

STAFF PREA TRAINING ACKNOWLEDGEMENT & STATEMENT OF UNDERSTANDING

Acknowledgement and Receipt of “Preventing Sexual Misconduct Against Prisoners” Training

1. This document serves as a statement of understanding for the Prison Rape Elimination Act (PREA) training I have received while employed at a Marine Corps Confinement facility.

2. I have attended and fully understand the “Preventing Sexual Misconduct Against Prisoners” training. Included in the training were the following modules and subjects:

- (a) The facility’s zero-tolerance policy for sexual abuse and sexual harassment.
- (b) How to fulfill staff responsibilities concerning sexual abuse and sexual harassment, prevention, detection, reporting, and response policies and procedures.
- (c) Prisoners’ right to be free from sexual abuse and sexual harassment.
- (d) The right of prisoners and staff to be free from retaliation for reporting sexual abuse and sexual harassment.
- (e) The dynamics of sexual abuse and sexual harassment in confinement.
- (f) The common reactions of sexual abuse and sexual harassment victims.
- (g) How to detect and respond to signs of threatened and actual sexual abuse.
- (h) How to avoid inappropriate relationships with prisoners.
- (i) How to communicate effectively and professionally with prisoners, including, lesbian, gay, bisexual, intersex, and gender nonconforming prisoners.
- (j) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- (k) Definitions of sexual misconduct.
- (l) Prevention and warning signs.

Trainee Information			
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STATEMENT OF UNDERSTANDING

1. The Prison Rape Elimination Act of 2003 (PREA) is the first United States federal law passed that raises the awareness of sexual abuse and sexual misconduct in many different facets of corrections. The act calls for the development of national standards to prevent incidents of sexual violence in prison as well as make policies more available and obvious. The Department of Justice (DOJ), in concert with several commissions has studied the comprehensive effects of prison rape and its occurrences. They determined that, by making data on prison rape more available to prison administrators and making correctional facilities more accountable for incidents pertaining to sexual violence and prison rape, it would more than likely decrease the occurrence of sexual criminal activity.
2. Sexual abuse and sexual harassment are incompatible with our core values, high standards of professionalism, and personal discipline. Marine Corps Corrections shall take appropriate action under U.S. and military laws and regulations in all cases of sexual abuse and sexual harassment and maintain a ZERO-TOLERANCE POLICY approach.
3. It is our goal of the to eliminate incidents that impact staff, contractors, volunteers, interns and prisoners, or incidents that are perpetrated by staff, contractors, volunteers, interns and prisoners. To reach this goal, we have established a standardized and effective sexual assault prevention and victim assistance program at the command level that meets mandated reporting requirements without unduly compromising victim confidentiality and safety, or generating fear of reprisal; and will provide education to staff, contractors, volunteers, interns and prisoners on standards of behavior and factors that contribute to victimization.
4. Sexual misconduct is defined as any behavior or act of a sexual nature, directed toward a person under the care, custody, or supervision of the department and/or collateral contract by the person in authority including but not limited to: family members, employers, friends, and other close associates. Sexual abuse is defined as direct sexual contact or intentional touching between a prisoner and a staff member, volunteer, contractor or intern with or without consent of the prisoner. Sexual harassment is repeated verbal comments or gestures of a sexual nature to a prisoner by a staff member, contractor, volunteer or intern, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
5. In an effort to create and maintain a safe and secure environment, it is the responsibility of everyone to have increased awareness to prevent the victimization of the vulnerable. In many cases, prisoners arrive with psychological issues acquired through years of abuse, neglect and bad habits. Substance abuse or a history of sexual abuse by trusted individuals makes them particularly vulnerable to perceived sexual advances or interest of others around them. Some staff and prisoners may share similar backgrounds, military service experience, interests, life experiences, and may find themselves within the same age group. Many prisoners are required to participate in some kind of correctional program or even treatment program. This requirement can result in some staff assuming conflicting roles of “enforcer of the rules” and “social worker or helper”. The blurring of professional boundaries can lead to misconduct and inappropriate relationships. In addition, prisoners may view staff’s interest in them as wanting a more personal relationship. Prisoners’ needs may lead them to believe that staff is interested in them on a more personal level and have the false impression that they are special or being treated as a “friend” or potential lover. All staff need to self-monitor and have a clear

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understanding of personal, professional and facility ethics in order to maintain these boundaries to prevent a sexualized work environment.

6. Common characteristics which may indicate engagement in sexual misconduct include change in appearance by staff or prisoner, more attention paid to personal appearance and attitude, unscheduled appearances with a prisoner for no apparent reason, volunteering to escort a prisoner without other staff assisting, flirting with prisoners, providing personal information to prisoners, personality or mood changes, changes in work schedules (volunteers to come in early or work late), undue interest in prisoners' families and personal lives, does favors for certain prisoners, treats a prisoner differently for no apparent reason, minimizes transgressions of a prisoner or prisoners, appears to side with prisoner(s) against staff, acts more secretive, or there may be rumors in prisoner population about misconduct.

7. All prisoners have the inherent right to be free from sexual misconduct. In addition, all prisoners, staff, contractors, volunteers and interns have the right to be free from retaliation for reporting sexual misconduct and are required to report any knowledge, suspicion, or information regarding an incident of sexual misconduct that occurred in the facility; retaliation against prisoners, staff, contractors, volunteers or interns who reported such an incident; and any neglect or violation of responsibilities that may have contributed to an incident or retaliation.

8. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual misconduct report to anyone other than to the extent necessary, as specified in policy, to make treatment, investigation, and other security and management decisions. All volunteers, contractors and interns are mandatory reporters with no discretion to decide whether to report. We will not tolerate either a staff code of silence or the mishandling or inappropriate sharing of information. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse and to inform prisoners of the practitioner's duty to report and the limitations of confidentiality at the initiation of services.

9. As a first responder or reporter, you shall separate the alleged victim and abuser, preserve and protect any crime scene until appropriate steps can be taken to collect any evidence. Notify the Duty Brig Supervisor (DBS) immediately. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and if the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any action that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. The facility has multiple internal ways for prisoners to privately report sexual misconduct, retaliation by other prisoners or staff for reporting sexual misconduct, and staff neglect or violation of responsibilities that may have contributed to such incidents (i.e., counselors, clinical services, Chaplain, Sexual Assault Prevention and Response (SAPR), Command Managed Equal Opportunity Representative (CMEO), Commanding Officer, Brig Officer, Technical Director, Programs Chief, PREA compliance manager, etc.). The Facility authorizes prisoners to report abuse or harassment to a public or private entity that is not part of the facility and is able to receive and immediately forward prisoner reports of sexual abuse and harassment to brig officials, allowing the prisoner to remain anonymous upon request (Base Sexual Assault Response Coordinator (SARC), Safe Helpline, People Against Rape (PAR)). These

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organizations operate a 24-hour hotline. Volunteers, contractors and interns should be prepared to accept and respond to all types of reports and manners of reporting. For example, a prisoner who scrawls a note and passes it to a volunteer, contractor or intern should be treated the same way as a prisoner who files a formal grievance. Third parties, including fellow prisoners, staff members, family members, attorneys, and outside advocates, shall be permitted to assist prisoners in filing requests for administrative remedies relating to allegations of sexual abuse, and shall be permitted to file such requests on behalf of prisoners. If a third party files such a request on behalf of a prisoner, it is a requirement as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.

10. It is important to understand common characteristics of potential victims and perpetrators. Individuals who are most prone to being at risk for being victimized, include lesbian, gay, bi-sexual, transgender, intersex (LGBTI) or gender nonconforming prisoners, or may display the following characteristics: first-time in confinement, non-violent prisoners, offenses against a minor, physically small or weak, not gang affiliated, traits viewed as effeminate, not streetwise, middle-class background, mental illness or developmental disabilities, disliked by staff or other prisoners, are previously sexually assaulted, young, inexperienced in confinement culture, and/or easily intimidated. Perpetrators may be identified as having the following characteristics: Accustomed to incarceration, lived in an urban area prior to incarceration, spent time in juvenile facilities and other similar places, gang affiliated, committed a violent/aggressive offense, physically strong, and/or likely to break facility rules. Survivors of sexual misconduct are more likely to experience physical trauma, systemic infliction of psychological trauma, retaliation and/or retribution, lack of autonomy and safety, general distrust, feelings of disorientation and anxiousness may make people unable to follow rules, sharing or talking about feelings may be a safety risk for a prisoner, isolation may be a relief but it could also cause further trauma, increased anger may cause acting out, complex nature of “consent” can lead to self-blame, and/or multiple traumas exacerbate symptoms. Common reactions to a sexual assault are emotional shock, disbelief, shame, guilt, powerlessness, denial, anger, fear, depression, triggers, anxiety, and/or helplessness. Common behaviors to be aware of include expressive, calm, withdrawn, nightmares, flashbacks, changing eating habits, and/or lack of concentration or energy.

11. Any volunteer, contractor, or intern who engages in sexual misconduct shall be prohibited from contact with prisoners and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies or endorsement bodies (e.g., education board and institutions, credentialing organization, or religious endorsing agencies, etc.). The Commanding Officer shall take appropriate remedial measures and shall consider whether to prohibit further contact with prisoners in the case of any other violation of sexual misconduct policies.

12. Qualified trainers shall ensure that all staff who have contact with prisoners have been trained on their responsibilities under the brig’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures prior to allowing access to the facility.

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HIRING AND PROMOTIONS

1. The Commanding Officer or designee shall consider the following criteria prior to the hiring or promotion of facility staff and shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who provide a “Yes” answer to any of the following questions:

a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?

Yes
No

b. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?

Yes
No

c. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section?

Yes
No

d. I understand civilian personnel convicted of a felony are ineligible for employment in a confinement facility as per ref (f) and (g).

Yes
No

2. The facility shall consider any incidents of sexual harassment in determining whether to hire, retain, promote anyone, or to enlist the services of any contractor, who may have contact with prisoners (§115.17(b)).

3. Before hiring new staff who may have contact with prisoners, the Commanding Officer or designee shall:

a. Ensure a National Crime Information Center (NCIC) criminal background records check is conducted (§115.17(c)(1)), as per ref (l); and

b. Consistent with Federal, State, and local law, make best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse (§115.17(c)(2)).

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4. The criminal background records checks at least annually of current staff, contractors and volunteers who may have contact with prisoners, or have in place a system for otherwise capturing such information for current staff (§115.17(e)).

5. The Commanding Officer or designee shall ask directly all applicants and staff who may have contact with prisoners regarding previous misconduct described in paragraph (1) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees.

6. I fully understand that unless prohibited by law, the facility shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work (§115.17(h)).

7. I have read, fully understand, and will abide by the written instructions and policies above. I certify the answers and information provided are true and accurate. I am also aware that I am required to report any knowledge, suspicion or information regarding an incident of sexual abuse or harassment occurring in the facility and I am also aware that if a prisoner reports an incident of sexual abuse, sexual harassment, or sexual misconduct, I will immediately report to my chain of command and document actions taken in accordance with policy.

8. I fully understand that material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination as described within PREA standards. Additionally, appropriate administrative or disciplinary actions shall be referred to the applicable civilian or military activity for action.

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