



UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATIONS COMMAND
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From: Head, Marine Corps Corrections, Law Enforcement, Investigations, and Corrections Branch

Subj: PRISON RAPE ELIMINATION ACT ANNUAL REPORT, CALENDAR YEAR 2022;
U.S. MARINE CORPS FACILITIES

Ref: (a) 28 CFR 115

WHAT IS PREA?

The Prison Rape Elimination Act of 2003 established federal mandates required to identify and prevent prison rape in correctional facilities within the jurisdictions of federal, state, local, and native territories across the United States. Department of Defense policy directs the military departments to develop and implement necessary rules and procedures to satisfy the requirements of PREA with strict enforcement measures and universally high standards.

In addition to establishing mandatory standards for prevention, detection and response to prison sexual abuse and sexual harassment, PREA requires all correctional facilities to conduct sexual abuse incident reviews and collect uniform data using standardized definitions. Agencies must ensure that data collection includes allegations of sexual abuse and sexual harassment at facilities under its direct control. These incident-based sexual abuse data must be aggregated and made readily available to the public at least annually.

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

The Marine Corps Corrections program maintains a zero tolerance policy on issues related to sexual abuse and sexual harassment involving prisoners. All allegations of sexual abuse and sexual harassment, regardless of severity or merit, will be immediately reported to the appropriate Military Criminal Investigation Organization (MCIO). For the Marine Corps, the Naval Criminal Investigative Service (NCIS) and Criminal Investigative Division (CID) are the applicable MCIOs.

PREA DEFINITIONS

Inmate-On-Inmate Sexual Abuse. Includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

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

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4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Staff-On-Inmate Sexual Abuse. Includes any of the following acts, with or without consent of the inmate, detainee, or resident:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. between the mouth and the penis, vulva, or anus;
3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in 1-5 of this section;
7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
8. Voyeurism by a staff member, contractor, or volunteer.

Voyeurism. Means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties. Includes:

1. Peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or
2. Taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual Harassment. Includes the following:

1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
2. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

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SURVEY OF SEXUAL VICTIMIZATION (SSV) DEFINITIONS

For purposes of the SSV, sexual abuse is disaggregated into three categories of inmate-on-inmate sexual abuse; and two categories of staff-on-inmate sexual abuse. These categories are:

Nonconsensual Sexual Acts.

1. Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and
2. Contact between the penis and the vulva or the penis and the anus including penetration, however slight; or
3. Contact between the mouth and the penis, vulva, or anus; or
4. Penetration of the anal or genital opening of another person however slight, by a hand, finger, object, or other instrument.

Abusive Sexual Contact.

1. Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and
2. Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

Sexual Harassment. Repeated and unwelcome 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 behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors). Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts include:

1. 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
2. Completed, attempted, threatened, or requested sexual acts; or
3. Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reason unrelated to official duties or for sexual gratification.

Staff Sexual Harassment. Repeated verbal comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). Includes:

1. Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing;

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2. Completed, attempted, threatened, or requested sexual acts.

Substantiated Allegation. The allegation was investigated and determined to have occurred.

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

Unfounded Allegation. The allegation was investigated and determined not to have occurred.

REVIEW OF DATA

Incident-based data was collected from all five Marine Corps confinement facilities listed below:

- Marine Corps Installations-West Military Correctional Facility, Camp Pendleton, CA
- Marine Corps Installations-East Military Correctional Facility, Camp Lejeune, NC
- Marine Corps Installations-Pacific Military Correctional Facility, Okinawa, Japan
- Marine Corps Air Station Iwakuni Military Correctional Facility, Iwakuni, Japan
- Marine Corps Air Station Yuma Military Correctional Facility, Yuma, AZ

In 2022, there was a decrease in the number of allegations reported for Inmate-on-Inmate Reported Non-Consensual Sexual Acts within our confinement facilities however, there was no change to the number of Inmate-on-Inmate Reported Abusive Sexual Contacts and Inmate-on-Inmate Reported Sexual Harassment allegations reported. After being properly investigated, there were two Inmate-on-Inmate Reported Sexual Harassment allegations that were determined substantiated at the Marine Corps Installations-East Military Correctional Facility, aboard Camp Lejeune, NC. Although there was a decrease in the number of allegations reported in the Acts of Staff Sexual Misconduct with Inmates and in Acts of Staff Sexual Harassment of Inmates, there was one allegation of an Act of Staff Sexual Harassment of Inmates that was determined substantiated at the Marine Corps Installations-West Military Correctional Facility, Camp Pendleton, CA., once it was properly investigated. All other allegations were determined to be either unsubstantiated or unfounded once investigated.

ANALYSIS/CORRECTIVE ACTIONS TAKEN

Analysis. There was a decrease in the number of allegations reported in the Acts of Staff Sexual Misconduct with Inmates. Facilities continue to conduct proper and thorough investigations on all allegations.

Corrective Action. The substantiated Inmate-on-Inmate Reported Sexual Harassment allegations were handled in accordance with the agency level Standard Operating Procedures. The substantiated Staff Sexual Harassment of Inmates allegation was handled in accordance with the agency level Standard Operating Procedures.

This report is completed and posted on the Marine Corps Corrections website in compliance with PREA Standards §115.87 through §115.89.

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POINT OF CONTACT

Any questions, concerns, or comments regarding this report should be addressed to the Marine Corps Agency PREA Coordinator, Gunnery Sergeant Juan A. Quintero at (703) 604-4313 or juan.quintero@usmc.mil.

K. D. DYMORA
Head of Corrections

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*The following tables are allegations of inmate-on-inmate sexual victimization reported by Marine Corps correctional facility authorities, by type of victimization from 2019 – 2022.

Inmate-on-Inmate Reported Non-Consensual Sexual Acts					
Year	Avg Daily Population	Allegations	Substantiated	Un-Substantiated	Unfounded
2022	138	0	0	0	0
2021	160	1	1	0	0
2020	168	0	0	0	0
2019	197	0	0	0	0

Inmate-on-Inmate Reported Abusive Sexual Contacts					
Year	Avg Daily Population	Allegations	Substantiated	Un-Substantiated	Unfounded
2022	138	0	0	0	0
2021	160	0	0	0	0
2020	168	1	1	0	0
2019	197	3	1	0	2

Inmate-on-Inmate Reported Sexual Harassment					
Year	Avg Daily Population	Allegations	Substantiated	Un-Substantiated	Unfounded
2022	138	4	2	2	0
2021	160	4	1	3	0
2020	168	1	1	0	0
2019	197	2	1	1	0

*The following tables are allegations of staff sexual misconduct with inmates reported by Marine Corps correctional facility authorities, by type of victimization from 2019 – 2022.

Reported Acts of Staff Sexual Misconduct with Inmates					
Year	Avg Daily Population	Allegations	Substantiated	Un-Substantiated	Unfounded
2022	138	4	0	3	1
2021	160	10	0	7	3
2020	168	7	0	4	3
2019	197	0	0	0	0

Reported Acts of Staff Sexual Harassment of Inmates					
Year	Avg Daily Population	Allegations	Substantiated	Un-Substantiated	Unfounded
2022	138	1	1	0	0
2021	160	2	0	2	0
2020	168	1	0	1	0
2019	197	5	0	5	0