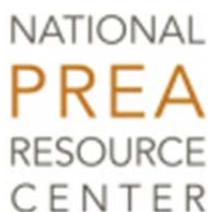


XPREA AUDIT: AUDITOR'S SUMMARY REPORT

ADULT PRISONS & JAILS



[Following information to be populated automatically from pre-audit questionnaire]

Name of facility:		Naval Consolidated Brig Miramar	
Physical address:		46141 Miramar Way, San Diego, CA 92145	
Date report submitted:		March 16, 2015	
Auditor Information			
Address:		26 Waterford Lane	
Email:		Tome8689@excite.com	
Telephone number:		315-255-2688	
Date of facility visit:		June 17-19, 2014	
Facility Information			
Facility mailing address: <i>(if different from above)</i>			
Telephone number:			
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:	<input type="checkbox"/> Jail	<input checked="" type="checkbox"/> Prison	
Name of PREA Compliance Manager:		FCC Larry Evans	Title: PREA Compliance Manager
Email address: Larry.evans@navy.mil		Telephone number:	858-577-7105
Agency Information			
Name of agency:		Navy Personnel Command (Corrections and Programs Office, PERS-00D)	
Governing authority or parent agency: <i>(if applicable)</i>		U.S. Navy, Chief of Naval Personnel	
Physical address:		5720 Integrity Dr, Bldg 457, Rm 64, Millington, TN 38055	
Mailing address: <i>(if different from above)</i>			
Telephone number:		901-874-4442	
Agency Chief Executive Officer			
Name:		William Peck	Title: Director, Corrections and Programs Office

Email address:	william.peck@navy.mil	Telephone number:	901-874-4442
Agency-Wide PREA Coordinator			
Name:	Mr. Timothy Purcell	Title:	Dep. Director, Corrections and Programs Office
Email address:	timothy.purcell1@navy.mil	Telephone number:	901-874-4452

AUDIT FINDINGS

NARRATIVE:

Naval Consolidated Brig Miramar (NCBM) is a medium security facility that confines both male and female military offenders from throughout the Department of Defense. Confinees include male and female prisoners awaiting trial by courts-martial, male prisoners who have been awarded sentences up to ten years, and female prisoners with sentences up to and including life imprisonment. The facility includes areas for single-cell housing, offender work programs, vocational training, education, treatment programs, health services, food services, maintenance and warehouse space, records storage, and administration. Naval Consolidated Brig Miramar is located 12 miles north of San Diego on Marine Corps Air Station Miramar. It resides on approximately 33 acres of a sage covered mesa bordering a canyon, a golf course, and industrial/commercial property. The mission of Naval Consolidated Brig Miramar 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; and to prepare prisoners for return to civilian life as productive citizens.

DESCRIPTION OF FACILITY CHARACTERISTICS:

The brig was constructed in 1989 and expanded in 2011. There are two main buildings of approximately 275,000 square feet and ten smaller buildings totaling 38,000 square feet. There are approximately 250 military and civilian corrections professionals working at NCBM and 90 volunteers assisting with programs and services. The staff is comprised of Navy and Air Force civilians as well as military personnel from the Navy, Air Force, Marine Corps and Army. Naval Consolidated Brig Miramar can accommodate up to 519 male and 80 female prisoners in single bed cells.

Programs at NCBM give prisoners an opportunity to prepare for their successful return to the community upon release. Education programs can help them complete their basic education. Parenting classes are designed to help them learn skills to resume care for their children in a responsible manner. Offense-related treatment aims to assist offenders in recognizing and understanding criminal thinking, interrupt criminal behaviors, develop alternative responses, and redirect them in a positive manner. Alcohol and drug treatment programs teach offenders to overcome their chemical dependencies. Work programs teach them how to hold down jobs and teach them new skills for the work place. Religious programs provide a spiritual environment to encourage individual development and give participating offenders a foundation for lifestyle improvements. Programs give offenders access to the tools they need to practice and use to live a crime-free, responsible life while confined and upon release.

SUMMARY OF AUDIT FINDINGS:

During the visit the auditor conducted 10 random prisoner interviews, 1 random prisoner interview from a list that included potential “victims” based on criteria from the Intake Screening Tool, 3 prisoners that alleged sexual abuse, 1 transgender prisoner, 12 random staff, and all specialized staff as outlined in the Bureau of Justice Assistance documents. The prisoners and staff were well aware of PREA and the zero tolerance policy of the Agency. Prisoners interviewed were knowledgeable about how and where to report sexual abuse and sexual harassment. They all indicated they had received written information either on their arrival or on the housing units for those that have been at the facility for a considerable amount of time. All staff at Miramar are trained to be first responders. Staff members were well versed on their responsibilities in reporting sexual assaults and suspected sexual abuse and responding. When questioned about evidence preservation and medical considerations, staff responses reflected agency and local policy. Informational posters were viewed throughout the facility, in Spanish and English.

What is interesting to note is that the Brig starts each of their investigations as a criminal investigation and refers them immediately to the Naval Criminal Investigative Service (NCIS) and works backwards to an administrative investigation if the facts do not support a crime. During the review period, the institution had 7 allegations of sexual abuse and 0 cases of sexual harassment. Four of these allegations involved prisoners alleging abuse by another prisoner and three involved a prisoner allegation against a staff member. Of the four-prisoner allegations against another prisoner, all cases were unsubstantiated. Of the three allegations made by prisoners against staff, two were unsubstantiated with one still under investigation.

Number of standards exceeded:	4
Number of standards met:	37
Number of standards not met:	0
Non-applicable:	2

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

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The Agency Policy (Prison Rape Elimination Act Ser 00D/040) mandates zero tolerance of sexual abuse and sexual harassment toward any prisoner. Miramar policy (Prison Rape Elimination Act Compliance SOP 817.2) defines the prohibited acts including sanctions. The policies outline the agency and facility approach to preventing, detecting and responding to sexual abuse and sexual harassment, and also outlines responsibilities of staff.

The Auditor interviewed the Director, Corrections and Programs Office, Bill Peck, who demonstrated his commitment to insuring PREA standards are front and center in the facilities he operates. He appointed Timothy Purcell as the Agency PREA Coordinator.

The interview with Mr Purcell indicated he had direct access to the Director and has the authority to develop and implement policies within Navy Corrections for compliance to PREA standards. He indicated during the interview he had sufficient time to oversee PREA compliance agency wide as well as his other duties.

The facility PREA Compliance Manager, Hien Phan, discussed in detail his respective responsibility to ensure compliance to policies by staff. He also indicated he had sufficient time to perform the duties associated with the title.

§115.12 - Contracting with other entities for the confinement of Prisoners

The Agency does not contract with anyone to confine prisoners. This standard is not applicable.

§115.13 – Supervision and Monitoring

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The auditor reviewed the staffing plan with the Commanding Officer discussing the standard criteria items that the facility takes into consideration while examining their plan. The Commanding Officer indicated that on all occasions where the plan is not followed she is notified. The plan is reviewed annually (April) by the Executive Staff (including PREA Manager) with recommendations sent to PREA Coordinator who discusses the report directly with the Director. The plan was reviewed in April 2014, and the auditor reviewed the submission to the Director.

In February, a Naval corrections team, including the PREA Coordinator, did an extensive examination of the physical plant determining blind spots and sight lines. As a result, the facility increased, by 26, the amount of cameras in the institution further enhancing supervision.

§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)

Miramar rarely receives a prisoner under the age of 18. Only happening if someone lied about their age upon entering into the military, as an example. It is an extremely rare occasion when this would occur. But the facility does have a policy and procedure in place to house youthful prisoners separately from adults ensuring sight and sound separation outside of the Housing Units.

§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)

Although there are male and female prisoners at Miramar, the majority of staff at each facility are of the same gender as the prisoners. In the cases where this is not the case, staff of the opposite sex announce their presence each time upon entering the living areas.

Agency, as well as facility policy, does not allow for cross gender strip searches or body cavity searches by staff. If necessary, they will only be done by medically trained staff.

The Restricted Housing Units, in the male and female section of the institution, have two observation cells with cameras that see the entire cell including the toilet. In

each of these areas there is a control area that is staffed by the same gender as the prisoners. When this staff person makes his/her required round the camera is switched to the main control. Because the staff can be male or female in the main control room it could result in a short time cross gender viewing. This only occurs when there is a prisoner under suicide watch or close observation for suicide during the short period of the staff round. Miramar meets the standard however as the viewing is considered "operationally indicated."

§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)

Miramar ensures that prisoners with disabilities and prisoners who are limited English proficient have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. PREA information is available in Spanish, Tagalog and English. Miramar has access with Military OneSource to provide interpretive services for prisoners for which there are no staff to translate. All military personnel must be proficient in English as a condition of joining any branch of Service. Staff interviews confirmed policy of not using prisoners as interpreters.

§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)

Miramar policy SOP 817.2 ensures that every person who enters the facility as an employee, contractor or volunteer receives a background check. Anyone convicted of, or adjudicated of a sexual assault/abuse will not be promoted or even hired at the facility. It also considers all incidents of sexual harassment prior to hiring or promoting anyone. Miramar is currently up to date with 5 year background checks on employees

During the site visit, the facility and the agency did not have in place a policy that provided information on substantiated allegations of sexual abuse involving any former employees upon receiving a request from an institutional employer for whom such employee has applied to work unless prohibited by law. The Navy Personnel

Command issued a clarification to Agency Policy in November 2014 that outlines the process by which requests made by employers, on any substantiated sexual abuse or sexual harassment will be handled. When or if the facility receives a request it is forwarded to Navy Personnel Command (Central Office) for processing. The information requested will be forwarded if not prohibited by law. There have been no requests to date.

§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)

Miramar has had no major structural modifications done since 2011. In February, a Naval corrections team, including the PREA Coordinator, did an extensive examination of the physical plant determining blind spots and sight lines. As a result, the facility increased, by 26, the amount of cameras in the institution to enhance supervision and security.

§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)

Miramar staff is responsible for conducting administrative investigations while NCIS is responsible for all criminal investigations. As previously outlined in the narrative, all allegations of sexual assault are immediately turned over to NCIS for a criminal investigation. If it has been determined there is no crime or not enough evidence to support a crime the facility is notified by NCIS to conduct an administrative investigation. The facility investigators have received additional training on investigative techniques adopted from the recent edition of DOJ "National Protocol for Sexual Assault Medical Forensic Examinations." The training is documented in their training records and was disclosed during interviews. Prisoners that are victims of sexual assault are offered access to forensic exams at no cost through Naval Medical Center- San Diego. The hospital has a SAFE/SANE nurse available at all times. The facility has not sent any prisoners out for a forensic exam. Miramar has an MOU with Sexual Assault Prevention and Response Office to provide victim advocate services to any prisoner involved in a sexual assault. Informational posters with contact information are available throughout the facility.

§115.22 – Policies to Ensure Referrals of Allegations for Investigations

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The Agency Policy (Prison Rape Elimination Act Ser 00D/040) and the Miramar policy (Prison Rape Elimination Act Compliance SOP 817.2) both require administrative and criminal investigations be completed on all allegations of sexual abuse and sexual harassment. The policy and agency responsible for investigations (NCIS) is posted on their web site. A review of all their case files demonstrates adherence to their policy. This policy and process were confirmed during interviews with both investigators from the facility and NCIS.

§115.31 – Employee Training

X 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)

Miramar puts a strong emphasis on staff training. Each individual is trained as a first responder. The training curriculum follows all criteria outlined in the standard. All staff interviewed were clear on their responsibilities in dealing with sexual abuse and sexual harassment. All staff carry a laminated card which outlines how to respond to any sexual abuse case so that safety of the prisoner is paramount and evidence is preserved to ensure a successful prosecution. Miramar's training requirement is that all staff receive PREA training annually instead of every two years as the standard requires.

§115.32– Volunteer and Contractor Training

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

All contractors and volunteers receive PREA training prior to assuming their responsibilities. The auditor reviewed training records in which they signed

acknowledging and understanding the training. This was also substantiated during the contractor and volunteer interviews.

§115.33 – Inmate Education

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

All prisoners at Miramar, during intake, receive written documents explaining PREA, and the Agency policy of zero tolerance regarding sexual abuse and sexual harassment. They sign for these materials. Their policy requires that each prisoner, within 30 days of intake receive comprehensive education on their right to be free from sexual abuse and sexual harassment. Interviews with prisoners and review of files show this comprehensive training was done in most cases within 14 days. Posters throughout the facility indicate zero tolerance and prisoner interviews indicated they were aware of what zero tolerance meant, how and where to report and freedom from retaliation if they reported.

§115.34 – Specialized Training: Investigations

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Miramar has three staff who conduct administrative investigations. Each of their training records indicated they have received specialized training from the PREA Resorce Center and NIC, in addition to the general training provided to all employees. The training included techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. Interviews with these staff confirmed the additional training and subject matter.

§115.35 – Specialized training: Medical and mental health care

X 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)

Specialized Training is a very high priority for the medical and mental health staff at Miramar. This includes part time staff from outside of the facility as well. It was apparent during the interviews that this specialized group seeks to make sure that they have the necessary tools to ensure that all cases are handled and responded to properly.

§115.41 – Screening for Risk of Victimization and Abusiveness

X 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)

Miramar takes the intake and classification process very seriously. Each entity, in the process, ensures no prisoner is placed in any situation that may place them at risk of victimization as their priority. There is much redundancy in the process to ensure this. During intake, done immediately on arrival, the prisoner is asked about previous victimization/abuse, mental or physical disability, any prior sex offences and whether the prisoner is or perceived to identify as gay, bisexual, transgender, lesbian, or intersex. The person conducting the screening makes the assessment whether the prisoner appears gender nonconforming. A positive response to any of these initiates immediate medical and mental health review in the intake area. The facility ensures that each prisoner is reassessed for victimization within 15 days of arrival a instead of the standard 30 day requirement.

§115.42 – Use of Screening Information

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The Prisoner Management Director, by policy, uses the information from the risk screening to inform housing, cell/bed assignment, work, education, and program assignments with the goal of keeping separate those prisoners at high risk of being sexually victimized from those at high risk of being sexually abusive. Compliance to the policy was reinforced during interviews with the Unit Management staff and the Commanding Officer. Assignments of transgender prisoners are done by Navy Personnel Command (NAVPERSCOM) ensuring the prisoners' health and safety.

§115.43 – Protective Custody

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

SOP 817.2 prohibits the facility from placing prisoners at high risk of victimization in involuntary restrictive housing unless there is no alternative available. If placed there prisoners must be provided programs, privileges, education and work or document why they didn't. Interviews with the Commanding Officer, Restrictive Housing Supervisor and Restrictive Housing line staff confirmed that segregation has not been used to house prisoners at high risk for victimization. The auditor interviewed one transgender prisoner, and she indicated she was never placed in restrictive housing for separation issues.

§115.51 – Inmate Reporting

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The Sexual Assault Prevention and Response Office (SAPRO) is responsible for oversight of the Department of Defense sexual assault policy which includes every service member including prisoners. The policy allows prisoners to make either a restricted or unrestricted report of sexual abuse or sexual harassment. If the prisoner makes a restricted report/allegation the facility Commanding Officer is not immediately notified of reports of sexual abuse and sexual harassment.

115.51 (b) The agency shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials.

During the site visit Miramar did not meet the standard requirement. The DoD Safe Help Line program allowed for a restricted reporting system where the facility would not be told of the allegation and if and when told it would not be investigated per Department of Defense (DoD) guidance. March 2, 2015 a NAVPERSCOM Guidance Letter #3 was issued, clarifying the reporting policy outlined by the DoD. Prisoners are still allowed to make reports on the DOD hotline. They will have two reporting options. The prisoner can make an unrestricted report (providing all information including name) or an anonymous report (without disclosing his/her name). In both cases the agency is immediately notified so an investigation can proceed.

§115.52 – Exhaustion of Administrative Remedies

This standard is non applicable as Miramar does not have administrative procedures to address prisoner grievances regarding sexual abuse.

§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)

Marine Corps Air Station Miramar Sexual Assault Prevention and Response Program is the outside advocacy agency which provides confidential support and emotional services. Prisoner interviews confirmed they were informed and know of the confidential support services offered. Phone numbers and mailing addresses for the MCAS Miramar are provided to the prisoner on posters in the housing units and in the prisoner PREA intake Information Sheet.

§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)

Miramar provides a PREA Information sheet to each prisoner during intake informing them of three outside agencies to report allegations of sexual abuse and sexual harassment. All three of these agencies take third party reporting. Prisoners were aware of third party reporting during the interviews conducted.

§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)

Miramar policy 817.2 requires all staff to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or harassment; and for staff not to reveal any information related to a sexual abuse report to anyone other than extent necessary. The auditor reviewed investigative files and random interviews of staff and prisoners verified staff immediately report to the Command

Duty Officer any knowledge, suspicion, or information regarding an incident of sexual abuse or harassment. Random staff interviews confirmed staff responsibility of not disclosing any information of the allegation except in the conduct of the investigation.

§115.62 – Agency Protection Duties

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Both Agency Policy and Miramar policy 817.2 require staff to take immediate action to protect any prisoner they learn may be subject to substantial risk of victimization. The auditor questioned the Commanding Officer, specialized staff and random staff and all knew the steps to take to protect a prisoner subject to risks of imminent sexual abuse. The staff immediately notifies the Command Duty Officer, PREA compliance manager, Investigator, Executive Officer and Commanding Officer.

§115.63 – Reporting to Other Confinement Facilities

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Miramar policy 817.2 requires when the facility receives an allegation that a prisoner was sexually abused while confined at another facility, the Commanding Officer shall notify the head of the facility where the alleged abuse occurred within 72 hours after receiving the allegation. The PREA manager is required to maintain the documentation of this notification. Interviews with the Commanding Officer and PREA Compliance manager demonstrated they knew the procedures to follow. There have been no allegations made to date.

§115.64 – Staff First Responder Duties

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The Agency Policy (Prison Rape Elimination Act Ser 00D/040) and the Miramar policy (Prison Rape Elimination Act Compliance SOP 817.2) both clearly specify procedures for all staff to respond to an allegation of sexual abuse. As previously noted, all staff are trained as first responders. Staff interviews with all staff demonstrated that all

knew the policy and practice to follow. Staff were very cognizant about ensuring safety and the well-being of the alleged victim while ensuring that physical evidence is not destroyed or contaminated.

§115.65 – Coordinated Response

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Miramar policy 817.2 describes the institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership. Interviews with specialized staff confirmed they were knowledgeable about the PREA Plan and the coordinated duties and collaborative responsibilities.

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

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Miramar Brig has no collective bargaining agreement entered into or renewed since August 2012. Staff elected themselves out of any collective bargaining unit.

§115.67 – Agency protection against retaliation

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Miramar policy 817.2 stipulates that the PREA Compliance Manager is responsible for monitoring retaliation of prisoners and staff. The PREA Manager conducts periodic checks of retaliation up to 90 days and beyond if he feels the situation requires it. With prisoners he looks at prisoner disciplinary reports, housing or program changes. With staff he looks at performance reviews or reassignments. The auditor reviewed previous cases, all of which monitored retaliation.

§115.68 – Post-Allegation Protective Custody

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

SOP 817.2 prohibits the facility from placing prisoners, for protection who allege to have suffered sexual abuse, in involuntary restrictive housing unless there is no alternative available. If placed there prisoners must be provided programs, privileges, education and work or document why they didn't. Interviews with the Commanding Officer, Restrictive Housing Supervisor and Restrictive Housing line staff confirmed that segregation has not been used to house prisoners at high risk for victimization.

§115.71 – Criminal and Administrative Agency Investigations

X 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)

As previously mentioned all allegations of sexual abuse are immediately turned over to NCIS for a criminal investigation. It may then be referred to Criminal Investigation Division of the Military Branch of the service member making the allegation. If a crime cannot be established or proven the case is then referred back to the facility for an administrative investigation. The auditor reviewed the training records of all three-facility investigators. Each has received special training in this area. The credibility of an alleged victim, suspect, or witness is assessed on an individual basis and not determined by the person's status as prisoner or staff. All seven investigative files were reviewed. Random interviews conducted with these prisoners indicated that the investigations were started immediately after the complaint and that there was no retaliation as a result of their complaint.

§115.72 – Evidentiary Standard for Administrative Investigations

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Miramar policy 817.2 indicates that only a preponderance of evidence as the standard when determining if allegations are substantiated. All three investigators indicated that this is the threshold used, during interviews.

§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)

Miramar policy 817.2 states it is the Commanding Officer's responsibility to make notifications to any prisoner making an allegation of sexual abuse or sexual harassment. This responsibility is non-delegable. A review of completed investigations documented these notifications that prisoners were informed of the outcome of the investigations whether the allegation had been determined to be substantiated, unsubstantiated, or unfounded. If the allegation of sexual abuse was by a staff member, the prisoner is informed of the status of the staff member in writing to include whenever: the staff member is no longer posted within the prisoner's unit; the staff member is no longer employed at the facility; the agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or the agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility. If the prisoner was alleged to have been sexually abused by another prisoner, the prisoner is informed whenever: the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or been convicted on a charge related to sexual abuse within the facility. The process was also confirmed during the interview with the Commanding Officer.

§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)

Miramar policy 817.2 indicates that termination is the presumptive penalty for violating the sexual abuse policy. For civilians this means removal from federal employment and for military staff it means processing them out of the service. Sexual harassment penalties are commensurate with the nature and circumstances of the incident. The Commanding Officer confirmed this policy and procedure during her interview and the fact that no staff have been involved in any case.

§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)

Policy 817.2 mandates that any contractor or volunteer who engages in sexual abuse is prohibited from contact with prisoners and shall be reported to law enforcement agencies, and to relevant licensing bodies. There has been no incidents involving contractors or volunteers at Miramar but the interview with a contractor reinforced the agency policy consequences for any sexual abuse or sexual harassment.

§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)

Miramar policy 817.2 requires prisoners be subject to disciplinary actions pursuant to Disciplinary Process policy SOP 503 following an administrative finding that the prisoner engaged in sexual misconduct specifically including prisoner-on-prisoner sexual abuse or following a criminal finding of guilt for prisoner-on-prisoner sexual abuse. Sanctions are commensurate with the nature and circumstances of the abuse committed taking into account whether mental disabilities contributed. The policy was confirmed with the Commanding Officer during her interview.

§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 period)
- Does Not Meet Standard (requires corrective action)

Policy 817.2 requires any prisoner who discloses prior sexual abuse while incarcerated or abuse at anytime must be seen by a mental health practitioner within 14 days. The practice was observed during the audit visit. Mental Health staff get consent before reporting prior sex victimization, which took place not in an institutional setting. Interviews with Medical staff and Mental Health practitioners confirmed the practice as well.

§115.82 – Access to emergency medical and mental health services

- Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Policy 817.2 mandates immediate access to medical and mental health services for any alleged victim of sexual abuse. The facility medical/mental health department and the Naval Medical Center- San Diego provides this care. Prisoners receive immediate access to sexually transmitted infection prophylaxis and to emergency contraception. There is no cost to the prisoner. There have been no cases to date.

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

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Miramar policy 817.2 requires all prisoners be offered medical and mental health evaluations to those who were sexually abused in any prison, jail or juvenile facility including follow up services. Miramar also attempts to conduct mental health evaluations on all known prisoner abusers, offering treatment when appropriate. This practice was confirmed by interviews with Medical and Mental Health staff specialized interviews and case record reviews.

§115.86 – Sexual abuse incident reviews

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Policy 817.2 requires a PREA Incident Review Board convene within thirty (30) days of the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. An investigation is concluded when a substantiated, unsubstantiated, or unfounded determination is made by the facility Commanding Officer. Interviews with the Commanding Officer, and review of substantiated and unsubstantiated allegation cases confirmed the agency practice. The review team considers everything detailed in (d) of this standard. This was confirmed during interviews with the Commanding Officer, Executive Officer and the PREA Compliance Manager.

§115.87 – Data Collection

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Policy 817.2 facility shall collect accurate, uniform data for every allegation of sexual misconduct using a standardized instrument and set of definitions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice. Miramar uses the DOJ SSV4 form for data collection. This information is compiled and submitted in April of each year. As previously indicated there are no private facilities.

§115.88 – Data Review for Corrective Action

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Miramar policy requires the PREA Compliance Manager review data collected and aggregated in order to assess and improve the effectiveness of the facility's sexual abuse prevention, detection, and response policies, practices, and training. The PREA Manager indicated he had reviewed the data to see what, if anything, the facility could do to improve.

§§115.89 – Data Storage, Publication, and Destruction

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Policy requires the PREA Manager strictly control data that is collected. He is also required to maintain sexual abuse data (to include, incident reports, investigative reports, offender information, case disposition, and evaluation finding) collected for at least 10 years after the date of the initial collection unless legally required otherwise. All staff and departments will forward any and all PREA related documentation and sexual abuse data to the PREA Compliance Manager for file, archive, and audit. The data is published on the web site after identifying information is removed.

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.

Thomas Eisenschmidt

March 16,2015

Auditor Signature

Date