

# PREA AUDIT: AUDITOR'S SUMMARY REPORT

## ADULT PRISONS & JAILS

NATIONAL  
**PREA**  
RESOURCE  
CENTER



**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice

**Name of facility:** Naval Consolidated Brig Charleston

**Physical address:** 1050 Remount Road, Building 3107, Charleston, SC 29406-3515

**Date reports submitted:** 4/14/15

**Auditor Information**

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**Telephone number:** 864-941-0383

**Date of facility visit:** March 17-19, 2015

**Facility Information**

**Facility mailing address:** (if different from above)

**Telephone number:** 843-794-0306

**The facility is:**

<input checked="" type="checkbox"/> Military	<input type="checkbox"/> County	<input type="checkbox"/> Federal
<input type="checkbox"/> Private for profit	<input type="checkbox"/> Municipal	<input type="checkbox"/> State
<input type="checkbox"/> Private not for profit		

**Facility Type:**  Jail  Prison

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**Agency Information**

**Name of agency:** Navy Personnel Command

**Governing authority or parent agency:** (if applicable) U.S. Navy

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**Agency Chief Executive Officer**

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**Agency-Wide PREA Coordinator**

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# AUDIT FINDINGS

## **NARRATIVE:**

The on-site visit for the initial Prison Rape Elimination Act (PREA) compliance audit for the Naval Consolidated Brig Charleston was conducted March 17-19, 2015. The Brig is a Level II, 272 bed confinement facility for male military personnel. This audit excluded the Alpha-1 Special Housing Unit which prohibits the berthing of any military personnel. The Commanding Officer is only authorized to activate this unit to detain enemy combatants as directed by superior authority in accordance with guidance from the President of the United States via the Secretary of Defense.

In 2013, the Chief of Naval Personnel issued BUPERS Instruction 1640.23 which included directive that military departments operating Level I, II and III confinement facilities develop and implement necessary rules and procedures to comply with the Prison Rape Elimination Act (PREA) with strict enforcement measures and universally high standards. The directive stated the expectation that prevention of rape and sexual violence is the primary focus guiding the most important correctional decisions. The Naval Consolidated Brig Charleston was assigned as "Model Manager" to support PREA within the Navy corrections system.

Prior to the audit, the auditor received from the PREA Compliance Manager the Pre-Audit Questionnaire and an extensive amount of secondary documentation supporting standard compliance. The on-site audit began with an in-briefing attended by the Commanding Officer, Executive Officer, PREA Coordinator from the Navy Personnel Command, PREA Compliance Manager and department heads. Following the in-brief, the auditor was taken on a complete tour of the facility which included all prisoner housing units, vocational and food service areas, all outlying support buildings and administrative areas. During the tour, staffing of areas and monitoring of prisoners was observed. The facility utilizes over 400 cameras and a biometric tracking system to monitor prisoner movement.

During the audit, discussions and interviews were held with the executive staff, the Navy PREA Coordinator, PREA Compliance Manager, numerous specialized staff and contractors, and security officers from all shifts. All staff interviewed, formally and informally, was extremely knowledgeable of their responsibilities relating to PREA. The Naval Consolidated Brig Charleston is to be commended for the effective steps taken to educate all personnel in their duties and responsibilities relating to PREA.

A total of 14% of the 103 prisoners assigned to the Brig at the time of the audit were interviewed. All were well informed about PREA, their rights not to be sexually abused or sexually harassed, how to report sexual abuse or sexual harassment and their right not to be punished if they did so.

## **DESCRIPTION OF FACILITY CHARACTERISTICS:**

Located on the U.S. Naval Weapons Station in Hanahan, South Carolina, the Naval Consolidated Brig Charleston is a Level II (medium security) facility commissioned in 1989 for the confinement of military personnel. The current rated capacity of the facility is 272 beds and houses prisoners from all branches of the military service.

The mission of the Brig is to ensure the security, good order, discipline and safety of pre-trial and post-trial prisoners; to retain and restore the maximum number of personnel to honorable service; to prepare prisoners for return to civilian life as productive citizens; and when directed by appropriate authority, provide dedicated facilities for non-Uniform Code of Military Justice (UCMJ) detainees.

The facility provides extensive programs for prisoners including rehabilitative treatment, substance abuse treatment, counseling, productive work, and religious opportunities. Additionally, work programs are used as a skill-training process and qualify as a U.S. Department of Labor Apprenticeship Program. Programs include carpentry/furniture making/repair, auto maintenance/repair, metal works and welding, sign making, upholstery, service dog canine training, and culinary arts.

## **SUMMARY OF AUDIT FINDINGS:**

At the conclusion of the on-site portion of the audit, a meeting was held to discuss the overall audit process with the Commanding Officer, Executive Officer, Naval PREA Coordinator and management staff of the Naval Consolidated Brig Charleston.

After reviewing the documentation presented prior to the audit in the Pre-Audit Questionnaire, touring and inspecting the facility as it related to PREA and interviewing staff and prisoners, the overwhelming conclusion indicates compliance with all Prison Rape Elimination Act standards that are applicable to the facility.

Throughout the review process, it was evident that the Naval Personnel Command and the leadership of the Naval Consolidated Brig Charleston are committed to a zero-tolerance policy for all forms of sexual abuse and sexual harassment. The Brig staff was exceptionally well informed as to their duty and responsibility as it relates to PREA. The facility is well equipped with the technology to assist in this effort.

Number of standards exceeded: 25

Number of standards met: 16

Number of standards not met: 0

Number of standards not applicable: 2

### §115.11 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

BUPERSINST 1640.23 and NAVCONBRIGCHASNSOP 6495 address this standard. The Navy Personnel Command and the Naval Consolidated Brig Charleston clearly exceed the requirement of the PREA zero tolerance standard with comprehensive policies and procedures and commitment of staffing, training, and technical resources. The Navy Personnel Command has designated an upper level agency wide PREA Coordinator to oversee agency efforts to comply with PREA standards. The Brig has designated a PREA Compliance Manager to ensure PREA standards are adhered to.

### §115.12 - Contracting with other entities for the confinement of inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NOTAPPLICABLE

The Navy Personnel Command does not contract with other entities for the confinement of prisoners.

### §115.13 - Supervision and Monitoring

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. Policy requires the command to review their staffing plan on an annual basis. Reviewing of the staffing plan considers adequate staffing levels and determining the need for video monitoring using the PREA staffing analysis of the NIC Staffing Analysis Workbook. NAVCONBRIGCHASN has been allocated all necessary resources to support operational procedures and programs to ensure compliance with PREA. During the course of the audit, the video monitoring systems were examined, prisoner access to telephones was observed and staffing rosters were reviewed. Documentation was reviewed concerning any deviation from the established staffing plan (no deviations were noted during this audit period) and compliance with SOP requirements of unannounced weekly rounds by intermediate-level and higher level supervisors (documentation

indicated rounds were made as prescribed by SOP). The Brig utilizes in excess of 400 video cameras throughout the facility, to include living units, passageways, program areas, work areas, and sally-ports. These cameras are monitored in the control room and remotely in several other areas of the facility. All cameras have recording capabilities and are archived for a period of time. Additionally, a biometric tracking system is also used to track prisoner movement.

#### **§115.14 – Youthful Inmates**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. The Navy does not enlist minors into the service; however, in the rare instance a prisoner under the age of 18 is confined, SOP requires PREA standards compliance pertaining to youthful prisoners.

#### **§115.15 – Limits to Cross-Gender Viewing and Searches**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. The facility does not allow cross-gender strip or frisk searches of prisoners except in exigent circumstances. Searches of transgender, intersex or gender non-conforming prisoners for the sole purpose of determining the prisoner's genital status is prohibited. Staff stated that prisoners are, per SOP, allowed to shower, perform bodily functions and change clothing without being viewed by the opposite gender. Prisoners interviewed acknowledged this practice was observed by staff. Facility staff of the opposite gender is required to announce their presence when entering a prisoner's housing unit by stating "FEMALE ON DECK". This practice was observed by the auditor during the tour of the facility. Numerous PREA postings (English and Spanish) were observed throughout the facility. Interviews with staff and review of selected training records confirmed that staff had received training in the area of cross-gender frisk searches in exigent circumstances.

### §115.16 – Inmates with Disabilities and Inmates who are Limited English Proficient

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOPs 6495 and 6000.39 address this standard. The facility takes necessary steps, through consultation between facility staff and responsible clinicians, to ensure that prisoners with disabilities and limited English proficiency have opportunity to participate in and benefit from the facility's efforts to prevent, detect and respond to sexual abuse and sexual harassment. Information concerning PREA is distributed in English and Spanish on numerous postings, handouts and in the prisoner handbook. Facility staff and prisoners interviewed were aware of the various methods available for interpreter assistance, and staff was aware that prisoners were not allowed to be used as interpreters in dealing with any PREA related matter.

### §115.17 – Hiring and Promotion Decisions

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. An interview with the Human Resources Manager, review of provided documentation, and selected personnel files indicated that this standard is in full compliance. Records reviewed contained current criminal background checks on staff, contractors and volunteers. SOP states that no one with a background of sexual abuse may be employed and includes a Statement that material omission or providing false information shall be grounds for termination. Documentation provided indicated that a tracking system was in place to ensure that background checks are conducted every five years.

### §115.18 – Upgrades to Facilities and Technology

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

A review of submitted documentation, and observation during facility tour, revealed that the facility has an extensive video camera monitoring system and a biometric tracking system to assist in its goal of preventing sexual abuse and sexual harassment. Discussion with Brig personnel indicated an on-going process of researching and upgrading technology to assist in PREA compliance. The facility has not acquired any new facility or had any substantial expansion or modification since August 20, 2012.

### §115.21 – Evidence Protocol and Forensic Medical Examinations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

BUPERSINST 1640.23 and NAVCONBRIGCHASNSOP 6495 address this standard. Agency and facility SOPs are detailed in all areas of this standard. Interviews with security staff, command investigators and medical personnel, revealed all were well versed in their roles of following established protocols for protection of victim and securing crime scene, required medical examination protocol, and investigative procedures for collection of useable physical evidence for administrative and criminal prosecutions. All allegations of sexual misconduct are referred to Naval Criminal Investigative Service (NCIS). The facility has available the services of Sexual Assault Nurse Examiners (SANEs) through the Medical University of South Carolina. No SANE exams were conducted during this reporting period. If this service, or any other relating to PREA, is required, the prisoner will incur no expense. A Memorandum of Understanding is in place between the facility and People Against Rape, a local victim advocate organization. This arrangement, in conjunction with the facility's Sexual Assault Prevention and Response (SAPR) program and the PREA Compliance Manager's national certification as a Sexual Assault Intervention Specialist exceed standard requirements.

### §115.22 – Policies to Ensure Referrals of Allegations for Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

BUPERSINST 1640.23 AND NAVCONBRIGCHASNSOP 6495 addresses this standard. Both agency and facility SOP direct that all allegations of sexual misconduct be referred to the Naval Criminal Investigative Service (NCIS) for investigation. If NCIS declines investigative jurisdiction, the allegation is investigated by qualified command investigators. All administrative investigations are conducted by the facility. Interviews with command investigators found them very knowledgeable of their responsibilities relating to PREA. Each has completed specialized training in conducting investigations in a confinement setting. There were four allegations of sexual harassment during this audit period. After investigation, the allegations were determined to be unfounded.

### §115.31 – Employee Training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. The facility provides PREA training for all staff, contractors, volunteers and interns. Staff receives pre-service training at assignment and annual refresher training thereafter. Training is tailored to the gender of the facility. In conjunction with on-site training curriculum, staff is required to complete a National Institute of Corrections (NIC) on-line PREA course. All staff sign a PREA staff training acknowledgement form and receive a "Quick Series" PREA standards reference booklet and a laminated business size card with PREA first responder duties. A review of training records and staff indicated that training requirements were being met.

### §115.32 – Volunteer and Contractor Training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOPs 6495, 1008 and 306 address this standard. Facility SOPs require that all contractors, volunteers and interns who have contact with prisoners must be trained on their responsibilities relating to PREA. The level and type of training provided is based on the service they provide and the level of contact with prisoners. All contractors and volunteers sign a PREA training acknowledgement form. The trainer maintains the form for documentation purposes.

### §115.33 – Inmate Education

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. Prisoners receive information concerning the facility's zero-tolerance policy regarding sexual misconduct and how to report incidents or suspicion of sexual misconduct during the intake process. Additionally, during their first 30 days of being assigned, prisoners are given an intensive educational course regarding the zero-tolerance policy of the Brig. This information is presented orally,

through videos, prisoner handbook and is posted throughout the facility in both English and Spanish. Additionally, the "hotline" number to call to report abuse or harassment is posted in each housing unit. Provisions are in place to accommodate the needs of any disabled prisoners. Upon completion of the training, prisoners sign an acknowledgement of having received the information.

### **§115.34 – Specialized Training: Investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. All PREA related investigations are initially reported to the Naval Criminal Investigative Service (NCIS). In the event NCIS declines investigative jurisdiction, command criminal investigators conduct the investigation. Investigators assigned to the Brig have received specialized training in conducting sexual abuse investigations in a confinement setting through the National Institute of Corrections (NIC). Investigators were interviewed and outlined procedures followed when conducting a PREA related investigation. Training records reviewed confirmed completion of specialized training.

### **§115.35 – Specialized training: Medical and mental health care**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOPs 6495 and 1002 address this standard. All medical and mental health practitioners assigned to the Brig have received specialized training in both medical and behavior health care for victims of sexual assault in a confinement setting through the National Institute of Corrections (NIC). This training included techniques for detecting and assessing signs of sexual abuse and harassment; preservation of physical evidence of sexual abuse; how to respond effectively and professionally to victims of sexual abuse and harassment; and proper reporting of allegations and suspicions of sexual abuse. Training records reviewed confirmed completion of specialized training.

### **§115.41 – Screening for Risk of Victimization and Abusiveness**

- Exceeds Standard (substantially exceeds requirement of standard)

- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. All prisoners are assessed upon arrival at the facility, utilizing an objective screening instrument, to determine their risk of sexual victimization or risk of being sexually abusive. For prisoners transferring into the facility, the transfer record is reviewed and a National Crime Information Center (NCIC) check is conducted and notification is made to the proper officials if a prisoner has been arrested for or convicted for sexual abuse or violent offenses. Initial housing and program assignment are determined after assessing this information. A reassessment of each prisoner's risk of sexual victimization or abusiveness is made within 14 days of arrival. Following the 14 day review, another review may be conducted anytime actions or information is produced that warrants such action.

Intake staff was interviewed and the intake and assessment process and screening instrument was reviewed during the audit.

#### **§115.42 – Use of Screening Information**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

BUPERSINST 1640.22 and NAVCONBRIGCHASNSOPs 6495, 1002 and 605 address compliance with this standard. Information obtained from the screening instrument is utilized to determine housing, cell/bed assignment, work, education and program assignment. Determination of these assignments is made with the goal of keeping prisoners at high risk of being sexually victimized separate from those who are at high risk of being sexually abusive and providing the prisoner with placement in the safest environment possible. Procedures include provisions for continued re-assessment and follow-up monitoring if required. The Brig has a Classification and Assignment Board that meets daily with all facility departments represented, with meeting minutes forwarded directly to the Commanding Officer for approval and signature. The facility's direct supervision model, staff to prisoner ratio and single cell assignment contributes to this standard exceeding requirement.

#### **§115.43 – Protective Custody**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOPs 6495 and 509 address this standard. Policy specifies that a prisoner at high risk for sexual victimization shall not be placed in involuntary administrative segregation unless an assessment of all available alternatives has been made and no means of separation from likely abusers are available. Prisoners placed in this status shall have access to all programs and privileges offered to other prisoners, to the extent possible. A review of the prisoner's status shall occur every seven days. There have been no prisoners placed in this status during this reporting period. Staff advised that an alternative placement is always available.

### §115.51 – Inmate Reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOPs 6495 and 306 address this standard. Prisoners have multiple internal and external methods to privately report sexual misconduct, retaliation by other prisoners or staff for reporting sexual misconduct, and staff neglect or violations of responsibilities that may have contributed to such incidents. Reports can be made verbally to a staff member, anonymously, through a third party or directly to the Commanding Officer by submitting a Prisoner Request Form, via the Commanding Officer's mail box. Additionally, prisoners have access to free 24 hour telephone service to multiple hotlines to outside agencies for reporting and counseling services. Prisoners begin receiving this information upon admittance to the facility through a PREA Intake Information Sheet and a prisoner's handbook. Shortly after arrival, prisoners attend an orientation class which includes in-depth instruction relating to PREA and ways to report related incidents. Posters and signs emphasizing the commands zero tolerance policy are displayed throughout the facility. Interviews with prisoners indicated that they were well aware of their right not to be sexually abused or sexually harassed, and that, if such an incident occurred, how to report it. Interviews with staff indicated they were keenly aware of their responsibilities and duty to protect prisoners and immediately report any suspicion or violation.

### §115.52 – Exhaustion of Administrative Remedies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

N/A

This standard is not applicable to the Naval Consolidated Brig, Charleston.

### §115.53 – Inmate Access to Outside Confidential Support Services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. The facility provides multiple methods and access to advocates outside the command structure for prisoners to report sexual misconduct privately. Memorandum of Understanding is in place with both national and local advocates to provide prisoners confidential emotional support services relating to sexual abuse. Prisoners are informed that telephone calls placed to these advocates, as well as correspondence, is considered privileged and is not recorded or read. Information concerning how to contact advocates is posted throughout the facility. Prisoners interviewed were very knowledgeable of and how to contact advocates.

### §115.54 – Third-Party Reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. Information regarding third party reporting of sexual abuse or sexual misconduct on behalf of prisoners is posted in all areas of the facility, in the prisoner handbook, and multiple methods listed on the facility website. Additionally, the Department of the Navy contracts with RAINN (national victim advocacy organization) for a live person, 24 hour, no cost, response service (Safe Helpline) which includes third-party reporting. This is an international third-party reporting method that may be utilized by prisoners who may have family members located overseas. These multiple ways for third-party reporting exceeds standard requirements.

### §115.61 – Staff and Agency Reporting Duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOPs 6495 and 306 address this standard. Staff interviewed was acutely aware of their responsibility to immediately report allegations of sexual abuse, sexual harassment, retaliation against individuals who report such incidents or any staff neglect or violations of responsibilities that may have contributed to an incident or retaliation. Information relating to a report of sexual abuse is limited to those with a need to know. All allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, are required to be reported to the Naval Criminal Investigative Service (NCIS).

### §115.62 – Agency Protection Duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. A prisoner who feels at substantial risk of imminent sexual abuse may submit an emergency request to any staff member, verbally or in writing. The request is required to be immediately forwarded to the Command Duty Officer, who shall take immediate action to protect the prisoner. All staff interviewed was knowledgeable of their responsibilities if they were confronted with this type situation. During interviews, staff produced a laminated business size card listing first responder duties and a pocket size PREA standards quick reference booklet. These were provided by the facility to ensure staff always has immediate reference information outlining actions to be taken when they become aware of any PREA related issue.

### §115.63 – Reporting to Other Confinement Facilities

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. Policy requires the Commanding Officer of the Naval Consolidated Brig Charleston to report any PREA related allegation by a prisoner that occurred at another facility to the Commanding Officer of the facility where the alleged incident occurred as soon as possible, but at least within 72 hours of receiving the allegation. The Naval Criminal Investigative Service (NCIS) is required to be notified to initiate an investigation into the allegation. The Naval Consolidated Brig Charleston has not received any allegations of sexual assault or sexual harassment that occurred at another facility, nor has the command received notification of any such allegation from another facility during this reporting period.

### §115.64 – Staff First Responder Duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. All staff, contractors and volunteers are trained in duties of first responders. Staff and contractors interviewed were very knowledgeable of their responsibilities as first responders and, for quick reference purposes, carry laminated cards outlining those duties. During this reporting period, there were four allegations of sexual harassment. In reviewing documentation, each allegation was properly handled by first responders, investigated and determined to be unfounded.

### **§115.65—Coordinated Response**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. Policy describes in detail the actions required to be taken by staff, contractors and volunteers in the event any PREA related incident occurs. Annual training is required of all personnel to ensure each is familiar with their duties and responsibilities. All staff is provided with pocket size booklets of the PREA Standards, as well as a laminated business card size list of first responder duties. Interviews with staff, formally and informally, indicated a clear understanding of their responsibilities relating to PREA.

### **§115.66 – Preservation of ability to protect inmates from contact with abusers**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. Naval Consolidated Brig Charleston has not entered into a collective bargaining agreement since August 20, 2012.

### §115.67 – Agency protection against retaliation

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. Facility policy specifically prohibits retaliation against any prisoner or staff member who reports an incident of sexual abuse or sexual harassment or who has cooperated with an investigation relating to sexual abuse or sexual harassment. The PREA Compliance Manager is designated by the Commanding Officer as the staff member responsible to monitor all possibilities of retaliation. Monitoring includes review of prisoner disciplinary reports, housing or program changes or negative performance reviews. Monitoring reviews are conducted at least every 30 days for 90 days and may be extended as long as necessary, if required. During this reporting period, there were no cases reported of retaliation against prisoners or staff that cooperated with an investigation.

### §115.68 – Post-Allegation Protective Custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. Interviews with staff and tour of facility indicated that a viable alternative to placement in involuntary segregated housing is available at the Brig. There have been no prisoners placed in post-allegation protective custody during this reporting period.

### §115.71 – Criminal and Administrative Agency Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. As soon as reasonable suspicion of sexual misconduct is confirmed, policy requires the allegations be referred to the Naval Criminal Investigative

Service (NCIS) for investigation. Agents of NCIS have been trained in conducting sexual abuse investigations. In instances where NCIS declines investigative jurisdiction, the case is referred to command criminal investigators, who are trained in investigating sexual abuse in a confinement setting. The allegations are promptly, thoroughly and objectively investigated, including third party and anonymous reports. In any administrative investigation, an effort is made to determine whether staff actions or failure to act contributed to the abuse. There were no referrals of charges or criminal prosecutions of sexual misconduct during this reporting period.

### §115.72 – Evidentiary Standard for Administrative Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. The facility does not impose an evidentiary standard higher than the preponderance of evidence in determining whether allegations of sexual misconduct are substantiated.

### §115.73 – Reporting to Inmate

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. Following an investigation into a prisoner's allegation that they have suffered sexual misconduct in the facility, the prisoner is notified in writing by the Commanding Officer in all cases as to whether the allegation was substantiated, unsubstantiated or unfounded. Documentation reviewed indicated there were four cases alleging prisoner-on-prisoner sexual misconduct (all determined to be unfounded) requiring prisoner notification during this reporting period. Brig SOP exceeds standard requirements by requiring that a prisoner alleging sexual misconduct be informed of outcome of the investigation, even if the allegation involves a staff member and is determined to be unfounded.

### §115.76 – Disciplinary sanctions for staff

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIDCHASNSOPs 6495 and 306 address this standard. Staff is subject to disciplinary action up to an including termination for violation of sexual abuse or sexual harassment policies. Termination is the presumptive disciplinary action for staff who engages in sexual abuse. In any case where sexual abuse or sexual harassment is substantiated, but does not result in termination, discipline includes removal of staff member from working in any naval confinement facility. There have been no disciplinary actions for violations of policy relating to sexual abuse or sexual harassment during this reporting period.

### §115.77 – Corrective action for contractors and volunteers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOPs 6495 and 306 address this standard. Any volunteer, contractor or intern who engages in sexual abuse shall be prohibited from contact with prisoners and shall be reported to law enforcement, unless activities was clearly not criminal, and to relevant licensing or endorsement bodies (e.g., nursing board, education board or institution, credentialing organization or religious endorsing agencies, etc.). There has been no instances in which a contractor or volunteer engaged in sexual abuse during this reporting period.

### §115.78 – Disciplinary sanctions for inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGSOPs 6495, 6000.39, 503 and BUPERSINST 1640.22 address this standard. Prisoners are subject to disciplinary action pursuant to an established disciplinary process following an administrative finding that a prisoner engaged in sexual misconduct. Actions imposed are commensurate with the nature and circumstances of abuse committed, the prisoner's disciplinary history and actions imposed for

comparable offenses by other prisoners. Disciplinary action may only be imposed on prisoner for sexual contact with staff only upon a finding that the staff member did not consent to such contact. There have been no disciplinary sanctions taken against a prisoner for sexual misconduct during this reporting period.

### §115.81 – Medical and mental health screenings; history of sexual abuse

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review)

Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOPs 6495 and 1002 address this standard. During initial intake processing, prisoners are screened for risk of sexual victimization and abusiveness. If screening assessment indicates prisoner has been the victim or perpetrator of sexual abuse, medical and mental health practitioners offer a follow-up meeting within 14 days of intake. These prisoners are identified, monitored and counseled. Re-assessment and follow-up services are available, if needed. Any information related to sexual victimization or abusiveness is strictly limited to medical and mental health practitioners and other staff, as necessary, to assign treatment plans, security and management decisions and program assignments. Screening and assessment records reviewed indicated that two prisoners were identified in this reporting period during the intake screening process and referred to medical and mental health practitioners.

### §115.82 – Access to emergency medical and mental health services

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOPs 6495, 1002 and 6000.11 address this standard. Prisoner victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff will take steps to protect the victim and notify emergency medical services for transport to the appropriate medical facility. Prisoners requiring emergency medical treatment and crisis intervention receive services at no financial cost to the prisoner. Interviews with staff and review of documentation indicated that no prisoner was a victim of sexual abuse during this reporting period.

### **§115.83 – Ongoing medical and mental health care for sexual abuse victims and abusers**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOPs 6495, 6000.11, 6000.58 and 1002 address this standard. Medical and mental health evaluation and, as appropriate, treatment is offered to all prisoners who have been victimized by sexual abuse in any prison, jail, lock-up or juvenile facility. Evaluation and treatment include follow-up services, treatment plans and, if necessary, referrals for continuing care following transfer or release. Mental health evaluations are conducted of all known prisoner-on-prisoner abusers within 60 days of learning of such abuse history. Interviews with staff and review of documentation indicated that no prisoners required these services during this reporting period. The Brig has multiple layers of medical and mental health treatment that exceeds requirements of the standard.

### **§115.86 – Sexual abuse incident reviews**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. An immediate review is conducted at the conclusion of all investigations of alleged sexual abuse or sexual harassment, even in cases where the allegation has been determined to be unfounded. The PREA Incident Review Board is convened to consider whether the allegation indicates a need to change policy or practice, and to consider any other factors that may have impacted the allegation or incident. A report of the findings of the Board and recommendations are forwarded to the Commanding Officer, NAVPERSCOM PREA Coordinator and PREA Compliance Manager. Recommendations are implemented or reasons for not doing so are documented. The Brig's requirement of convening the Incident Review Board to review all allegations of sexual misconduct, including unfounded allegations, exceeds standard requirements.

### **§115.87 – Data Collection**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

AVCONBRIGCHASNSOP 6495 addresses this standard. The facility collects accurate, uniform data for every allegation of sexual misconduct using a standard instrument and set of definitions from the most recent version of the Summary of Sexual Violence (SSV) conducted by the Department of Justice. This data is forwarded to NAVPERSCOM (PERS-00D), who forwards the data to the Department of Justice as required.

### §115.88 – Data Review for Corrective Action

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. The facility PREA Compliance Manager reviews incident-based sexual misconduct data collected to assess and improve the effectiveness of the facility's sexual abuse prevention, detection and response policies, practices and training to identify problem areas and take corrective action. The PREA Compliance Manager provides all such data to NAVPERSCOM (PERS-00D) for correlation and publication through its website or through other means.

### §§115.89 – Data Storage, Publication, and Destruction

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NAVCONBRIGCHASNSOP 6495 addresses this standard. All facility staff and departments are required to forward any and all PREA related documentation and sexual abuse data to the PREA Compliance Manager. The PREA Compliance Manager is required to maintain sexual abuse data (to include, incident reports, investigative reports, offender information, case disposition and evaluation finding) for at least ten years after the date of the initial collection unless legally required otherwise.

**AUDITOR CERTIFICATION:**

The auditor certifies that the contents of the report are accurate to the best of his/her knowledge and no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.



\_\_\_\_\_  
Auditor Signature

4/14/2015

\_\_\_\_\_  
Date