



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1640
Ser 00D/304
24 Aug 16

From: Commander, Navy Personnel Command (PERS-00D)

Subj: PRISON RAPE ELIMINATION ACT ANNUAL REPORT, CALENDAR YEAR 2015;
U.S. NAVY SHORE CONFINEMENT FACILITIES

Ref: (a) 28 C.F.R. Part 115 (U.S. Department of Justice National Standards to Prevent, Detect, and Respond to Prison Rape Under the Prison Rape Elimination Act (Prisons and Jails Standards))
(b) NPC ltr 1640 Ser 00D/094 of 10 Mar 15
(c) Form SSV-4 (Survey of Sexual Violence, 2014 – Other Correctional Facilities Summary Form)

Encl: (1) Survey of Sexual Violence; U.S. Navy Shore Confinement Facilities, 2005-2015

1. Purpose. To publish annual aggregate incident-based sexual abuse data per § 115.87 of reference (a) occurring at U.S. Navy shore confinement facilities.

2. Update. This letter updates and replaces reference (b).

3. 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 house adult or juvenile offenders. Department of Defense (DoD) policy directs the Military Departments to develop and implement necessary rules and procedures to satisfy the requirements of PREA with strict enforcement measures and universally high standards.

b. Navy Corrections 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, will be immediately reported to the Naval Criminal Investigative Service (NCIS) for investigation. For the Department of the Navy (DON), NCIS is the applicable Military Criminal Investigation Organization (MCIO) for investigations. Non-criminal (e.g., administrative) investigations occurring within a naval confinement 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 confinement facility.

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c. Navy Corrections has developed and implemented necessary rules and procedures to satisfy the requirements of the PREA with strict enforcement measures and universally high standards.

d. Incident-based data for the calendar year 2015 annual report was collected from five Navy shore confinement facilities located within the United States, to include:

(1) Naval Consolidated Brig (NAVCONBRIG) Miramar, San Diego, California;

(2) NAVCONBRIG Miramar Detachment (DET) Pearl Harbor, Pearl Harbor, Hawaii;

(3) NAVCONBRIG Charleston, Charleston, South Carolina;

(4) NAVCONBRIG Chesapeake, Chesapeake, Virginia;

(5) Pre-trial Confinement Facility (PCF) Jacksonville, Naval Air Station (NAS) Jacksonville, Florida; and

(6) Commander, Fleet Activities Yokosuka PCF, Yokosuka, Japan.

e. The incident-based data outcomes (e.g., case disposition) compiled for this annual report is administrative in nature, vice criminal, and reported via the individual facility commanding officers and officers-in-charge. The evidentiary standard for administrative proceedings in determining whether allegations of sexual abuse or sexual harassment are substantiated is preponderance of the evidence per reference (a).

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

4. Definitions

a. Sexual Violence. The definition of "rape" used for the reported data is taken directly from reference (c), disaggregating sexual assault into two categories of prisoner-on-prisoner sexual violence. These categories reflect uniform definitions formulated by the National Center for Injury Prevention and Control in "Sexual Violence Surveillance: Uniform Definitions and Recommended Data Elements," Centers for Disease Control and Prevention. The categories of prisoner-on-prisoner sexual violence are:

(1) Nonconsensual Sexual Acts

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

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(b) Contact between the penis and the vagina or the penis and the anus including penetration, however slight; or

(c) Contact between the mouth and the penis, vagina, or anus; or

(d) Penetration of the anal or genital opening of another person by a hand, finger, or other object.

(2) Abusive Sexual Contacts

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

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

(c) Exclude incidents in which the intent of the sexual contact is to harm or debilitate rather than to sexually exploit.

b. Staff Sexual Misconduct. The definition of staff sexual misconduct used for the reported data is taken directly from reference (c), based on "Training for Investigators of Staff Sexual Misconduct," prepared by the National Institute of Corrections. Staff sexual misconduct includes any behavior or act of a sexual nature directed toward a prisoner by an employee, volunteer, contractor, official visitor, or other agency representative (exclude prisoner 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 including:

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

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

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

c. Staff Sexual Harassment. The definition of staff sexual harassment used for the reported data is taken directly from reference (c) and developed by the National Institute of Corrections. Staff sexual harassment includes repeated verbal statements or comments of a sexual nature to a prisoner by an employee, volunteer, contractor, official visitor, or other agency representative (exclude prisoner family, friends, or other visitors).

(1) Demeaning references to gender or derogatory comments about body or clothing; or

(2) Repeated profane or obscene language or gestures.

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d. 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).

5. General Information

a. On 31 December 2015, 483 prisoners were confined within the six U.S. Navy shore confinement facilities. Of this population, 466 were males and 17 were females.

b. During Calendar Year 2015 (CY-15), there was a total of 822 new admissions into the six U.S. Navy shore confinement facilities. Of this population, 768 were males and 54 were females.

c. During Calendar Year 2015 (CY-15), the average daily prisoner population of the six U.S. Navy shore confinement facilities was 472. Of this population, 453 were males and 19 were females.

6. Aggregate Data

a. Between 1 January 2015 and 31 December 2015, there was 0 allegations of prisoner-on-prisoner nonconsensual sexual acts reported.

b. Between 1 January 2015 and 31 December 2015, there were 2 allegations of prisoner-on-prisoner abusive sexual contacts reported. Of the allegations reported (2), there were 0 substantiated, 1 unsubstantiated, 0 unfounded, and 1 investigation ongoing.

c. Between 1 January 2015 and 31 December 2015, there were 3 allegations of prisoner-on-prisoner sexual harassment reported. Of the allegations reported (3), there was 2 substantiated, 1 unsubstantiated, 0 unfounded, and 0 investigations ongoing.

d. Between 1 January 2015 and 31 December 2015, there were 9 allegations of staff sexual misconduct reported. Of the allegations reported (9), there were 0 substantiated, 1 unsubstantiated, 8 unfounded, and 0 investigations ongoing.

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e. Between 1 January 2015 and 31 December 2015, there were 5 allegations of staff sexual harassment reported. Of the allegations reported (5), 1 was substantiated, 0 unsubstantiated, 4 unfounded, and 0 investigations ongoing.

f. Enclosure (1) provides a comprehensive survey of reported allegations of sexual violence for U.S. Navy shore confinement facilities for the calendar years 2005 through 2015.

7. Sexual Abuse Incident Reviews

a. The U.S. Navy has adopted the national PREA standards in their entirety. Per PREA standard § 115.86, each Navy confinement 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;

(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 but not necessarily limited to determinations made pursuant to paragraph 6(b)(1) through (5), above, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.

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8. Point of Contact. Mr. John Pucciarelli, NAVPERSCOM (PERS-00DE), Navy PREA Coordinator, (901) 874-4569, email: john.pucciarelli@navy.mil.



T. E. PURCELL
By direction

Copy to:
BUPERS (BUPERS-00J)
NAVPERSCOM (PERS-00P)
CO, NAVCONBRIG (Charleston, Chesapeake, Miramar)
CO, PCF Jacksonville
OIC, NAVCONBRIG DET Pearl Harbor
CPOIC, CFAY PCF
Navy Corrections Public Website
Navy PREA Coordinator
Navy PREA Compliance Managers
NCIS HQ Quantico
Air Force Confinement and Corrections (AFSFC/FC)
Army Corrections Command (ACC)
HQMC (PSL Corrections)

SURVEY OF SEXUAL VIOLENCE
U.S. Navy Shore Confinement Facilities
2005-2015

Prisoner-on-Prisoner Nonconsensual Sexual Acts				
	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing
2005	0	0	0	0
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	1	0	0
2014	0	0	0	0
2015	0	0	0	0
Prisoner-on-Prisoner Abusive Sexual Contacts				
	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing
2005	1	0	0	0
2006	1	0	0	0
2007	0	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
Prisoner-on-Prisoner Sexual Harassment				
	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing
2005	0	0	0	0
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

SURVEY OF SEXUAL VIOLENCE
U.S. Navy Shore Confinement Facilities
2005-2015

Staff Sexual Misconduct				
	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing
2005	1	1	0	0
2006	0	0	0	1
2007	0	0	1	0
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
Staff Sexual Harassment				
	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing
2005	0	0	0	0
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