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December 2022

MILITARY CORRECTIONAL FACILITIES

Consistent Application of Standards and Improved Oversight Could Enhance Health and Safety

Accessible Version

GAO-23-105082

GAO Highlights

Highlights of GAO-23-105082, a report to congressional committees

December 2022

MILITARY CORRECTIONAL FACILITIES

Consistent Application of Standards and Improved Oversight Could Enhance Health and Safety

Why GAO Did This Study

As of 2021, DOD held 1,131 incarcerated persons in 36 MCFs located across the United States, Europe, the Middle East, and Asia. DOD's MCFs are administered by the military services, each of which is responsible for operating its correctional facilities to maintain good order, discipline, safety, and security.

Senate Report 116-236 accompanying a bill for the National Defense Authorization Act for FY2021 included a provision for GAO to review matters related to health and safety at MCFs. This report assesses, among other things, the extent to which (1) OSD and the military departments have developed health and safety standards for MCFs and assessed adherence to these standards and (2) selected MCFs have adhered to health and safety standards and the services have addressed any identified deficiencies.

To conduct this assessment, GAO analyzed guidance and reviewed the results of inspections and audits at eight selected MCFs, among other things. GAO selected two MCFs from each service to capture a range of facility levels and locations.

What GAO Recommends

GAO is making five recommendations, including that the Air Force ensure all MCFs are routinely assessed for adherence to health and safety standards, and the Marine Corps develop a plan to address staffing shortages at MCFs. DOD generally concurred with GAO's recommendations.

View GAO-23-105082. For more information, contact Elizabeth Field at (202) 512-2775 or FieldE1@gao.gov.

What GAO Found

The Office of the Secretary of Defense (OSD) and the military departments have developed health and safety standards for military correctional facilities (MCFs). However, GAO found that the Air Force does not routinely assess its MCFs for adherence to these standards. Specifically, it is the only service that has not

- required the routine assessment of adherence to a uniform set of MCF-specific health and safety standards, and
- assessed all of its MCFs to determine adherence with these standards.

By routinely assessing all of its MCFs, the Air Force could better ensure that its MCFs are meeting health and safety standards, and identify and respond to any potential risks to the health and safety of MCF staff and incarcerated persons.

Marine Corps Installations—West, Camp Pendleton Base Brig, Camp Pendleton, CA

Source: Marine Corps/Chief Warrant Officer-3 J.D. DeLaRosa. | GAO-23-105082

Adherence to health and safety standards varied and some identified deficiencies have not been addressed at Air Force and Marine Corps MCFs across a sample of eight MCFs. Specifically,

- Selected Army and Navy MCFs generally adhered to health and safety standards and addressed identified deficiencies, according to inspection reports.
- Inspections from 2017 to 2019 at an Air Force base identified structural and procedural deficiencies at the Air Force MCF. In 2020, an investigation prompted by a December 2019 suicide at the MCF resulted in an almost year-long closure of the MCF to address deficiencies identified. The Air Force has plans to address the remaining facility deficiencies identified in the earlier inspections; that work is expected to begin in fiscal year 2023.
- Inspections and audits have identified staffing shortages at Marine Corps MCFs, including those GAO selected. Additionally, officials have identified security personnel shortages at Marine Corps MCFs that result in 24-hour work shifts, posing a safety risk. Officials stated that they are in the process of reviewing personnel allocations at MCFs. However, if additional positions are approved, whether local commanders will use their discretion to fill them is unclear. Until the Marine Corps develops a plan to approve and fill positions at MCFs, incarcerated persons and MCF staff are at greater risk for health and safety incidents.

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Contents

GAO Highlights ii

Why GAO Did This Study ii
What GAO Recommends ii
What GAO Found ii

Letter 1

Background 5
Health and Safety Standards Exist for All MCFs, but the Air Force Does Not Routinely Assess Adherence 13
Efforts to Adhere to Health and Safety Standards and Address Identified Deficiencies at Selected Facilities Vary 25
OSD Is Increasing Its Visibility over MCFs but Has Limited Oversight of Serious Incidents and Inspection Results 34
Conclusions 39
Recommendations for Executive Action 40
Agency Comments and Our Evaluation 41

Appendix I: Costs Associated with Higher-Level Inspections and Audits 44

Appendix II: Organizations and Military Correctional Facilities (MCF) We Contacted 47

Appendix III: Comments from the Department of Defense 49

Text of Appendix III: Comments from the Department of Defense 52

Appendix IV: GAO Contact and Staff Acknowledgments 56

GAO Contact 56
Staff Acknowledgments 56

Table

Table 1: Representative Details of Department of Defense Military Correctional Facility (MCF) Levels 7

Figure

Marine Corps Installations—West, Camp Pendleton Base Brig, Camp Pendleton, CA ii
Figure 1: Locations, Level, and Operating Military Service of Department of Defense Military Correctional Facilities 6

Abbreviations

ACA	American Correctional Association
DOD	Department of Defense
MCF	military correctional facility
OLP	Office of Legal Policy
OSD	Office of the Secretary of Defense
PREA	Prison Rape Elimination Act
USD (P&R)	Under Secretary of Defense for Personnel and Readiness

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U.S. GOVERNMENT ACCOUNTABILITY OFFICE
441 G St. N.W.
Washington, DC 20548

December 19, 2022

The Honorable Jack Reed
Chairman
The Honorable James M. Inhofe
Ranking Member
Committee on Armed Services
United States Senate

The Honorable Adam Smith
Chairman
The Honorable Mike Rogers
Ranking Member
Committee on Armed Services
House of Representatives

As of December 31, 2021, there were 1,131 persons incarcerated in the Department of Defense's (DOD) 36 military correctional facilities (MCF) located across the United States, Europe, the Middle East, and Asia.[1] Persons incarcerated in these MCFs include service members sentenced by court-martial for violations of the Uniform Code of Military Justice or held in pretrial confinement pending court martial. MCFs are categorized by level, and confinement periods can include life imprisonment or a death sentence.[2] Within the Office of the Secretary of Defense (OSD), the Under Secretary of Defense for Personnel and Readiness serves as, among other things, the OSD focal point for DOD's correctional programs and promotes uniformity among the military services in the administration

[1]For the purposes of this report, we refer to both DOD confinement and correctional facilities as military correctional facilities (MCFs), and to all DOD pre-trial and post-trial confinees as incarcerated persons. The military services' corrections programs operate 36 MCFs, including an Army theater confinement facility at Camp Arifjan, Kuwait, which is supported by the Army's corrections system but under the operational oversight of U.S. Army Central Command. According to an Air Force official, the number of Air Force MCFs that are operational can change monthly.

[2]DOD categorizes its MCFs as Levels I, II, and III. An MCF's level generally is based on differences in security features, the length of post-trial confinement served by incarcerated persons and their security risk, and the programs that the MCF must provide to incarcerated persons. *See* DOD Instruction 1325.07, *Administration of Military Correctional Facilities and Clemency and Parole Authority* (March 11, 2013) (incorporating change 4, effective Aug. 19, 2020).

of the department's correctional programs and facilities.[3] According to officials, the Office of Legal Policy (OLP) within the Office of the Under Secretary of Defense for Personnel and Readiness carries out these duties. DOD's MCFs are administered by the military services, each of which is responsible for operating its correctional facilities so as to maintain good order, discipline, safety, and security.[4]

Fulfilling these responsibilities generally includes adhering to DOD and military department standards that provide for the health and safety of incarcerated persons and MCF staff, such as adherence to fire codes and access to health care. In addition, the military services may—but are not in all instances required to—follow standards issued by the American Correctional Association (ACA). The ACA is a professional membership organization consisting of public and private individuals and groups that develops standards for correctional facilities at the local, state, and federal levels. The military services may also seek ACA accreditation for their facilities, a process whereby the ACA audits a facility to determine whether it meets ACA's standards.

Senate Report 116-236 accompanying a bill for the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 included a provision for us to review matters related to health and safety at MCFs.[5] Our review assesses the extent to which (1) OSD and the military departments have developed health and safety standards for MCFs and assessed adherence to these standards, (2) selected MCFs have adhered to health and safety standards and the services addressed any identified deficiencies, and (3) OSD monitors the military services' adherence to health and safety standards at MCFs.

[3]DOD Directive 1325.04E, *Administration of Military Correctional Programs and Facilities* (May 11, 2022).

[4]*See* DOD Instruction 1325.07.

[5]S. Rep. No. 116-236, at 214 (2020).

For all of our objectives, we developed definitions for health and safety that incorporated input from DOD and ACA.[6] Using these definitions, we analyzed over 300 ACA standards and selected 12 health and safety categories, including access to safe water and suicide prevention and intervention protocols. We selected these categories, each of which encompasses multiple ACA standards, based on our judgment of their relevance to preserving the health and safety of MCF incarcerated persons and staff.[7] For example, we did not include categories that, based on our judgment, were not directly related to health and safety, such as those involving general administration and fiscal management.

We selected a nongeneralizable sample of eight MCFs to review how the military services apply the 12 health and safety categories we selected at individual MCFs.[8] We chose these MCFs based on factors such as military service (two MCFs from each military service), and capturing a range of facility levels and locations.[9] For each MCF we selected, we

[6]For the purposes of this report, we define health as the state of complete physical and mental well-being, including the absence of disease and infirmity, and access to preventive and therapeutic care. We define safety as the condition of being secure or unlikely to cause risk or injury to an individual, encompassing, among other things, programs, training, and procedures; physical plant; and equipment that will protect incarcerated persons and staff. We obtained input from DOD officials on definitions of health and safety and incorporated that input, as appropriate.

[7]The 12 health and safety categories we selected were (1) indoor air quality; (2) access to safe water; (3) access for bathing and personal hygiene; (4) individual space requirements; (5) condition-appropriate heating and cooling; (6) space requirements for sleeping areas; (7) appropriate staffing of health care personnel; (8) access to health care; (9) suicide prevention and intervention protocols; and adherence to applicable (10) fire codes, (11) health codes for sanitation inspections, and (12) food service health and safety regulations. Some categories encompassed both health and safety standards. To select these categories, three analysts independently assessed and ranked ACA-developed standards, then jointly agreed on a list of 10 health and safety categories chosen, in descending order, by the number of analysts supporting each. After consultation with internal GAO experts, we added an additional two standards. We notified military service officials of the categories that we selected; the officials did not offer any input on the categories.

[8]The eight MCFs were the Army's U.S. Disciplinary Barracks, Fort Leavenworth, KS and U.S. Army Regional Correctional Facility—Europe, Sembach, Germany; the Navy's Naval Consolidated Brig Charleston Detachment, Chesapeake, VA and Naval Consolidated Brig, Miramar, CA; the Marine Corps' Marine Corps Installations—West Regional Confinement Facility, Camp Pendleton, CA and Marine Corps Installations East Regional Confinement Facility, Camp Lejeune, NC; the Air Force's Joint Base San Antonio—Lackland Confinement Facility, San Antonio, TX, and Andersen Air Force Base Confinement Facility, Guam.

[9]The Air Force provides correctional program support for the U.S. Space Force.

interviewed officials and analyzed documents related to our 12 health and safety categories and the results of audits and inspections, such as those conducted by military service inspectors general, local commanders, and higher level commands; ACA auditors; and Prison Rape Elimination Act (PREA) inspectors from 2015 through 2021.[10] We chose this time period to cover at least two 3-year periods where the MCFs would have been subject to certain reviews conducted on a triennial basis. We also interviewed officials from OLP and the Army, Navy, Marine Corps, and Air Force corrections commands.

For our first objective, we analyzed OSD and Army, Navy, Marine Corps, and Air Force corrections guidance to determine whether OSD and the military departments had developed health and safety standards for MCFs and whether guidance requires routine assessments of MCFs' adherence to those health and safety standards. We also reviewed documents, such as inspection checklists and service guidance, to identify how the services assess MCFs for adherence to health and safety standards. In addition, we reviewed higher-level inspection and audit reports from our selected MCFs to determine whether audits and inspections have occurred at each. Higher-level inspections and audits include command-led inspections, Inspectors General inspections, ACA accreditation audits, and PREA audits.

For our second objective, we obtained and analyzed the results of higher-level inspections and audits of MCFs from fiscal years 2015 to 2021. We also obtained available cost information associated with higher-level audits and inspections. For additional information on these costs, see appendix I.[11] We interviewed command and MCF officials to discuss the results of inspections and any significant deficiencies found at MCFs. We examined inspection results from each of the services to determine the extent to which each adhered to health and safety standards at selected MCFs. We also examined documents on the status of inspection deficiencies to determine the extent to which inspection issues had been resolved.

[10]*See generally* Prison Rape Elimination Act of 2003, Pub. L. No. 108-79 (2003) (codified, as amended, at 34 U.S.C. ch. 303).

[11]Appendix I includes cost information from contracts provided by officials related to ACA audits, when conducted, and estimates for costs associated with other audits and inspections.

For our third objective, we interviewed officials and analyzed DOD and military department and service guidance on incident reporting requirements and available serious incident reports from each military service. We also reviewed ACA documents related to incident reporting and ACA accreditation, and analyzed DOD Corrections Council meeting minutes and agendas.

The organizations and individual MCFs we contacted are listed in appendix II.

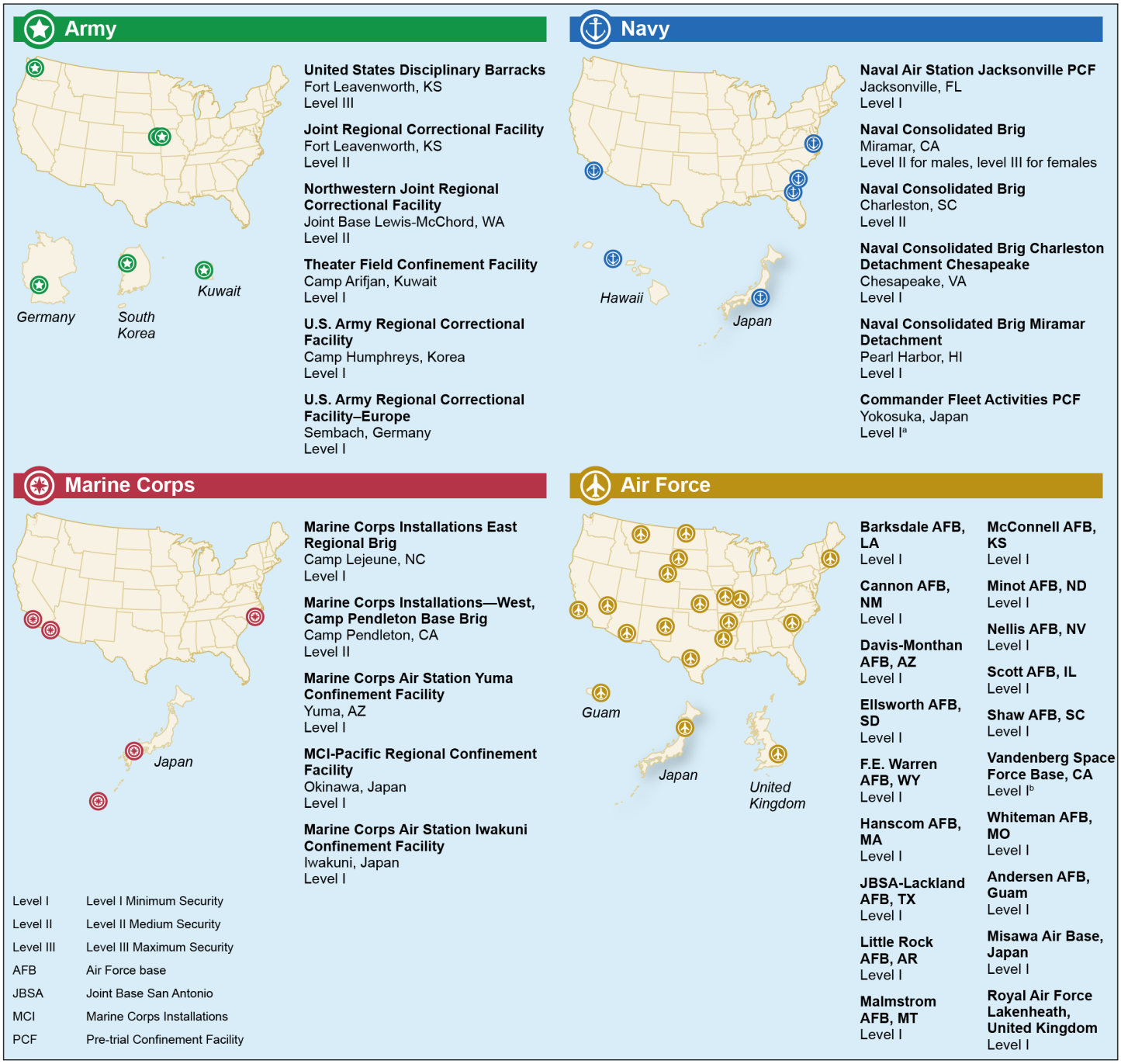
We conducted this performance audit from March 2021 to December 2022 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

DOD Military Correctional Facilities

The corrections programs for the Army, Navy, Marine Corps, and Air Force operate 36 MCFs— 27 within the United States and nine across Guam, Europe, the Middle East, and Asia. DOD categorizes its MCFs as Level I, II, or III. An incarcerated person from any military service can be confined in an MCF operated by another service. Figure 1 shows the location, level, and respective operating military service of DOD's 36 MCFs.

Figure 1: Locations, Level, and Operating Military Service of Department of Defense Military Correctional Facilities



Source: Department of Defense information; Map Resources (map). | GAO-23-105082

[a]Post-trial confinement in the Navy's Level I Commander Fleet Activities Pre-trial Confinement Facility in Yokosuka, Japan is limited to 30 days.

[b]The military correctional facility at Vandenberg Space Force Base is operated by the Air Force.

DOD's categorization of MCFs by level generally is based on differences in their security features, the length of post-trial confinement served by incarcerated persons and their security risk, and the programs the facility must provide to those who are incarcerated.[12] For example, some characteristics of a standalone Level I facility include that it contains single- and multiple-occupant cells, can hold post-trial incarcerated individuals that are classified as minimum risk, and provides incarcerated individuals with access to counseling services, among other services. In contrast, Level III facilities are maximum security facilities designed for high-risk, long-term (including life), and death-sentence incarcerated persons and must provide remedial education, among other services. An MCF's level is not related to the number of people it is designed to confine. Table 1 provides further information on the different levels of DOD MCFs.

Table 1: Representative Details of Department of Defense Military Correctional Facility (MCF) Levels

MCF Level	I	II	III
Number of DOD MCFs	30	5	1[a]
Security level	Minimum security facilities capable of providing post-trial confinement for incarcerated persons classified as minimum risk[b]	Medium security facilities capable of providing post-trial confinement for medium risk incarcerated persons[b]	Maximum security facilities designed for high-risk incarcerated persons, and capable of providing post-trial confinement exceeding that of Level II MCFs
Maximum sentence length	1 year[c]	1-10 years[d]	Longer than 10 years, including life imprisonment and confinement awaiting death sentence
Examples of physical security features	• Single-fenced perimeter with periodic roving patrols[e] • Internal security hardware • Multiple- and single-occupancy cells	• Double-fenced perimeter with electronic detection system, internal security hardware, roving patrols or towers • Single or double occupant cells • Six to 12 percent of cells are segregation cells	• Double-fenced perimeter with electronic detection system • Internal security sensor system • High security walls • Single occupant cells • Fifteen percent segregation cells

[12]*See* DOD Instruction 1325.07. The Army operates Levels I, II, and III MCFs; the Navy operates Levels I, II, and III MCFs; the Marine Corps operates Levels I and II MCFs; and the Air Force operates Level I MCFs.

MCF Level	I	II	III
Examples of minimum required programs and services	• Access to counseling services • Crisis intervention • Substance abuse and drug and alcohol education	• Crisis intervention counseling • Drug and alcohol treatment • Stress and anger management • Vocational training	• The same programs and services as Level II MCFs, based on assessed needs of an incarcerated person
Total incarcerated person population as of December 31, 2021[f]	148	588	395

Source: Department of Defense (DOD) information | GAO-23-105082

Note: The content presented in this table does not encompass all characteristics and requirements for each level of DOD MCFs.

[a]The Army's United States Disciplinary Barracks at Fort Leavenworth, Kansas is DOD's only Level III MCF for males. The Naval Consolidated Brig, Miramar, California, is a Level II MCF for male incarcerated persons and Level III for females.

[b]Levels I and II MCFs also provide pre-trial confinement of accused individuals under certain circumstances.

[c]Post-trial confinement in the Navy's Level I Commander Fleet Activities Pre-trial Confinement Facility in Yokosuka, Japan is limited to 30 days.

[d]In 2013, the DOD Corrections Council agreed to redefine Level II confinement limits from 5 years to up to 10 years, but as of September 2022, this change had not been incorporated in guidance.

[e]Level I MCFs collocated with a military police or police station are not required to have perimeter fencing.

[f]This represents the most recent data available at the time of our review.

Roles and Responsibilities for Managing DOD Corrections Program

DOD Directive 1325.04E, Administration of Military Correctional Programs and Facilities, assigns responsibility to the Under Secretary of Defense for Personnel and Readiness (USD (P&R)) for promoting uniformity among the military services in the administration of correctional programs and operation of correctional facilities.[13] According to officials, USD (P&R) has assigned this responsibility to its Office of Legal Policy (OLP). In addition to promoting uniformity across DOD's corrections programs and MCFs, OLP has responsibilities for, among other things, overseeing the activities of the Secretary of the Army in its capacity as the DOD executive agent for Level III corrections facilities and serving as the focal point within the Office of the Secretary of Defense for confinement matters, correctional programs, and clemency and parole policies and procedures. OLP also chairs the DOD Corrections Council, with members

[13]DOD Directive 1325.04E.

from the military services' corrections commands.[14] According to its charter, the Council provides a regular forum for the interchange of information and review of issues on the administration, use, efficiency, and consolidation of MCFs, among other things.

The secretaries of the military departments are responsible for administering DOD's corrections programs and MCFs consistent with the requirements of DOD Directive 1325.04E and DOD Instruction 1325.07, *Administration of Military Correctional Facilities and Clemency and Parole Authority*.[15] The military departments have generally assigned these responsibilities to subordinate entities within their respective military services. For example:

- Within the **Department of the Army**, the Army Corrections Command, under the authority, direction, and control of the Office of the Army Provost Marshal General, has direct command of Army MCFs and shared administrative control of Army corrections military police units.[16]
- Within the **Department of the Navy**, the Bureau of Naval Personnel, Director, Corrections and Programs Office exercises primary and final responsibility for developing and issuing corrections and correctional custody policy and procedures within the Navy as a service in all matters not particular to the Marine Corps. The Bureau is also responsible for the operation of all Navy MCFs. The Deputy Commandant of the Marine Corps for Installations and Logistics supports the Bureau of Naval Personnel, Director, Corrections and Programs Office in developing and issuing corrections and detention facility policy and procedures, and manages the operations of all Marine Corps MCFs.[17]
- Within the **Department of the Air Force**, the Office of the Deputy Chief of Staff for Logistics, Engineering, and Force Protection,

[14]The U.S. Space Force does not have military correctional facilities and is not a participant on the DOD Corrections Council.

[15]DOD Directive 1325.04E; DOD Instruction 1325.07.

[16]Army Regulation 190-47, *The Army Corrections System*, (June 15, 2006); and Department of the Army General Order 2008-05, *Establishment of the United States Army Corrections Command* (Mar. 31, 2008).

[17]Secretary of the Navy Instruction 1640.9D, *Department of the Navy Corrections Program* (May 15, 2019).

Directorate of Security Forces, is the primary advisor to the Air Force Chief of Staff on the Air Force corrections system and provides strategic direction, policy, and planning guidance for Air Force corrections. The Air Force Security Forces Center Corrections and Confinement Directorate is responsible for incarcerated person management and execution of Air Force corrections, to include implementing and overseeing corrections policy at all Air Force MCFs.[18]

Finally, the Army, Navy, Marine Corps, and Air Force have personnel involved in the day-to-day operations and management of their respective MCFs.

DOD Corrections Program Objectives

DOD's corrections programs provide pre- and post-trial confinement of military personnel accused of violating the Uniform Code of Military Justice. According to DOD guidance, it is DOD policy for corrections programs to promote uniformity in and among the military services in the treatment of those who are incarcerated, the operation and administration of MCFs and programs, and post-trial correctional administration to serve the purpose of the incapacitation, deterrence, punishment, and rehabilitation of incarcerated persons.[19]

The military departments' corrections programs guidance identify additional objectives that generally support the safety and health of incarcerated individuals. For example, Army guidance states that one of the objectives of its corrections system is to provide a safe and secure environment for the incarceration of military offenders.[20] Department of the Navy guidance states, as part of its correctional philosophy, that incarcerated persons have been sentenced to confinement as punishment and that they are not confined for punishment by any MCF personnel. The guidance states that hazing, harassment, unnecessary restrictions or deprivations, and demeaning treatment serve no useful

[18]Air Force Manual 31-115, vol. I, *Department of the Air Force Corrections System* (Dec. 22, 2020).

[19]DOD Directive 1325.04E.

[20]Army Regulation 190-47. According to officials, the Department of the Army is currently revising this regulation.

purpose and are prohibited.[21] Finally, Air Force guidance states that its corrections system ensures a secure, humane, and productive environment for incarcerated persons, and that all individuals held in MCFs are to receive fair and humane treatment.[22]

American Correctional Association

ACA is a policy- and standards-setting organization that provides training opportunities for correctional facilities personnel and conducts accreditation audits on a contract basis for its member correctional facilities, including jails and prisons. As part of its work, ACA has developed and published health and safety standards for prisons and jails.[23] DOD guidance states it is DOD policy that, to the greatest extent possible, ACA accreditation standards will be followed in determining correctional policies and administering MCFs and their functions and tasks.[24]

In conducting an accreditation audit, ACA distinguishes between what it considers mandatory and non-mandatory standards, although ACA auditors examine adherence with both categories of standards.[25] For example, ACA considers it mandatory that a correctional facility complies with applicable federal, state, or local fire safety codes and has a plan for addressing any deficiencies within a reasonable time period. In contrast, the ACA does not consider its standard that dayrooms provide sufficient seating and writing surfaces to be mandatory.

To receive ACA accreditation, facilities must adhere to all applicable ACA-defined mandatory standards, and reaccreditation must occur every

[21]Secretary of the Navy Instruction 1640.9D; and Secretary of the Navy (SECNAV) Manual 1640.1, *Department of the Navy Corrections Manual* (May 2019).

[22]Air Force Manual 31-115, vol. 1.

[23]The number of ACA-developed standards for which ACA audits differs by DOD MCF level. For example, a 2020 ACA audit of the Marine Corps' Level I MCF at Camp Lejeune, NC reviewed adherence to 47 mandatory and 106 non-mandatory ACA-developed standards, while a 2021 audit of the Army's Level III United States Disciplinary Barracks, Fort Leavenworth, KS examined adherence to 64 mandatory and 509 non-mandatory ACA-developed standards.

[24]DOD Directive 1325.04E.

[25]When the ACA conducts accreditation audits, it does not consider some ACA standards applicable to specific DOD MCFs.

3 years.[26] ACA also reviews a summary of significant incidents reported by the facility, such as deaths by suicide or loss of operational control of the facility, in making its accreditation decision. MCFs seeking an ACA accreditation or reaccreditation demonstrate adherence through documentation, ACA interviews with staff and incarcerated persons, and ACA auditors' observations. If a facility fails an ACA accreditation audit, the facility can apply for reconsideration of the decision to the ACA.

Laws Relevant to DOD Corrections Programs

Certain federal laws address protections for those held in MCFs. Specifically:

- Section 951 of title 10, U.S. Code, states that the secretaries of the military departments shall, among other things, provide for the welfare of offenders confined in military correctional facilities within their departments.[27]
- The Prison Rape Elimination Act (PREA) of 2003 has several purposes, including to establish a zero-tolerance standard for the incidence of prison rape in prisons in the United States and to develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape.[28] In 2012, the Attorney General issued PREA standards applicable to federal and state prisons and jails, which includes the requirement for a PREA audit every 3 years, conducted by PREA trained auditors.[29] DOD guidance

[26]Some standards may not apply to all facilities. For example, a facility built after the most recent update to ACA standards has more stringent air circulation requirements than those for older existing facilities.

[27]10 U.S.C. § 951(b).

[28]Pub. L. No. 108-79, § 3 (2003) (codified, as amended, at 34 U.S.C. § 30302).

[29]Department of Justice, *National Standards to Prevent, Detect, and Respond to Prison Rape* (June 20, 2012) (codified at 28 C.F.R. part 115 (2022)).

applies these standards, in general, to military correctional facilities.[30] However, according to Department of Justice correspondence with DOD officials, the requirement for a PREA audit only applies to military correctional facilities located within the United States and not those located in foreign countries.[31]

Health and Safety Standards Exist for All MCFs, but the Air Force Does Not Routinely Assess Adherence

OSD and the Military Departments Have Developed Health and Safety Standards for Military Correctional Facilities

OSD has developed general and MCF-specific health and safety guidance to which the military services must adhere. For example, OSD has developed guidance that requires DOD components to comply with the federal regulatory standards distributed by the Occupational Safety and Health Administration, which officials told us apply to MCFs.[32]

[30]Specifically, volume 1 of DOD Instruction 6495.02 states that sexual assaults in military correctional facilities involving service members will be governed by the Department of Justice's PREA Standards. DOD Instruction 6495.02, vol. 1, *Sexual Assault Prevention and Response: Program Procedures* (March 28, 2013) (incorporating change 7, effective Sept. 6, 2022). Additionally, a DOD Corrections Council Memorandum states that all military correctional facility commanders will implement and employ policies and procedures consistent with the PREA Standards. Chair, DOD Corrections Council Memorandum, *Reporting Options for Prisoners in Military Correctional Facilities Under the Prison Rape Elimination Act* (Mar. 2, 2015),

[31]Specifically, DOD officials told us that military correctional facilities located in all 50 states, the District of Columbia, and the U.S. territories would be subject to the PREA audit requirement.

[32]DOD Instruction 6055.01, *DoD Safety and Occupational Health (SOH) Program* (Oct. 14, 2014) (incorporating change 3, effective April 21, 2021). Specifically, the instruction states that DOD components must comply with these Occupational Safety and Health Administration standards at all nonmilitary-unique DOD operations and workplaces. The instruction also notes that although the standards exclude uniquely military equipment, systems, operations, or workplaces, DOD components must apply the standards to them as practicable. The instruction also states that, while these standards only apply within the United States and certain territories, DOD components still must apply these standards to all DOD workplaces, including outside the United States, where feasible, subject to certain limitations.

Additionally, OSD has developed guidance that includes MCF-specific health and safety standards. DOD Instruction 1325.07 provides guidance on the minimum requirements and services that facilities must provide for each level of MCF.[33] For example, DODI 1325.07 requires specific minimum perimeter fencing requirements and certain counseling and crisis intervention services, depending on the MCF level. Further, DODD 1325.04E states it is DOD policy that to the greatest extent possible, the military services will follow the accreditation standards issued by ACA in determining corrections policies and administering correctional facilities and functions.[34]

The military departments have also developed MCF-specific guidance, to include regulations and manuals. This guidance sets health and safety standards specific to MCFs and contains requirements related to physical plant and equipment, procedures for medical screening and evaluation, and incarcerated person hygiene, among other things. [35] Further, all of the military departments have either incorporated certain ACA standards into their own standards or have required their standards and facilities to strive to meet ACA's, which officials told us are industry best practices for correctional facilities.[36] Additionally, the Marine Corps has developed service specific guidance requiring inspections for its MCFs.[37]

[33]DOD Instruction 1325.07.

[34]DOD Directive 1325.04E.

[35]*See,* e.g., Army Regulation 190-47; Air Force Manual 31-115 Vol. 1; and Secretary of the Navy Manual 1640.1. Secretary of the Navy Manual 1640.1 health and safety standards apply to the Marine Corps.

[36]Specifically, it is Army policy that all Army MCFs will strive to be accredited by the ACA. Army Regulation 190-47. Examples of ACA standards being incorporated in department standards include Department of the Navy and Air Force cell space allocations, which are based on ACA requirements. *See* Secretary of the Navy Manual 1640.1 and Air Force Manual 31-115, vol. 1.

[37]Marine Corps Order 5040.6J, *Inspector General of the Marine Corps Inspection Program* (July 11, 2019).

Army, Navy, and Marine Corps Require Routine Assessments of Adherence to Health and Safety Standards, but the Air Force Does Not

The Army, Navy, Marine Corps, and Air Force use a layered approach, including higher-level inspections and audits, to routinely assess the extent to which their MCFs adhere to health and safety standards, but the Air Force's approach for assessing its MCF adherence to those standards has gaps.[38] Additionally, for all three military departments local MCF personnel or external entities are required to conduct inspections of their MCFs that range in frequency from daily to annually. For example, Department of Navy MCF personnel are required to conduct daily sanitation inspections, and Department of the Army MCF personnel are required to inspect any battery powered smoke detectors monthly for proper operation.[39]

[38]For the purposes of this report, higher-level inspections and audits include command-led inspections, military service Inspector General inspections, ACA accreditation audits, and PREA audits. Costs and estimated costs associated with higher-level inspections and audits for our selected MCFs range from approximately $1,200 to $31,800. Note that some inspections were combined with inspections at multiple MCFs and officials could not provide estimated costs specific to our respective selected MCFs. For more information, see appendix I.

[39]*See* Secretary of the Navy Manual 1640.1 and Army Regulation 190-47. Based on interviews with military service officials and our review of documentation we determined that higher-level inspections generally included assessments of our selected health and safety categories. Therefore, we did not assess the extent to which the military services' lower-level inspections, or those generally performed by local MCF staff, identified deficiencies at our selected MCFs.

Army Assessments

The Army assesses adherence to health and safety standards through command-led inspections. The Army also relies on ACA and PREA audits as external methods of assessing adherence to health and safety standards.

Command-led Inspections. Army guidance requires that Army Corrections Command annually inspect MCFs for adherence to health and safety standards through annual Technical Assistance Visits. Army officials told us they rely on Technical Assistance Visits to help ensure Army MCFs are prepared for ACA audits, and inspection teams usually include at least one ACA certified auditor. According to Army officials, Technical Assistance Visit checklists are built based on several factors, including the facility level (Level I, II, or III), the ACA accreditation manual the facility falls under, designated Army requirements, and the commander's areas of emphasis. Technical Assistance Visits inspected both of our selected Army MCFs annually from 2015 through 2021, in accordance with Army guidance.

ACA Audits. Army Regulation 190-47 states that all Army MCFs will strive to be accredited by the ACA, which Army officials told us they

United States Disciplinary Barracks, Fort Leavenworth, KS

The Army's United States Disciplinary Barracks at Fort Leavenworth, KS is the Department of Defense's only Level III military correctional facility for male incarcerated persons. It is a maximum security facility that confines those with sentences longer than 10 years, including life imprisonment and confinement awaiting death sentence. With a total operational capacity of 460, the facility had a population of 395 as of December 31, 2021, the most recent data available.

A double fence with three strands of concertina wire and a surveillance system surrounds the facility's perimeter.

An enclosed recreation field linked to inmate housing blocks, taken from inside the field's fence.

Source: Army information and: U.S. Army/Sergeant K. Earnest (photos) | GAO-23-105082

interpret as an Army requirement.[40] Army officials also told us that the recognized benefits of maintaining ACA accreditation include improved management to ensure staff and incarcerated person safety and security and increased accountability. The ACA audited both of our selected Army MCFs every 3 years from 2015 through 2021.

PREA Audits. Army officials told us the Army applies PREA standards across all Army MCFs regardless of location and subjects its MCFs within the United States, including United States territories, to PREA audits as required. PREA auditors assessed our selected Army MCF in the United States in 2017 and 2021 for compliance with PREA.[41] According to Army officials, even though our other selected Army MCF is located outside of the United States and thus not required to undergo PREA audits, the Army still applies PREA standards to that facility.

[40]Army Regulation 190-47.

[41]According to Army officials, the PREA audit that should have occurred in 2020 was delayed until 2021 due to the COVID-19 global pandemic.

Navy Assessments

Like the Army, the Navy assesses adherence to health and safety standards through command-led inspections and relies on ACA and PREA audits as external methods of assessing adherence to health and safety standards. The Navy has also relied on Inspector General audits, but will not continue to use them, according to officials we spoke with, because the policy governing these audits has expired.[42]

Naval Consolidated Brig Miramar, CA

The Naval Consolidated Brig Miramar, CA is one of two Navy Level II military correctional facilities for male incarcerated persons serving sentences of up to 10 years and the Department of Defense's only Level III facility for female incarcerated persons serving sentences longer than 10 years, including life imprisonment and confinement awaiting death sentence. With a total rated capacity of 243, including 30 female cells and eight housing units, the facility had a population of 117, including six female incarcerated persons, as of December 31, 2021, the most recent data available. The main entrance and the women's Level III facility are shown above.

Source: Navy information and U.S. Navy/Technical Director J. Plansky (photos) | GAO-23-105082

Command-led Inspections. Department of Navy guidance requires command-led, MCF-focused inspections, known as Operational Readiness Inspections, to be conducted at least every 3 years.[43] According to Department of the Navy guidance, Bureau of Naval Personnel Corrections and Programs officials conduct these inspections, which assess the MCFs' adherence with Navy MCF health and safety standards and provide technical assistance in all areas of corrections.[44] Officials stated that inspections, such as these, are valuable in preparing for ACA audits. The officials told us that Navy Operational Readiness Inspection checklists are built based on this Navy guidance and are tailored to the facility level. Operational Readiness Inspections assessed Naval Consolidated Brig Miramar in California in 2016 and 2019 and Naval Consolidated Brig Chesapeake in Virginia in 2015 and 2018.[45]

ACA Audits. The Navy does not require ACA audits of all of its MCFs and, according to officials, gives installation commanders the discretion to determine whether to pursue ACA accreditation for their MCFs. Of the Navy's six MCFs, four have been subjected to ACA audits, according to officials. These four MCFs include the two we selected for our review. ACA audited Naval Consolidated Brig Miramar MCF in 2017 and 2021

[42]These officials stated that they believe their efforts to provide oversight of Navy MCFs through command-led inspections, ACA audits, and PREA audits are sufficient, and they noted that these Inspector General inspections were focused on broader Navy policy and not MCF-specific policy.

[43]SECNAV Manual 1640.1.

[44]SECNAV Manual 1640.1.

[45]Naval Consolidated Brig Miramar is a Level III correctional facility for female incarcerated persons and Level II correctional facility for male incarcerated persons. Naval Consolidated Brig Chesapeake is a Level I confinement facility. Officials stated that the Naval Consolidated Brig Chesapeake MCF Operational Readiness Inspection was delayed from 2021 until 2022 due to the COVID-19 global pandemic.

and Naval Consolidated Brig Chesapeake MCF in 2017 and 2020.[46] Officials stated that for these MCFs subjected to ACA audits, officials conduct pre-ACA audits to prepare MCFs and to help ensure that MCFs meet ACA standards. These officials said that the Navy has not sought ACA accreditation for the other two MCFs because the installation commanders determined that accreditation was not necessary, as these MCFs are smaller in both size and population than other Navy MCFs.

Inspector General Audits. Former Bureau of Naval Personnel guidance required the Bureau of Naval Personnel Inspector General to conduct audits specific to MCFs every 3 years; the audits assessed performance in a broad range of operational and administrative categories. According to Navy officials, while the Bureau of Naval Personnel Inspector General assessed health and safety standards, such as those related to hazardous material, the Inspector General focused its inspections on command-centric programs and not MCF program requirements. When an Inspector General audit identified a deficiency, the guidance required the MCF to address the deficiency. The Bureau of Naval Personnel Inspector General audited Naval Consolidated Brig Miramar in 2015 and 2018 and Naval Consolidated Brig Chesapeake in 2016 and 2019.

The requirement for these Bureau of Naval Personnel Inspector General audits expired in 2009, when the Navy policy requiring these triennial audits expired. Notwithstanding this expiration, Navy officials stated that the audits continued until 2020, due to a lack of awareness that the guidance had expired.

PREA Audits. PREA auditors assessed Naval Consolidated Brig Miramar in 2017 and 2021 and Naval Consolidated Brig Chesapeake in 2016 and 2019 for compliance with PREA.[47]

[46]An official stated that the Naval Consolidated Brig Miramar MCF ACA audit was delayed from 2020 until 2021 due to the COVID-19 global pandemic.

[47]An official stated that the 2020 Naval Consolidated Brig Miramar audit was delayed until 2021 due to the COVID-19 global pandemic.

Marine Corps Assessments

The Marine Corps assesses adherence to health and safety standards through command-led inspections and Inspector General Inspections. It also uses ACA and PREA audits as external assessments of its MCFs.

Marine Corps Installations—West, Camp Pendleton Base Brig, Camp Pendleton, CA

The Camp Pendleton military correctional facility is an all-male facility and was re-designated as the only Marine Corps Level II facility in 2017. It is capable of housing service members awaiting trial and post-trial incarcerated persons serving sentences not to exceed 10 years. The facility had a total operational capacity of 218 beds and an incarcerated person population of 83 as of December 31, 2021, the most recent data available. An aerial view of the facility and the incarcerated person housing blocks and recreational area, surrounded by perimeter fencing and watchtowers, are shown in the images above.

Source: Marine Corps information and U.S. Marine Corps/Chief Warrant Officer-3 J.D. DeLaRosa (photos) | GAO-23-105082

Command-led and Inspector General Inspections. Marine Corps corrections officials stated that in approximately 2018, the Marine Corps consolidated its Command-led inspections, known as Functional Adequacy Inspections, and its Inspector General Inspections to reduce redundancy and save travel costs associated with conducting separate inspections. Department of Navy guidance requires the MCF-focused Functional Adequacy Inspections to be conducted at least every 3 years.[48] The Deputy Commandant of the Marine Corps for Installations and Logistics is responsible for conducting these inspections. These inspections assess the MCF's adherence with Department of Navy MCF health and safety standards. Additionally, Marine Corps guidance requires the Marine Corps Inspector General to inspect Marine Corps facilities typically every 3 to 4 years using a checklist specific to the type of function being conducted.[49]

We found that one of our two selected Marine Corps MCFs was not inspected with the frequency required, and that documentation for both was incomplete.[50]

- Specifically, while the Marine Corps Installations—West, Camp Pendleton Base Brig (Camp Pendleton MCF) was inspected in 2015 and 2021, it was not inspected in 2018, as required by guidance. Marine Corps Officials noted that the MCF was redesignated from a Level I facility to a Level II facility in 2017, and that it was possible that former Marine Corps corrections command leadership waived the inspections due in 2018 in order for the facility to implement the transition in level. However, they acknowledged that there was no documentation of a waiver. Officials noted that redesignating MCF level is an uncommon and difficult process that includes changes to the services that MCFs are required to provide related to education

[48]SECNAV Manual 1640.1.

[49]Marine Corps Order 5040.6J.

[50]The Camp Lejeune MCF is a Level I confinement facility and the Camp Pendleton MCF is a Level II correctional facility.

and rehabilitation and the MCF's sentence length capability.[51] For example, Level I facilities are approved to incarcerate individuals for up to 1 year, while Level II facilities can hold individuals for up to 10 years.[52] For Marine Corps Installations East Regional Brig (Camp Lejeune MCF), Marine Corps inspections were conducted in 2016, 2018, and 2019.

- In addition, for both the Camp Pendleton MCF and the Camp Lejeune MCF, we found that certain inspection reports did not contain information necessary for Functional Adequacy Inspections, such as whether the MCF had fully met all demands placed upon it through the reporting period, and whether the operation of the MCF was hindered by any inadequacies that may exist. Further, the inspection reports for both locations did not reflect that the inspections had been consolidated. Marine Corps corrections officials we interviewed stated that they have taken steps to ensure proper documentation and eliminate information gaps. Specifically, these officials stated that they have coordinated with the Inspector General's office and confirmed they will be able to capture required Functional Adequacy Inspection information in these reports. Officials further stated that the additional information will be captured on all future Marine Corps Confinement Facilities inspection reports.

ACA Audits. Department of the Navy guidance does not require ACA inspections, but Marine Corps officials stated that the Marine Corps subjects all five of its MCFs to ACA audits. ACA audited the Camp Lejeune MCF in 2017 and 2020, and the Camp Pendleton MCF in 2016 and 2021.[53] According to Marine Corps officials, ACA audits help them ensure that their MCFs are operating according to national standards.

[51]The military services are required to coordinate MCF redesignations across DOD. Specifically, they are required to ensure that, in coordination with the Office of Legal Policy, their respective military service(s) notify the other military departments and services about the proposed reduction, closure, or redesignation of any MCFs regularly used to confine prisoners from more than one military service. At a minimum, the proposal to reduce, close, or redesignate the facility will be submitted for comment to the Office of Legal Policy, Office of the USD(P&R), and the military departments at least 120 days before final approval. See DOD Directive 1325.04E.

[52]*See* DOD Instruction 1325.07. In 2013, the DOD Corrections Council agreed to redefine Level II confinement limits from 5 years to up to 10 years, but as of September 2022, this change had not been incorporated in guidance.

[53]Officials stated that the 2021 ACA audit at was delayed twice—first, because the facility changed from a Level I to a Level II and, second, because of the COVID-19 global pandemic.

PREA Audits. PREA audits assessed Camp Lejeune MCF in 2017 and 2021, and Camp Pendleton MCF in 2017 and 2020 for compliance with PREA.

Air Force Assessments

The Air Force assesses adherence to health and safety standards through Inspector General inspections and command-led inspections and uses PREA audits as an external method of assessing adherence to health and safety standards. The Air Force has taken steps to improve its process for assessing its MCFs. However, it is the only service that has not (1) required the routine assessment of MCF adherence to a uniform set of MCF-specific health and safety standards, or (2) assessed all of its MCFs for adherence to these standards. Further, according to officials, the Guam MCF has not been audited in accordance with PREA because of a misunderstanding about whether a PREA audit was required for that facility.[54]

Air Force's Joint Base San Antonio-Lackland Military Correctional Facility, Joint Base San Antonio, TX

The Joint Base San Antonio-Lackland military correctional facility (MCF) is the largest of the Air Force's19 Level I MCFs, with beds for 31 incarcerated persons and six segregation cells. The facility is capable of housing service members awaiting trial, as well as post-trial incarcerated persons with sentences of up to 1 year. The administrative office (foreground) and the MCF, enclosed by a single perimeter fence, are shown in the image above.

Source: U.S. Air Force information and U.S. Air Force/Non-Commissioned Officer-in-Charge G. Rivera (photo) | GAO-23-105082

Inspector General Inspections. According to Air Force officials, Inspector General Unit Effectiveness Inspections and the Commander's Inspection Program are tools used by base commanders as part of their responsibility to ensure that confinement facilities are healthy and safe. Air Force Inspector General guidance requires the Inspector General to conduct these Unit Effectiveness Inspections every 2 to 3 years, and the Inspector General to conduct Commander's Inspection Program inspections annually.[55] However, the guidance for both the Unit Effectiveness Inspections and Commander's Inspection Program states that Inspectors General will develop an annual inspection plan based on the commander's guidance, and does not require that MCFs be included in those inspections. Further, the guidance does not specify whether MCFs should be assessed against MCF-specific health and safety standards.

At the two Air Force locations we selected for review, the Inspector General inspected one, Joint Base San Antonio-Lackland, in 2017, 2018, and 2019.[56] However, the resulting reports did not specify which, if any, MCF-specific health and safety standards were assessed. The second

[54]The Guam MCF is a Level I confinement facility.

[55]Air Force Instruction 90-201, *The Air Force Inspection System* (November 20, 2018) (incorporating Air Force Guidance Memorandum 2022-03, effective Dec. 5, 2022).

[56]The Joint Base San Antonio-Lackland MCF is a Level I confinement facility.

location, the Guam MCF, had not been subject to an Inspector General inspection of the facility from 2015 through 2021, according to officials from that MCF. Further, Air Force officials responsible for MCF oversight stated that they do not know how frequently the Inspector General conducts confinement inspections.

Command-led Inspections. Command-led inspections, known as Staff Assistance Visits, are inspections conducted by the Air Force Security Forces Command, as directed by installation commanders, and are focused on areas identified by the installation commander. A Staff Assistance Visit inspected one of our selected Air Force MCFs in 2017 and 2020.

The Air Force has recently taken steps to strengthen its Staff Assistance Visit process for MCFs, but gaps remain. Specifically, Air Force officials stated that, following a January 2020 Command Directed Investigation of a 2019 suicide at the Joint Base San Antonio-Lackland MCF, the Air Force recognized the need for routine facility inspections. Officials stated that in internal discussions they agreed that Staff Assistance Visits every 3 years would be appropriate.

In January 2022, Air Force officials responsible for oversight of Air Force MCFs developed “unofficial” Staff Assistance Visit adherence criteria based on Air Force guidance and applicable ACA standards. In February 2022, officials stated that they began using the developed criteria for Staff Assistance Visits. However, we determined that, as of July 2022, a Staff Assistance Visit had not been conducted at the Guam MCF since at least fiscal year 2015.

Although the Air Force has taken steps to strengthen its Staff Assistance Visit process, Air Force guidance still requires that commanders request Staff Assistance Visits, and does not require MCFs to be routinely assessed against MCF-specific health and safety standards.[57] Air Force officials responsible for oversight stated there is a need for routine inspections, and officials from the Guam MCF stated that an inspection of the facility would be beneficial in helping them ensure that they meet health and safety standards. Finally, all Staff Assistance Visits conducted since the Air Force developed its “unofficial” Staff Assistance Visit adherence criteria have identified deficiencies, further underscoring the

[57]Air Force Instruction 90-201.

need for routine assessments against MCF-specific health and safety standards.

DODI 1325.07 states that MCFs shall be operated to maintain good order, discipline, safety, and security.

By routinely assessing all of its MCFs the Air Force could better ensure that its MCFs are meeting health and safety standards, and identify and respond to any risks to the health and safety of MCF staff and incarcerated persons.

PREA Audits. We found that PREA auditors assessed one of our selected Air force MCFs, the Joint Base San Antonio-Lackland MCF, for compliance with PREA, but that PREA auditors did not assess the other selected Air Force MCF, the Guam MCF, for compliance with PREA during this timeframe. When we asked DOD officials why the Guam MCF had not been subject to a PREA audit, they told us there was a misunderstanding in the applicability of the law. Specifically, officials were unable to locate past information from the Department of Justice outlining the applicability of PREA audits across DOD MCFs. Because of our inquiry, an OSD official consulted with the Department of Justice and determined that PREA audits are applicable to the Guam MCF.[58] The officials stated that the Air Force is now working with PREA's compliance office to audit the Guam MCF.

[58]Specifically, according to the correspondence between DOD and Department of Justice officials, PREA audits are required for all MCFs located within the United States, including all 50 states, the District of Columbia, and the U.S. territories.

Efforts to Adhere to Health and Safety Standards and Address Identified Deficiencies at Selected Facilities Vary

Selected Army and Navy MCFs Generally Adhered to Health and Safety Standards and Took Action to Address Significant Deficiencies

Army

Command-led Inspections. Reports of Army command-led Inspections, or Technical Assistance Visits, and other documents show that our selected Army MCFs generally adhered to health and safety standards and corrected identified deficiencies. Specifically,

- The United States Disciplinary Barracks in Kansas adhered to 96 to 100 percent of assessed health and safety standards in annual inspections from 2015 to 2021, according to reports.[59] These inspections identified deficiencies that included hazardous materials not maintained in accordance with procedures, problems with the cleanliness of housing units, inoperable lights on the recreation field, excess and unaccounted for property, and work orders that were submitted for repairs with no date or description of the issue.
- The United States Army Regional Correctional Facility—Europe in Germany adhered to 88 to 100 percent of assessed health and safety standards in annual inspections from 2015 to 2021, according to reports.[60] These inspections identified deficiencies including supplies and equipment not being inventoried, standard operating procedures lacking detail, and emergency keys not relocated and locked in a secure storage area.

Follow-up reports indicated that MCFs took corrective actions to address the identified deficiencies. For example, according to the reports, in response to deficiencies related to hazardous materials at the United

[59]The United States Disciplinary Barracks is a Level III correctional facility. Percent of compliance by itself may not be an indicator of additional risk to health and safety of incarcerated persons or staff.

[60]The United States Army Regional Correctional Facility—Europe is a Level I confinement facility.

States Disciplinary Barracks, MCF officials required senior staff to spot check inventories, make corrections as necessary, and conduct corrective action training. Additionally, MCF officials required soldiers and civilian staff to attend refresher training regarding issuing and inventorying hazardous materials.

ACA Audits. ACA audits found that the selected Army MCFs adhered to ACA health and safety standards, resulting in continued accreditation. Specifically, the United States Disciplinary Barracks MCF adhered to 100 percent of the ACA mandatory and non-mandatory standards for audits in 2015, 2018, and 2021, according to audit reports. Similarly, the United States Army Regional Correctional Facility—Europe MCF adhered to 100 percent of the ACA mandatory and non-mandatory standards for audits in 2016 and 2019.

PREA Audits. The selected Army MCF where PREA audits are applicable adhered to all PREA standards assessed in the audit, according to an audit report. Specifically, according to the audit reports, the United States Disciplinary Barracks in 2017 met or exceeded all applicable PREA health and safety standards. The United States Army Regional Correctional Facility—Europe MCF did not undergo a PREA audit, because, according to officials, PREA audits do not apply to MCFs located outside the United States.

Navy

Command-led Inspections. Reports of command-led inspections, or Operational Readiness Inspections, and other documents show that our selected Navy MCFs generally adhered to health and safety standards and corrected identified deficiencies. Specifically, according to the reports,

- The Naval Consolidated Brig Miramar in California adhered to 97 percent of the health and safety standards for Operational Readiness Inspections conducted in 2016 and 2019.[61] Identified deficiencies included the facility's incentive program not being aligned with Navy guidance, incarcerated person documents not scanned into the

[61]Naval Consolidated Brig Miramar is a Level III correctional facility for female incarcerated persons and Level II correctional facility for male incarcerated persons.

Navy's MCF information system, trash reported on the interior and exterior of housing units, and doors not being locked and secured.

- Similarly, the Naval Consolidated Brig Chesapeake in Virginia adhered to 96 percent of the health and safety standards in 2015 and 99 percent in 2018.[62] Identified deficiencies included broken cooling compressors, forms not filed in incarcerated person's records, armed escorts not having active credentials, and incarcerated person records not in compliance with Navy guidance.

Reports on the status of deficiencies found at Naval Consolidated Brig Miramar and Naval Consolidated Brig Chesapeake show that the selected MCFs have corrected these issues or that the selected MCFs have taken actions to resolve them. For example, in response to Naval Consolidated Brig deficiencies related to facility's incentive program not being aligned with Navy guidance at the Naval Consolidated Brig Miramar, Navy officials told us that they rewrote the local policy to align with program guidelines from the Secretary of the Navy Manual 1640.1.

ACA Audits. ACA audit reports show that our selected Navy MCFs adhered to 100 percent of ACA mandatory and non-mandatory health and safety standards, resulting in continued accreditation. The Naval Consolidated Brig Miramar MCF was audited in 2017 and 2021 and the Naval Consolidated Brig Chesapeake MCF was audited in 2017 and 2020.[63]

Inspector General Inspections. Although no longer required by Bureau of Naval Personnel guidance, our Navy selected MCFs adhered to most Navy program requirements and corrected identified deficiencies during Bureau of Navy Personnel Inspector General inspections, according to the Inspector General reports. For example,

- The Naval Consolidated Brig Miramar generally adhered to the program requirements for the Inspector General inspection in 2015 and 2018, according to the reports. Examples of facility deficiencies identified include improper use of forms, reports not filed correctly in incarcerated person's records, maintenance requests that remained

[62]The Navy Consolidated Brig Chesapeake is a Level I confinement facility.

[63]Officials from the Naval Consolidated Brig Miramar MCF stated that they were due for an ACA inspection in 2020 but it was delayed to 2021 due to COVID-19. As such, ACA auditors reviewed documentation spanning a 4-year period instead of the standard 3-year period.

opened for more than 200 days, and issues with the fire alarm notification and reporting system.

- Similarly, the Naval Consolidated Brig Chesapeake generally adhered to program requirements for the Inspector General inspection 2016 and 2019, according to the reports. Examples of facility deficiencies identified include forms not containing form numbers and revised dates, not using a shredder to properly dispose of personal information, incomplete records and tracking logs, several civilian Position Descriptions being out of date, and the operations security program was not in compliance with Navy guidance.

Reports on the status of these deficiencies at Naval Consolidated Brig Miramar and Naval Consolidated Brig Chesapeake show that these MCFs have corrected or that actions have been taken to resolve these issues. For example, in response to the deficiency related to incomplete records and tracking logs, Navy MCF officials provided appropriate personnel with training and briefing slides on documentation and reporting requirements for internal control programs.

PREA Audits. PREA audit reports show that our selected Navy MCFs adhered to PREA standards. Specifically, the Naval Consolidated Brig Miramar in 2017 and 2021 met or exceeded 100 percent of the applicable health and safety standards assessed in the audit. In addition, the Navy Consolidated Brig Chesapeake in 2016 and 2019 met or exceeded all applicable PREA health and safety standards for the audits.

Air Force Inspections Identified Long-Standing Issues at One MCF, Which the Air Force Has Corrected or Plans to Correct

Higher-level inspections at the Joint Base San Antonio-Lackland MCF from 2017 to 2019 identified deficiencies across various organizations on the base including the MCF, such as structural and procedural deficiencies.[64] In 2020, a command-directed investigation, prompted by a December 2019 suicide at the MCF, resulted in an almost year-long closure of the MCF to address deficiencies identified in that investigation.

[64]Joint Base San Antonio-Lackland is a Level I confinement facility. We were unable to calculate a compliance percentage due to the structure of the reports.

Further, the Air Force has plans to address the remaining deficiencies identified as early as 2017, beginning in fiscal year 2023.[65] Specifically:

- In 2017, the Commander's Inspection Program reviewed the security forces squadron, which included the Joint Base San Antonio-Lackland MCF.[66] As previously stated, Air Force Inspector General guidance states that Inspectors General will develop an inspection plan based on the commander's guidance, among other factors, but does not specifically require that MCFs be included in those inspections.[67] For example, the 2017 inspection results show that inspectors examined the following areas across the squadron—medical support and response, building structures, active-duty personnel levels, security-related instructions, vehicle maintenance, processes for improving equipment deficiencies, training plans and records, and administrative functions. Identified deficiencies across the security forces squadron included inventories and audits related to training that had not been conducted, a vehicle maintenance area that did not have storage lockers for flammable items, and outdated security-related memorandums. The only deficiency identified that was specific to the MCF was that it needed significant repairs, due to cracks forming on the wall and exterior of the building.
- A Staff Assistance Visit inspection was also conducted in 2017, which focused on the MCF's adherence with Air Force standards for confinement facilities. Examples of areas inspected included inmate records, staff training records, MCF procedures and programs, and mail inspections. Identified deficiencies included that the PREA Compliance Manager contact information was not current, inmate records did not contain privacy labels and covers, and staff training programs were not kept on file. In addition, while the MCF had a detailed suicide prevention and response plan, it was not maintained in the Air Force data system. An Air Force official stated that there is no documentation of corrective actions taken in response to the staff assistance visit. Air Force officials also noted that none of the

[65]As previously mentioned, the Guam MCF has not received a higher-level inspection (such as a Staff Assistance Visit or Inspector General inspection) since at least fiscal year 2015. Also, the Guam MCF did not undergo any PREA audit from fiscal years 2015 through 2021.

[66]Security forces squadrons protect installations, personnel, and resources from terrorism, criminal acts, sabotage, and acts of war. See Air Force Instruction 38-101 *Manpower and Organization* (Aug. 29, 2019)

[67]Air Force Instruction 90-201.

identified issues resulted in a negative outcome or injury for staff or those incarcerated at the MCF.

- In 2018, the Unit Effectiveness Inspection program conducted an inspection at a higher level of command, known as the Wing level, and its subordinate units.[68] The resulting report identified deficiencies that were not specific to the MCF. Examples of identified deficiencies include equipment status not being updated in the maintenance data system, work hazards not being highlighted to personnel, and fire sprinkler systems that were not tested annually.
- A February 2019 Commander's Inspection Program inspection, which was conducted at the security forces squadron level, identified the MCF building as a major concern. Specifically, the report stated that there were significant foundational cracks around exterior columns and forming walls of the MCF facility. The report also stated that leadership had repeatedly indicated that the building required replacement. The report does not include an assessment of MCF-specific health and safety standards.
- In December 2019, an inmate at the Joint Base San Antonio-Lackland MCF committed suicide, leading to a command-directed investigation of the MCF that concluded in January 2020. This investigation found several deficiencies, such as improperly maintained documents and lack of effective medical communication and guidance. The investigation also identified some deficiencies that the investigator concluded contributed to the suicide. These deficiencies included anchored curtain rods and clothing hooks in the facility showers, insufficient personnel and training of staff, inability to observe items removed from and placed in security lockers, and barricading objects in segregated areas—all of which can be used as potential weapons. The report did not determine how long the deficiencies identified in the command-directed investigation had existed.

According to Joint Base San Antonio-Lackland officials, the MCF closed the same day of the suicide and remained closed for approximately one year for renovation, which included addressing deficiencies identified in the command-directed investigation. Additionally, the Air Force renovated the facility and employed additional personnel and training staff. However,

[68]The Air Force's 502nd Air Base Wing is the lead agency for Joint Base San Antonio, which, at the time of the inspection, was comprised of 2,135 buildings totaling 36.3 million square feet across 11 geographic locations, including the Joint Base San Antonio MCF. In addition, it is a higher-level command to the security forces squadron that operates the MCF.

the Air Force did not address all of the facility deficiencies identified in 2017 and 2019 during the MCF's closure.

According to Air Force officials whom we interviewed, the Air Force identified the need for significant upgrades and renovations in 2017. These same officials stated that as a result of the command-directed investigation, some, but not all of the needed upgrades and renovations were prioritized and completed in 2020. However, according to officials, although they identified a need for funding to address the remaining upgrades and renovations in their plan for the base, funding to meet the need will not be available until the beginning of fiscal year 2023. Air Force officials told us that MCF renovations are often not prioritized by base commanders, who make the decisions regarding these improvements. As we reported in January 2022, DOD had a deferred facility maintenance backlog in 2020 of about $137 billion, and maintenance is most often delayed for lower-priority facilities.[69]

As of September 2022, officials stated the MCF was scheduled to undergo major renovations estimated at $2 million to replace the heating, ventilation and cooling systems, and the building foundation in fiscal year 2023. Air Force officials stated that these renovations will better position the facility to meet health and safety standards. As noted earlier in this report, Air Force officials told us that, following the 2020 command-directed investigation, they recognized the need for routine facility inspections.

Marine Corps Has Not Fully Addressed Identified Deficiencies

Inspections, audits, and personnel assessments have identified deficiencies at both of our selected Marine Corps MCFs and in the Marine Corps correctional program at large, and work remains to address these identified deficiencies.

Inspections and Audits. Audit and inspection documentation shows that both of our selected Marine Corps MCFs have identified deficiencies that have not been addressed. For example, a 2021 Inspector General inspection of the Camp Lejeune MCF found that required formal group

[69]See GAO, *Defense Infrastructure: DOD Should Better Manage Risks Posed by Deferred Facility Maintenance*, GAO-22-104481 (Washington, D.C.: Jan. 31, 2022).

therapy sessions under the direction of a licensed, credentialed mental health professional are not conducted weekly because the MCF does not have the necessary resources to support this requirement.[70] The Camp Lejeune MCF inspection found that the MCF does not have the necessary funding to hire licensed or credentialed clinical professionals. As of September 2022, this deficiency has not been addressed.

Further, audit and inspection documentation from Camp Pendleton MCF shows that a 2021 Inspector General inspection and 2021 ACA audit identified similar deficiencies.[71] Specifically, the 2021 Inspector General inspection identified that the facility did not have a medical or dental officer assigned to the facility or appointed in writing to provide services. Additionally, the July 2021 ACA audit found that the Camp Pendleton MCF was not compliant with five ACA mandatory standards related to mental health screenings and examinations of incarcerated persons.[72] Marine Corps Corrections officials stated that the local Navy medical facility on the installation that traditionally dedicates medical officers to the MCFs is experiencing Navy-wide staffing shortages and not able to dedicate medical staff to the Camp Pendleton MCF. These officials stated that medical care is provided to those incarcerated at the MCF, but that MCF officials may have to take them to the Naval hospital on Camp Pendleton to receive that care. As of September 2022, Camp Pendleton MCF officials are applying for reconsideration of the draft ACA ruling of non-ACA accreditation, but officials stated that the facility may not be able to maintain its accreditation.

Staffing Shortages. Further, the Deputy Commandant of the Marine Corps (Plans, Policies and Operations) directed its MCFs to conduct a personnel assessment, which Marine Corps officials stated the assessment identified staffing shortages at three of the five MCFs in fiscal year 2021. The personnel assessment identified the need for civilian positions, including a clinical social worker at the Camp Pendleton MCF

[70]Camp Lejeune MCF is a Level I confinement facility.

[71]Camp Pendleton MCF is a Level II correctional facility.

[72]The five mandatory ACA standards included (1) a comprehensive health appraisal is completed for each incarcerated person after arrival (2) initial mental health screening of incarcerated persons by a mental health trained or qualified mental healthcare personnel at the time of admission (3) mental health appraisals of incarcerated persons by a qualified mental health person within 14 days of admission, (4) mental health screenings of incarcerated persons transferred from general population to a segregated area, and (5) a documented internal review system will be developed and implemented by the health authority.

and a technical director at the Camp Lejeune MCF. Clinical social workers can provide supervision of the counseling section, spearhead treatment programs for substance abusers (i.e., drugs, alcohol, etc.) and sexual offenders, as well as provide recommendations on clemency and parole for incarcerated persons. According to the Marine Corps officials, Technical Directors serve as the senior resident experts on all correctional matters, particularly national corrections standards (such as ACA standards) and, as such, act as the policy advisors to the MCFs. While the Marine Corps has identified a need for these civilian positions, it has not developed a plan to approve and fill them. Marine Corps officials told us that even if these civilian billets are authorized, the decision to approve and fill the positions is at the discretion of the Marine Corps installation commanders.

Security Personnel Assessments. Marine Corps officials have identified their security watch schedules as a safety risk for commanders, the corrections staff, the general public, and the incarcerated person population. Specifically, according to Marine Corps officials, Marine Corps active-duty MCF security personnel work 24-hour shifts and the Corps is the only military service that operates in this capacity. Marine Corps officials whom we interviewed stated that security personnel are working 24-hour shifts because of reductions in the number of active-duty personnel working in corrections since 2017. According to Marine Corps documentation, from fiscal years 2017 to 2022, active-duty personnel working in corrections decreased by 25 percent—from 487 to 364 active-duty personnel. These officials told us they are in the process of assessing their personnel needs. Officials have identified shortages of 125 active-duty personnel across all five Marine Corps MCFs, including 27 personnel needed at the Camp Pendleton MCF and seven additional personnel needed at the Camp Lejeune MCF.

While the Marine Corps addressed some deficiencies, it has not developed a plan for correcting deficiencies identified during audits and inspections at the Camp Lejeune and Camp Pendleton MCFs. Further, Marine Corps Corrections has identified shortages of civilian personnel at its MCFs, but officials stated that the Marine Corps has not completed the process of approving the positions and filling them. Officials we interviewed also stated that even if the civilian positions are approved, it is unclear that local commanders will fill them. Similarly, these Marine Corps officials are concerned that, even if additional active-duty positions at the MCFs are approved, local commanders might not fill them.

According to DOD Instruction 1325.07, MCFs shall be operated to maintain good order, discipline, safety, and security. Until the Marine Corps develops a plan for addressing deficiencies identified from higher-level inspections and audits at the Camp Lejeune and Camp Pendleton MCFs and ensures that staffing shortages of health and safety personnel at MCFs and active-duty security personnel positions are approved and filled, incarcerated persons and MCF staff are at greater risk for health and safety incidents.

OSD Is Increasing Its Visibility over MCFs but Has Limited Oversight of Serious Incidents and Inspection Results

The Office of Legal Policy Is Acting to Increase Its Visibility of the Military Services' Corrections Programs

After a period of reduced formal interaction with DOD's corrections officials, OLP is taking steps to increase its visibility over DOD's corrections program. Specifically, according to its charter, the DOD Corrections Council, which reviews issues related to MCFs, is supposed to meet quarterly or at the call of OLP, as the Council Chair.[73] However, officials were only able to provide meeting documentation for three Council meetings from 2015 through 2018.[74] According to meeting documentation, while the Council worked on memorandums to clarify provisions in DOD Instruction 1325.07 during this period, these did not constitute a comprehensive revision of the Instruction itself.[75]

In recent years, the Corrections Council has met somewhat more frequently. Officials provided documentation for five quarterly meetings in 2019 and 2020. Further, officials stated that new leadership came into

[73]Any Council member also may request a special meeting to consider an urgent matter.

[74]Officials did not provide further details on how often the DOD Corrections Council met during this period. However, the meeting minutes for March 2018 indicate that Council members concurred that meetings could be less frequent.

[75]For example, in August 2016, the Council discussed a draft memorandum clarifying the requirements in DOD Instruction 1325.07 for incarcerated person intakes and transfer documentation. An OLP official told us that the current effort to revise the Instruction began after July 2020.

OLP in July 2020, and, as of June 2022, the Council had met on a regular quarterly basis since November 2020.[76] During this time, the Council's meetings covered multiple issues, including updates to the recently implemented DOD Directive 1325.04E, which governs the administration of the DOD corrections programs, and an ongoing effort to revise DOD Instruction 1325.07.[77]

Further, the Council has discussed how OLP can contribute to the military services' corrections missions by conducting oversight. To that end, an official stated that recently OLP had resumed its earlier practice of visiting the military services' MCFs—suspended in response to the COVID-19 pandemic—to better understand operations at particular locations. As of September 2022, OLP had visited the Air Force's MCF at Joint Base San Antonio-Lackland and the Army's two MCFs at Fort Leavenworth, Kansas. The official stated that the purposes of the visits include observing whether policies are being implemented and discussing any needed policy changes. An OLP official also attended the ACA conference in August 2022.

DOD Has Limited Oversight of Health and Safety Incidents and Inspection Results at MCFs

We found that OLP does not receive detailed reports of significant health and safety incidents that occur at the services' MCFs or the results of higher-level inspections and audits of MCFs.

DOD Instruction 1325.07 requires each of the military services to report summary data on its respective MCFs to OLP annually.[78] These reports include demographic data, such as the number of incarcerated persons within each of the service's respective MCFs at the end of the calendar year and the number of officer and enlisted incarcerated persons, by service. The reports also provide summary data on, among other things,

[76]June 2022 was the most recent potential quarterly meeting of the Council encompassed by our review.

[77]DOD Directive 1325.04E replaced the previous DOD directive on MCFs in May 2022. According to the OLP official who serves as Council chairperson, possible revisions to DOD Instruction 1325.07 include clarifying that delivery of care and medical treatment standards are the same for incarcerated persons as other service members, as well as revising and incorporating the Council charter into the Instruction. The official stated that, as of July 2022, the draft had not yet been fully reviewed by the military services.

[78]DOD Instruction 1325.07.

incarcerated persons' offenses and releases from confinement, and the number of deaths of incarcerated persons, including by execution, accident, death caused by another person, and death by suicide.

However, these reports do not contain details on individual incidents, such as health and safety factors possibly contributing to those events, and the services do not report such details directly to OLP through other means. For example, both Army and Navy officials told us their respective services did not inform OLP of a 2019 sailor's death by suicide at the Army's Joint Base Lewis-McChord MCF and the Army did not report an attempted suicide that took place at United States Disciplinary Barracks during a visit by ACA auditors in March 2021.[79] Similarly, Marine Corps and Air Force officials told us their services do not report the details of incidents directly to OLP.

By contrast, all of the military departments require MCFs to report the details of three kinds of serious incidents—deaths or escapes of incarcerated persons, and significant disturbances—to their respective senior leadership.[80] Each of the military departments also provide for reporting other types of incidents, including incidents based on general considerations, and these considerations vary. For example, Army guidance does not expressly require MCFs to report attempted suicides, but commanders have discretion to report incidents based on, among other things, consideration of their severity and the potential for adverse publicity.[81] Department of the Navy guidance similarly states that Navy and Marine Corps MCFs are required to report, among others, incidents with racial overtones as well as other incidents that could result in

[79]The ACA's United States Disciplinary Barracks March 2021 reaccreditation report notes that attempted deaths by suicide at the facility are rare and that staff response to the event was calm and immediate, followed the next day by analysis and a small ceremony awarding the staff credited with saving the incarcerated person's life. The MCF was found to be in compliance with 100 percent of applicable ACA standards.

[80]Service and military department guidance differs in regard to what we refer to collectively as significant disturbances for the purposes of this report. Specifically, the Army requires reporting on disturbances which require the use of force, wounding, or serious injury to an incarcerated person. The Department of the Navy guidance requires Navy and Marine Corps MCFs to report on, among other things, mass strikes and disruptive actions and Air Force guidance requires reporting on disturbances causing injury or significant property damage. See Army Regulation 190-45, *Law Enforcement Reporting* (Sept. 27, 2016); Secretary of the Navy Manual 1640.1; and Air Force Manual 31-115, vol. 1.

[81]Army Regulation 190-45.

embarrassment or focus public attention on the MCFs where such incidents occurred.[82] Finally, Air Force guidance requires MCFs to report serious or significant incidents to the chain of command and the Air Force corrections command and notes that reportable incidents are not limited to those included in the guidance.[83]

We analyzed all available reports of serious incidents that the military services' MCFs submitted to their respective corrections commands from 2015 through 2021, although Navy officials stated that there had been other reportable incidents for which they did not have records and a Marine Corps official was unable to confirm whether there were any serious incidents reported from 2015-2017 due to a gap in record keeping.[84] The 13 available reports included incidents such as an escape by a pre-trial incarcerated person, attempted suicides, and allegations of staff-on-prisoner and prisoner-on-prisoner sexual assault.[85] Each report also included narratives describing the incident or allegation, and the results of investigations, when applicable.

Military service officials we interviewed differed on whether serious incidents have been brought up for discussion at meetings of the DOD Corrections Council, which an OLP official chairs. For example, one Air Force official told us there had been no formal discussions centered on incidents or reports from 2015 to the present. Similarly, a Marine Corps official told us there had not been discussion of serious incident reports from MCFs during his experience with the Council. Conversely, one Navy official stated that the Council had discussed serious incidents, albeit infrequently. This official specifically cited a 2010 uprising by incarcerated persons at the Army's United States Disciplinary Barracks and evacuations of the Naval Consolidated Brig Charleston to the Miramar MCF due to hurricanes in 2016 and 2017—all of which the official recalled

[82]Secretary of the Navy Manual 1640.1.

[83]Air Force Manual 31-115, vol. 1.

[84]Navy officials stated that the exact number of incidents reported by Navy MCFs is undetermined because it is policy to dispose of incident reports after 6 months. The Marine Corps official stated that the deficiency in record keeping is now resolved.

[85]Three of the incidents alleging sexual assault were determined to be unfounded or not to have occurred, while the remaining four were still under investigation or the results of investigation were not reported at the time of the incident reports we received.

being discussed within the Council.[86] In addition, Navy officials noted that there is nothing to preclude the services from discussing matters of mutual interest within the Council.

Officials with OLP confirmed that they do not regularly receive the reports of higher-level inspections and audits of MCF facilities or records of actions taken to address identified deficiencies. They also stated that if OLP needs the information, they will request the information directly from the services and that if there were a major issue, they would expect that the services would raise it to OLP's attention. OLP officials noted, however, that having routine access to reports of higher-level inspections done by the services' corrections commands of their respective MCFs could be helpful because these reports provide greater detail on operations.

DOD Directive 1325.04E states that USD (P&R) is responsible for promoting uniformity among the military services in the administration of correctional programs and operation of correctional facilities. It also states that USD (P&R) serves as the OSD focal point for confinement matters and correctional programs.[87]

Navy, Marine Corps, and Air Force officials told us they do not report the details of serious health and safety incidents or share higher-level inspection and audit reports and corrective actions with OLP because DOD guidance does not require it.[88] While the summary demographic and numerical data provided to OLP gives visibility of incidents and allows OLP to gather further information, if needed, DOD Instruction 1325.07 does not require that summary data for each calendar year to be provided to OLP until February of the following year. This potentially delays any review and discussion of serious incidents that could provide lessons learned. In addition, these summary data do not provide the level of detail about serious incidents that the incident reports provide.

[86]The scope of our review did not extend back to the 2010 uprising. OLP and military service officials were unable to provide documentation of quarterly Council meetings taking place in the quarters after the 2016 and 2017 hurricanes.

[87]DOD Directive 1325.04E.

[88]An Army official stated that in September 2022, the Army began informally notifying OLP of serious incidents involving incarcerated persons, although this is not formally required by guidance. The official noted that this reporting was in response to an OLP official's expressing interest in receiving the information.

OLP would be better positioned to monitor adherence to health and safety standards and promote uniformity in DOD's correctional programs if OLP officials had more ongoing visibility over MCF operations across the services. Such visibility could include regular access to higher-level inspection and audit results of MCFs and timely, more detailed information on serious incidents that may implicate MCFs' efforts to ensure the health and safety of incarcerated persons and staff. Although serious incidents and deficiencies identified in audits are specific to individual MCFs, revising guidance to require more detailed information can nonetheless provide valuable lessons learned that could apply across DOD's corrections programs.

Conclusions

The military services are responsible for operating their correctional facilities to maintain good order, discipline, safety, and security. Establishing health and safety standards and methods for assessing adherence to these standards is critical in carrying out these responsibilities. OSD and the military departments have established health and safety standards for MCFs and the Army, Navy, and the Marine Corps require regular assessments of adherence to these standards. The Air Force has recently taken steps to improve its assessment process, but it has not yet established a requirement for its MCFs to be regularly assessed, which hampers its ability to ensure that its MCFs meet health and safety standards.

Additionally critical to maintaining good order, discipline, safety, and security is ensuring that MCFs are meeting defined health and safety standards and taking action to correct identified deficiencies. Higher-level inspections and audits have found that our selected Army and Navy MCFs have generally met health and safety standards, and that officials have taken action when deficiencies were identified. Air Force inspections identified significant deficiencies at one of its MCFs over a span of 5 years. Although the Air Force did not promptly correct significant structural deficiencies, it has since taken action to correct identified deficiencies, including closing the MCF for nearly a year to address immediate problems and developing long-term funding plans to fix structural deficiencies. However, higher-level inspections and audits have identified deficiencies at our selected Marine Corps MCFs that the Marine Corps has not corrected. Further, Marine Corps officials have identified personnel shortages that they consider a safety risk, but the service has not yet addressed this risk. Until the Marine Corps corrects these

deficiencies, individuals within Marine Corps MCFs, to include both staff and incarcerated persons, are at an increased level of risk to health and safety.

Finally, in recent years, OLP has begun taking steps to increase its visibility over MCF operations, which can support DOD's policy of promoting uniformity across the department's corrections programs. However, without receiving detailed information on incidents that the military services believe warrant internal reporting to higher commands, as well as the results of higher-level inspections and audits at individual MCFs that could reveal deficiencies in meeting health and safety standards, OLP lacks assurance that it is meeting its policy goal. Revising guidance to ensure such reporting takes place would be an important step toward this goal.

Recommendations for Executive Action

We are making a total of five recommendations, including one to the Air Force, three to the Navy, and one to DOD. Specifically:

The Secretary of the Air Force should ensure that all Air Force MCFs, which currently are all Level I confinement facilities, are routinely assessed for adherence to health and safety standards, such as by revising Air Force guidance to require such assessments. (Recommendation 1)

The Secretary of the Navy should ensure that the Commandant of the Marine Corps develops a plan for correcting deficiencies identified from higher-level inspections and audits at the Camp Lejeune and Camp Pendleton MCFs. (Recommendation 2)

The Secretary of the Navy should ensure that the Commandant of the Marine Corps develops a plan for approving and filling positions related to staffing shortages of health and safety-related personnel at MCFs. (Recommendation 3)

The Secretary of the Navy should ensure that the Commandant of the Marine Corps develops a plan for approving and filling security positions to address the 24-hour personnel model used at MCFs. (Recommendation 4)

The Secretary of Defense, in coordination with the Under Secretary of Defense for Personnel and Readiness (USD (P&R)), should issue or revise existing guidance, such as DOD Instruction 1325.07 or the DOD Corrections Council charter, to require that the services report to the USD(P&R) (1) the specific details of incidents that implicate health and safety standards or that require internal reporting to a service corrections command due to their serious or critical nature and (2) the results of higher-level inspections and audits of MCFs and actions taken to remedy identified deficiencies. (Recommendation 5)

Agency Comments and Our Evaluation

We provided a draft of this report to DOD for review and comment. In its written comments, reproduced in appendix III, DOD concurred with four of our recommendations and partially concurred with one.

DOD partially concurred with our first recommendation, regarding ensuring that all Air Force MCFs are routinely assessed for adherence to health and safety standards. DOD stated that the Department of the Air Force has increased its Staff Assistant Visits and plans to incorporate the requirement for routine staff assistance visits every 3 years in its guidance. We believe that increasing Staff Assistant Visits is a good first step and that incorporating a requirement into its guidance, if implemented, would meet the intent of our recommendation.

While the Air Force is taking steps to implement our first recommendation, DOD stated that the Department of the Air Force does not concur with our statement in the report, related to that recommendation, that the Air Force does not routinely assess its MCFs. Specifically, DOD stated that Air Force MCFs conduct an annual self-inspection using a checklist containing health and safety standards and that higher headquarters reviews these for compliance. However, as we noted in our report, the Air Force does not require inspections of its MCFs by higher-level entities and has only recently developed “unofficial” Staff Assistance Visit criteria for assessing adherence to health and safety standards. Further, we found that one of the two Air Force MCFs in our sample has not been inspected since 2015.

DOD also stated that the Department of the Air Force does not concur with our statement that the Air Force could better ensure that its MCFs are meeting health and safety standards and identify and respond to any potential risks to health and safety of MCF staff and incarcerated persons.

DOD stated that it does not provide health and safety standards for Level I MCFs, and that DOD Directive 1325.04E identifies that national accreditation standards issued by the American Correctional Association will be followed to the greatest extent possible. DOD further stated that its standards provide flexibility due to the vast differences between standards of Level I, II, and III facilities.

As we reported, DOD does provide guidance on minimum requirements and services that facilities must provide for each level of MCF, including Level I MCFs, and the Department of the Air Force has developed MCF-specific guidance that sets health and safety standards for things like physical plant and equipment, procedures for medical screening and evaluation, and hygiene of incarcerated persons. Moreover, any flexibility in DOD's approach does not prevent the Air Force from routinely assessing its MCFs against the standards that are in place. We continue to believe that routine assessments are key in identifying and responding to any potential risks to health and safety. We note that recent Air Force assessments conducted using the new "unofficial" Staff Assistant Visit criteria have identified deficiencies that need correcting, demonstrating the need for enhanced oversight.

With regard to our other recommendations, in concurring with our recommendation 3 and recommendation 4, both related to addressing personnel shortages, , DOD stated that the Marine Corps plans to take action to implement both recommendations. DOD also stated that these recommendations should be consolidated into a single recommendation. We disagree, because these recommendations are aimed at two lines of effort—civilian personnel in recommendation 3, and security personnel in recommendation 4. We therefore maintained these as separate recommendations in our final report.

DOD also provided technical comments, which we incorporated as appropriate.

We are sending copies of this report to the appropriate congressional committees, the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Secretaries of the Army, the Navy, and the Air Force, and the Commandant of the Marine Corps. In addition, the report will be available at no charge on the GAO website at http://www.gao.gov.

If you or your staff have any questions about this report, please contact me at (202) 512-2775 or fielde1@gao.gov. Contact points for our Offices

of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix IV.

Elizabeth Field

Director, Defense Capabilities and Management

Appendix I: Costs Associated with Higher-Level Inspections and Audits

Military service officials stated that command-led inspection and Inspector General inspections are conducted by military service personnel and costs are not normally tracked. As such, officials provided estimates for travel costs associated with these efforts. Below we summarize available cost information for our selected military correctional facilities (MCF) from fiscal years 2015 through 2021.

Army

Command-led inspections. Officials estimate that costs associated with annual command-led inspections, known as Technical Assistance Visits, for our selected Army MCFs to range from approximately $4,000 to $8,500 for the United States Disciplinary Barracks MCF, and from approximately $14,800 to $19,000 for the United States Army Regional Correctional Facility– Europe MCF. These estimates include Army Corrections Command officials' travel costs associated with the visits and do not include personnel costs.

American Correctional Association (ACA) Audits. Contracts awarded for ACA audits for the United States Disciplinary Barracks MCF were $16,200 and $18,000, which included audits for the Midwest Joint Regional Correctional Facility. The United States Army Regional Correctional Facility – Europe MCF contracts were $17,500 for each respective ACA audit.

Navy

Command-led Inspections. Officials estimate costs associated with command-led inspections, known as Operational Readiness Inspections, to be approximately $4,900 and $5,400 for Naval Consolidated Brig Miramar, and approximately $6,300 and $3,800 for Naval Consolidated Brig Chesapeake. These estimates include travel costs associated with the visits for Bureau of Naval Personnel Corrections and Programs officials and do not include personnel costs.

ACA Audits. Contracts awarded for ACA audits for the Naval Consolidated Brig Miramar were $13,050 and $15,000, and for the Navy Consolidated Brig Chesapeake were $9,000 and $10,000 for each respective audit.

Inspector General Inspections. Officials estimated costs associated with Inspector General inspections at Naval Consolidated Brig Miramar to be $31,800 in 2018 and at Naval Consolidated Brig Chesapeake to be at $23,600 in 2019. Officials could not provide an estimated cost associated with the Inspector General inspection for Naval Consolidated Brig Miramar in 2015 because inspectors combined the facility's inspection with travel to conduct inspections at four other MCFs in multiple locations. Officials estimated the costs for all MCFs combined to be approximately $67,000. Additionally, officials could not provide an estimated cost associated with Naval Consolidated Brig Chesapeake because it was combined with another MCF in another location. Officials estimate costs associated with the combined inspection to be approximately $62,400. These estimates include Inspector General officials' travel costs associated with the inspections and do not include personnel costs.

Marine Corps

Command-led and Inspector General Inspections. As previously mentioned, Marine Corps corrections command officials stated that in approximately 2018, the Marine Corps consolidated its command-led inspections, known as Functional Adequacy Inspections, and its Inspector General Inspections to reduce redundancy and save travel costs associated with conducting separate inspections. Officials stated that since 2018, they estimated travel costs associated with inspections at the Camp Lejeune MCF to be approximately $3,000 and the Camp Pendleton MCF to be approximately $10,000.

ACA Audits. Officials stated that the average cost of ACA audits are $13,300 per MCF.

Air Force

Command-led Inspections. Officials estimated that costs associated with command-led inspections, known as Staff Assistance Visits, are approximately $1,200 to $2,400 per inspection. Officials stated that costs associated with Staff Assistance Visits are related to travel.

Inspector General Inspections. Inspector General inspections are conducted by local command staff. As such, officials stated that they are not aware of any costs incurred by the Inspector General for Inspections.

Appendix II: Organizations and Military Correctional Facilities (MCF) We Contacted

To obtain information for our review, we interviewed officials from the following organizations.

Office of the Secretary of Defense

- Office of the Under Secretary of Defense for Personnel and Readiness, Office of Legal Policy

Department of the Army

- Army Corrections Command
- United States Disciplinary Barracks, Fort Leavenworth, KS
- United States Army Regional Correctional Facility–Europe, Sembach, Germany

Department of the Navy

- Navy Corrections and Program Office
- Naval Consolidated Brig Miramar, Miramar, CA
- Naval Consolidated Brig Charleston Detachment Chesapeake, Chesapeake, VA
- Marine Corps Installations Command (Marine Corps Corrections)
- Marine Corps Installations—West, Camp Pendleton Base Brig, Camp Pendleton, CA
- Marine Corps Installations East Regional Brig, Camp Lejeune, NC

Department of the Air Force

- Law Enforcement Policy
- Air Force Security Forces Center
- Joint Base San Antonio-Lackland Confinement Facility, San Antonio, TX

- Andersen Air Force Base Confinement Facility, Guam

Other Organization

- American Correctional Association

Appendix III: Comments from the Department of Defense

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND READINESS

Ms. Elizabeth Field
Director, Defense Capabilities and Management
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Field,

This is the Department of Defense (DoD) response to the GAO Draft Report GAO-23-105082, "MILITARY CORRECTIONAL FACILITIES: Consistent Application of Standards and Improved Oversight Could Enhance Health and Safety," dated October 26, 2022 (GAO Code 105082).

The Department's response is attached. Administrative (technical) comments were provided separately. My point of contact is Ms. Margarete Ashmore, who can be reached at margarete.p.ashmore.civ@mail.mil or 703-571-9301.

Sincerely,

LEE.ANN.YOUNG AH.1241426528 Digitally signed by LEE.ANN.YOUNG AH.1241426528 Date: 2022.12.01 16:53:52 -05'00'

Ann Y. Lee
Acting Executive Director

Enclosure(s):
As stated

GAO DRAFT REPORT DATED OCTOBER 26, 2022
GAO-23-105082 (GAO CODE 105082)

"MILITARY CORRECTIONAL FACILITIES: CONSISTENT APPLICATION OF STANDARDS AND IMPROVED OVERSIGHT COULD ENHANCE HEALTH AND SAFETY"

DEPARTMENT OF DEFENSE COMMENTS
TO THE GAO RECOMMENDATION

RECOMMENDATION 1: The GAO recommends that the Secretary of the Department of the Air Force should ensure that all Air Force MCFs, which currently are all Level 1 confinement facilities, are routinely assessed for adherence to health and safety standards, such as by revising Air Force guidance to require such assessments.

DoD RESPONSE: Partially concur.

a. The Department of the Air Force (DAF) agency responsible for health and safety staff assistant visits has already increased the number of their Level 1 confinement facility reviews. Nonetheless, DAF guidance mandating routine staff assistance visits for Level 1 confinement facilities every 3 years will be published no later than 1 February 2023.

b. DAF does not concur with the GAO statement "the DAF does not routinely assess its MCFs." DoD has not mandated a specific standard for routine confinement facilities assessments in either DoD Directive 1325.04E or DoD Instruction 1325.07. DAF Level I confinement facilities conduct an annual self-inspection checklist and a higher headquarters review self-inspection compliance that contain health and safety standards that comply with service specific guidance.

c. DAF does not concur with the GAO statement "the Air Force could better ensure that its MCFs are meeting health and safety standards, and identify and respond to any potential risks to health and safety of MCF staff and incarcerated persons." The DoD does not provide health and safety standards for Level 1 MCFs. DoD Directive 1325.04E, paragraph 1.2.g. states, "To the greatest extent possible, national accreditation standards issued by the American Correctional Association (ACA) will be followed in determining correctional policies and administering MCFs and their functions and tasks." DoD's standards provide flexibility due to the vast difference standards between Level 1, 2, and 3 military correctional/confinement facilities.

RECOMMENDATION 2: The GAO recommends that the Secretary of the Department of the Navy should ensure that the Commandant of the Marine Corps develops a plan for correcting deficiencies identified from higher-level inspections and audits at the Camp Lejeune and Camp Pendleton MCFs.

DoD RESPONSE: Concur. Higher-level inspections and audits include command-led inspections, Inspector General inspections, American Correctional Association (ACA) accreditation audits, and Prison Rape Elimination Act (PREA) audits. The Marine Corps has

2

established procedures and corrective action plan requirements for the Inspector General inspections; however, external audits, such as PREA and ACA audits, have their own established policies and procedures for corrective action and compliance to deficiencies. The Marine Corps will develop new policy for managing deficiencies identified by higher-level command-led inspections and external audits by 31 May 2023. This policy will include use of the Marine Corps Enterprise Task Management Software Solution (ETMS2) our current task tracking system to ensure deficiencies are assigned to the respective command for resolution and followed to completion.

RECOMMENDATION 3: The GAO recommends that the Secretary of the Department of the Navy should ensure that the Commandant of the Marine Corps develops a plan for approving and filling positions related to staffing shortages of health and safety-related personnel at MCFs.

DoD RESPONSE: Concur. Requirements 3 and 4 both address Military Correctional Facilities' (MCF) staffing shortages. Recommend deleting "at MCFs" from the end of Recommendation 3 and adding, "and filling positions to transition from the 24-hour personnel model used at MCFs" from Recommendation 4 in order to combine the two recommendations. The Marine Corps will identify and validate staffing shortages at the MCFs and will develop a plan within the installation to manage payroll budget priorities for approving and filling health and safety-related positions, to include resources required to address the 24-hour personnel model used at MCFs. Corrections' manpower analysis is estimated to be complete by 31 May 2023. The follow-on timeline is contingent on Doctrine, Organization, Training, Materiel, Leadership, Personnel, Facilities, Policy, and Cost (DOTMLPF-C) requirements and Force Design 2030 analysis.

RECOMMENDATION 4: The GAO recommends that the Secretary of the Navy should ensure that the Commandant of the Marine Corps develops a plan for approving and filling security positions to address the 24-hour personnel model used at MCFs.

DoD RESPONSE: Concur. Recommendation 4 is duplicative of Recommendation 3; propose it be eliminated and consolidated with Recommendation 3 as noted above.

RECOMMENDATION 5: The GAO recommends that the Secretary of the Department Defense in coordination with the Under Secretary of Defense for Personnel and Readiness (USD (P&R)), should issue or revise existing guidance, such as DOD Instruction 1325.07 or the DOD Corrections Council charter, to require that the services report to the USD(P&R) (1) the specific details of incidents that implicate health and safety standards or that require internal reporting to a service corrections command due to their serious or critical nature and (2) the results of higher-level inspections and audits of MCFs and actions taken to remedy identified deficiencies.

DoD RESPONSE: Concur. DoD will consult with the Military Services to develop guidance to require the Services to report to the USD(P&R) (1) the specific details of incidents that implicate health and safety standards or that require internal reporting to a service corrections command due to their serious or critical nature as well as (2) the results of higher-level inspections and audits of MCFs and actions taken to remedy any identified deficiencies.

3

Text of Appendix III: Comments from the Department of Defense

Ms. Elizabeth Field

Director, Defense Capabilities and Management

U.S. Government Accountability Office

441 G Street, NW Washington, DC 20548

Dear Ms. Field,

This is the Department of Defense (DoD) response to the GAO Draft Report

GAO-23-105082, "MILITARY CORRECTIONAL FACILITIES: Consistent Application of Standards and Improved Oversight Could Enhance Health and Safety," dated October 26, 2022 (GAO Code 105082).

The Department's response is attached. Administrative (technical) comments were provided separately. My point of contact is Ms. Margarete Ashmore, who can be reached at margarete.p.ashmore.civ@mail.mil or 703-571-9301.

Sincerely,

Ann Y. Lee

Acting Executive Director

Enclosure(s): As stated

GAO DRAFT REPORT DATED OCTOBER 26, 2022 GAO-23-105082 (GAO CODE 105082) "MILITARY CORRECTIONAL FACILITIES: CONSISTENT APPLICATION OF STANDARDS AND IMPROVED OVERSIGHT COULD ENHANCE HEALTH AND SAFETY"

DEPARTMENT OF DEFENSE COMMENTS TO THE GAO RECOMMENDATION

RECOMMENDATION 1: The GAO recommends that the Secretary of the Depmiment of the Air Force should ensme that all Air Force MCFs, which cmrently are all Level 1 confinement facilities, are routinely assessed for adherence to health and safety standards, such as by revising Air Force guidance to require such assessments.

DoD RESPONSE: Partially concur.

a. The Department of the Air Force (DAF) agency responsible for health and safety staff assistant visits has already increased the number of their Level 1 confinement facility reviews. Nonetheless, DAF guidance mandating routine staff assistance visits for Level 1 confinement facilities every 3 years will be published no later than 1 February 2023.

b. DAF does not concur with the GAO statement "the DAF does not routinely assess its MCFs." DoD has not mandated a specific standard for routine confinement facilities assessments in either DoD Directive 1325.04E or DoD Instruction 1325.07. OAF Level I confinement facilities conduct an annual self-inspection checklist and a higher headquarters review self-inspection compliance that contain health and safety standards that comply with service specific guidance.

c. DAF does not concur with the GAO statement "the Air Force could better ensme that its MCFs are meeting health and safety standards, and identify and respond to any potential risks to health and safety of MCF staff and incarcerated persons." The DoD does not provide health and safety standards for Level I MCFs. DoD Directive I 325.04E, paragraph 1.2.g. states, "To the greatest extent possible, national accreditation standards issued by the American Correctional Association (ACA) will be followed in determining correctional policies and administering MCFs and their functions and tasks." DoD's standards provide flexibility due to the vast difference standards between Level 1, 2, and 3 military correctional/confinement facilities.

RECOMMENDATION 2: The GAO recommends that the Secretary of the Depmiment of the Navy should ensure that the Commandant of the Marine Corps develops a plan for correcting deficiencies identified from higher-level inspections and audits at the Camp Lejeune and Camp Pendleton MCFs.

DoD RESPONSE: Concur. Higher-level inspections and audits include command-led inspections, Inspector General inspections, American Correctional Association (ACA) accreditation audits, and Prison Rape Elimination Act (PREA) audits. The Marine Corps has

established procedures and corrective action plan requirements for the Inspector General inspections; however, external audits, such as PREA and ACA audits, have their own established policies and procedures for corrective action and compliance to deficiencies. The Marine Corps will develop new policy for managing deficiencies identified by higher-level command-led inspections and external audits by 31 May 2023. This policy will include use of the Marine Corps Enterprise Task Management Software Solution (ETMS2) our current task tracking system to ensure deficiencies are assigned to the respective command for resolution and followed to completion.

RECOMMENDATION 3: The GAO recommends that the Secretary of the Department of the Navy should ensure that the Commandant of the Marine Corps develops a plan for approving and filling positions related to staffing shortages of health and safety-related personnel at MCFs.

DoD RESPONSE: Concur. Requirements 3 and 4 both address Military Correctional Facilities' (MCF) staffing shortages. Recommend deleting "at MCFs" from the end of Recommendation 3 and adding, "and filling positions to transition from the 24-hour personnel model used at MCFs" from Recommendation 4 in order to combine the two recommendations. The Marine Corps will identify and validate staffing shortages at the MCFs and will develop a plan within the installation to manage payroll budget priorities for approving and filling health and safety-related positions, to include resources required to address the 24-hour personnel model used at MCFs.

Corrections' manpower analysis is estimated to be complete by 31 May 2023. The follow-on timeline is contingent on Doctrine, Organization, Training, Materiel, Leadership, Personnel, Facilities, Policy, and Cost (DOTMLPF-C) requirements and Force Design 2030 analysis.

RECOMMENDATION 4: The GAO recommends that the Secretary of the Navy should ensure that the Commandant of the Marine Corps develops a plan for approving and filling security positions to address the 24-hour personnel model used at MCFs.

DoD RESPONSE: Concur. Recommendation 4 is duplicative of Recommendation 3; propose it be eliminated and consolidated with Recommendation 3 as noted above.

RECOMMENDATION 5: The GAO recommends that the Secretary of the Department Defense in coordination with the Under Secretary of Defense for Personnel and Readiness (USO (P&R)), should issue or revise existing guidance, such as DOD Instruction 1325.07 or the DOD Corrections Council

charter, to require that the services report to the USD(P&R) (1) the specific details of incidents that implicate health and safety standards or that require internal reporting to a service corrections command due to their serious or critical nature and (2) the results of higher-level inspections and audits ofMCFs and actions taken to remedy identified deficiencies.

DoD RESPONSE: Concur. DoD will consult with the Military Services to develop guidance to require the Services to report to the USD(P&R) (1) the specific details of incidents that implicate health and safety standards or that require internal reporting to a service corrections command due to their serious or critical nature as well as (2) the results of higher-level inspections and audits of MCFs and actions taken to remedy any identified deficiencies.

Appendix IV: GAO Contact and Staff Acknowledgments

GAO Contact

Elizabeth Field, (202) 512 -2775 or fielde1@gao.gov

Staff Acknowledgments

In addition to the contact named above, GAO staff who made key contributions on this report include Margaret Best (Assistant Director), Norris “Traye” Smith (Analyst in Charge), Tracy Burney, Colin Chambers, Wesley Johnson, Suzanne Kaasa, Amie Lesser, Carter Stevens, Erik Wilkins-McKee, and Lillian Moyano Yob.

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