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BUREAU OF NAVAL PERSONNEL
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BUPERSINST 1640.27
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BUPERS INSTRUCTION 1640.27

From: Chief of Naval Personnel

Subj: WOMEN'S CORRECTIONS PROGRAM

Ref: (a) BUPERSINST 1640.18H
(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 of May 2019
(e) American Correctional Association (ACA) Standards for Adult Correctional Institutions, 4th Edition with 2016 Supplement
(f) Manual for Courts Martial (2019 Edition)
(g) JAGINST 5800.7F
(h) SECNAVINST 1000.10B

1. Purpose. To implement gender-responsive strategies and principles in the management of female prisoners within the Navy Corrections System.
2. Scope and Applicability. This policy applies to all Navy military correctional facilities (MCF) authorized to confine female prisoners per reference (a). This instruction applies to Navy shore MCFs authorized to confine female offenders and in the transportation, restraint and supervision of female prisoners within or in transit to such MCFs.
3. Background
 - a. The confinement of female prisoners within the Navy Corrections System prompts the need for development and implementation of correctional programming, services and supervision to address the unique needs of female prisoners. This instruction implements gender-responsive strategies and principles as applicable to female prisoners, 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 Commanding Officer (CO), Naval Consolidated Brig (NAVCONBRIG) Miramar. NAVCONBRIG Miramar is the Corrections Program model manager for the Women's Corrections Program.
 - b. Confinement of both male and female prisoners in an MCF, staffed by both males and females, presents significant correctional challenges. This requires a gender-sensitive approach to ensure safety and security, and to meet programmatic and treatment needs of male and female prisoners. This instruction is supplemented by policy contained within reference (d), which provides policy on management and supervision of prisoners of the opposite gender (sex).

4. Definitions

a. 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), 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 (more than one diagnosed mental health disorder).

b. Commingled Mixed-Gender Prisoners. Male and female prisoners mixed in the same area at the same time.

c. Opposite-Gender Supervision. MCF staff supervising a prisoner of the opposite gender, also mixed-gender supervision.

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

5. Women Offender Management

a. General Guidelines

(1) Navy shore MCFs authorized to confine female prisoners must provide female offenders with “best practice” programs and services to meet their physical, social and psychological needs. Such programs must be comparable to those provided to male offenders, yet be gender-responsive, providing equitable opportunities 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) Female prisoners must not be denied equal access to available services and programs solely due to small population size (reference (e), American Correctional Association (ACA) Standard 4-4278). Female prisoners must be provided equitable services (parity) as male prisoners to ensure adequate care, treatment and security. Female prisoners must not be discriminated against in programming or services needs based on gender (reference (e), ACA Standard 4-4277). While programs or services directed or recommended for female prisoners may also be of interest to or beneficial to male prisoners, it should not be assumed that these should be equally provided to both genders. A program, service or approach that is critical to meet female offenders’ needs may be “nice to have” but 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) NAVCONBRIG Miramar is designated as the model manager for the Women Correctional Program, tasked with supporting the development of women offender policy, procedures and training. Bureau of Naval Personnel (BUPERS) Corrections and Programs Office (BUPERS-00D) provides general guidance, policy and oversight for correctional programs within the Navy Corrections System.

(b) CO, NAVCONBRIG Miramar will be appointed 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, including Department of Defense (DoD) designation level and gender capability.

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

d. Transfer Guidelines. All requests for initial designation for place of confinement and transfers of female prisoners will be 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 than 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, which requires staff to promote a sense of community within the unit in which prisoners have a voice. Direct supervision 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 a facility. Design of the 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: wooden, versus high-security metal doors; moveable furniture; small socialization groupings within the housing unit; and greater responsibility for self-care (in-unit laundry facilities and on-unit hair grooming and braiding between prisoners).

(4) Custody Classification. Women’s custody classification system must be validated for a female offender population to be reliable. If the classification system is not validated for women, additional staff consideration must be given in the unit team 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 as it is for male offenders.

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

(6) Visitation. Women offender visitation must be separate from male sexually violent offenders. This may be accomplished through scheduling or facility separation. Families and friends should be strongly encouraged to visit; visiting 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, women may wash their own undergarments.

(8) Grooming. Only certified barbers must cut female prisoner’s hair. During haircuts, a staff member must be present. It is typically permitted for female offenders to braid or help style another female offender’s hair in the housing unit’s common area under staff supervision.

f. Programs

(1) Required and Optional. All female prisoners must be provided programs consistent with MCF designation. Optional programs are strongly encouraged. Programs will be appropriate and differentiated based on facility 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 female offenders; crisis intervention that uses trauma-informed principles as advised by the NAVCONBRIG Miramar 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/counselor must ensure initial assessment, case planning, advocacy, service coordination and on-going monitoring of the 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-up and medications, housing and child care arrangements and other linkages needed for a woman offender to support herself and any dependent family members, as a female offender is much more likely than a male offender to resume sole responsibility for child care, 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 female prisoners 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 brig. When Alcoholics Anonymous or Narcotics Anonymous services are offered, the sponsors must be women-led and conducted separately from male offender groups, whenever 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 must 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 which confines women must designate a senior staff member who is responsible for advising the CO or officer in charge 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 female prisoners in any capacity must be provided annual gender-responsive training in addition to required pre-service women's program training. NAVCONBRIG Miramar must ensure this 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.

(2) All staff assigned to a women's housing unit must complete specific female quarters supervisor job qualification requirements (JQR) prior to assuming a post for the first time. As model manager, NAVCONBRIG Miramar must advise on and make available, female quarters supervisor JQRs.

i. Staff and Prisoner Sexual Misconduct. All sexual activity between staff and prisoners, as well as between prisoners, is prohibited; there can be no consent between staff and prisoners. Military staff offenders will be disciplined under the Uniform Code of Military Justice (UCMJ), reference (g) refers. Civilian staff, to include volunteers, must be disciplined according to civilian law, to include termination.

j. Pregnant Prisoners

(a) Care and Management. Care and management of pregnant prisoners is governed by reference (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 which 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) does not list an MCF as the place of birth.

(b) Management

(1) If pregnancy of a prisoner presents special or unique situations, it must be noted the prisoner may request deferment of the sentence to confinement per reference (f), R.C.M. 1101(c).

(2) Clemency may be authorized per references (f) and (g), sections 0158 and 0159. Clemency in the form of sentence reduction would normally be recommended by the facility only when it is felt further confinement would not benefit the prisoner and the Military Service.

(3) A prisoner considering elective abortion will be permitted to discuss the matter with a medical officer or nurse practitioner and, if desired, with a chaplain or other counselor. Other than offering services of a counselor, medical officer or a chaplain, the MCF will not attempt to influence the prisoner's desires regarding abortion. If a prisoner desires to seek an abortion, she must consult the medical officer for additional guidance. MCF assistance must be limited to providing necessary transportation and security for visits to the facility where the abortion is performed and follow-up care is provided.

(4) Arrangements for placement of any child born while the mother is in custody must be made as soon as possible after the pregnancy is known. As circumstances permit, arrangements must be made prior to the seventh month of pregnancy. It is the responsibility of the expecting mother to decide what care arrangements will be made for her child. Alternatives include placing the child with relatives, in a foster home or for adoption. The MCF must assist the mother in making arrangements with the Naval Legal Services Office and Fleet and Family Support Center. Infants must be moved to the location of placement directly from the hospital. MCFs must ensure comprehensive counseling and medical services, including post-partum counseling, for pregnant prisoners in keeping with their expressed desires in planning for their unborn children.

(c) Transporting Pregnant (and other female) Prisoners

(1) Transports must include at least one trained escort of the same gender as the transported prisoner.

(2) Standards to ensure prisoners' safety during transport are identical for male and female prisoners, except there must be continuous separation between female and male prisoners.

(3) Where a restraining belt is directed for use on a pregnant prisoner by a medical officer, medical personnel must approve application.

(4) Full security measures, per the prisoner's custody level, must be in effect while in a pregnant prisoner's first trimester, unless otherwise directed by the brig officer or medical staff.

(5) Prisoners who are pregnant beyond the first trimester should 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 the medical officer.

(6) Brig staff must not use restraints on a prisoner in labor, during delivery, or in recovery immediately after delivery; however, during transport by ambulance, a staff member possessing a full set of restraints must accompany the prisoner for use in an emergency (e.g., escape attempt or disorder).

(7) Escorts must plan for meal and bathroom breaks, providing sufficient same gender supervision at each location for any female prisoner.

(8) Female prisoners must be provided a female escort for encounters with any male health care provider or corpsman.

(d) Miscellaneous

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

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

6. Responsibility and Action

a. BUPERS 00D will:

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

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

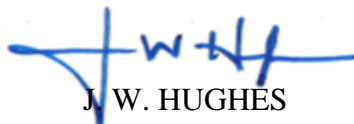
b. NAVCONBRIGs and applicable detachments will implement the provisions of this instruction.

7. 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 change transmittal or the records disposition schedules, please contact your local records manager or the DON/AA DRMD program office.

8. 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:

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