

**NOT FOR PUBLICATION
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THE HOUSE ARMED
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**STATEMENT OF
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**BEFORE THE
MILITARY PERSONNEL SUBCOMMITTEE
OF THE
HOUSE ARMED SERVICES COMMITTEE
ON
SEXUAL ASSAULT IN THE MILITARY: PREVENTION
ON
MARCH 06, 2009**

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Introduction

Chairwoman Davis, Congressman Wilson and Members of the Subcommittee, thank you for your support of Marines and their families. Sexual Assault Prevention and Response (SAPR) is a serious matter. As the Marine Corps continues its efforts to prevent sexual assault; directly care for our victims; and ensure offenders are held accountable, we appreciate your unfailing support and efforts to raise awareness of this important issue.

The Marine Corps SAPR Program was formally established by the Assistant Commandant of the Marine Corps in August of 2004. The Deputy Commandant for Manpower and Reserve Affairs, through the Director, Personal and Family Readiness Division, was assigned program sponsor responsibility and acts as the single point of contact for sexual assault prevention and response matters within the Marine Corps. Coordinating agencies were additionally assigned adjunct staff responsibilities for the integration of plans, policies, training, and reporting/tracking procedures. The supporting agencies include representatives from the Judge Advocate Division, Security Division, Training and Education Command, and Manpower Plans and Policy Division.

SAPR Program policy and procedures were formally codified with the issuance of MCO 1752.5 in September 2004 and subsequently revised with MCO 1752.5A, dated February 2008. The policy applies to all active duty Marines and Marine Reserves (in a drilling status), as well as Armed Forces personnel attached to or serving with Marine Corps commands. Policy regarding sexual assault awareness and prevention training also applies to civilian Marines, and contractors employed by the Marine Corps. The policy

defines roles/responsibilities for mandatory training, victim care, and offender prosecution.

Marine Corps Sexual Assault Experience

Sexual assault, by its nature and impact on the victim, is an under-reported crime in our society and believed to be so in the military. The Marine Corps strongly encourages all personnel to make complete and *unrestricted* reports of sexual assault because it activates both victims' services and law enforcement action. We have taken, and continue to refine, actions to build an environment of trust so that when incidents do occur, victims are more likely to come forward.

However, victims may be reluctant to involve law enforcement and seek only medical care and support services. Since we believe our first priority is victim care and treatment, victims have the option to file a *restricted* report. While this process does not trigger a formal criminal investigation, it allows the victim to make a confidential report and receive immediate advocacy support, medical treatment, and counseling services which can be important to their overall well being and long-term health. The victim, however, always retains the option to convert an *unrestricted* report.

Sexual assault, as with any other anti-social or criminal behavior, has far-ranging effects extending beyond the immediate victim and the perpetrator. In addition to inflicting possibly irreparable harm to a victim, sexual assault creates serious unit morale problems and destroys esprit de corps. Sexual assault erodes mission effectiveness by engendering divisiveness and distrust within our ranks. That sacred bond between individual Marines, who are dedicated to taking care of each other, is broken. We have recorded over 200 victims of sexual assault each year for the past three years: 234 in

Calendar Year 2006, 213 in Fiscal Year 2007, 281 in FY08. Through January of 2009, we are reporting 88 victims of sexual assault for FY09.

Currently, 67% of the Marine Corps is aged 25 or younger – those most at risk for sexual assault and other behavioral health concerns. Generally, a Marine Corps sexual assault victim is female, between the ages of 20-24, and in the ranks of Private to Corporal (E1-E4). Marine Corps offenders are typically male, between the ages of 20-24, hold a rank of Private to Corporal (E1-E4), and use no weapon other than their body. Sixty percent of the Marine Corps sexual assaults were service member on service member, while 32% were service member on non service member. Alcohol use on the part of the offender, victim, or both is evident in over 95% of sexual assaults cases within the Marine Corps.

Training for Individual Marines

DoDI 6495.02 requires the Military Services to provide periodic, mandatory education and training in SAPR at installation and fleet unit commands; during pre-commissioning programs and initial-entry training; throughout the professional military education systems, including flag and general officers; and at a minimum to all civilian personnel who supervise military service members. Training is intended to emphasize the distinction between sexual assault and sexual harassment. Pre-deployment training includes risk reduction factors that are tailored to the specific deployment location and includes cultural customs, mores, and religious practices of coalition partners in the deployed location. Entry-level training is conducted at boot camp and Officer Candidate School (OCS). Recruits are evaluated by written examination on Training Day 60.

The Marine Corps is in compliance with mandatory training requirements. Annual awareness training is conducted at the unit level, and Marines are tested on their training skills by the Marine Corps Common Skills (MCCS) program. Pre- and post-deployment training is formally provided as a component of the Pre-deployment Training Program (MCO 3502.4) and Warrior Transition Training. Leadership Development training is provided at the Commander's Course, SNCO Academies, and Corporals Course. Behavioral health panels using scenario-based training are also a feature of these training courses.

Training for first responders

DoDI 6495.02 of 23 June 06 directs that all DoD sexual assault first responders receive the same baseline training. Required periodic training is determined by each Military Service. Marine Corps Law Enforcement and Military/Civilian Criminal Investigators receive their initial mandatory training at the U.S. Army Military Police School's CID course. The Program of Instruction is nine weeks for Military Police 1.5 hours of which is sexual assault specific; and 16 additional weeks for Criminal Investigators, 2 days of which focus on sexual assault response. This training places special emphasis on victim sensitivity, as well as gathering and maintaining evidence.

Continuing training is offered in several areas at least annually, and may be delivered by the local Provost Marshal's Office, the resident NCIS Agency, and/or contractors. Mandated yearly in-service training is also provided to all law enforcement personnel in the areas of victim sensitivity and the Victim-Witness Assistance Program. Naval Criminal Investigative Service Investigators receive initial mandatory training from certified trainers at the Federal Law Enforcement Training Center at the Department

of Homeland Security's Glynco, GA facility. Advanced training is offered in several sexual assault areas, including interview/interrogation; victim sensitivity; and crime scene processing and investigation of sex crimes, at least annually.

Training for Victim Advocates

Victim Advocates and Uniformed Victim Advocates undergo approximately 36 hours of specialized standardized training provided by HQMC SAPR staff. Training consists of classroom lectures, seminars, and scenario-based role playing interactions. Uniformed Victim Advocate (UVA) training consists of 3 days of interactive instruction broken down into 8 hour segments. UVA training is conducted in accordance with DoDI 6495.02.

Sexual Assault Response Coordinator (SARC) training differs from UVA training in that SARC training covers the specific duties and responsibilities of performing as a SARC. UVA training (36 hours, previously described) is a prerequisite for SARC training. SARC training is conducted the next working day after UVA training is completed and is an additional 5 hours of training. SARC training is presented in 5 modules via PowerPoint presentation with guided discussion.

Training for Prosecutors

DoDI 6495.2 mandates billet specific training for Judge Advocates and Trial Counsel. Prosecutors are trained throughout their careers to ensure they understand the importance of fully supporting victims of sexual assault during the criminal justice process. Additionally, recent USMC SAPR Program training for judge advocates has emphasized this support role across the Marine Corps. Moreover, all Marine Prosecutors are trained to ensure victims in every type of crime, especially sexual assault cases, are

afforded their rights and services under the Victim and Witness Assistance Program (VWAP).

Victim Care

Victims of sexual assault are treated with sensitivity, decency and respect. Victims receive appropriate medical, emotional and psychological care. Victim safety is paramount at all times. No matter the gender of the perpetrator or the victim, sexual assault uses sex as a weapon to gain power and control over another. As a result, victims of sexual assault are often left feeling powerless, and robbed of their dignity and self esteem. Victims of sexual assault are, in a very real sense, wounded. Marines never leave a wounded comrade behind. Victims of sexual assault are entitled to our support and access to care as other wounded.

Once a sexual assault is reported, a unit commander's first responsibility is to ensure the physical safety, health, and emotional well-being of the victim. The commander is required to ensure that the victim is treated fairly, with dignity, sensitivity, and without prejudice. The commander is also required to (1) ensure that the parties are separated and (2) determine whether there is need for a Military Protective Order or a temporary reassignment to another unit, duty location, or living quarters.

The commander is then required to immediately contact the Sexual Assault Response Coordinator (SARC) as well as to assign a trained Victim Advocate (VA) or Uniformed Victim Advocate (UVA). The VA/UVA (a) determines the victim's need and/or desire for medical attention; (b) protects the victim's privacy by limiting access to case information; and (c) ensures that the victim receives support such as a chaplain or other counseling; (d) provides support during medical exams and court proceedings; and

(e) ensures that the victim understands the availability of victim advocacy and the benefits of receiving this support. UVAs/VAs are available 24/7, 365 days a year. The commander, through the UVA/VA, must also ask if the victim needs a support person, such as a personal friend or family member, to immediately join him or her.

We have trained 3,093 Uniformed and civilian Victim Advocates who are ready to provide assistance. Marine Corps victim protections are the same in combat zones as they are in non-deployed environments with two exceptions: 1) There are no Marine Corps civilian Victim Advocates (VA). Due to our expeditionary nature, the Marine Corps deploys Uniformed Victim Advocates (UVA) only; and 2) Sexual Assault Forensic Examination (SAFE) Kits are not held at all Medical Treatment Facilities (MTF) in combat environments. If a victim elects forensic examination, Naval Criminal Investigative Service (NCIS) provides the kit to the MTF.

The Marine Corps requires at least two UVAs be available in all deploying battalions and squadrons. Deploying Marine Air-Ground Task Forces have a Unit Sexual Assault Response Coordinator (SARC) assigned as a collateral duty, ensuring SARC presence in a theater of operation. Deploying units also conduct pre-and post-deployment training on the prevention of sexual assault. Uniformed Victim Advocates are appointed from the grade of Staff Sergeant or higher.

A Sexual Assault Response Coordinator (SARC) comes from the commissioned officer ranks, either field grade – a Major to Colonel, or the civilian equivalent. The SARC, who is certified for two years, is the focal point for victim care as well as for all sexual assault response efforts, such as system accountability for all sexual assault awareness, prevention and response.

The SARC is responsible for tracking the services provided to the victim from initial report of a sexual assault, through disposition and resolution of the victim's health and well being. The SARC also has oversight responsibility for the Victim Advocate and Uniform Victim Advocate programs.

Commanders in the Marine Corps use *the Commanders' Protocol for Responding to Allegations of Sexual Assault* to ensure they are accomplishing the intent of the program without overlooking any aspects. Commanders also use the IGMC Automated Inspection Reporting System to self-assess management and administration of the program.

Although we have much to do to in eliminating the gap between potential prevalence and reporting of sexual assault, we believe we are making progress and building trust in the system. In 2007, a Command Climate Assessment, conducted by Naval Personnel Research, found that 83% of survey respondents felt the command would support them if they reported a sexual assault; 85% felt their command holds offenders accountable; and 88% of active component Marines respondents felt their command takes sexual assault seriously.

Future Actions

In response to last year's General Accounting Office (GAO) study recommendations, a review directed by SECNAV, and other OSD-sponsored initiatives, the Marine Corps is committed to the following program enhancements in 2009-2010:

1. Hiring full-time SAPR Program Coordinators at the regional level to strengthen our training program and improve the overall effectiveness and consistency of our SAPR program implementation;

2. Leveraging technology to better use interactive scenario-based training programs and integrating sexual assault training into other prevention programs such as alcohol deglamorization, which have proven to yield good results;
3. Increasing the number of HQMC-funded quotas for Marine Corps judge advocates to attend specialized training courses, such as “Prosecuting Complex Cases”, to ensure that prosecutors have the necessary training in sexual assault as well as litigation skills;
4. Directing the IGMC to focus attention on SAPR compliance training as part of their inspection checklist during both command and unit program inspections;
5. Implementing DoD’s Sexual Assault Prevention Strategy which includes a *Primary Prevention* aspect focusing on enabling the individual service member to recognize potential assault scenarios, to use sound judgment, and to take appropriate action *before* an incident occurs. The Marine Corps believes that our “Values Based Training” is consistent with DOD’s Prevention Strategy, serves as a foundation for building good character and that these instilled values stay with Marines throughout their lives. It represents who we are and what we do. This year, the Marine Corps leadership will introduce this strategy to our Corps as part of the Sexual Assault Awareness Month 2009 education campaign. Since our leadership recognizes that good communication is a key to success, we will be using professionally-developed, aggressive messaging and promotional materials to ensure that every Marine has a clear understanding of the expectations of senior leadership - that preventing sexual assault is part of the Marine Corps’ “Core Values” and any behavior that does not exemplify our core values will not be tolerated; and

6. Participating in the Department of Navy's (DON) plan to examine all functional areas of the program, including program management; prevention training and education; reporting; victim response and support capabilities; community collaboration; data collection; and accountability.

We look forward to the report of the *Defense Task Force on Sexual Assault in the Military Services (DTF-SAM)*, which is conducting site visits of military installations to review the current program, and is expected to issue its findings and recommendations later this year.

Conclusion

In closing, I would like to thank you again for spotlighting an issue which is not only important to us as a military service but also important to society as a whole.

We know from our high levels of recruitment each year that American youth aspire to become Marines because they want to be part of something better than themselves, something they can commit to and believe will never fail them. Our warrior culture demands that we treat each other with respect and honor and that our personal and professional conduct be beyond reproach. Our nation expects us to make the most of their sons and daughters. We are committed to that tradition and continuing to make you proud of your Marines.