



UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

February 10, 2013

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Directive-type Memorandum (DTM) 13-002, "Department of Defense Implementation of the Prison Rape Elimination Act (PREA)"

- References:
- (a) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
 - (b) DoD Instruction 1325.7, "Administration of Military Correctional Facilities and Clemency and Parole Authority," June 17, 2001, as amended
 - (c) Sections 15601-09 of Title 42, United States Code (also known as "The Prison Rape Elimination Act of 2003 (PREA)")
 - (d) Presidential Memorandum, "Implementing the Prison Rape Elimination Act," May 17, 2012
 - (e) DoD Directive 1325.04, "Confinement of Military Prisoners and Administration of Military Correctional Programs and Facilities," August 17, 2001

Purpose. This DTM:

- In accordance with the authority in References (a) and (b), establishes policy for DoD correctional facilities regarding the implementation of Reference (c) (also known and referred to in this DTM as "The Prison Rape Elimination Act of 2003 (PREA)"), in accordance with Reference (d).
- Is effective February 10, 2013; it will be incorporated into Reference (b). This DTM will expire effective August 10, 2013.

Applicability. This DTM:

- Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD.
- The Military Departments operating Level I-III confinement facilities.

Policy. It is DoD policy that:

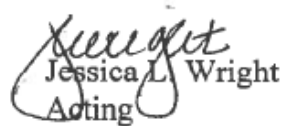
- DoD is committed to work diligently to prevent, detect, and respond to prison rape.

- Each federal agency is accountable for, and has statutory authority to regulate, the operations of its own facilities and, therefore, is best positioned to determine how to implement the federal laws and rules that govern its own operations, the conduct of its own employees, and the safety of persons in its custody. The DoD, through the Military Departments, is best positioned to determine how to implement PREA in its correctional facilities, to support the response, prevention, and elimination of prisoner rape whenever it occurs.
- All allegations of sexual assault, regardless of severity or merit, will be immediately reported to the appropriate Military Criminal Investigation Organization (MCIO) for investigation.
- The Military Departments will rapidly develop and implement necessary rules and procedures to satisfy the requirements of PREA with strict enforcement measures and universally high standards.

Responsibilities. See Attachment 1.

Procedures. See Attachment 2.

Releasability. **Unlimited.** This DTM is approved for public release and is available on the DoD Issuance Website at <http://www.dtic.mil/whs/directives>.



Handwritten signature of Jessica L. Wright in cursive script.

Jessica L. Wright
Acting
Under Secretary of Defense for
Personnel and Readiness

Attachments:
As stated

DISTRIBUTION:

**SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
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DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DoD FIELD ACTIVITIES**

ATTACHMENT 1

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS. The Under Secretary of Defense for Personnel and Readiness:

- a. As far as practical, promotes uniformity among the Military Departments in the administration of correctional programs and operation of correctional facilities.
- b. Serves as the point of contact in OSD for confinement matters, correctional programs, and policies and procedures.
- c. Appoints a senior staff member to chair a PREA Working Group under the supervision of the DoD Corrections Council, pursuant to its mandate under DoD Directive 1325.04 (Reference (e)) to consider all matters involving military correctional programs and facilities, and clemency and parole policies and procedures.

2. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments:

- a. Are responsible and accountable for the operations of confinement facilities within their respective areas of responsibility.
- b. Maintain a zero-tolerance standard for rape and all other types of violence, and uphold universally high standards to prevent, detect, and respond to sexual abuse in prisons.
- c. Develop and distribute policies, procedures, and regulations for the detection, prevention, and reduction of prison rape. At a minimum, these policies, procedures, and standards will include provisions regarding, if applicable:
 - (1) General prevention planning to ensure that preventing sexual abuse receives appropriate attention.
 - (2) Designation of a PREA point of contact.
 - (3) Hiring, supervision, and monitoring of corrections personnel and inmates, as applicable.
 - (4) Facilities and technology.
 - (5) Protocols for investigations, evidence collection and handling, training, education, screening, data collection, storage, and auditing consistent with the provision that all

allegations of sexual assault, regardless of severity, will be immediately reported to the appropriate MCIO for investigation.

(6) Reporting, response, and access to care and services.

(7) Searches and viewing of prisoners conducted by DoD corrections personnel of the opposite gender.

(8) Other items as deemed essential by the DoD Corrections Council, the PREA Working Group, or the Department concerned.

d. Provide additional funding for implementation of the Departmental policies, procedures, and standards.

ATTACHMENT 2

PROCEDURES

The DoD Corrections Council:

a. Provides a regular forum for the interchange of information, the consideration of corrections and clemency and parole policy, and the review of issues on the administration, use, efficiency, and consolidation of military correctional facilities. The Council will be responsible for the continuing review of applicable corrections, clemency, and parole guidance, and Service implementing regulations to promote uniformity in corrections programs consistent with the needs of the Military Departments.

b. Establishes and directs the PREA Working Group, which will ensure coordination, consistency, and uniformity among the Military Departments in the implementation of PREA. The PREA Working Group must consist of at least one member representing each Military Department.

c. Provides oversight of the PREA implementation process and facilitates coordination with the Justice Department on PREA-related issues and requirements. Through the PREA Working Group, the Council shall ensure that each Service develops PREA implementation and inspection standards, based on its corrections facilities and mission.

GLOSSARY

ABBREVIATIONS AND ACRONYMS

DTM	directive-type memorandum
MCIO	Military Criminal Investigation Organization
PREA	Prison Rape Elimination Act