

**NOT FOR PUBLICATION
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THE SENATE ARMED
SERVICES COMMITTEE**

**STATEMENT
OF
GENERAL WILLIAM L. NYLAND
UNITED STATES MARINE CORPS
ASSISTANT COMMANDANT OF THE MARINE CORPS
BEFORE THE
PERSONNEL SUBCOMMITTEE
OF THE
SENATE ARMED SERVICES COMMITTEE
CONCERNING
SEXUAL ASSAULT PREVENTION
ON
FEBRUARY 25, 2004**

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Chairman Chambliss, Senator Nelson and members of the Subcommittee:

Thank-you for the opportunity to appear before you today to discuss the important issue of sexual assault prevention on our installations and in combat theaters worldwide. I want to make it very clear from the outset that the Marine Corps is in complete agreement with the Office of the Secretary of Defense and its decision to charter a Department of Defense (DoD) review of this issue. Rape and other sexual assaults are violent crimes that violate human dignity and the deeply held values of the Corps and the military as a whole. Sexual assault is unacceptable and will not be tolerated. You may be assured that the Marine Corps is fully engaged in the Department of Defense's 90 day review of this situation.

The remainder of my statement will focus on our training and prevention programs, the process for reporting a sexual assault, the support provided to victims, and the guidance and tools provided to our commanders.

LEADERSHIP IS THE KEY TO PREVENTION

As recently as December 16, 2003, the Commandant of the Marine Corps, General Michael W. Hagee, issued guidance to all commanders reminding them that allegations of physical abuse of any kind require the commanders' immediate personal attention and action. The command role in prevention is to establish clear standards for personal behavior and to hold offenders accountable. In so doing, leaders at all levels continue to confront the ignorance and misguided beliefs that cause sexual assault.

We continue to improve the climate on our installations and throughout the Marine Corps, through prevention and training programs. All Marine officer candidates now receive training on sexual assault awareness and prevention at Officer Candidate School and The Basic School. Starting March 1, 2004, all enlisted Marines will receive similar instruction at recruit

training. The goal is to ensure that every Marine knows the appropriate personal protection measures for themselves and for those in their charge. This initial training is to be meaningfully reinforced on an annual basis by commands.

Prevention specialists and victim advocates also provide training to commands to enhance awareness of issues surrounding rape and sexual assault. They teach Marines, Civilian Marines, and their families about available support services and the steps to properly report an offense. Our Mentors in Violence Prevention (MVP) program is taught at the Senior Non-Commissioned Officers' (NCOs) Academies, the 1st Sergeants' Courses, the Career Courses (NCOs) and the Advanced Courses (Staff NCOs), equipping leaders at all levels to conduct training in the units. The MVP program was adopted from a successful college model and is designed to encourage the participation of all male Marines in proactive efforts to prevent rape, battery, and sexual harassment. The MVP program is a "Marines helping their fellow Marines" program, which encourages Marines to intervene when they see abusive situations. Since 1996, when the MVP program was implemented, over 400 Marines have been schooled as trainers and taken the program back to their units.

Our Inspector General also focuses on the prevention of sexual assault at every installation inspection. Sexual harassment is completely unacceptable conduct that creates an environment in which sexual assaults can occur. The Marine Corps Equal Opportunity Inspection Checklist, which includes questions on sexual harassment, is a required area of inspection for all subordinate command inspection programs. During the "Commandant's Special Interest Brief," presented at every inspection, 14 percent of the brief covers the topic of sexual harassment, the consequences for committing sexual assault, and reporting procedures, including the confidential Inspector General Hotline. Finally, during an inspection, the Inspector

General team affords every Marine and Civilian Marine on that specific installation the opportunity to report any improper conduct or an environment conducive to such misconduct.

The Marine Corps believes these prevention and training programs help improve the climate on an installation by making institutional expectations and the consequences of violation very clear. We are making progress; the most recent Armed Forces 2002 Sexual Harassment Survey, which looked at the 1995-2002 time period, showed that sexual harassment and sexual assault on female Marines in fact has decreased. That said, aspects of the 2002 Survey and recent media reports of incidents from Iraq and Kuwait deeply concern our chain of command. Secretary Rumsfeld's demand for a 90-day study on the care for victims of sexual assaults indicates that the Department of Defense, is taking this problem very seriously. I want to assure you the Marine Corps shares this concern.

Victim Advocacy

Despite our efforts, the best prevention and training courses may not always be able to prevent a sexual assault. Marines who are victims of sexual assault can report the incident to their command or to a local military police representative. In the event of a report, the Marine Corps leadership demands that every person be treated with dignity and respect. Our priorities are to support and assist the victim, investigate the incident fully and fairly, report and track the results of the incident, and continually evaluate and improve our processes. We have procedures in place to provide specialized assistance to victims, conduct full and fair investigations, and hold offenders accountable. Through our Victim and Witness Assistance Program, we ensure that Marines and their family members who are victims of crimes, and in particular violent and sexual assault crimes, are fully informed of their rights from initial report through the completion of judicial and post-trial processes. Under the Victim and Witness Assistance Program, victims

have the ability to interact with service providers, criminal investigators, commanders, prosecutors, and correctional facility personnel. Additionally, the Marine Corps is implementing the Consolidated Law Enforcement Operations Center, which, when fully operational, will serve as a Department of the Navy system capable of tracking reported Uniform Code of Military Justice violations from the time they occur, through resolution. . The system will also be the consolidated reporting tool into the Defense Incident Based Reporting System.

Once an incident is reported, a number of actions take place, but the first concern is the safety of the victim. Steps in the reporting process include:

- The Family Advocacy Program manager is notified and a Victim Advocate is made available to assist the victim as long as desired or necessary;
- The victim's command coordinates with the investigating officer and the Family Advocacy Program manager to assure the protection and welfare of the victim;
- The Marine Corps allows Provost Marshals, Victim Advocates, Commanders, and Family Advocacy Program managers to begin the process of addressing the alleged sexual misconduct and provide reports to Headquarters Marine Corps as appropriate, based on the severity of the case; and
- The command and the Victim Advocate work together until final resolution of the incident, and beyond if additional counseling is required.

As you can see from these steps, our Victim Advocates are an important resource for victims of sexual assault. The Advocates are available 24 hours a day, 365 days a year to provide information, guidance, and support to Marines and their family members who are victims of domestic violence and sexual assault. The Marine Corps has 27 federally employed or contracted Victim Advocates, and 125 trained volunteers available at our installations worldwide.

A Victim Advocate's responsibilities include:

- Intervening in response to reported incidents of domestic violence and sexual assault by providing crisis intervention and referrals to military and civilian resources;
- Assisting with safety planning and referral to military and civilian shelters, as well as providing information on available benefits including Transitional Compensation when the sponsor is separated for a dependent-abuse offense;

- Providing assistance in applying for civilian protection orders and command notification upon issuance;
- Accompanying the victim during medical exam and/or to court; and
- Developing working relationships with legal and medical personnel, commanders and local area domestic violence and sexual assault centers.

DEPLOYED SUPPORT

Similar to when they are on an installation in the United States; deployed commanders have investigative (e.g., Naval Criminal Investigative Service), medical, mental health, religious, and legal resources available to them in combat theaters. The standard operating procedures are the same as those used at local medical treatment facilities to address alleged sexual assault cases. For OIF II, the Camp Pendleton Victim Advocate Training Program will be provided to deploying medical and chaplain personnel and selected individuals serving with surgical companies, to enable them to act as Victim Advocates. These Advocates will be assigned as a victim arrives at the in theater medical facility, just as they are assigned in a local medical treatment facility when a victim comes to the emergency room. Mental health professionals and chaplains will also be available at the surgical companies for victim assistance. Chaplains are available at the individual units as well.

In addition to the above assets available in theater, the Operational Stress Control and Readiness (OSCAR) program is deploying with the 1st Marine Division for OIF II. OSCAR provides psychiatrists, psychologists, chaplains, and specially-trained Staff NCOs within a deployed division who can provide immediate, on-site counseling. One goal of OSCAR is to reduce resistance to seeking help, through trust and familiarity with fellow division members. An example of the positive effect OSCAR can have was Task Force Tarawa, which had no psychiatric medical evacuations during OIF I. This remarkable record was attributable, at least

in part, to the availability of front-line mental health assets. OSCAR is a two-year pilot program, and we plan to evaluate the feasibility of expanding to other units within the force.

OEF/OIF I Incidents

The Marine Corps deployed a total of 3,439 female Marines in support of OEF/OIF I and we are aware of six allegations of sexual assault occurring in theater. Of these, two Marines have been found guilty and received punishment, and the remaining four are awaiting the conclusion of investigations. We will continue to aggressively investigate all sexual assault allegations, ensure that victims are receiving the care and attention they deserve, and hold all offenders accountable for their actions.

CONCLUSION

The Marine Corps has made significant progress in our approach to the prevention of sexual harassment and sexual assault, however we will continue to improve. We stand ready to take all necessary steps to ensure that our progress continues. Sexual harassment and sexual assault are inconsistent with our core values: *honor, courage and commitment*. A victim of sexual assault is a wounded comrade and one who will be treated with respect and dignity. Marines never leave a wounded comrade behind.

Subject to your questions, Mr. Chairman, this concludes my statement.