedures established to ensure female prisoner laundry is washed separately from male prisoner laundry. Where facilities permit, females may wash their own undergarments.

(8) Grooming. Only certified barbers will cut women offenders' hair. During haircuts, a staff member must be present to provide direct supervision. A request may be submitted for a woman offender to braid or help style another woman offender's hair. When approved, this will be conducted in the barbershop under staff direct supervision.

f. Programs

(1) Required and Optional. All women offenders must be provided programs consistent with MCF designation and per reference (d). Optional programs are strongly encouraged if they can be managed with allotted resourcing. Programs will be appropriate and differentiated based on MCF designation (levels I, II and III) and sentence length.

(2) Level I. The requirements for women offenders are the same as those required in reference (d), but must be responsive to the gender differences within those programs such as substance abuse education and awareness designed for women offenders and crisis intervention that uses trauma-informed principles as advised by the model manager.

(3) Levels II and III. The requirements for women offenders are the same as those required in reference (d). These programs, when delivered to women offenders, will be coordinated in advance with NAVCONBRIG Miramar. This is to ensure that the programs are effective to manage women's offense patterns and use gender-responsive approaches for women offenders; a consistent issue is that most MCF standard programs were developed for a male population. The case manager and or counselor must ensure initial assessment, case planning, advocacy, service coordination, and on-going monitoring of women's individual program plans. Programs that focus on the role of trauma (physical, sexual, and emotional abuse by others), destructive behaviors (including crime, addiction, and self-harm), and developing and maintaining life skills and healthy relationships may be a basis of women offender programming. Re-entry programming typically will include referrals (and pre-application) for social welfare benefits, mental health follow-ups and medications, housing and child care arrangements, and other linkages needed for a woman offender to support herself and any dependent family members. A woman offender is much more likely to resume sole responsibility for childcare than a male offender with increased need for medical and mental health support services. Whenever feasible, programs and groups for women offenders will be separate from those for male offenders.

(4) Work. To the greatest extent possible, male and women offenders must not be assigned simultaneously in the same program or work areas while ensuring both have full access to a full range of programming opportunities.

(5) Mentors. Where resources permit, MCFs are encouraged to establish volunteer support programs that provide women offenders with opportunity for healthy connections and role models. Mentors help prisoners develop new, constructive coping behaviors, learn new relationship skills, and engage in activities and discussions that increase self-esteem and self-confidence to prepare them for successful community transition, assist with adjustment to current confinement, and expand support networks beyond family and friends. This program augments any clinical and social services provided in the MCF. When Alcoholics Anonymous or Narcotics Anonymous services are offered to women, the sponsors will be women-led and conducted separately from male offender groups if possible. Parenting and health-related classes

are also considered important in women offender programming. This can often be arranged through Navy Fleet and Family Support programs. The issues of male prisoners as parents are not unimportant, but major traumas involving bonding, parenting, and separation are much more common in incarcerated mothers and are linked to their recidivism if unresolved.

g. Resources for Women Offender Programming

(1) Fiscal. Financial resources must be specifically allocated for women-centered services and activities.

(2) Facilities. Housing, education, training, work, and healthcare facilities must be provided in an equitable fashion that respects gender differences. Facilities need not be identical, but must achieve parity. New construction and renovation of facilities with a female confinement mission will be designed with a focus on establishing a sense of safety, appropriate privacy (to a higher degree than males), proximate location to medical and mental health care staff, and limited interaction with male prisoners.

(3) Manpower. Military, civilian, and volunteer staff who have the interest and the qualifications needed for working with women in confinement must be recruited and trained. Each MCF that is authorized to confine women must appoint in writing a senior staff member who is responsible for advising the CO or OIC on women's policy and procedural matters.

(4) Resources. Recommended resources for working with women offenders include:

(a) National Institute of Corrections www.nicic.org

(b) Directory of Community-Based Programs for Women Offenders
www.nicic.org/Library/016671

(c) Family and Corrections Network www.fcnetwork.org

(d) Center for Children of Incarcerated Parents www.e-ccip.org

(e) Federal Resource Center for Children of Prisoners, Child Welfare League of America www.cwla.org/programs/incarcerated/cop_03.htm

h. Staff Training and Development in Women Offender-Authorized Facilities

(1) Correctional staff working routinely with women offenders in any capacity must be provided annual gender-responsive training in addition to required pre-service women's program training. NAVCONBRIG Miramar will ensure the curriculum is current and made available to all MCF corrections' staff. This training must include the importance of staff-prisoner relationships, professional boundaries, communication, and the impact of trauma.

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(2) All staff assigned to a women's housing unit must complete all prerequisites and the quarters supervisor portion of the personnel qualification standard for Navy corrections ashore (NAVEDTRA 43387-3A) prior to assuming a post for the first time.

i. Staff and Prisoner Sexual Misconduct. Sexual activity between staff and prisoners, as well as prisoner-on-prisoner, is prohibited. There is no consent between staff and prisoners. Military staff who engage in sexual contact with a prisoner(s) will be disciplined under references (f) and (g). Civilian staff, to include volunteers, must be disciplined according to civilian law, to include termination.

j. Pregnant Prisoners

(1) Care and Management. Care and management of pregnant prisoners is governed by references (d) and (h). Pregnancy does not preclude confinement in an MCF as long as appropriate prenatal care is provided and there is a military treatment facility nearby that can provide for labor, delivery, and management of obstetric emergencies. If females are confined, pregnancy services must include pregnancy testing, routine and high-risk prenatal care, post-partum follow-up, comprehensive counseling and assistance, and family planning services prior to release. Birth certificates and registry, unless mandated by State law, must not list an MCF as the place of birth.

(2) Miscellaneous

(a) MCFs must provide space, equipment, and opportunities for confined mothers to breastfeed their babies or use breast pumps.

(b) Reception processing may be modified to permit pregnant prisoners to sit during in-processing.

7. Responsibility and Action

a. BUPERS-00D will

(1) Implement the provisions of this instruction within all applicable MCFs and

(2) Provide technical assistance and oversight to all commands responsible for confinement of women offenders,

b. CO, NAVCONBRIG Miramar will support development of women offender policy, procedures, and training in coordination with BUPERS-00D.

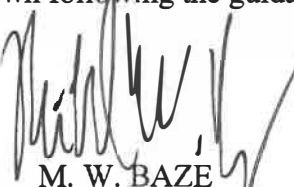
c. MCFs and applicable detachments will implement the provisions of this instruction.

8. 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 instruction or the records disposition schedules, please contact your local records manager or the DON/AA DRMD program office.

9. 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, DoD, 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.



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Releasability and distribution:

This instruction is cleared for public release and is available electronically only via BUPERS Web site: <https://www.mvnavyhr.navy.mil/References/BUPERS-Instructions/>.