



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 2021; U.S. NAVY SHORE CORRECTIONAL FACILITIES WITHIN THE UNITED STATES

Ref: (a) 28 C.F.R. Part 115
(b) BUPERSINST 1640.23
(c) SSV-4 (4-16-2022)

Encl: (1) Survey of Sexual Victimization

1. Purpose. To publish annual aggregate sexual abuse and sexual harassment data per § 115.87 (Data Collection) 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. Per reference (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, will be 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 investigations. Non-criminal (i.e., 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 2021 (CY-21) 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;

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(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 (i.e., 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 (c) was the form used to gather and consolidate the 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.

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

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(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, 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

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

(c) Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reason unrelated to official duties or 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 allegation. The allegation was investigated and determined to have occurred.

(2) Unsubstantiated allegation. 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 allegation. 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 (i.e., 31 December).

4. General Information

a. On 31 December 2021, 302 prisoners were confined within the five U.S. Navy shore correctional facilities. Of this population, 296 were male and 6 were female.

b. During CY-21, there was a total of 584 new admissions into the five U.S. Navy shore correctional facilities. Of this population, 546 were male and 38 were female.

c. Throughout CY-21, the average daily population was 308 prisoners.

5. Aggregate Data (1 January through 31 December 2021). Enclosure (1) provides a comprehensive survey of reported allegations of sexual victimization for U.S. Navy shore correctional facilities for the calendar years 2008 through 2021.

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

b. There was one allegation of prisoner-on-prisoner abusive sexual contact. Brief synopsis: A post-trial prisoner alleged that another post-trial prisoner approached him while he was seated with his hands on the edge of a table and placed his clothed testicles on his hands. The investigators reviewed camera footage and interviewed the victim in effort to collect the facts. Following careful review of the investigative report, the Incident Review Board determined the allegation of prisoner-on-prisoner abusive sexual conduct to be substantiated. The alleged perpetrator received a facility-based disciplinary report, and a non-contact order was put in place between the parties (perpetrator and victim).

c. There were ten allegations of prisoner-on-prisoner sexual harassment reported. Of the ten allegations reported, one was unsubstantiated, seven were unfounded and two were substantiated. Brief synopsis of the first case: A pre-trial prisoner alleged that another pretrial prisoner made sexually harassing comments towards him. The investigators reviewed camera footage and interviewed the victim and other prisoners in effort to collect the facts. Following careful review of the investigative report, the Incident Review Board determined the allegation of sexual harassment to be substantiated. The alleged perpetrator received a facility-based disciplinary report. Brief synopsis of the second case: A post-trial prisoner made unwarranted and offensive sexual statements to two other prisoners in a day room. The investigators reviewed camera footage and interviewed the victim as well as other prisoners in effort to collect the facts. Following careful review of the investigative report, the Incident Review Board determined the allegation of sexual harassment to be substantiated. The alleged perpetrator received a facility-based disciplinary report and was relocated from the general population to special quarters.

d. There were sixteen allegations of staff sexual misconduct reported. Of the sixteen allegations reported, fourteen were unfounded and two were unsubstantiated.

e. There were zero allegations of staff sexual harassment reported.

6. Sexual Abuse Incident Reviews

a. The U.S. Navy has adopted the national PREA standards in their entirety. Per PREA standard § 115.86 (Sexual abuse incident reviews) of reference (a), each shore 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 correctional 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; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;

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(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 submits+ such report to the facility head and PREA compliance manager.

7. Point of Contact. Mr. Timothy E. Purcell, PERS 00D, at (901) 874-4452, or e-mail: timothy.e.purcell.civ@us.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 (Criminal Investigations Directorate)
AFSFC/FC
PMG/ACC
HQMC/PSL Corrections

SURVEY OF SEXUAL VICTIMIZATION
U.S. Navy Shore Correctional Facilities 2008-2021

Prisoner-on-Prisoner Nonconsensual Sexual Acts				
	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing
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
2020	0	0	0	0
2021	0	0	0	0
Prisoner-on-Prisoner Abusive Sexual Contacts				
	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing
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
2020	0	0	0	0
2021	1	0	0	0
Prisoner-on-Prisoner Sexual Harassment				
	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing
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
2020	1	2	2	0
2021	2	1	7	0

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U.S. Navy Shore Correctional Facilities 2008-2021

Staff Sexual Misconduct				
	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing
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
2020	0	0	5	0
2021	0	2	14	0
Staff Sexual Harassment				
	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing
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
2020	0	0	2	0
2021	0	0	0	0