



DEPARTMENT OF THE NAVY
NAVAL CONSOLIDATED BRIG MIRAMAR DETACHMENT PEARL HARBOR
2056 WASP BOULEVARD
PEARL HARBOR, HI 96860

IN REPLY REFER TO

1640

Ser 00/001

03 Jan 20

From: PREA Compliance Manager, Naval Consolidated Brig Miramar, Det Pearl Harbor
To: Commander, Navy Personnel Command (PERS-00D)

Subj: PRISON RAPE ELIMINATION ACT (PREA) ANNUAL REPORT AND SECURITY STAFFING PLAN REVIEW FOR CY-2019

Ref: (a) 28 CFR 115 (Prison Rape Elimination Act National Standards)
(b) CNPC ltr 1640 Ser 00D/048 of 20 Mar 14 (Guidance Letter)

Encl: (1) Pearl Harbor Brig 2019 Annual Survey of Sexual Victimization (BJS Form SSV-4)

1. Annual Reporting. Per references (a) and (b), enclosure (1) is submitted. Naval Consolidated Brig Miramar Detachment Pearl Harbor (Pearl Harbor Brig) reports (enclosure (1)) reflecting neither reported nor substantiated cases of sexual abuse or harassment. There are no cases of sexual abuse or harassment under investigation at this time.

2. Security Staffing Plan. The Prison Rape Elimination Act (PREA) requires each confinement facility to develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect prisoners against sexual abuse. In calculating adequate overall staffing as well as security levels and determining the need for video monitoring, the brig reports the following:

a. Generally accepted detention and correctional practices:

(1) The agency headquarters (Navy's Office of Corrections and Programs) audited the brig's physical plant and correctional operations during September of 2019. Excellent results validated generally accepted operational and personnel management and security staffing practices.

(2) The Inspector General audited the facility and personnel practices during June of 2018; results reflected adequate staffing levels and operational practices, thereby validating generally accepted operational and personnel management and security staffing practices.

(2) The brig successfully passed its second PREA audit in April of 2018 validating generally accepted operational and personnel management and security staffing practices.

(3) The brig successfully achieved re-accreditation by the American Correctional Association in April of 2017, validating generally accepted detention and correctional practices.

(4) Staffing numbers, mission, and prisoner population has remained static over the past three years.

b. Judicial findings of inadequacy: None.

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c. Findings of inadequacy from Federal investigative agencies: None.

d. Findings of inadequacy from internal or external oversight bodies: None.

e. All components of the facility's physical plant (including blind spots or areas where staff or prisoners may be isolated):

(1) In October of 2019 the brig conducted an annual internal security assessment of the facility plant for blind-spots, camera coverage, adequacy of physical layout sight lines, and facility communications. The blind-spot map was validated in order to recommend future upgrades and training security staff. Recommendations for physical plant improvements included but were not limited to, additional manpower at times when prisoners are in the galley, repair intercom, improve public address system, additional cameras, selection criteria for outdoor work assignments, and continue to improve staff training.

(2) Requests were made to Naval Consolidated Brig Miramar for installation of additional cameras and the following actions are in progress.

(a) We are continuing procedures requiring an additional staff member being posted in the galley when prisoners are present. Training includes educating staff to be aware of blinds spots in the execution of duties.

(b) Selection of prisoners to outside working assignments continues to include awareness of limited supplemental camera support. Additional training was conducted to ensure there is an acceptable level of professionalism by staff when supervising prisoners, including awareness of limited observation zones and acceptable lines of sight.

(c) The project to upgrades in public address system and intercom that was funded last year is still on-going for 2020. We also got funding approved for a signal booster to improve radio communications during the 2019 calendar year; scheduled for install during 2020. Camera upgrades are pending funding approval. Enhanced staff communication will serve to improve effectiveness and execution of security staffing.

f. The composition of the prisoner population:

(1) The prisoner population is predominately male and physically separated from most contact with female prisoners. The average daily male population for CY 2019 was approximately 19 prisoners. There was only 1 female prisoner confined during the year for a 3-month period.

(2) There was a total throughput of 115 prisoners during the past calendar year; this comes to one intake every three to four days. The facility has a 90-day post-trial limit. The average length of stay is calculated at 81 days during 2018. On any given day, the prisoner population is roughly split between pre-trial and post-trial, although the majority of the 115 intakes were post-trial, or became post-trial, at some point in the confinement period; the remaining pretrial prisoners were either released prior to going to court or received "time-served" at sentencing.

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(3) The prisoner population is all-military with some history of success within a disciplined environment. All were at least high school graduates with a significant number having some college or undergraduate degrees.

g. The incidents of sexual harassment: Per enclosure (1), there were no allegations of prisoner-on-prisoner sexual abuse. There were no allegations of staff sexual misconduct. There have been no incidences of sexual harassment between prisoners or by staff. No violent acts have been observed or reported.

h. The overall Brig staffing plan includes a total of 64 staff members to operate a confinement facility with a capacity of 48 prisoners. The brig's average daily total staffing included about 57 correctional staff members in 2019, or about 89% of total staffing goal. Although the brig is staffed at 89%, the prisoner population is consistently running at less than 40% of design capacity. On any given day, the brig has ~57 staff members to operate a correctional mission for ~19 prisoners; this is deemed more than adequate for safe and secure mission accomplishment.

3. Point of contact for further information is Mr. Tom Dooley, PREA Compliance Manager, (808) 472-0020, thomas.p.dooley@navy.mil.

A handwritten signature in black ink, appearing to read 'T. Dooley', with a stylized flourish extending from the end of the name.

T. DOOLEY

FORM **SSV-4**
(10-11-2019)

SURVEY OF SEXUAL VICTIMIZATION, 2019
Other Correctional Facilities
Summary Form

U.S. DEPARTMENT OF JUSTICE
 BUREAU OF JUSTICE STATISTICS
 AND ACTING AS COLLECTION AGENT
 U.S. DEPT. OF COMMERCE
 Economics and Statistics Administration
 U.S. CENSUS BUREAU

DATA SUPPLIED BY

Name		Title		
OFFICIAL ADDRESS	Number and street or P.O. Box/Route Number		City	State
				ZIP Code
TELEPHONE	Area code	Number	FAX NUMBER	Area Code
				Number
E-MAIL ADDRESS				

(Please correct any error in name, mailing address, and ZIP Code)

What facilities are included in this data collection?

- **PRIVATELY OPERATED FACILITIES:** All privately owned or operated confinement facilities including prisons, jails, detention centers, community-based facilities, and other correctional facilities that are intended for adults but sometimes hold juveniles. INCLUDE privately operated multi-jurisdictional facilities.
- **FACILITIES OPERATED BY OR FOR:**
- **THE UNITED STATES MILITARY**
- **THE BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT**
- **TRIBAL AUTHORITIES**
- **THE BUREAU OF INDIAN AFFAIRS**

What inmates and incidents are included in this data collection?

Inmates under your custody between January 1, 2019, and December 31, 2019.

- INCLUDE incidents involving inmates under the authority, custody, or care of your confinement or community-based facilities or staff.
- EXCLUDE inmates held in other jurisdictions.

Reporting instructions:

- Please complete the entire SSV-4 Form.
- If the answer to a question is "not available" or "unknown," write "DK" (do not know) in the space provided.
- If the answer to a question is "not applicable," write "NA" in the space provided.
- Section I: when exact numeric answers are not available, provide estimates and mark (X) the box beside each figure.
- Sections II, III, and IV: if the answer to a question is "none" or "zero," write "0" or mark the box (X) provided.

Substantiated incidents of sexual violence:

- Please complete an Incident Form (Adult, SSV-IA) for each substantiated incident of sexual victimization.

Returning forms:

- If you need assistance, please call the **U.S. Census Bureau** toll-free at **1-888-369-3613, option 2**, or e-mail **govs.ssv@census.gov**
- **Please return your completed summary and substantiated incident forms by November 8, 2020.**
- **You may complete these forms online (see enclosed instructions). Or if you prefer, you may return these forms by mail or fax.**
- **MAIL TO:** U.S. Census Bureau, P.O. Box 5000, Jeffersonville, IN 47199-5000
- **FAX (TOLL FREE) TO: 1-888-262-3974**

Burden statement

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 30 minutes per response, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.

Section I – GENERAL INFORMATION

1. How many persons under the supervision of your facility were—

a. CONFINED on December 31, 2019?

- INCLUDE persons on transfer to treatment facilities but who remain under your jurisdiction.
- INCLUDE persons out to court while under your jurisdiction.
- INCLUDE persons held for other jurisdictions.
- EXCLUDE inmates on AWOL, escape, or long-term transfer to other jurisdictions.
- EXCLUDE all persons in non-residential community-based programs run by your facility (e.g., electronic monitoring, house arrest, community service, day reporting, work programs).

Male Female

Inmates on December 31, 2019 ☐ ☐

b. ADMITTED to your facility during 2019?

- INCLUDE new admissions only, i.e., persons officially booked into and housed in your facilities by formal legal document and by the authority of the courts or some other official agency.
- INCLUDE repeat offenders booked on new charges.
- EXCLUDE returns from escape, work release, medical appointments/treatment facilities, and bail or court appearances.

Male Female

New admissions during 2019 ☐ ☐

2. Between January 1, 2019, and December 31, 2019, what was the average daily population of your confinement facility?

- To calculate the average daily population, add the number of persons for each day during the period January 1, 2019, through December 31, 2019, and divide the result by 365.

Male Female

Average daily population ☐ ☐

Section II – INMATE-ON-INMATE SEXUAL VICTIMIZATION

DEFINITIONS

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 inmate-on-inmate sexual victimization. These categories are:

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

- Contact between the penis and the vulva or the penis and the anus including penetration, however slight;

OR

- Contact between the mouth and the penis, vulva, or anus;

OR

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

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

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
- EXCLUDE incidents in which the contact was incidental to a physical altercation.

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 inmate directed toward another.

3. Does your facility record allegations of inmate-on-inmate NONCONSENSUAL SEXUAL ACTS? (See definitions on page 2.)

01 ☐ Yes → **a. Do you record all reported occurrences, or only substantiated ones?**

01 ☐ All

02 ☐ Substantiated only

b. Do you record attempted NONCONSENSUAL SEXUAL ACTS or only completed ones?

01 ☐ Both attempted and completed

02 ☐ Completed only

02 ☐ No → Please provide the definition used by your facility for inmate-on-inmate NONCONSENSUAL SEXUAL ACTS in the space below. Use that definition to complete Items 4 and 5.

4. Between January 1, 2019, and December 31, 2019, how many allegations of inmate-on-inmate NONCONSENSUAL SEXUAL ACTS were reported?

Number reported ☐ None

- If an allegation involved multiple victimizations, count only once.
- Exclude any allegations that were reported as consensual.

5. Of the allegations reported in Item 4, how many were — (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

a. Substantiated ☐ None

- The event was investigated and determined to have occurred, based on a preponderance of the evidence (28 C.F.R. §115.72).

b. Unsubstantiated ☐ None

- The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

c. Unfounded ☐ None

- The investigation determined that the event did NOT occur.

d. Investigation ongoing ☐ None

- Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

e. TOTAL (Sum of Items 5a through 5d) ☐ None

- The total should equal the number reported in Item 4.

6. Does your facility record allegations of inmate-on-inmate ABUSIVE SEXUAL CONTACT? (See definitions on page 2.)

01 ☐ Yes → **Can these be counted separately from allegations of NONCONSENSUAL SEXUAL ACTS?**

01 ☐ Yes

02 ☐ No → Skip to Item 9.

02 ☐ No → Please provide an explanation in the space below and then skip to Item 9.

7. Between January 1, 2019, and December 31, 2019, how many allegations of inmate-on-inmate ABUSIVE SEXUAL CONTACT were reported?

Number reported ☐ None

- If an allegation involved multiple victimizations, count only once.
- Exclude any allegations that were reported as consensual.

8. Of the allegations reported in Item 7, how many were — (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

a. Substantiated ☐ None

b. Unsubstantiated ☐ None

c. Unfounded ☐ None

d. Investigation ongoing ☐ None

e. TOTAL (Sum of Items 8a through 8d) ☐ None

- The total should equal the number reported in Item 7.

9. Does your facility record allegations of inmate-on-inmate SEXUAL HARASSMENT? (See definitions on page 2.)

01 ☐ Yes → **Do you record all reported allegations or only substantiated ones?**

01 ☐ All

02 ☐ Substantiated only

02 ☐ No → Please provide an explanation in the space below and then skip to Section III.

10. Between January 1, 2019, and December 31, 2019, how many allegations of inmate-on-inmate SEXUAL HARASSMENT were reported?

Number reported ☐ None

- If an allegation involved multiple victims or inmate perpetrators, count only once.
- Exclude any allegations that were reported as consensual.

11. Of the allegations reported in Item 10, how many were — (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

a. Substantiated ☐ None

b. Unsubstantiated ☐ None

c. Unfounded ☐ None

d. Investigation ongoing . ☐ None

e. TOTAL (Sum of Items 11a through 11d) ☐ None

- The total should equal the number reported in Item 10.

Section III – STAFF-ON-INMATE SEXUAL ABUSE

DEFINITIONS

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 disaggregated into two categories of staff-on-inmate sexual abuse. These categories are:

STAFF SEXUAL MISCONDUCT

Any behavior or act of a sexual nature directed toward an inmate 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 inmates are included in this definition. Consensual or nonconsensual sexual acts include—

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;

OR

- Completed, attempted, threatened, or requested sexual acts;

OR

- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reason unrelated to official duties or for sexual gratification.

STAFF SEXUAL HARASSMENT

Repeated verbal comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). Include—

- Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing;

OR

- Repeated profane or obscene language or gestures.

12. Does your facility record allegations of STAFF SEXUAL MISCONDUCT? (See definitions on page 4.)

01 ☐ Yes → **Do you record all reported occurrences, or only substantiated ones?**

01 ☐ All

02 ☐ Substantiated only

02 ☐ No → Please provide an explanation in the space below and then skip to Item 15.

13. Between January 1, 2019, and December 31, 2019, how many allegations of STAFF SEXUAL MISCONDUCT were reported?

Number reported ☐ None

- If an allegation involved multiple victimizations, count only once.

14. Of the allegations reported in Item 13, how many were — (Please contact the agency or office responsible for investigation allegations of sexual victimization in order to fully complete this form.)

a. Substantiated ☐ None

b. Unsubstantiated ☐ None

c. Unfounded ☐ None

d. Investigation ongoing ☐ None

e. TOTAL (Sum of Items 14a through 14d) ☐ None

- The total should equal the number reported in Item 13.

15. Does your facility record allegations of STAFF SEXUAL HARASSMENT? (See definitions on page 4.)

01 ☐ Yes → **Can these allegations be counted separately from allegations of STAFF SEXUAL MISCONDUCT?**

01 ☐ Yes

02 ☐ No → Skip to Item 18.

02 ☐ No → Please provide an explanation in the space below and skip to Item 18.

16. Between January 1, 2019, and December 31, 2019, how many allegations of STAFF SEXUAL HARASSMENT were reported?

Number reported ☐ None

- If an allegation involved multiple victims or staff, count only once.

17. Of the allegations reported in Item 16, how many were — (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

a. Substantiated ☐ None

b. Unsubstantiated ☐ None

c. Unfounded ☐ None

d. Investigation ongoing ☐ None

e. TOTAL (Sum of Items 17a through 17d) ☐ None

- The total should equal the number reported in Item 16.

**Section IV – TOTAL SUBSTANTIATED
INCIDENTS OF SEXUAL VICTIMIZATION**

NOTES

18. What is the total number of substantiated incidents reported in Items 5a, 8a, 11a, 14a, and 17a?

Total substantiated incidents ☐ None

→ Please complete a Substantiated Incident Form (Adult, SSV-IA) for each substantiated incident of sexual victimization.