

INFORMATION PAPER

DAPM-ACC

18 December 2015

SUBJECT: 2014 Army Corrections Command (ACC) Annual Prison Rape Elimination Act (PREA) Report

1. **PURPOSE.** To publish the annual report and aggregate incident-based sexual abuse data per § 115.87 of 28 C.F.R. Part 115 (U.S. Department of Justice National Standards to Prevent, Detect, and Respond to Prison Rape under the Prison Rape Elimination Act (Prisons and Jails Standards)) occurring at Army Correctional Facilities within the United States.

2. **DISCUSSION.**

a. The Prison Rape Elimination Act of 2003 (PREA; Public Law 108-79), was enacted to address sexual abuse problems in confinement facilities. Major provisions of PREA include the development of standards for detection, prevention, reduction, and punishment of prison rape. PREA also requires all confinement facilities to collect and report detailed information regarding sexual victimization of prisoners. The Act applies to public, private, and federal institutions that house adult or juvenile offenders. Presidential Memorandum, "Implementing the Prison Rape Elimination Act," May 17, 2012 directed Department of Defense (DoD) to implement PREA in whole or develop its own standards within 180 days. DoD accepted the PREA standards as written. Directive-type Memorandum (DTM) - 081, "Department of Defense Implementation of the Prison Rape Elimination Act (PREA)" 10 February 2013, required all Services to develop and implement necessary policy and procedures to satisfy the requirements of PREA.

b. Army Corrections has always had a zero tolerance policy on sexual abuse and sexual harassment involving prisoners. ACC Policy letter #35 is the base policy for facilities to implement policy and procedures to comply with PREA standards. All allegations of sexual abuse and sexual harassment, regardless of severity or merit, are investigated. All sexual abuse allegations are immediately reported to the U.S. Army Criminal Investigative Command (CID) for investigation. For the Department of the Army, CID is the applicable Military Criminal Investigation Organization (MCIO) for investigations. Non-criminal (e.g., administrative) investigations occurring within an Army Correctional Facility generally fall under the cognizance of the facility commander. After review of an allegation, CID can have the local facility investigation section investigate a sexual abuse allegation.

c. ACC collects data from each facility on all allegations of sexual abuse and sexual harassment. The data is reviewed, then utilized to assess and improve the effectiveness of its sexual abuse prevention, detection and response

policies/procedures. The information helps identifying training needs, trends, problem areas and taking corrective action needed. The data is used to complete the U.S. Department of Justice Survey of Sexual Victimization (SSV) when requested. This is the second annual report on sexual abuse since ACC implementation of the PREA standards.

d. ACC had 825 prisoners confined on December 31, 2014. The number of new admissions to our facilities was 673, and the average daily population was 827.

e. In 2014, there was a significant increase in all facilities regarding the number of allegations of Staff Sexual Abuse resulting from frisk searches (see attached). Of the 20 allegations, 19 were directly related to frisk searches and all of the allegations were unfounded by the investigating agency. A corrective action plan was to conduct frisk searches in front of the Closed Circuit Television (CCTV). This enhanced the investigations by providing visible evidence to the investigators. The number of allegations of prisoner on prisoner sexual abuse and allegations of prisoner on prisoner sexual harassment also increased slightly. All cases were unsubstantiated or unfounded. The increase in allegations and high number of reporting to staff correlates with the United States Disciplinary Barracks (USDB) PREA audit prisoner interviews where prisoners usually responded in interviews they would report to staff allegations of sexual abuse and harassment. There were no substantiated PREA allegations. The enclosed table provides a facility comparison on the number of allegations by staff and prisoners in 2013 and 2014.

f. In 2014 ACC in coordination with the Army Review Boards Agency Corrections Oversight Office continued the PREA working group to discuss policy development and topics relevant to improving the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training. A number of initiatives, development of new programs and modifications of existing programs resulted from those meetings to include:

(1) Revised intake screening tools for potential "victims and abusers". The standard 115.41 which addresses the screening tool was assessed as exceeds standards during the USDB PREA audit.

(2) Developed proactive policies/procedures outlining the monitoring/protection of staff and prisoners against retaliation for those individuals who report sexual harassment/abuse. This comprehensive team approach would oversee, coordinate and collect information in order to determine if any retaliation has occurred. This monitoring will continue for a minimum for 90 days.

(3) Participated in the DoD Corrections PREA Working Group that developed several courses of action, guidance/recommendations to DoD regarding the mandatory restricted reporting. These recommendations were adopted into policy and allowed correctional facilities to comply with the PREA Standards regarding mandatory

reporting. The Army Review Boards Agency Corrections Oversight Office chairs the DoD Corrections PREA Working Group.

(4) Conducted meetings and briefings with all facility command teams to inform them of the agency's progress and to share their best practices and lessons learned.

(5) Coordinated with the Rape Abuse and Incest National Network (RAINN) to develop an overview training class regarding PREA and provide information on daily prison operations. This was used to train and familiarize the staff from RAINN on the daily life and issues incurred by prisoners.

(6) Coordinated with CID to develop a Memorandum of Understanding between ACC facilities and CID regarding investigations.

g. The USDB received a PREA Audit (Adult Prisons & Jail) 21-23 October 2014. The final report was issued 1 May 2015. The USDB was evaluated on 43 standards with the the following results: met the standards in 33 areas, exceeded the standards in 8 areas and 2 standards were listed non-applicable.

h. Based on the review of the data, it appears the Army's efforts to combat sexual abuse and sexual harassment in Army Correctional Facilities have been successful. The Army is committed to PREA and to ensuring its correctional facilities are safe for prisoners and staff.

i. This annual report is available to the public on the Office of the Provost Marshal General (OPMG) website at http://www.army.mil/article/131402/Army_Corrections_Command_PREA_Information

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2013	
Facility	Allegations of Staff on Prisoner Sexual Abuse
	Substantiated Unsubstantiated Unfounded
USDB	1 1 0
MWJRCF	0 0 0
NWJRCF	0 0 0

2013	
	Allegations of Prisoner on Prisoner Sexual Abuse
	Substantiated Unsubstantiated Unfounded
	0 1 0
	0 1 0
	0 0 0

2014	
	Allegations of Staff on Prisoner Sexual Abuse
	Substantiated Unsubstantiated Unfounded
USDB	0 0 8
MWJRCF	0 0 4
NWJRCF	0 0 7

2014	
	Allegations of Prisoner on Prisoner Sexual Abuse
	Substantiated Unsubstantiated Unfounded
	1 1 1
	0 0 0
	0 0 0

Key;
 United States Disciplinary Barracks (USDB)
 Midwest Joint Regional Correctional Facility (MWJRCF)
 Northwestern Joint regional Correctional Facility-JBLM (NWJRCF)

Facility	2013		
	Allegations of Staff on Prisoner Sexual Harassment		
	Substantiated	Unsubstantiated	Unfounded
USDB	0	0	0
MWJRCF	0	0	0
NWJRCF	0	0	0

2013		
Allegations of Prisoner on Prisoner Sexual Harassment		
Substantiated	Unsubstantiated	Unfounded
0	0	0
0	0	0
0	0	0

Facility	2014		
	Allegations of Staff Sexual Harassment		
	Substantiated	Unsubstantiated	Unfounded
USDB	0	0	0
MWJRCF	0	0	0
NWJRCF	0	0	0

2014		
Allegations of Prisoner Sexual Harassment		
Substantiated	Unsubstantiated	Unfounded
0	2	2
0	0	1
0	0	1

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