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OPNAV INSTRUCTION 1640.9A

From: Chief of Naval Operations

Subj: GUIDE FOR THE OPERATION AND ADMINISTRATION OF DETENTION FACILITIES

Ref: (a) DOD Directive 1325.2 of 2 Aug 04  
(b) Manual for Courts-Martial, 2005 Edition  
(c) SECNAVINST 1640.9C  
(d) DOD Instruction 5525.11 of 3 Mar 05  
(e) Military Handbook 1037/4 of 15 Jul 89 (NOTAL)  
(f) Unified Facilities Guide Specifications (UFGS),  
Sections 11191 through 11195  
(g) NAVMED P-5010-2, Manual of Navy Preventive Medicine  
(h) SECNAV M-5210.1 of Dec 05  
(i) SECNAVINST 5720.42F

Encl: (1) Guide for the Operation and Administration of  
Detention Facilities (DETFACs)

1. Purpose. To publish policies and procedures applicable to the operation and administration of detention facilities, which include detention spaces and holding cells. This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. OPNAVINST 1640.9.

3. Definitions. As used herein, unless otherwise specified, the term "person under custody" denotes individuals under varying restraint statuses to include: arrest, pretrial confinement, post-trial confinement, and absentees and deserters under escort.

a. Absentee. Per reference (a), paragraph 3.1, an absentee is any member of the Armed Forces not classified administratively as a deserter who is absent without authority from their unit, organization, or other place of duty at which they are required to be.

b. Apprehension. Per reference (b), R.C.M. 302(a)(1), apprehension is the taking of a person into custody. Apprehension is the equivalent of "arrest" in civilian terminology. Per reference (b), R.C.M. 304(a)(3), in military terminology, "arrest" is a form of restraint.

c. 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 (b), R.C.M. 305, and post-trial confinement (an authorized punishment, subject to limitations, authorized by reference (b), R.C.M. 1003(a)(7)).

d. Deserter. Per reference (a), paragraph 3.2, a deserter is a member of the Armed Forces who has been administratively classified as a deserter.

e. Detainee. Per reference (c), article 7103.1a, a detainee is a person subject to the Uniform Code of Military Justice (UCMJ) who has been legally ordered into confinement, is accused of violating the UCMJ, and is awaiting trial or rehearing. This includes those persons who are pending the vacation of a suspended sentence that includes confinement and/or punitive discharge. Pretrial personnel in detention facilities shall be referred to as "detainees."

f. Detention. The temporary holding of persons in custody in a detention facility pending the decision to officially charge them with a criminal offense. Detention is distinctly different from confinement that includes pretrial or post-trial confinement.

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

h. Detention Space. A detention space is any cell, room, or other berthing space of the shore establishment certified for short-term detention, generally limited to mean not more than 8 hours.

i. Holding Cell. A holding cell is a cell or multiple cells of the shore establishment certified for short-term detention, generally limited to mean no more than 24 hours

during the work week, not more than 72 hours over a weekend, and not more than an additional 24 hours over an official holiday weekend.

j. Pretrial Confinement. Per reference (b), R.C.M. 305(a), pretrial confinement is physical restraint, imposed by order of competent authority, depriving a person of freedom pending disposition of charges.

k. Pretrial Restraint. Per reference (b), R.C.M. 304(a), pretrial restraint is moral or physical restraint on a person's liberty which is imposed before and during disposition of offenses. Pretrial restraint may consist of conditions on liberty, restriction in lieu of arrest, arrest, or confinement.

l. Prisoner. Per reference (c), article 7103.1c, persons tried by court-martial and ordered into confinement are prisoners whether or not the sentence has been ordered into execution. Post-trial personnel in DETFACs shall be referred to as prisoners.

m. Transient Prisoners. Per reference (c), article 7103.1b, the term "transient prisoner" refers to a person who is held in detention or confinement pending disposition instructions from the responsible command, waiting or at a stop during transport to a designated confinement facility, or return to parent unit.

#### 4. Background

a. Inherent in the nature of law enforcement and security duties is the temporary detention of individuals suspected of having committed an offense. The health, welfare, and safety of these persons under custody while in detention must be a primary concern.

b. This instruction sets forth policies and procedures designed to ensure the safety of the command and community, the welfare of persons under custody, and compliance with legal requirements.

c. DETFACs shall be inspected and certified as approved by

Chief of Naval Operations (CNO) (N153) as an authorized naval place of detention. When approved by CNO (N153), a DETFAC may be used for pretrial and post-trial confinement up to 30 days.

d. Personnel being held for foreign court jurisdiction at remote overseas activities may also be held in certified DETFACs for periods specified by the Status of Forces Agreement (SOFA).

e. Reference (d) implements policies and procedures, and assigns responsibilities, under the "Military Extraterritorial Jurisdiction Act of 2000," as amended by section 1088 of the "Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005" (hereinafter the "Act") for exercising extraterritorial criminal jurisdiction over certain current and former members of the U.S. Armed Forces, and over civilians employed by or accompanying the U.S. Armed Forces outside the United States. It also implements section 3266 of the "Act."

f. References (e) and (f) identify general and specific design criteria for DETFACs.

g. Reference (g) is the Manual of Naval Preventive Medicine that covers sanitation of living spaces and related service facilities (chapter 2, section 10). DETFACs shall conform to ashore confinement facility sanitary standards that include a daily inspection by DETFAC staff, a weekly inspection by a medical department representative, and a quarterly sanitation/habitability inspection by preventive medicine personnel.

h. Reference (h) is the Department of the Navy (DON) Records Management Program that prescribes policy and procedures for the maintenance, use, and disposition of DON records.

i. Reference (g) is Freedom of Information Act (FOIA) Program and covers authorized release of information.

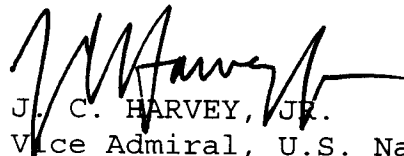
5. Action. Commanding Officers (COs) operating DETFACs shall ensure procedures contained within this instruction are in effect. Recommended changes should be forwarded, via the chain of command, to CNO (N153). CNO (N153) maintains an informational Web site at <http://www.npc.navy.mil/CommandSupport/CorrectionsandPrograms/>.

6. Waivers. Exceptions to the provisions of this instruction shall be forwarded, via the chain of command, to CNO (N153) as specified by reference (c), article 1302. Such waiver requests shall 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 correction, and waivers will not be granted except as provided for in reference (c), article 1302. Such waiver requests will be coordinated with the installation Fire Marshal or Base Safety Manager and submitted, via the chain of command, to CNO (N153).

b. Holding time limitations for detention spaces and holding cells may be extended on a case-by-case basis by CNO (N153).

7. Forms. Requisition and availability of forms is provided in appendix A. Use of revised or electronic equivalent forms is authorized.



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**GUIDE FOR THE OPERATION AND  
ADMINISTRATION OF DETENTION  
FACILITIES (DETFACS)**

Enclosure (1)

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**CHAPTER 1**  
**GENERAL POLICY**

1001. GENERAL

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

2. Authority to apprehend is listed in reference (b), R.C.M. 302(b). Authority for pretrial restraint is listed in reference (b), R.C.M. 304, and reference (b), article 7201.

1002. LIMITATIONS

1. Persons 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. Under no circumstances may an individual be placed in detention for "protective custody," "safekeeping," or any other such general charge when no violation of the UCMJ is indicated.

2. While under authorized escort by command or Navy Absentee Collection and Information Center (NACIC) personnel, persons under custody may be held in DETFACs for further transport (FFT).

3. Personnel should be detained in DETFACs only for short periods of time and should be transferred to the nearest military confinement facility as soon as possible, if not released to command representatives for disposition or processing.

4. Health, welfare, and safety of members under custody while in detention must be a primary concern. This instruction sets forth policies and procedures designed to ensure both the welfare of persons under custody and staff, and clarify the requirements of reference (c) and other legal requirements as they apply to DETFACs.

5. No person shall be held in a DETFAC without a properly executed NAVMC 11130, Statement of Force/Use of Detention Space, or DD 2707, Confinement Order.
6. Persons of either sex may be held in a DETFAC as long as the conditions of reference (c), article 7103.2, are followed.
7. DETFACs will not be used to hold persons under the influence of alcohol or narcotics, 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 surveillance must be maintained to monitor the behavior and physical condition of such persons.
8. Administrative disciplinary measures contained in reference (c), chapter 5, are not applicable to DETFACs.
9. Initial Review Officer (IRO) requirements per reference (b), R.C.M. 305, apply with respect to procedures for review of pretrial confinement.

1003. DESIGNATION AND CAPABILITIES

1. Reference (c), article 2101.3, identifies the two types of DETFACs: the detention space and the holding cell.

a. Detention Space. A detention space is 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. A holding cell is an adequately equipped cell or multiple cells of the shore establishment certified for short-term detention, generally limited to mean no more than 24 hours during the work week, not more than 72 hours over a weekend, and not more than an additional 24 hours over an official holiday weekend. Detention in excess of 24 hours is authorized only with the express approval in each instance of the Commanding Officer (CO) of the installation on which the holding cell is located, or their designated representative. Pretrial detainees 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 confinement facility.

(2) When an individual has been placed in confinement in a confinement facility, and is moved to, and held in a holding cell for the purpose of appearing as a witness or as the accused in a court-martial proceeding.

(3) When a general court-martial convening authority deems it necessary to retain an accused locally, during progress of a court-martial, in the absence of a confinement facility. After trial, if the sentence as adjudged includes confinement, the member shall be transferred to a confinement facility 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. Time spent in detention under these circumstances is considered and counted as pretrial or post-trial confinement, as appropriate.

2. The above limitations may be extended on a case-by-case basis by CNO (N153).

1004. CERTIFICATION AND CAPACITY. CNO (N153) shall certify DETFACs as authorized places of detention. Upon certification for use, CNO (N153) shall assign designation as either a detention space or holding cell and provide a rated capacity.

1005. USE OF OTHER SERVICE AND CIVILIAN DETENTION FACILITIES

1. DETFACs of another Service may be utilized if locally approved by both commands.

2. Refer to reference (c), article 2101.6, for use of civilian local detention and correctional facilities. If a civilian confinement facility is used, approval must be obtained from the Echelon 2 commander within 2 workdays after detention in order to continue detention in the civilian facility.

**CHAPTER 2**  
**PHYSICAL PLANT AND MAJOR EQUIPMENT**

2001. DESIGN CRITERIA. References (e) and (f) identify general and specific design criteria for DETFACs. To the greatest extent possible, national accreditation standards issued by the American Correctional Association (ACA) shall be followed in determining design criteria for new construction.

2002. FACILITY MISSION. This section provides generalized information on specific design criteria that shall be incorporated into the planning and design of DETFACs.

1. These 8-hour (detention space) and 72-hour (holding cell) DETFACs are temporary lock-up or holding facilities usually located in security offices. They are designed to secure persons under custody in varying restraint statuses to include: arrest, pretrial confinement, post-trial confinement, and absentees and deserters under escort. Due to the short-term nature of detention in DETFACs, all support services, such as food and medical, shall be provided by existing local facilities. A DETFAC shall serve both male and female personnel under custody, but may be prevented from doing so simultaneously due to design of the facility (may not support separation and privacy).

2. As defined in paragraph 1003 of this instruction, DETFACs are classified and identified as follows:

a. Detention Space. Permits detention of personnel under custody for a period up to 8 hours as defined in paragraph 1003.1a of this instruction. Multiple-occupancy cells are permitted and benches permanently attached to wall or floor are generally provided in lieu of bunks.

b. Holding Cell. Permits the detention of personnel under custody for a period up to 72 hours as defined in paragraph 1003.1b of this instruction. Single-occupancy cells with bunks are required for personnel held for more than 8 hours, but less than 72 hours.

2003. FACILITY DESIGN CRITERIA. The DETFAC, where feasible, shall be located adjacent to and in full view of the dispatcher's desk but be out of the line of sight of public

users of the security office. Search, head, and any bathing facilities shall be located within the secure area. An interview room, with direct view of the dispatcher, shall be accessible to official visitors from the public side and to personnel under custody from the secure side. Cells should not be located below ground level nor in upper stories requiring the use of stairs.

2004. SECURITY/CIRCULATION. Access to and from the DETFAC shall be carefully monitored and designated only for certain staff and personnel under custody.

2005. USER NEEDS. The DETFAC shall have access to: A weapons locker, though no weapons can be accessible by personnel under custody; individual holding areas, provided with hot and cold running water in each cell, natural light, and a toilet; group holding areas, provided with a built-in bench, running water and toilet; and appropriate levels of circulation, temperature, lighting, and noise control. A bed is required if personnel under custody will be held more than 8 hours.

2006. SPECIAL REQUIREMENTS, MATERIALS, FURNISHINGS. Cells shall measure at least 7 by 11 by 8 feet high. Provide sight and sound separation between male and female cells. A group holding cell shall provide at least 20 net square feet per person, and be equipped with fixed benches and toilet. A shower facility will be available if detention exceeds 24 hours. The interview room shall be equipped with two seats and a fixed writing surface. Ensure sound insulation of interview room if attorney uses it, but visual supervision will be maintained. Number of cells and capacity of group cells will be determined by an evaluation of anticipated need.

1. Each unit shall be equipped with the required number of plumbing fixtures and type, depending on whether the unit is single cell or dormitory type.
2. Each unit shall be equipped with security, detention-type light fixtures, doors, and locking hardware.
3. Each unit shall be insulated to minimize energy consumption.

2007. SECURITY DEPARTMENT. DETFACs, generally, should be located within the security department of the base or command.

As a result, site selection, overall design and planning shall be based on criteria established for security departments.

2008. RESPONSIBILITY FOR PLANNING. The local CO shall be responsible for planning and establishment of a DETFAC. It shall be the responsibility of the CO to notify CNO (N153) with chain of command endorsements through Commander, Navy Installations Command (CNIC) (N1) of the intent to establish a DETFAC or to renovate an existing DETFAC. In addition, obtain concurrence from CNO (N153), via CNIC (N1), on cell design to assist in eventual certification and approval of the facility by CNO (N153).

2009. CAPACITY. The minimum capacity of a new DETFAC shall be two cells, consisting of one male cell and one female cell. The female cell is required to have sight and sound separation from the male cell. Sound separation is achieved when normal conversation between the two cells is inhibited.

2010. DETENTION FACILITY CONSTRUCTION MATERIALS. Walls, ceilings, and floors shall be constructed of noncombustible and fire resistant hardened materials sufficiently secured to prevent escape. Use of suspended or false ceilings is prohibited. Lighting fixtures in cells shall 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 under custody.

1. Wall, ceiling, and floor construction shall meet requirements per reference (e), paragraph 4.9.
2. Emergency exits. Emergency exits shall be provided per the National Fire Protection Association (NFPA) 101, Life Safety Code Handbook.
3. Security components (glazing, doors and windows, locks, funds storage, Closed Circuit Television (CCTV) standards are contained within reference (e), paragraph 4.11. CCTV may be utilized for observation of the DETFAC per reference (c), article 2209.11b, subject to privacy/nudity/public observation restrictions. Standards for new construction/equipment are identified in reference (f), sections 11191-11195.

2011. MECHANICAL. Each single cell or multiple occupancy cells shall be equipped with a detention-type stainless steel combination lavatory, water closet, and bubbler. Shower heads shall be flush mounted, non-adjustable detention-type. Floor drains shall be secured with tamper-resistant fasteners.

2012. ELECTRICAL. Electrical outlets or switches shall not be installed in any cells. All electrical wall plates within the secure area shall be nylon and mounted with spanner or security screws.

2013. 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 pre-fabricated detention units should be based on a life cycle cost analysis completed per NAVFAC P-442, Economic Analysis Handbook.

2014. FUNCTIONAL ARRANGEMENTS. Illustrations of the desirable functional relationships of DETFACs are provided within reference (e), paragraph 4.15.

2015. HABITABILITY REQUIREMENTS

1. Plumbing. Furnishings and requirements are identified in paragraph 2006 of this instruction.
2. Lighting. Per reference (c), article 2204.1d(1), each cell shall 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.
3. Temperature/Ventilation. Per reference (c), article 2204.1d(2), temperature and ventilation in cells/secure rooms will be maintained per reference (e). Ventilation shall not fall below 10 cubic feet per minute.
4. Habitability Tests. Lighting, temperature, and ventilation test results will be maintained on file for 3 years. Per reference (c), article 2204.2d(4), tests should be conducted biennially (every 2 years). Results of all inspections shall be documented in the DETFAC Log.

2016. FIRE PROTECTION. Installation fire department shall prescribe the type of fire alarms, fire sprinkler systems, and fire extinguishers required for the facility per NFPA 101, Life Safety Code. Fire extinguishers shall be readily accessible to staff in the event of an emergency but shall be inaccessible to personnel under custody. Fire department shall conduct regular (at least quarterly) inspections and on-site fire drills as deemed necessary by the Fire Marshal. Results of all inspections and drills shall be documented in the DETFAC Log.

2017. CONSTRUCTION AND ALTERATION

1. All commands operating DETFACs will ensure CNO (N153) arranges an annual inspection of the cells or spaces. Any command desiring to open, renovate, or close a holding cell or detention space must obtain prior approval from CNO (N153).

2. Request for alterations to existing physical plants or new construction shall be submitted to CNO (N153), via CNIC (N1), for decision.

3. Older facilities (facilities constructed prior to publication of reference (e), July 1989) are not expected to immediately be in compliance with newer issued requirements, except for fire, life, and safety issues. Waivers for physical plant features not easily renovated shall be continuously monitored by major activities, and reviewed during on-site inspections. Inspection reports will note waiver status and plans to resolve related discrepancies.

2018. FIELD EXPEDIENT SPACES. DETFACs utilized during field or combat operations shall correspond to established design standards to the maximum degree feasible under existing conditions. Administration and operations shall be consistent with this instruction. A medical officer shall approve field expedient spaces prior to their use. Detention in field expedient spaces shall be for the minimum amount of time required to determine whether to release to a command representative or transport to a longer-term facility.





**CHAPTER 3**  
**ADMINISTRATION AND OPERATIONS**

3001. FORMS. The following forms and their use are applicable in the administration of DETFACs.

1. DD 2704, Victim/Witness Certification and Election Concerning Inmate Status. The purpose of this form is to inform victims and witnesses of their post-trial rights; to determine whether the victim or witness of a crime elects to be notified of changes in the confinement status of a convicted criminal offender; and to record the election by the victim or witness of their desire to be notified about subsequent changes in prisoner status. DETFACs are not involved in the notification requirements, though they may receive the DD 2704 during post-trial detention.
2. DD 2707, Confinement Order. A DD 2707 is used for confinement purposes (pretrial and post-trial), as opposed to use for authorized detention. A properly completed DD 2707 contains basic details of UCMJ offense(s) and medical certification of fitness. The DD 2707, or valid copy, must accompany the pretrial detainee or post-trial prisoner at the DETFAC at the time of confinement. Details on proper completion of the confinement order may be found in reference (c), article 8109. If the confinement results from a sentence adjudged by a court-martial, the confinement order shall be accompanied by a report of results of trial signed by the summary court-martial officer, or by the trial counsel of the special or general court-martial imposing the punishment, and a completed DD 2704.
3. DD 2708, Receipt for Inmate or Detained Person. The DD 2708 is required when a member from another command takes or accepts custody of personnel under custody outside the DETFAC for any reason. When the Temporary Absence (TA) is for purposes of trial, and the trial has concluded during such TA, a report of results of trial, signed by the trial counsel of the special or general court-martial, or the summary court-martial officer before which trial was held, shall be required by the DETFAC upon subsequent return of personnel under custody.
4. DD 2709, Privacy Act Statement. A DD 2709 shall be completed on all personnel under custody prior to collection of required personal information.

5. DD 2713, Inmate Observation Report. The DD 2713 is used to document significant incidents related to personnel under custody to include favorable, unfavorable, injury, and behavioral.
6. DD 2718, Inmate's Release Order. A DD 2718 is used to affect every final release from confinement, as opposed to detention. It shall include the detainee or prisoner's name, social security number, branch of service, organization, specific reason for release, and signature of authorizing official. Upon release from confinement, acknowledgement of receipt of detainee or prisoner by command representatives will be obtained on the DD 2718.
7. DD 2719, Continuation Sheet. The DD 2719 is used to document activities associated with personnel under custody in chronological order (time and date, and activity). Each individual record shall have a DD 2719 and entries shall begin with initial detention and end with release from detention.
8. DD 509, Inspection Record of Prisoner in Segregation. The DD 509 is used to document the periodic required physical checks of personnel under custody during the period of detention. A closed circuit television may be utilized for observation. The reverse side of the NAVMC 11130, Statement of Force/Use of Detention Space, may be used in lieu of the DD 509 to record the frequency of checks. Personnel under custody exhibiting suicidal ideations will be observed continuously while awaiting diagnosis of being suicidal; other personnel under custody at least once every 15 minutes. Personnel under custody diagnosed by qualified medical personnel as being suicidal will be hospitalized.
9. NAVMC 11130, Statement of Force/Use of Detention Space. A NAVMC 11130 is used for detention purposes, as opposed to use for authorized confinement, and documents the authorized detention/release of the person under custody as well as any medical treatment administered. Where use of force is applied for any reason, the NAVMC 11130 shall also be completed. The reverse side of the NAVMC 11130 may be used to document the periodic required physical checks of personnel under custody during the period of detention if the DD 509 is not utilized.

10. OPNAV 5527/1, Incident Report. The OPNAV 5527/1 is used to record information and details of criminal activity which may require investigative action by COs, supervisors, security police, Naval Criminal Investigative Service (NCIS) Special Agents, etc. The form is used to provide information to appropriate individuals within Department of Defense (DOD) organizations who ensure that proper legal and administrative action is taken. Where the OPNAV 5580/1, Law Enforcement Activity Report is in paper vice electronic format, a copy should be included in the member's (personnel under custody) file.

11. OPNAV 5580/22, Department of the Navy Evidence/Property Custody Document. The OPNAV 5580/22 is used to document collection of evidence/property and to ensure chain of custody and disposition action. This form may also be used in lieu of the NAVPERS 1640/17, Inventory and Receipt of Valuable, Clothing and Personal Effects.

12. NAVPERS 1626/7, Report and Disposition of Offense(s). The NAVPERS 1626/7 is used to report UCMJ offenses and details thereof for subsequent forwarding to the alleged offender's command for appropriate disposition.

13. NAVPERS 1640/17, Inventory and Receipt of Valuable, Clothing, and Personal Effects. The NAVPERS 1640/17 is used to document custody and receipt of personal effects for personnel under custody. Personal property of personnel under custody shall be inventoried on NAVPERS 1640/17, packed in a suitable container, sealed with a copy of the inventory form inside, and adequately safeguarded. When released from detention, and upon receipt of personal effects, personnel under custody shall sign the statement, "I acknowledge the return of all my personal effects" at the bottom of NAVPERS 1640/17, the inventory form (or locally produced form). The custodian shall then write or stamp, "Account closed on     (date)    " on the form. The OPNAV 5580/22 may be used in lieu of the NAVPERS 1640/17.

### 3002. RECORDS

1. Purpose. Records are maintained to provide accurate, current, and readily available information on individual personnel under custody and on the DETFAC operation. 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.

2. Security. All member's (personnel under custody) files are private and only personnel who have a need to know certain information in the performance of their official duties may have access to a given file or piece of information. This shall in no way impede the flow of information to staff involved in the supervision, training, or evaluation of personnel under custody. Under no circumstances shall personnel under custody be assigned to functions where they have access to files or information about other personnel under custody. If personnel under custody have their medical record with them, their record should be reviewed by medical personnel (or by their CO) only.

3. 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 kept in controlled administration files. Units requiring original copies of member (personnel under custody) records (i.e., 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.

### 3003. PRIVACY

1. Privacy Act. All personnel will be familiar with the provisions of the Privacy Act and Freedom of Information Act Program. SECNAVINST 5720.42F and appendix B refer. A Privacy Act statement is not required for every form or personal/telephone interview but only for those in which personnel under custody 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.

2. Request for Information. Reference (i) and appendix B provide requirements pertaining to the release of information.

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

3004. CASE FILE RECORDS

1. Case File Record. A record shall be maintained on personnel under custody held in detention and include all forms and documents related to the detention. Applicable forms to be contained within the files may include any of the following.

- a. DD 2704, Victim/Witness Certification and Election Concerning Inmate Status.
- b. DD 2707, Confinement Order.
- c. DD 2708, Receipt for Inmate or Detained Person.
- d. DD 2709, Privacy Act Statement.
- e. DD 2713, Inmate Observation Report.
- f. DD 2718, Inmate's Release Order.
- g. DD 2719, Continuation Sheet.
- h. DD 509, Inspection Record of Prisoner in Segregation.
- i. NAVMC 11130, Statement of Force/Use of Detention Space
- j. OPNAV 5527/1, Incident Report
- k. OPNAV 5580/22, DON Evidence/Property Custody Document.
- l. NAVPERS 1626/7, Report and Disposition of Offense(s).
- m. NAVPERS 1640/17, Inventory and Receipt of Valuables, Clothing and Personal Effects.

3005. DETFAC LOG. A DETFAC Log shall be maintained as a bound ledger with pre-printed consecutively numbered pages. The log shall be marked "For Official Use Only" and, per reference (h) (SSIC 5580, Law Enforcement Records), retained for 2 years from date of the last entry and then destroyed. All events of significance will be recorded in the log. At a minimum, the following information will be recorded in the log:

1. For personnel held in detention; name; SSN; their command; reason for detention; date and time of detention; and name and grade of personnel ordering the detention.
2. For released members; name; SSN; their command; date and time of release; and disposition of personnel under custody.
3. 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. It is recommended the presence of maintenance workers be entered, to include a description of work performed.
4. To the extent possible, DETFACs should incorporate maximum data (visits, daily activities, counts, etc.) possible into the log to prevent unnecessary administrative burden and duplication of efforts

3006. FILES AND RECORDS DISPOSITION. All original files related to the detention of personnel under custody (case file) and administration of the DETFAC (DETFAC Log, inspection results, etc.) shall be processed per reference (h) (SSIC 5580). Files and administration shall be retained for 2 years from date of release and then destroyed.

3007. STAFF

1. Members assigned duties within the DETFAC shall normally be assigned to the Security Department, generally as Security Police and Master-at-Arms (MA) personnel. Formal school training suffices for minimum training requirements for such personnel. Non-security personnel must be trained prior to assumption of duties with all training individually documented. See paragraph 3008.1.

2. Personnel (military or civilian) selected for duty in DETFACs must meet and maintain minimum Security Police and MA assignment criteria. Personnel shall 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 shall not be assigned to DETFAC duty. Members shall demonstrate leadership qualities and aptitude for working with people. Military personnel shall 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). Persons under investigation or being considered for administrative separation shall not be assigned to DETFAC duty.

3008. TRAINING

1. Pre-Service Training. Prior to assignment of DETFAC duties, all personnel shall attend pre-service training that is conducted at the DETFAC and precedes assumption of duties. It shall 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 shall consist of at least three subject matter areas: general orientation to DETFAC practices and the facility; general supervised on-the-job practice in all areas of the operation; and specific orientation to the particular post assignment. Staff shall complete Job Qualification Requirements (JQR) that outlines specific post requirements and responsibilities of a DETFAC supervisor prior to unsupervised assumption of duties. A sample DETFAC JQR is available on the CNO (N153) Web site. All pre-service training shall be documented in such a manner as to permit verification of attendees, specific curriculum completed, and date and length of training.

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



As part of the security staff training not completed, will be offered separately. At a minimum, in-service training shall include the following subjects:

- a. Official policies and procedures for the treatment of personnel under custody.
  - b. Detention/release process, personal property, completing forms, and administrative procedures.
  - c. Searches, seizures, shakedowns, contraband, and use of force/restraints.
  - d. Legal status.
  - e. Supervision of personnel under custody, staff attitudes, pitfalls of harassment, staff and member (personnel under custody) relationships, and the Prison Rape Elimination Act (PREA).
  - f. Problem and special handling personnel under custody, including the assaultive member, suicide risk, drug user, and individuals with mental illness, among others.
  - g. Inspection of physical plant, bars, windows, doors, fire safety apparatus, lighting, plumbing, building exteriors; control of keys, weapons, chemical agents, medications, and tools.
  - h. Emergency bills; restraining methods and instruments; emergency equipment; and hostage survival.
  - i. Qualification in appropriate firearms and chemical agents.
  - j. First aid and CPR.
  - k. Escort training and transfer procedures.
  - l. Unarmed self-defense.
  - m. HIV and blood-borne/airborne pathogens.
3. All training shall be documented within staff training

records.

3009. USE OF FORCE

1. No individual shall be permitted to supervise a DETFAC until they have received instructions on applicable regulations relating to the use of force in the performance of such duties. In addition, instruction shall be given periodically to all personnel assigned to these duties to ensure they continue to be thoroughly familiar with all restrictions on the use of force.

2. Use of force to place personnel under custody 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 prohibited. Although use of restraining devices is normally authorized only when preparing personnel under custody for transport, if personnel under custody become violently aggressive or indicate suicidal tendencies, instruments of restraint may be applied. Such action will be immediately reported to higher authority. In extreme cases, a restraining jacket may be used when specifically authorized by a medical officer. Under no circumstances will personnel under custody 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 under custody is prohibited, except in self-defense, to prevent injury to other persons, to prevent serious damage to property, to conduct a search, or to quell a disturbance. In all cases, the amount of force used will be the minimum amount necessary to bring the situation under control.

3010. ADMINISTRATIVE DISCIPLINARY ACTIONS. Administrative disciplinary measures contained in reference (c) are not applicable to DETFACs.

3011. OPERATIONS

1. Processing. Personnel under custody shall be thoroughly searched prior to detention. Funds, valuables, and other items in the member's (personnel under custody) possession (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 or a NAVPERS 1640/17, with a

copy of the inventory provided to personnel under custody. When deemed necessary, items that could inflict bodily injury, such as belts, shoelaces, neckties, garters, and suspenders, may also be removed.

## 2. Medical Examination

a. Personnel may generally be detained for up to 24 hours before a medical examination is required; however, if personnel under custody appear to be ill or injured, requests medical attention, indicate pregnancy, exhibit suicidal ideations, or exhibit an abnormal loss of control due to use of alcohol or other drugs, they shall be examined by medical personnel and certified as being fit for confinement prior to being placed in detention. All medical certification examinations shall be documented on NAVMC 11130 or DD 2707, as applicable, and annotated in the DETFAC Logbook. Treatment shall also be annotated in the DETFAC Logbook.

b. If exigent circumstances require detention of personnel under custody prior to medical evaluation, such examination will be accomplished by the most expedient means available, with the justification for such detention explained in detail and documented on NAVMC 11130 or DD 2707, as applicable, and annotated on the DETFAC Logbook. In such circumstances, medical personnel shall be immediately notified a medical examination is required. Even in the absence of these factors, personnel under custody under the influence of alcohol or other drugs may only be placed in detention for brief periods of time (not to exceed 4 hours) necessary for command representatives or medical personnel to arrive and assume custody. During these periods, constant surveillance must be maintained to monitor the behavior and physical condition of such persons.

c. Personnel under custody requiring medical examination shall be physically checked every 5 minutes while awaiting arrival of medical personnel. Documentation of checks shall be provided on the NAVMC 11130 or DD 509, as applicable. No person shall be detained 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 (c), article 7205.

## 3. Detention and Supervision

a. No person shall enter occupied holding cells or detention spaces or remain in their immediate proximity wearing firearms, nightsticks, chemical agents, or other weapons.

b. If enough multiple occupancy cells are utilized, segregation will be maintained for varying restraint status to include pretrial detainees, post-trial prisoners, and personnel under custody detained for further transport by military escorts. This may not always be feasible due to physical plant limitations.

c. Personnel under custody shall be closely supervised during the period of detention. A closed circuit television may be utilized for observation, subject to the provisions of paragraph 2010.3.

d. Meals of the same quality and quantity as that served in the base or station dining facility shall be provided at regular meal hours for personnel detained beyond 6 hours. Personnel under custody believed to present a security risk shall 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 personnel will ensure the physical needs of personnel under custody, such as access to drinking water and head calls, are satisfied.

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

5. Emergency Bills. Detailed emergency bills shall be prepared to ensure the safety of staff and personnel under custody in the event of fire or disorder, as per reference (c), chapter 4, section 4. Required emergency bills include fire, natural disaster, escape, and hostage. At a minimum, the escape bill shall include an emergency recall bill of staff members, which shall be tested periodically 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

shall be coordinated with and approved by the installation fire department. First aid kits and fire extinguishers shall be located so as to be accessible in the event of emergency but not immediately adjacent to cells. Fire extinguishing devices using any chemical harmful to personnel shall not be available to personnel under custody or located in their areas.

6. Serious Incidents. Serious incidents or alleged incidents involving personnel under custody or incidents within the DETFAC shall be reported to CNO (N153) per provisions of reference (c), article 8115.

7. Release. Upon release from detention, all money, valuables, and other personal property taken from personnel under custody shall be returned and receipted by the owner. If personnel under custody are released to the custody of another, those personnel shall sign a DD 2708 and legibly print and sign for member's personal property envelope. Personnel under custody released on their own recognizance shall 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 shall be made in the DETFAC Log to reflect the date and time of release, and the disposition of personnel under custody. One copy of the DD 2708, DD 2718, Inmate's Release Order, as appropriate, and the receipt for personal property shall be retained on file for 2 years by the unit operating the DETFAC.

8. Transfer. A DD 2708 shall be used for all transfers from DETFACs to other confinement facilities. Forms as identified in paragraph 3004 shall be transferred with personnel under custody, as well as any pre/post-trial documents where applicable.

### 3012. INSPECTIONS AND TECHNICAL ASSISTANCE

1. DETFACs shall be regularly inspected for cleanliness, adequate lighting and ventilation, general repair, security, and safety.

2. Per reference (g), chapter 2, DETFACs shall conform to ashore confinement facility sanitary standards that include a daily inspection by DETFAC staff, a weekly inspection by a medical department representative, and a quarterly

sanitation/habitability inspection by preventive medicine personnel. Time, date, inspections, and results shall be documented in the DETFAC Log.

3. DETFACs shall be inspected periodically per reference (c), articles 1201.5b(6) and 1201.5d(3). If use is rare and considered non-mission essential, they should be considered for disestablishment.

4. CNO (N153) is responsible for conducting on-site visits and providing technical assistance to all Navy commands/echelons operating DETFACs.

5. CNO (N153) is responsible for conducting inspections and preparing standardized inspection formats for major activity inspections. A DETFAC inspection checklist is available on the CNO (N153) Web site. Periodic inspections (approximately 12-18 months) of DETFACs are required to ensure adherence with references (a) through (i), this instruction, and that deficiencies are promptly corrected.

6. CNO (N153) is responsible for providing major activities assistance and training in connection with the operation of a DETFAC and appropriate direction as needed or requested.



**APPENDIX A  
FORMS**

1. The following forms are available at <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>

DD 2704                      Victim/Witness Certification and Election  
(MAR 1999)                      Concerning Inmate Status

DD 2707                      Confinement Order  
(SEP 2005))

DD 2708                      Receipt for Inmate or Detained Person  
(NOV 1999)

DD 2709                      Privacy Act Statement  
(NOV 1999)

DD 2713                      Inmate Observation Report  
(NOV 1999)

DD 2718                      Inmate's Release Order  
(NOV 1999)

DD 2719                      Continuation Sheet

2. The following forms are available from the Navy Supply System at <http://forms.daps.dla.mil/order/>:

DD 509                      Inspection Record of Prisoner in Segregation  
(Rev. 7/70)                      S/N 0102-LF-005-2500

NAVMC 11130                      Statement of Force/Use of Detention Space  
(Rev. 6-83)                      S/N 0109-LF-065-4600

OPNAV 5527/1                      Incident/Complaint Report  
(Jun 98)                      S/N 0107-LF-114-9600

OPNAV 5580/1                      Law Enforcement Activity Report  
(Aug 92)                      S/N 0107-LF-981-0900



OPNAV 5580/22  
(06-00)

DON Evidence Property Custody Receipt  
S/N 0107-LF-984-1200

NAVPERS 1626/7  
(Rev. 12-88)

Report and Disposition of Offense(s)  
S/N 0106-LF-005-2700

NAVPERS 1640/17  
(Rev. 04-81)

Inventory and Receipt of Valuables,  
Clothing and Personal Effects  
S/N 0106-LF-016-4085

3. Use of revised or electronic equivalent forms is authorized.

OPNAVINST 1640.9A

11 Dec 06

**APPENDIX B**  
**NAVY PA SYSTEMS OF RECORDS NOTICE N01640-1**  
**INDIVIDUAL CORRECTIONAL RECORDS**

Go to <http://privacy.navy.mil/noticenumber/N01640-1.pdf> for a copy of this system notice.