



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
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20 Mar 14

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

Subj: PRISON RAPE ELIMINATION ACT (PREA); GUIDANCE LETTER # 1

Ref: (a) 28 C.F.R., Part 115
(b) NPC ltr 1640 Ser 00DB/047 of 17 Mar 14

1. Purpose. To interpret and clarify, within a governing "agency" context, the Department of Justice (DoJ) national PREA standards contained within reference (a) per reference (b).

2. Applicability. Guidance contained within this letter is applicable to all Navy shore pre-trial and post-trial confinement facilities (Levels I/II/III) located within the Continental United States (CONUS) and Hawaii. Pre-trial confinement facilities, for the purpose of this letter, are considered Level I confinement facilities.

3. Background

a. Numerous PREA standards contained within reference (a) require interpretation and clarification in order to ensure standardized implementation within the Navy corrections system.

b. Naval Consolidated Brig (NAVCONBRIG) Charleston, SC, is assigned as "Model Manager" to support PREA implementation within the Navy corrections system. Recommendations for agency-wide policy and/or procedures shall be collaborated between NAVCONBRIGs and submitted to NAVPERSCOM (PERS-00D) via NAVCONBRIG Charleston. Upon NAVPERSCOM (PERS-00D) approval of policies, procedures, forms, materials, etc., NAVCONBRIG Charleston shall avail such PREA documents to all Navy confinement facilities. If such materials are further adapted by NAVCONBRIG Commanding Officers, to meet unique facility requirements, a copy will be provided by NAVPERSCOM (PERS-00D) and CO NAVCONBRIG Charleston for review.

4. Interpretation and Clarification

a. General

(1) Throughout reference (a), the term "inmate" shall be substituted with "prisoner." There is no distinction between pre-trial and post-trial prisoners, including prisoners awarded non-judicial punishment.

Subj: PRISON RAPE ELIMINATION ACT (PREA) GUIDANCE LETTER # 1

(2) "Common space" refers to facility spaces external of housing units (e.g., work spaces, gyms, recreation areas, program areas, classrooms, etc.).

(3) "Housing unit" refers to internal facility dayrooms, showers, and sleeping quarters.

(4) "Isolation" refers to denial of access to any daily large-muscle exercise or any required core or applicable designated level programs per BUPERSINST 1640.22. Full "isolation", in the sense of loss of human contact, is not permitted in Navy facilities.

(5) The term "sexual assault," as referred to within OUSD(P&R) DTM 13-002 of 10 Feb 13 (Ch 1 of 19 Sep 13) (Subj: Department of Defense Implementation of the Prison Rape Elimination Act (PREA)) is synonymous with the term "sexual abuse" as defined within reference (a).

(6) The term "restrictive housing" is synonymous with "segregation" or "special quarters."

b. § 115.5 (General Definitions)

(1) "Allegation" means any assertion made by a staff member, volunteer, contractor, intern, prisoner, third party, or anonymous party that brings to light any possible act of sexual harassment, sexual abuse, or sexual misconduct, regardless of severity or merit and whether such acts are believed to be consensual or not.

(2) "Contractor means a person who provides services pursuant to a contractual agreement with the agency." In this context, the term "facility" shall be substituted for the term "agency."

(3) "Employee" and "staff" are interchangeable and include both military and civilian personnel assigned to the confinement facility. Contractors, volunteers, and interns are considered staff for the purpose of this guidance letter.

(4) The term "Facility head" or "Warden" refers to the Commanding Officer (CO), or designee, of the confinement facility.

(5) "Jail" is not a term used within the Navy corrections system; however, "jail" generally refers to a pre-trial or Level I confinement facility.

(6) "Juvenile" refers to individuals under the age of 18 not confined in an adult facility; hence, a service member under the age of 18 confined in a Navy confinement facility shall be referred to as a "youthful prisoner."

Subj: PRISON RAPE ELIMINATION ACT (PREA) GUIDANCE LETTER # 1

(7) "Medical practitioner" includes licensed and credentialed medical officers, physician assistants, corpsmen, nurses, and nurse practitioners.

(8) "Mental health practitioner" includes licensed and credentialed psychiatrists, psychologists, social workers, and mental health technicians.

(9) "Pat-down search" refers to frisk search.

(10) "Prison" is not used within the Navy corrections system; however, the term "prison" generally refers to a NAVCONBRIG (Level II/III) brig.

(11) "Security staff" includes all operations, housing, and programmatic staff responsible for the supervision and control of prisoners in housing units, recreational areas, dining areas, and other program areas of the facility.

(12) "Volunteer means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency." In this context, substitute "facility" for "agency."

c. Standards: Implementation and contact

(1) § 115.11 Zero Tolerance of Sexual Abuse and Sexual Harassment; PREA Coordinator. Within § 115.11(a), the PREA Compliance Manager shall be provided sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards. This may be a full-time, primary, or collateral assignment and shall be reflected in the facility organizational chart. At a minimum, the PREA Compliance Manager shall be in the grade of E7/GS-09 or above. The PREA Compliance Manager shall have direct access to the facility CO or designee in the execution of their PREA-related duties.

(2) § 115.12 Contracting with Other Entities for the Confinement of Inmates. Any new or revised agency agreement shall provide for the entity's obligation to adopt and comply with the PREA standards and to provide for monitoring to ensure the entity is complying with the PREA standards.

(3) § 115.13 Supervision and Monitoring. In addition to the provisions of this standard, the following supplemental guidance is provided:

(a) Ideally, sufficient resources (e.g., human capital, fiscal, physical plant, technology, etc.) would be available to meet all elements of the corrections mission simultaneously. However, in an era of constrained resources, especially in regard to staffing, that is not always possible. Widespread staffing deficiencies require confinement facility managers to routinely make decisions on how to

Subj: PRISON RAPE ELIMINATION ACT (PREA) GUIDANCE LETTER # 1

best utilize available resources. To provide increased guidance on resource allocation, the following mission priorities are established for the operation of all Navy confinement facilities:

1. Security and safety are always the top priorities. All permanent security posts will be staffed at all times. In the event of manpower shortages, security considerations take precedence and the staffing plan shall provide adequate levels of staffing and video monitoring to protect prisoners against sexual harassment and sexual abuse to the best extent possible.

2. For purposes of overall brig manpower planning, the agency shall use OPNAVINST 1000.16K, Navy Total Force Manpower Policies Procedures. The facility, at a minimum, shall use the PREA Facility Staffing Plan Analysis (e.g., facility assessment) when determining minimum manning for security posts. Any requests for additional staff shall be forwarded with justification to NAVPERSCOM (PERS-00D).

3. Availability of required programs shall be maintained per the facility's designation level (e.g., I/II/III).

(b) § 115.13(a)(4). Internal oversight bodies of Navy confinement facilities include, but are not limited to, incident review boards and installation support activities (e.g., emergency services). External oversight bodies of Navy confinement facilities include: inspectors general; DoJ; American Correctional Association; Service headquarters; etc.

(c) § 115.13(c). The facility staffing plan shall be completed annually and submitted to NAVPERSCOM (PERS-00D) no later than 30 March. The initial year plan (2014) is due NLT 30 May 14.

(d) § 115.13(c)(2). The facility's deployment of video monitoring systems and other monitoring technologies shall be consistent with staff and prisoner safety, available financial resources and reviewed by facility architectural review boards.

(e) § 115.13(d). Facilities shall implement a policy and practice of having intermediate/higher-level supervisors (e.g., CDO, department heads, special assistants, staff officers, or military officers) conduct and document regular but random unannounced rounds to identify and deter staff and prisoner sexual harassment and sexual abuse, no less than daily. At a minimum, over time (weekly), the unannounced rounds shall cover all shifts and all areas of the facility. Facilities shall have a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring.

(4) § 115.14 Youthful Inmate. In the remote occasion that a youthful prisoner is confined, the spirit and intent of this standard

Subj: PRISON RAPE ELIMINATION ACT (PREA) GUIDANCE LETTER # 1

shall apply; contact the Agency PREA Coordinator for supplemental guidance. No commingling between youthful prisoners and adult prisoners are authorized in the housing unit. In all common spaces, the facility shall provide direct staff supervision [escort] when youthful prisoners and adult prisoners have sight, sound, or physical contact. Video monitoring is considered indirect supervision.

(5) § 115.15 Limits to Cross-gender Viewing and Searches

(a) § 115.15(b). All Navy confinement facilities, regardless of rated capacity, shall comply with the provisions of this standard (i.e., applicable as of 20 August 2013).

(b) § 115.15(c). Documentation of cross-gender searches shall be documented in the Brig Log and identified as a significant event (e.g., highlighted, color-coded, searchable, etc.).

(c) § 115.15(f). The term "agency" shall be substituted with "facility." NAVPERSCOM (PERS-00D) shall audit cross-gender search training during operational readiness inspections. Note paragraph 3b above, as it relates to access to training materials.

(d) § 115.15(e). Upon initial receipt and prior to search, if the prisoner's genital status is unknown, the prisoner may be asked what gender he or she is and also what gender he or she identifies with, pursuant to the provisions of the standard. NAVPERSCOM (PERS-00D) shall coordinate with DoD (OUSD(P&R)) for inclusion of gender identification within block 9b of DD Form 2707, Confinement Order.

(6) § 115.16 Inmates with Disabilities and Inmates who are Limited English Proficient

(a) § 115.16. The term "agency" shall be substituted with "facility" throughout.

(b) § 115.16(a). Facilities shall ensure that guidance to access such services, support, and materials, as coordinated through the assigned facility Americans with Disabilities Act (ADA) Coordinator, are included in the Prisoner Rules and Regulations, in printed materials, or posted within the housing units.

(c) § 115.16(b). Linguistic services, as an example, may be accessed via "Military One Source" available via <http://www.militaryonesource.mil> or (800) 342-9647, if not available through existing staff. At the installation level, N2 (G2 for Marine Corps) may be a resource for interpreters. At State levels, community-based victim service agencies can often provide related support.

(7) § 115.17 Hiring and Promotion Decisions

Subj: PRISON RAPE ELIMINATION ACT (PREA) GUIDANCE LETTER # 1

(a) NAVPERSCOM (PERS-00D) shall develop screening tools for assignment of qualified military correctional staff, consistent with the provisions of this standard, and provide such screening instruments to NAVPERSCOM (PERS-4010 (Shore Special Programs Branch)), as well as incorporate such provisions in Service-level agreements. The expectation is the military Services shall comply with OUSD(P&R) DTM 13-002 which directs implementation of the PREA standards and incorporate such requirements into applicable personnel assignment processes. As an interim measure until Service policies and procedures are in place, Commanding Officers and Detachment Commanders shall screen all proposed staff assignments in advance for standards compliance. Furthermore, Commanding Officers and Detachment Commanders shall not recommend military members for promotion/advancement who meet the provisions of § 115.17(a)(1) through (3).

(b) § 115.17. The term "agency" shall be substituted with "facility" throughout.

(c) § 115.17(a)(1), 115.17(a)(2), and 115.17(a)(3). NAVPERSCOM (PERS-00D) shall coordinate with the Human Resource Office (HRO) Millington to facilitate the hiring process; particularly, with respect to interviewing prospective employees concerning the provisions of 115.17.

(d) § 115.17(g). Appropriate administrative or disciplinary actions shall be referred to the applicable civilian or military activity for action.

(8) § 115.18. The term "agency" shall be substituted with "facility" throughout. Any upgrades to the facility or technology shall be reviewed by the facility Architectural Review Board.

(9) § 115.21 Evidence Protocol and Forensic Medical Examinations

(a) § 115.21. The term "agency" shall be substituted with "facility" throughout.

(b) § 115.21(a)/(b). Navy confinement facilities shall follow Naval Criminal Investigative Services (NCIS) and Navy Bureau of Medicine and Surgery (BUMED) protocols for evidence collection and medical examinations.

(c) § 115.21(d). The DoD Safe Helpline, operated by the Rape Abuse and Incest National Network (RAINN), offers sexual assault support to the DoD community and is considered a rape crisis center. Contact information shall be made readily available to all staff and prisoners and posted within all housing areas. All communication to the DOD Safe Helpline and other crisis centers is considered

Subj: PRISON RAPE ELIMINATION ACT (PREA) GUIDANCE LETTER # 1

privileged. Facilities are encouraged to pursue and document attempts to secure local agreements to exceed the provisions of this standard.

(d) § 115.21(h). For the purposes of this standard, a qualified facility staff member is, but is not limited to, a Uniform Victim Advocate (UVA) or Sexual Assault Prevention and Response (SAPR) representative.

(10) § 115.22 Policies to Ensure Referrals of Allegations for Investigations

(a) Throughout § 115.22, substitute "agency" with "facility," less 115.22(b).

(b) § 115.22(a). The standard includes prisoner-on-prisoner sexual abuse and staff sexual misconduct.

(c) § 115.22(b). Interpret as follows: The facility shall have in place a policy to ensure that allegations of sexual harassment or sexual abuse are referred for investigation to an appropriate Military Criminal Investigation Organization (MCIO) (e.g., NCIS). The facility shall document all such referrals. Should the MCIO decline investigative jurisdiction, the facility shall conduct an investigation by qualified investigators. The facility shall publish its investigative policy on its website or, if it does not have one, make the policy publicly available through other means.

(d) The format for administrative investigations shall be consistent with the Naval Inspector General (NAVINGEN) Investigation Manual and NAVINGEN Investigative Guide, available through the Bureau of Naval Personnel (BUPERS) Inspector General. The conduct of administrative investigations includes both internal (e.g., facility) and external (e.g., PERS-00D, BUPERS-IG, NAVINGEN) entities.

(e) § 115.22(d) and 115.22(e). Non-applicable.

(11) § 115.31 Employee Training

(a) The term "agency" shall be substituted with "facility" throughout.

(b) PREA employee training is a responsibility of the Facility Training Officer. PREA prisoner training is a responsibility of the Facility Programs Officer. Training delivery may be delegated. PREA trainers shall be qualified to conduct such training. At a minimum, basic qualification includes completion of the following six National Institute of Corrections (NIC) PREA e-courses: Behavioral Health Care for Sexual Assault Victims in a Confinement Setting; PREA Coordinators' Roles and Responsibilities; PREA Audit Process and Instrument Overview; Investigating Sexual Abuse in a Confinement Setting; Medical Health Care for Sexual Assault Victims in a

Subj: PRISON RAPE ELIMINATION ACT (PREA) GUIDANCE LETTER # 1

Confinement Setting; and Your Role: Responding to Sexual Abuse.
Continuing education is encouraged.

(c) § 115.31(a). Employee training shall include individual completion of facility-specific PREA policy and procedures by qualified instructors and the NIC e-course "PREA: Your Role Responding to Sexual Abuse." Employees trained by National Curriculum and Training Institute (NCTI) certified instructors prior to signature of this policy are currently exempt and shall adhere to this policy during subsequent refresher training.

(d) § 115.31(b). NAVCONBRIG Miramar, as Model Manager for the DoD Women's Corrections Program, shall develop and avail gender-responsive and trauma-informed staff PREA training to all DoD confinement facilities housing women via NAVCONBRIG Charleston.

(12) § 115.32 Volunteer and Contractor Training

(a) Substitute "agency" with "facility" throughout.
Interns shall be included in this standard.

(b) § 115.32(a). NAVCONBRIG Charleston shall develop and avail a standardized volunteer, contractor, and intern training curriculum.

(c) § 115.32(c). The Facility Training Officer or other designee is responsible for maintaining volunteer, contractor, and intern training records. Facility staff shall ensure the training office is provided with an up-to-date list of contractors/volunteers/interns on a monthly basis.

(13) § 115.33 Inmate Education

(a) Substitute "agency" with "facility" throughout.

(b) § 115.33(c). "Upon transfer to different facility" is interpreted as "received from another facility."

(14) § 115.34 Specialized Training: Investigations

(a) Substitute "agency" with "facility" throughout.

(b) § 115.34(b). In addition to the training requirements contained within this standard, a "qualified investigator" refers to a professional who has also successfully completed specialized training that includes, at a minimum, the following course offered on-line by the NIC: Investigating Sexual Abuse in a Confinement Setting.

(c) § 115.34(c). The facility shall maintain documentation of training completion for NCIS and facility investigators.

Subj: PRISON RAPE ELIMINATION ACT (PREA) GUIDANCE LETTER # 1

(d) § 115.34(d). Non-applicable.

(15) § 115.35 Specialized Training: Medical and Mental Health Care

(a) Substitute "agency" with "facility" throughout.

(b) § 115.35(b) is not applicable. Facility staff shall not conduct forensic examinations.

(c) § 115.35(c). Medical practitioners shall complete specialized training that includes, at a minimum, the following course offered on-line by the NIC: Medical Health Care for Sexual Assault Victims in a Confinement Setting. Mental health practitioners (e.g., licensed and credentialed psychiatrists, psychologists, social workers, and mental health technicians) shall complete specialized training that includes, at a minimum, the following course offered on-line by the NIC: Behavioral Health Care for Sexual Assault Victims in a Confinement Setting.

(16) § 115.41 Screening for Risk of Victimization and Abusiveness

(a) Substitute "agency" with "facility" throughout.

(b) § 115.41(a). "Upon transfer to another facility" is interpreted as "received from another facility" based on § 115.41(b).

(c) § 115.41(c). All confinement facilities shall use the common objective screening instrument provided by the Model Manager.

(d) § 115.41(i). The objective screening instrument is to be maintained within the prisoner record at Level I facilities and with the clinical record at NAVCONBRIGs.

(17) § 115.42 Use of Screening Information. Throughout § 115.42, substitute "agency" with "facility," with the exception of § 115.42(c); NAVPERSCOM (PERS-00D) shall designate the place of confinement for transgender or intersex prisoners following an initial facility assessment and recommendation by the Commanding Officer.

(18) § 115.43 Protective Custody

(a) § 115.43(a). Assessment shall be made by the Classification and Assignment (C&A) Board.

(b) § 115.43(b). Any restrictions, not limited to 115.43(b)(1)-(3), shall be documented on the DD 509, Inspection Record of Prisoner in Segregation (Mar 13).

Subj: PRISON RAPE ELIMINATION ACT (PREA) GUIDANCE LETTER # 1

(c) § 115.43(d). Such documentation, not limited to 115.43(d)(1)/(2), shall be recorded within the prisoner record, Corrections Management Information System (CORMIS), or applicable MIS.

(19) § 115.51 Reporting

(a) § 115.51. Substitute "agency" with "facility" throughout.

(b) § 115.51(a). Internal methods include, but are not limited to verbal reports, submission of DD Form 510 (Prisoner Request), in writing, anonymously, from third parties, phone, etc.

(c) § 115.51(b). The Navy does not confine prisoners solely for civil immigration purposes.

(20) § 115.52 Exhaustion of Administrative Remedies

(a) Substitute "agency" with "facility" throughout.

(b) § 115.52(b)(2). There is no time limit for prisoner submission of grievances.

(c) § 115.52(d)(1). "Final agency decision on the merits of any portion" may refer to, at a minimum, status updates on the ongoing investigation or the forwarding of charges for judicial or administrative proceedings.

(d) § 115.52(f)(2). Emergency grievances alleging imminent sexual abuse shall be immediately reviewed by the Commanding Officer, unless the Commanding Officer is the subject of the grievance. In such case, the grievance shall be forwarded to NAVPERSCOM (PERS-00D).

(21) § 115.53 Inmate Access to Outside Confidential Support Services.

(a) § 115.53(c). Substitute "agency" with "facility."

(b) § 115.53(c). The DoD Safe Helpline, operated by the Rape Abuse and Incest National Network (RAINN), offers sexual assault support to the DoD community and is considered a community service provider.

(22) § 115.54 Third-party Reporting

(a) Substitute "agency" with "facility" throughout.

(b) This information shall be published on the facility public-facing website.

Subj: PRISON RAPE ELIMINATION ACT (PREA) GUIDANCE LETTER # 1

(23) § 115.61 Staff and Agency Reporting Duties. Substitute "agency" with "facility" throughout.

(24) § 115.62 Agency Protection Duties

(a) Substitute "agency" with "facility" throughout.

(b) § 115.62. Such actions shall be recorded within the Brig Log, prisoner record, or CORMIS/applicable MIS.

(25) § 115.63 Reporting to other Confinement Facilities

(a) § 115.63(c). Substitute "agency" with "facility."

(b) § 115.63(c). Such actions shall be recorded within the prisoner record or CORMIS/applicable MIS.

(26) § 115.64 Staff First Responder Duties

(a) § 115.64. Facilities shall have a written first responder policy for allegations of sexual abuse that contain, but is not limited to, the provisions of this standard.

(b) § 115.64. Facilities shall ensure all security staff are trained in the provisions of this standard. At a minimum, first responders shall be designated (e.g., CDO, facility investigators) by the Commanding Officer.

(27) § 115.66 Preservation of Ability to Protect Inmates from Contact with Abusers. § 115.65(a). Substitute "agency" with "command" where applicable.

(28) § 115.67 Agency protection against retaliation

(a) Substitute "agency" with "facility" throughout.

(b) § 115.67(a). Retaliation monitoring is a responsibility of the PREA Compliance Manager, Technical Director (NAVCONBRIG), or Assistant Officer in Charge (Level I facility).

(c) § 115.67(b). For prisoners, protective measures and monitoring actions shall be recorded within the prisoner record or CORMIS/applicable MIS.

(d) § 115.67(e). Measures to protect staff shall also be documented.

(29) § 115.68 Post-allegation Protective Custody. All post-allegation protective measures shall be recorded within the prisoner record or CORMIS/applicable MIS.

Subj: PRISON RAPE ELIMINATION ACT (PREA) GUIDANCE LETTER # 1

(30) § 115.71 Criminal and administrative agency investigations. Substitute "agency" with "facility" throughout.

(31) § 115.72 Evidentiary Standard for Administrative Investigations. "Preponderance of the evidence" refers to the greater weight of the evidence required to decide in favor of one side or the other. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence. Thus, one clearly knowledgeable witness may provide a preponderance of evidence over a dozen witnesses with hazy testimony, or a signed agreement with definite terms may outweigh opinions or speculation about what the parties intended. Preponderance of the evidence is contrasted with "beyond a reasonable doubt," which is the more severe test of evidence.

(32) § 115.73 Reporting to Inmates

(a) § 115.73(a). If the alleged occurred at a facility other than where the prisoner is currently confined, notification shall be from the applicable agency via NAVPERSCOM (PERS-00D).

(b) § 115.73(b)-(f). Substitute "agency" for "facility" throughout.

(c) § 115.73(c)(1). The term "unit" is defined to mean any area where the alleged staff member and prisoner could be co-located. Subsequent staff posting or prisoner housing/work/programmatic assignments shall not result in co-location within the facility. The Commanding Officer may make a further determination to remove the accused staff member or prisoner from the facility pending the results of the investigation.

(d) § 115.73(e). All notifications or attempted notifications to the prisoner shall be recorded within the prisoner record or CORMIS/applicable MIS.

(33) § 115.76 Disciplinary Sanctions for Staff

(a) The term "agency" includes the facility.

(b) The term "termination" for civilians means removal from federal employment, after due process. For military, termination means separation from military service, after due process. For contractors, volunteers, and interns, termination means cessation of any further relationship with the facility. In any case where an allegation of sexual harassment or sexual abuse is substantiated, but does not result in termination, discipline shall include removal of the staff member from working in any Navy confinement facility.

Subj: PRISON RAPE ELIMINATION ACT (PREA) GUIDANCE LETTER # 1

(c) § 115.76(d). Notification to law enforcement agencies is a responsibility of NCIS. Reporting to any licensing body is a responsibility of the facility Commanding Officer.

(34) § 115.77 Corrective Action for Contractors and Volunteers

(a) § 115.77(a). Notification to law enforcement agencies is a responsibility of NCIS. Reporting to any licensing body is a responsibility of the facility Commanding Officer.

(b) § 115.77(b). The term "agency" includes the facility.

(35) § 115.78 Disciplinary Sanctions for Inmates

(a) § 115.78. Substitute "facility" for "agency" throughout.

(b) § 115.78(c). Facilities shall consult with medical and mental health supporting activities, as necessary.

(c) § 115.78(d). Where clinical treatment services are available, the facility shall offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse.

(d) § 115.78(g). All sexual activity between prisoners is prohibited.

(36) § 115.81 Medical and Mental Health Screenings; History of Sexual Abuse. § 115.81(a)-(c). "Staff" refers to a facility head responsibility.

(37) § 115.82 Access to Emergency Medical and Mental Health Services. Required actions shall be documented within applicable facility records.

(38) § 115.83 On-going Medical and Mental Health Care for Sexual Abuse Victims and Abusers

(a) § 115.83. Offers or provision of any services (e.g., evaluations, treatment or tests and their results, and referrals) shall be documented within applicable facility records.

(b) § 115.83(h). This standard includes level I facilities, to the degree feasible and where resources allow.

(39) § 115.86 Sexual Abuse Incident Reviews

(a) § 115.86(d). Review team members shall be designated in command policy by the Commanding Officer.

Subj: PRISON RAPE ELIMINATION ACT (PREA) GUIDANCE LETTER # 1

(b) § 115.86(d)(6). At a minimum, the report shall include a checklist indicating inclusion of items contained within § 115.86(d)(1)-(5).

(40) § 115.87 Data collection

(a) § 115.87(a). For standardization purposes, facilities shall use the most current version of SSV-4 (Survey of Sexual Violence) and SSV-IA (Incident Form) for definitions, annual (calendar year) data collection, and reporting requirements.

(b) § 115.87(b). NAVPERSCOM (PERS-00D) shall aggregate data by 1 June.

(c) § 115.87(d). Substitute "agency" with "facility." Such data shall be reviewed during operational readiness inspections.

(d) § 115.87(f). Submissions shall be provided to NAVPERSCOM (PERS-00D) by 30 March.

(41) § 115.88 Data Review for Corrective Action. NAVPERSCOM (PERS-00D) shall collaborate with subordinate facilities in the development of the annual report.

(42) § 115.89 Data Storage, Publication, and Destruction

(a) § 115.89. NAVPERSCOM (PERS-00D) shall provide aggregated data reports to all facilities.

(b) § 115.89(a). The term "agency" includes the facility.

(43) § 115.93 Audits of Standards. NAVPERSCOM (PERS-00D) shall collaborate with facilities for the scheduling of audits.

(44) § 115.401 Frequency and Scope of Audits

(a) § 115.401(e). Substitute "agency" with "facility."

(b) § 115.401(f). The term "agency" includes the facility.

(c) § 115.401(k). Communication of staff or prisoner with a DoJ PREA auditor shall be considered privileged.

(d) § 115.401(m). Prisoner communication with a DoJ PREA auditor shall be considered privileged.

(e) § 115.401(n). Prisoner correspondence with a DoJ PREA auditor shall be considered privileged.

Subj: PRISON RAPE ELIMINATION ACT (PREA) GUIDANCE LETTER # 1

(f) § 115.401(o). Facilities will coordinate communication between DoJ PREA auditors and community-based or victim advocates who may have insight into relevant conditions of the facility (e.g., SARC, SAPR, DoD Safe Helpline, etc.).

(45) § 115.404 Audit corrective action plan. § 115.404(b)/(e). Substitute "agency" with "facility."

(46) § 115.405 Audit appeals. Substitute "agency" with "facility" throughout.

5. Action

a. NAVCONBRIG Miramar has been designated as the first DoD and Navy facility to be audited for compliance with PREA standards. The PREA Model Manager and any supporting working groups shall expeditiously facilitate and support NAVCONBRIG Miramar's compliance efforts.

b. Commanding Officers

(1) Designate, in writing, a PREA Compliance Manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.

(2) Develop local command memoranda of agreement for local support services from external parties to support compliance with PREA standards.

(3) Ensure all allegations of unrestricted sexual abuse, sexual harassment and sexual misconduct, regardless of severity or merit, shall be immediately reported to NCIS for investigation.

c. NAVPERSCOM (PERS-00D) and Confinement Facility Commanding Officers. Adopt, in a military context, the rules and procedures to satisfy the requirements of PREA with strict enforcement measures and universally high standards.

6. Point of Contact. The point of contact regarding this matter is the undersigned, available at (901) 874-4452, DSN 882, email: timothy.purcell1@navy.mil.


W. E. PECK
By direction

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