



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
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1640
Ser 00D/219
13 Nov 14

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

Subj: PRISON RAPE ELIMINATION ACT (PREA); GUIDANCE LETTER # 2

Ref: (a) 28 C.F.R., Part 115
(b) BUPERSINST 1640.23
(c) NPC ltr 1640 Ser 00DB/048 of 20 Mar 14

1. Purpose. Interpret and clarify Section (§) 115.17(h) of reference (a) within a governing "agency" context per reference (b). This guidance letter also augments paragraph 4c(7) of reference (c).

2. Background

a. § 115.17(h) of reference (a). "Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work."

b. Definitions. Per paragraph 3c of reference (b), the term "agency," as annotated within reference (a) refers to the Navy corrections system and "agency head" refers to Navy Personnel Command (NAVPERSCOM), Director, Corrections and Programs Office (PERS-00D). The term "facility head" refers to PREA-compliant facility commanding officers or designees (i.e., confinement facility officers-in-charge).

3. Policy. It is agency policy that, unless determined prohibited by law, NAVPERSCOM (PERS-00D) shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work. The Director, Bureau of Naval Personnel (BUPERS) Total Force Human Resource Office (BUPERS-05) and NAVPERSCOM Office of Legal Counsel (PERS-00J) will review and notify NAVPERSCOM (PERS-00D) of any laws prohibiting disclosure of the information on all cases.

4. Action

a. Facility Heads


(1) Forward any requests related to § 115.17(h) of reference (a) to NAVPERSCOM (PERS-00D), via BUPERS-05 and PERS-00J.

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(2) Update local PREA Standard Operating Procedures (SOP) to implement guidance contained within this letter.

b. NAVPERSCOM (PERS-00D). Provide an agency-level response to all received requests related to § 115.17(h) of reference (a) after coordination with BUPERS-05 and NAVPERSCOM (PERS-00J).

5. Point of Contact. Mr. Timothy Purcell, Deputy Director, NAVPERSCOM (PERS-00DB), (901) 874-4452, DSN 882-, email: timothy.purcell@navy.mil.



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