



DEPARTMENT OF THE NAVY
HEADQUARTERS US MARINE CORPS
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WASHINGTON, D.C. 20350-3000

IN REPLY REFER TO:
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Prison Rape Elimination Act Policy Letter 4-15

From: Head, PSL Corrections
To: Distribution

Subj: PRISON RAPE ELIMINATION ACT (PREA); FURTHER AMPLIFICATION
OF ANONYMOUS REPORTING FOR PRISONERS IN MARINE CORPS
CONFINEMENT FACILITIES

Ref: (a) 28 C.F.R. Part 115 (DoJ PREA Prisons and Jail
Standards)
(b) OUSD Memorandum of 6 Jul 15 (Subj: Reporting Options
for Prisoners in Military Correctional Facilities
Under the Prison Rape Elimination Act)
(c) Executive Order No.13696, 80 Federal Register 35820-
35821 of June 22, 2015 (Amendments to the Manual for
Courts-Martial, United States)
(d) DoDI 6495.02 Ch 2 (Sexual Assault Prevention and
Response Program Procedures)
(e) MCO 5430.1, (Marine Corps Inspector General Program)
(f) MCO 5370.8 (Marine Corps Hotline Program)

Encl: (1) PREA Reporting Steps Outline

1. Purpose. To provide further guidance regarding the PREA reporting process and further explanation of the anonymous reporting option for prisoners within the Marine Corps Corrections system per references (a) and (b).

2. Applicability. Guidance contained within this policy is applicable to all Marine Corps confinement facilities.

3. Background. As described by PREA Standard § 115.51(b), Inmate Reporting; the agency (brig) shall also provide at least one way for inmates to report abuse or harassment to a public or private entity, (e.g., the Department of Defense (DoD) Safe Helpline) or other office that is not part of the agency, (e.g., installation's Inspector General Office). The entity or office shall be able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request.

4. Anonymous Reporting Methods

a. The DoD Safe Helpline. References (c) and (d) outline the procedures of the (DoD) Safe Helpline. Reference (d) provides the DoD

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Safe Helpline as a 24/7 worldwide option for "anonymous" and confidential support. The DoD Safe Helpline is a contracted service by the DoD Sexual Assault Prevention and Response Office (SAPRO) and operated the Rape, Abuse and Incest National Network (RAINN). Calls made to the DoD Safe Helpline are not recorded or logged. DoD Safe Helpline staff complete a National Advocate Credentialing Program covering empathy, how to talk to survivors, neurobiology of trauma, military reporting options and military specific resources. In addition, PREA related training includes reporting options and understanding the unique needs, concerns, and limitations associated with incarcerated service members. Reference (c) provides DoD Safe Helpline staff privileged communication when supporting victims, further ensuring their conversations are confidential to the fullest extent allowed by law.

b. Installation's Inspector General (I.G.). Reference (e) establishes policy and responsibilities governing the Marine Corps Inspector General Program (IGP). All inquiries into matters affecting the integrity, efficiency, discipline and readiness of the Marine Corps shall be conducted in an independent and professional manner, without command influence, pressure, or fear of reprisal from any level within the Marine Corps. All non-frivolous allegations of misconduct shall be thoroughly and impartially investigated and reported. Reference (f) is a tool for the Inspector General of the Marine Corps (IGMC) by providing an alternative to the normal chain of command for Marines, Sailors, and civilian personnel with concerns or allegations dealing with inefficiency, misconduct, impropriety, mismanagement, or violations of law within the Marine Corps.

5. Anonymous Reporting Policy

a. Brig staff shall accept reports made verbally, in writing, anonymously, reports from third parties, and allegations forwarded by reporting personnel to the brig Commanding Officer (CO) or designee per reference (a).

b. Prisoners and staff may report sexual abuse and sexual harassment anonymously via the IG Hotline and DoD Safe Helpline. The corresponding I.G. Hotline and DoD Safe Helpline shall be added to the prisoner phone system. Prisoners shall be authorized to call these accepted phone numbers and will not be logged or recorded by the system for the purpose of reporting anonymously. An outline of the PREA reporting steps are included within enclosure (1).

c. Prisoners may also contact the Installations IG Office via privileged correspondence through the U.S. Mail system. Although, this method is not preferred due to the delay in an allegation being received by mail, a prisoner may feel more confident utilizing such means.

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CONFINEMENT FACILITIES

6. Action. Brig CO's and designees update local PREA Standard
Operating Procedures (SOP) to implement the guidance contained within
this letter.

7. Point of Contact. Mr. Radomet R. Pagan, Head, PSL Corrections,
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Prison Rape Elimination Act (PREA)
Reporting Steps in Marine Corps Brigs

Step 1. To Facilitate an Unrestricted Report, the victim contacts either the facility internal points of contact, or a Sexual Assault Response Coordinator (SARC) or Sexual Assault Prevention Response (SAPR) Victim Advocate (VA). The SARC or SAPR VA will also provide the victim with confidential crisis intervention services and/or connection to a Special Victims' Counsel/Victims' Legal Counsel (SVC/VLC), Medical Personnel, Chaplains, law enforcement agencies, and other appropriate personnel.

Alternatively, victims and third parties may anonymously (see footnote 1.) report an incident without disclosing their identity or specific details of an alleged sexual assault to the DoD Safe Helpline ((877) 995-5247) or Installation's I.G. Hotline
[Ctrl+Click for link: Command Inspector General Listings.](#)

NOTE: A SARC or SAPR VA cannot accept an anonymous report and prisoners may **only** use the SAPR Program for Unrestricted Reporting. Victims and victim advocates must call the DoD Safe Helpline directly for the report to be anonymous.

Step 2. The installation I.G. shall initiate an investigation with a Military Criminal Investigation Organization (MCIO) responsible for investigating allegations of sexual assault/misconduct per MCO 5430.1.

Step 3. In all reports received, the SARC/SAPR VA immediately and directly notifies the brig CO or designee of the alleged assault. The SARC/SAPR VA will inform the victim that he/she may be eligible to receive representation by a SVC/VLC, and will provide the victim with SVC/VLC representation. If the victim requests medical services, the brig will comply as stated in step 6. Brigs will not annotate in the facility daily report which victim the SARC or SAPR VA talked to or visited.

If a victim or victim advocate used the Anonymous Reporting method via the installation I.G. Hotline, the report will immediately be forwarded to the Naval Criminal Investigative Service (NCIS) for investigation and notify the brig CO or designee of any incident reported.

Anonymous Reports made via the DoD Safe Helpline are supported by the Rape, Abuse & Incest National Network (RAINN) and reported to the DoD Sexual Assault Prevention and Response Office (SAPRO). The DoD SAPRO will report all anonymous sexual assault and sexual harassment allegations to the respective installation's Commanding General for investigation.

Step 4. The brig CO or designee provides an incident report immediately to NCIS as the responsible investigative agency under Memorandum of Agreement dated 27 January 2015. All allegations of sexual abuse, as defined in Title 28, C.F.R., Part 115, section 115.6, must be reported to the appropriate MCIO. If an allegation does not meet NCIS' criteria to investigate (such as sexual harassment) the brig CO will forward the allegation to an appropriate brig investigator to conduct the investigation.

Step 5. Investigation occurs.

Prison Rape Elimination Act (PREA)
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- Step 6. The victim (unless unknown) will be escorted to a designated area for medical staff to provide immediate emergency medical care and determine if the victim should be transported to the Naval Hospital or other designated medical facility for a forensic exam.
- Step 7. Monitoring for retaliation against the victim as required by PREA will be done by the designated brig staff. When requested by the victim, the SARC/SAPR VA within the scope of their duties, and brig security requirements, will provide necessary assistance.
- Step 8. In accordance with PREA standards, a post-incident review will be conducted by the brig in all cases, (e.g., how brig safety and security measures can be improved).

¹In accordance with 28 C.F.R., Part 115, Federal Register/Vol. 77 No. 119 (37156) The Department recognizes the potential tension between encouraging inmates to report sexual abuse and ensuring that facilities have sufficient information to investigate allegations and address safety concerns. The final standard includes language requiring the outside reporting entity to allow the victim to remain anonymous upon request and retains the language from the proposed standard that requires facility staff to accept anonymous reports. Allowing anonymity protects the inmate's identity, but still provides the facility with basic information about the allegation. Ideally, a facility would receive complete information about every alleged incident of sexual abuse, including a first-hand report from the victim. But an anonymous report about an incident is preferable to no report at all. As many commenters noted, reports made anonymously are otherwise unlikely to be reported; thus, providing this avenue should actually increase the amount of information available to the facility. In addition, even if such a report may not allow for a full investigation into the incident, providing information about an incident generally, without the identity of the victim, will alert staff to potential concerns and may help reveal unsafe areas within the facility.