

HEADQUARTERS UNITED STATES MARINE CORPS
SECURITY AND LAW ENFORCEMENT (PSL) CORRECTIONS
ANNUAL REPORT
PRISON RAPE ELIMINATION ACT
ON
DATA REVIEW AND CORRECTIVE ACTION
2015

WHAT IS PREA?

The federal Prison Rape Elimination Act (PREA) was signed into law September 2003 by President George W. Bush. Its main purpose is to protect the Eight Amendment rights of federal, state and local prisoners and inmates. PREA makes the prevention of sexual abuse and sexual harassment of incarcerated persons a top priority with national standards for the detection, prevention, reduction and punishment of sexual misconduct and sexual abuse in prisons and jails. It also increases accountability for administrators who fail to prevent, reduce and punish such misconduct.

WHAT IS A VIOLATION OF PREA AND HOW WILL THE MARINE CORPS RESPOND?

Sexual contact in any form between staff (contractors, volunteers, and vendors) and inmates is a violation of PREA. This not only applies to inmates in custody, but also to those who may be in transition between custody levels, such as pre- or post-trial inmates returning from courts-martial, transportation between confinement facilities, and those temporarily released undergoing external treatment. It also applies to same sex, as well as opposite sex encounters. Consensual sex between staff and inmates is considered nonexistent and is deemed nonconsensual in all cases due to the authority and position staff members have over inmates. Sexual abuse and sexual harassment between inmates is also a PREA violation. The Marine Corps has always been committed to a ZERO TOLERANCE STANDARD for sexual abuse or sexual harassment including all service members and inmates under its authority. From the indoctrination of the Department of Defense policy on Sexual Assault Prevention and Response (SAPR) in October of 2005, the Marine Corps has maintained an aggressive response to investigate and support prosecution of such misconduct.

On June 20, 2012, the D.O.J. issued the Final Rule for the National PREA Standards which went into effect August 20, 2013. The PREA standards require agencies to ensure that each facility operated by the agency, or by a private organization on behalf of the agency, receive an external audit. The Department of Defense (DoD) published a Directive-type Memorandum on February 10, 2013 for Military Departments to rapidly develop and implement necessary rules and procedures to satisfy the requirements of PREA with strict enforcement measures and universally high standards. On July 7, 2015, the DoD published revised policy on the Sexual Assault Prevention and Response (SAPR) Program establishing consistency with sexual assaults in DoD confinement facilities involving Service members. With the implementation of PREA, PSL Corrections has designated a PREA Coordinator and compliance manager at the headquarters level and implemented policy changes throughout its facilities. As always, PSL Corrections strives for excellence in the compliance process and is dedicated to PREA's "Zero Tolerance" regarding any type of sexual harassment or abuse in its facility.

DATA COMPARISON OF SEXUAL ABUSE ALLEGATIONS 2014-2015

DEFINITION OF TERMS

Unfounded Allegation - an allegation that was investigated and determined not to have occurred.

Unsubstantiated Allegation - an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Substantiated Allegation - an allegation that was investigated and determined to have occurred.

Nonconsensual Act - sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and

- Contact between the penis and the vulva or the penis and the anus including penetration, however slight; or
- Contact between the mouth and the penis, vulva or anus; or
- Penetration of the anal or genital opening of another person, however slight by a hand, finger, object, or other instrument.

Abusive Act - sexual contact with any person without his or her consent, or of a person who is unable to consent or refuse; and

- Intentional touching either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

Inmate Sexual Harassment – Repeated and unwanted sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

Staff Sexual Misconduct – any act or behavior of a sexual nature directed toward an inmate by an employee, volunteer, contractor or official visitor or other agency representative. Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual and nonconsensual acts include;

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse or gratify sexual desire; or
- Completed, attempted, threatened, or requested sexual acts; or
- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Staff Sexual Harassment – Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative and include;

- Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing;
- Repeated profane or obscene language or gestures.

*The following tables are allegations of inmate-on-inmate sexual victimization reported by Marine Corps correctional facility authorities, by type of victimization from 2014 – 2015.

Year	Average Daily Population	Allegations	Inmate-on-inmate Reported nonconsensual sexual acts		
			Substantiated	Un-Substantiated	Unfounded
2014	78	-	-	-	-
2014	62	-	-	-	-

Year	Average Daily Population	Allegations	Inmate-on-inmate Reported abusive sexual contacts		
			Substantiated	Un-Substantiated	Unfounded
2015	78	1	-	1	-
2014	62	-	-	-	-

*The following tables are allegations of staff sexual misconduct with inmates reported by Marine Corps correctional facility authorities, by type of victimization from 2014 – 2015.

Year	Average Daily Population	Allegations	Reported acts of staff sexual misconduct with inmates		
			Substantiated	Un-Substantiated	Unfounded
2015	78	1	-	-	1
2014	62	-	-	-	-

Year	Average Daily Population	Allegations	Reported acts of staff sexual harassment of inmates		
			Substantiated	Un-Substantiated	Unfounded
2015	78	-	-	-	-
2014	62	-	-	-	-

REVIEW OF DATA

There was an increase in the number of allegations reported across all fields since 2014. Of the two allegations reported both allegations were investigated and determined to be unsubstantiated and unfounded. There are no alarming numbers to be analyzed or dissected.

This report is completed and posted on the HQMC Corrections website in compliance with PREA Standards §115.87 Data Collection, §115.88 Data Review for Corrective Action and §115.89 Data Storage, Publication, and Destruction.