

HEADQUARTERS UNITED STATES MARINE CORPS
SECURITY AND LAW ENFORCEMENT (PSL) CORRECTIONS
ANNUAL REPORT
PRISON RAPE ELIMINATION ACT
ON
DATA REVIEW AND CORRECTIVE ACTION
2013 - 2014

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 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 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 2004-2014

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 2004 - 2014.

Year	Average Daily Population	Inmate-on-inmate Reported nonconsensual sexual acts			
		Allegations	Substantiated	Un-Substantiated	Unfounded
2014	62	-	-	-	-
2013	52	-	-	-	-
2012	76	-	-	-	-
2011	140	-	-	-	-
2010	287	-	-	-	-
2009	384	-	-	-	-
2008	431	-	-	-	-
2007	381	-	-	-	-
2006	194	1	1	-	-
2005	631	-	-	-	-
2004	643	-	-	-	-

Year	Average Daily Population	Inmate-on-inmate Reported abusive sexual contacts			
		Allegations	Substantiated	Un-Substantiated	Unfounded
2014	62	-	-	-	-
2013	52	-	-	-	-
2012	76	-	-	-	-
2011	140	-	-	-	-
2010	287	-	-	-	-
2009	384	-	-	-	-
2008	431	-	-	-	-
2007	381	1	-	1	-
2006	194	-	-	-	-
2005	631	-	-	-	-
2004	643	-	-	-	-

*The following tables are allegations of staff sexual misconduct with inmates reported by Marine Corps correctional facility authorities, by type of victimization from 2004 - 2014.

Reported acts of staff sexual misconduct with inmates					
Year	Average Daily Population	Allegations	Substantiated	Un-Substantiated	Unfounded
2014	62	-	-	-	-
2013	52	-	-	-	-
2012	76	-	-	-	-
2011	140	-	-	-	-
2010	287	-	-	-	-
2009	384	-	-	-	-
2008	431	-	-	-	-
2007	381	-	-	-	-
2006	194	1	1	-	-
2005	631	-	-	-	-
2004	643	-	-	-	-

Reported acts of staff sexual harassment of inmates					
Year	Average Daily Population	Allegations	Substantiated	Un-Substantiated	Unfounded
2014	62	-	-	-	-
2013	52	-	-	-	-
2012	76	-	-	-	-
2011	140	-	-	-	-
2010	287	-	-	-	-
2009	384	-	-	-	-
2008	431	-	-	-	-
2007	381	-	-	-	-
2006	194	-	-	-	-
2005	631	3	-	-	3
2004	643	-	-	-	-

REVIEW OF DATA

There were no increases in the number of allegations reported across all fields since 2007. There are no alarming numbers to be analyzed or dissected.

ANALYSIS/CORRECTIVE ACTIONS TAKEN 2013 - 2014

The Marine Corps recognizes the necessity and impact PREA has on the Agency. The Deputy, Head of Marine Corps Corrections was assigned by the DoD Corrections Council as the Agency PREA Coordinator and declared the Marine Corps would become compliant with the PREA Standards and initiated measures to bring that declaration to fruition. Headquarters Marine Corps (HQMC) Corrections spent 2013 becoming educated and proficient in the concept of how new law would affect the Agency. The following study and activities are provided to show a program of action and milestones to the PREA implementation process.

Analysis: Language within several PREA standards required interpretation and clarification within a military context in order to

ensure standardized implementation within the Marine Corps corrections system.

Corrective Action: On May 14, 2014 HQMC Corrections published policy directing the implementation of the PREA standards within the Marine Corps Corrections system. Additionally, policy interprets and clarifies, within a governing "agency" context, the Department of Justice (DoJ) national PREA standards.

Analysis: The already existing DoD sexual assault policy for all activities, including civilian personnel and dependents functioning aboard a military installation was identified as the leading approach to incorporate the PREA standards. The SAPR Program however did not support the ability for inmates to report an allegation anonymously.

Corrective Action: On March 2, 2015 the DoD published policy to support both an Unrestricted and Anonymous Report through the already existing SAPR Program.

Analysis: Partial separation of the SAPR Program and the PREA standards was required to ensure an investigation is initiated on all allegations of sexual abuse and sexual harassment.

Corrective Action: On July 6, 2015, the DoD published policy supporting Unrestricted Reporting and Anonymous Reporting for all inmates. Policy includes the support of medical treatment, counseling, and advocacy services offered to the victim regardless of whether the victim cooperates with an investigation arising out of the incident. Inmates will also be able to receive confidential crisis intervention and referrals to support services through the DoD Safe Helpline.

Analysis: Data collection and review requires public access and HQMC Corrections website requires updates with addition PREA information, agreements and reports as the governing agency.

Corrective Action: Sexual violence tables, data review and the PREA Compliance Memorandum of Agreement (MOA) are posted on HQMC Corrections website. The MOA identifies further details with the Naval Criminal Investigative Service (NCIS) as the designated Military Criminal Investigative Organization for Navy and Marine Corps confinement facilities.

Analysis: Centralized operational procedures for all Marine Corps confinement facilities and formalized standardization are essential to achieve compliance. A Headquarters level policy shall provide unified process to the Marine Corps Corrections system.

Corrective Action: Agency level Standard Operating Procedures (SOP) published and distributed on October 16, 2015.

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.