



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
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From: Commander, Navy Personnel Command (PERS 00D)

Subj: PRISON RAPE ELIMINATION ACT ANNUAL REPORT, CALENDAR YEAR 2019; U.S. NAVY SHORE CORRECTIONAL FACILITIES WITHIN THE UNITED STATES

Ref: (a) 28 CFR 115
(b) SSV-4 (8-27-2019)

Encl: (1) Survey of Sexual Victimization

1. Purpose. To publish annual aggregate sexual abuse and sexual harassment data per § 115.87 of reference (a) occurring at U.S. Navy shore correctional facilities within the United States.

2. Background

a. The Prison Rape Elimination Act (PREA) was established in 2003 to address the problem of sexual abuse and sexual harassment of persons in the custody of U.S. correctional agencies. Major provisions of the PREA include the development of standards for detection, prevention, reduction, and punishment of prison rape. The Act applies to public, private and federal institutions that confine adult or juvenile offenders. Department of Defense policy directs the military departments to develop and implement necessary rules and procedures to satisfy the requirements of PREA with strict enforcement measures and high standards.

b. The Navy Personnel Command, Corrections and Programs Office (PERS 00D) has adopted a zero tolerance stance on issues related to sexual abuse and sexual harassment involving prisoners. All allegations of sexual abuse and sexual harassment, regardless of severity or merit, are immediately reported to the Naval Criminal Investigative Service (NCIS) for investigation. For the Department of the Navy, NCIS is the responsible military criminal investigation organization for PREA investigations. Non-criminal (e.g., administrative) investigations occurring within a naval correctional facility generally fall under the cognizance of the facility commander and there may be cases where an incident is pursued both internal and external of the correctional facility.

c. PERS 00D has developed and implemented necessary rules and procedures to satisfy the requirements of the PREA with strict enforcement measures and high standards.

d. Sexual victimization data for the calendar year 2019 (CY-19) annual report was collected from the five Navy shore correctional facilities located within the United States, to include:

- (1) Naval Consolidated Brig (NAVCONBRIG) Miramar, San Diego, California;
- (2) NAVCONBRIG Miramar Detachment (DET) Pearl Harbor, Hawaii;

Subj: PRISON RAPE ELIMINATION ACT ANNUAL REPORT, CALENDAR YEAR 2019; U.S. NAVY SHORE CORRECTIONAL FACILITIES WITHIN THE UNITED STATES

(3) NAVCONBRIG Charleston, Charleston, South Carolina;

(4) NAVCONBRIG Charleston DET Chesapeake, Chesapeake, Virginia; and,

(5) Pre-trial Confinement Facility Jacksonville, Naval Air Station, Jacksonville, Florida.

e. The incident-based data outcomes (e.g., case disposition) compiled for this annual report is administrative in nature and reported via the individual facility commanding officers and officers-in-charge.

f. Consistent with the provisions of § 115.87(c) of reference (a), reference (b) was the form utilized to gather and consolidate the minimum necessary incident-based data collected from Navy shore correctional facilities.

3. Definitions

a. Prisoner-on-Prisoner Sexual Victimization. The survey utilizes the definition of “sexual abuse” as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into three categories of prisoner-on-prisoner sexual victimization. These categories are:

(1) Nonconsensual Sexual Acts. Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and

(a) Contact between the penis and the vulva or the penis and the anus including penetration, however slight; or

(b) Contact between the mouth and the penis, vulva, or anus; or

(c) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

(2) Abusive Sexual Contact. Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and

(a) Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person; additionally,

(b) Exclude incidents in which the contact was incidental to a physical altercation.

(3) Sexual Harassment. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one prisoner directed toward another.

Subj: PRISON RAPE ELIMINATION ACT ANNUAL REPORT, CALENDAR YEAR 2019; U.S. NAVY SHORE CORRECTIONAL FACILITIES WITHIN THE UNITED STATES

b. Staff-on-Prisoner Sexual Abuse. The survey utilizes the definition of “sexual abuse” by a staff member, contractor or volunteer as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is dis-aggregated into two categories of staff-on-prisoner sexual abuse. These categories are:

(1) Staff Sexual Misconduct. Any behavior or act of a sexual nature directed toward a prisoner by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors). Sexual relationships of a romantic nature between staff and prisoners are included in this definition. Consensual or nonconsensual sexual acts include:

(a) Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire; or

(b) Completed, attempted, threatened, or requested sexual acts; or

(c) Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification.

(2) Staff Sexual Harassment. Repeated verbal comments or gestures of a sexual nature to a prisoner by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). Include:

(a) Demeaning references to gender, or sexually suggestive or derogatory comments about body or clothing; or

(b) Repeated profane or obscene language or gestures.

c. Administrative Investigative Case Dispositions

(1) Substantiated. The allegation was investigated and determined to have occurred.

(2) Unsubstantiated. The allegation was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

(3) Unfounded. The allegation was investigated and determined not to have occurred.

(4) Investigation Ongoing. The investigation of the allegation was ongoing at the year’s end (e.g., 31 December).

4. General Information

a. On 31 December 2019, 353 prisoners were confined within the five U.S. Navy shore correctional facilities. Of this population, 342 were male and 11 were female.

b. During CY-19, there was a total of 980 new admissions into the five U.S. Navy shore correctional facilities. Of this population, 940 were male and 40 were female.

Subj: PRISON RAPE ELIMINATION ACT ANNUAL REPORT, CALENDAR YEAR 2019; U.S. NAVY SHORE CORRECTIONAL FACILITIES WITHIN THE UNITED STATES

c. Throughout CY-19, the average daily population was 360 prisoners.

5. Aggregate Data (1 January through 31 December 2019). Enclosure (1) provides a comprehensive survey of reported allegations of sexual victimization for U.S. Navy shore correctional facilities for the calendar years 2006 through 2019.

a. There were zero allegations of prisoner-on-prisoner nonconsensual sexual acts.

b. There was one allegation of prisoner-on-prisoner abusive sexual conduct reported which was unsubstantiated.

c. There were four allegations of prisoner-on-prisoner sexual harassment reported. Of the four allegations reported, three were unsubstantiated and one substantiated. Brief synopsis of substantiated report of sexual harassment: Post-trial prisoner alleged that another prisoner made multiple sexually threatening comments. The NCIS was notified and referred the case back to the facility. The investigation and witness statements found that sexual harassment had occurred. The alleged perpetrator was subsequently transferred to special quarters and received a facility-based disciplinary report.

d. There were two allegations of staff sexual misconduct reported. Both allegations were unfounded.

e. There were six allegations of staff sexual harassment reported. Of the six allegations, three were substantiated and three were unsubstantiated. Brief synopsis of the three substantiated allegations: Three post-trial prisoners alleged that a staff member sexually harassed them on multiple occasions. The investigators reviewed visitation logs and interviewed staff and prisoners. The allegations of sexual harassment were substantiated. The staff member was relieved from duties, held accountable at non-judicial punishment and has been processed for separation from the military service.

6. Sexual Abuse Incident Reviews

a. The U.S. Navy has adopted the national PREA standards in their entirety. Per PREA standard § 115.86 of reference (a), each Navy correctional facility is tasked to conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. Such review will ordinarily occur within 30 days of the conclusion of the investigation. The review team will include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners. The confinement facility will implement the recommendations for improvement or document its reasons for not doing so.

b. The sexual abuse incident review team:

(1) Considers whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse;

(2) Considers whether the alleged incident was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;

Subj: PRISON RAPE ELIMINATION ACT ANNUAL REPORT, CALENDAR YEAR 2019; U.S. NAVY SHORE CORRECTIONAL FACILITIES WITHIN THE UNITED STATES

(3) Examines the area in the facility where the allegation occurred to assess whether physical barriers in the area may enable abuse;

(4) Assesses the adequacy of staffing levels in that area during different shifts;

(5) Assesses whether monitoring technology should be deployed or augmented to supplement supervision by staff; and

(6) Prepares a report of its findings, including any recommendations for improvement and submit such report to the facility head and PREA compliance manager.

7. Point of Contact. Mr. John Pucciarelli, PERS 00D, at (901) 874-4569, or e-mail: john.pucciarelli@navy.mil.



T. E. PURCELL
By direction

Copy to:
BUPERS (BUPERS 00J)
NAVPERSCOM (PERS 00P)
NAVCONBRIGs (Charleston, DET Chesapeake; Miramar, DET Pearl Harbor)
PCF Jacksonville
Navy Corrections Public Website
NCIS HQ Quantico
AFSFC/FC
PMG/ACC
HQMC/PSL Corrections

SURVEY OF SEXUAL VICTIMIZATION
U.S. Navy Shore Correctional Facilities 2006-2019

| Prisoner-on-Prisoner Nonconsensual Sexual Acts | | | | |
|---|---------------|-----------------|-----------|-----------------------|
| | Substantiated | Unsubstantiated | Unfounded | Investigation Ongoing |
| 2006 | 0 | 0 | 0 | 0 |
| 2007 | 0 | 0 | 0 | 0 |
| 2008 | 0 | 0 | 0 | 0 |
| 2009 | 0 | 0 | 1 | 0 |
| 2010 | 0 | 0 | 1 | 0 |
| 2011 | 0 | 0 | 0 | 0 |
| 2012 | 0 | 0 | 1 | 0 |
| 2013 | 0 | 0 | 0 | 0 |
| 2014 | 0 | 1 | 0 | 0 |
| 2015 | 0 | 0 | 0 | 0 |
| 2016 | 0 | 0 | 0 | 0 |
| 2017 | 0 | 0 | 1 | 0 |
| 2018 | 0 | 0 | 1 | 0 |
| 2019 | 0 | 0 | 0 | 0 |
| Prisoner-on-Prisoner Abusive Sexual Contacts | | | | |
| | Substantiated | Unsubstantiated | Unfounded | Investigation Ongoing |
| 2006 | 1 | 0 | 0 | 0 |
| 2007 | 1 | 0 | 0 | 0 |
| 2008 | 1 | 0 | 0 | 0 |
| 2009 | 0 | 0 | 0 | 0 |
| 2010 | 1 | 1 | 0 | 0 |
| 2011 | 2 | 1 | 0 | 0 |
| 2012 | 0 | 0 | 0 | 0 |
| 2013 | 0 | 2 | 1 | 0 |
| 2014 | 0 | 1 | 0 | 2 |
| 2015 | 0 | 1 | 0 | 1 |
| 2016 | 2 | 1 | 1 | 0 |
| 2017 | 0 | 1 | 0 | 0 |
| 2018 | 0 | 1 | 3 | 0 |
| 2019 | 0 | 1 | 0 | 0 |
| Prisoner-on-Prisoner Sexual Harassment | | | | |
| | Substantiated | Unsubstantiated | Unfounded | Investigation Ongoing |
| 2006 | 0 | 0 | 0 | 0 |
| 2007 | 0 | 0 | 0 | 0 |
| 2008 | 0 | 0 | 0 | 0 |
| 2009 | 0 | 0 | 0 | 0 |
| 2010 | 0 | 0 | 0 | 0 |
| 2011 | 0 | 0 | 0 | 0 |
| 2012 | 0 | 0 | 0 | 0 |
| 2013 | 0 | 0 | 1 | 0 |
| 2014 | 1 | 3 | 3 | 0 |
| 2015 | 2 | 1 | 0 | 0 |
| 2016 | 3 | 5 | 1 | 0 |
| 2017 | 1 | 0 | 0 | 0 |
| 2018 | 5 | 3 | 3 | 0 |
| 2019 | 1 | 3 | 0 | 0 |

SURVEY OF SEXUAL VICTIMIZATION
U.S. Navy Shore Correctional Facilities 2006-2019

| Staff Sexual Misconduct | | | | |
|--------------------------------|---------------|-----------------|-----------|-----------------------|
| | Substantiated | Unsubstantiated | Unfounded | Investigation Ongoing |
| 2006 | 0 | 0 | 0 | 1 |
| 2007 | 0 | 0 | 1 | 1 |
| 2008 | 0 | 0 | 0 | 0 |
| 2009 | 0 | 0 | 0 | 0 |
| 2010 | 1 | 0 | 0 | 0 |
| 2011 | 0 | 1 | 0 | 0 |
| 2012 | 0 | 2 | 0 | 0 |
| 2013 | 2 | 0 | 1 | 4 |
| 2014 | 1 | 4 | 1 | 0 |
| 2015 | 0 | 1 | 8 | 0 |
| 2016 | 0 | 1 | 4 | 1 |
| 2017 | 0 | 1 | 8 | 0 |
| 2018 | 0 | 2 | 8 | 0 |
| 2019 | 0 | 0 | 2 | 0 |
| Staff Sexual Harassment | | | | |
| | Substantiated | Unsubstantiated | Unfounded | Investigation Ongoing |
| 2006 | 0 | 0 | 0 | 0 |
| 2007 | 0 | 0 | 0 | 0 |
| 2008 | 0 | 0 | 0 | 0 |
| 2009 | 0 | 0 | 0 | 0 |
| 2010 | 0 | 0 | 0 | 0 |
| 2011 | 0 | 0 | 0 | 0 |
| 2012 | 0 | 0 | 0 | 0 |
| 2013 | 0 | 0 | 1 | 0 |
| 2014 | 1 | 1 | 4 | 0 |
| 2015 | 1 | 0 | 4 | 0 |
| 2016 | 0 | 1 | 5 | 0 |
| 2017 | 1 | 0 | 4 | 0 |
| 2018 | 0 | 0 | 0 | 0 |
| 2019 | 3 | 3 | 0 | 0 |