

MS 461 Crimes against Volunteers and Trainees

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Attachments

Attachment A – Coordinated Agency Response Case Management System Procedures (CARS CMS)

1.0 Purpose

The purpose of this Manual Section is to set out the Peace Corps policy on reporting and responding to crimes against Volunteers, to define the roles and responsibilities of those who provide services in support of Volunteers who are victims of crime, and to establish a standard for response and the continuum of support for Volunteers who are victims of crime.

In addition to the guidance in this Manual Section, certain crimes or incidents are also subject to specific policies:

- (a) Sexual assault incidents are governed by MS 243 Responding to Sexual Assault;
- (b) Stalking incidents are governed by IPS 1-13 Stalking;
- (c) In the case of sexual misconduct by a Volunteer against another Volunteer, see IPS 1-12 Volunteer/Trainee Sexual Misconduct;
- (d) MS 265 Death of a Volunteer;
- (e) MS 466 Kidnapping of Volunteer/Trainee; and
- (f) 12 FAM Exhibit 451.6, Memorandum of Understanding between the Department of State, Bureau of Diplomatic Security and the Peace Corps on Security Support Abroad (the DS MOU).
- (g) MS 861 Office of Inspector General, see 7.0, requires reporting to the OIG of suspected crimes against a Volunteer committed by another Volunteer or staff member, contractor, or other individuals conducting transactions with the Peace Corps.

2.0 Authority

Peace Corps Act, 22 U.S.C. 2503(b) and 22 U.S.C. 2507a-i.

3.0 Definitions

- (a) **CARS** means the Coordinated Agency Response System, which may be initiated in response to an incident. See Section 5.0.
- (b) **Crime** means an act that is prohibited by local or U.S. law and that makes the offender liable to punishment.
- (c) **Incident** means a situation where a Volunteer is the victim of a crime.
- (d) **Personally identifying information** or **PII** means individually identifying information for or about a Volunteer who is a victim of a crime, including first and last name, home or physical address (including site location), contact information (such as postal address, email, IP address, telephone or fax number), social security number, date of birth, ethnicity, race, religious affiliation, the location of the incident, the victim's sector, entry on service date, close of service date or time since swearing-in and any other information that, either individually or in combination with other information, would serve to identify the Volunteer or is likely to disclose the location of the Volunteer. Note: This definition of PII does not apply to requests for information made by the Office of Inspector General (OIG).
- (e) **Procedures** means the procedures for implementing this manual section as referred to in Section 7.0 below.
- (f) **Third party** means an individual other than the Volunteer victim of a crime. The third party could be, for example, another Volunteer, host family member, bystander, neighbor or local official. The recipient of a report from a third party could be any employee of Peace Corps, including Designated Staff, Country Director, post staff, or the OIG.
- (g) **Volunteer** means a Volunteer or Trainee.

4.0 Policies

4.1 Jurisdiction

In most instances, crimes committed against Volunteers fall under the legal jurisdiction of the host country and any subsequent investigations, evidence collection, and criminal justice proceedings are the responsibility of the host country authority. In some circumstances, crimes committed against Volunteers may also fall under U.S. legal jurisdiction. Regardless of the jurisdiction, roles and responsibilities for responding to crimes against Volunteers will be as set out in this Manual Section.

4.2 Reporting Incidents

- (a) The Peace Corps is committed to creating an environment that encourages Volunteers to report incidents committed against them so that the necessary and proper support can be provided.
- (b) Each post will report incidents in accordance with the Consolidated Incident Reporting Guide and applicable Peace Corps guidance and Procedures.
- (c) If the incident was committed by another Volunteer, a Peace Corps staff member or any contractor or other individual conducting transactions with the Peace Corps or receiving Peace Corps funds, it must be reported as soon as possible to the OIG in accordance with MS 861 Office of Inspector General unless it is a sexual assault that is the subject of a restricted report as provided in MS 243 Responding to Sexual Assault.

4.3 Responding to Incidents

- (a) Responding to any immediate, life-threatening need of a Volunteer who is a victim of a crime will take precedence over other considerations.
- (b) The Volunteer Safety and Security Support System that each post is required to establish pursuant to MS 270, Section 3.2.4, must include actions to be taken in response to incidents reported by Volunteers.

4.4 Support for Volunteers

Peace Corps recognizes that crime may have a lasting impact on a Volunteer, may disrupt the Volunteer's service, and may undermine the Volunteer's sense of safety and security. Each incident and Volunteer is unique. The response and support by the Peace Corps to an incident should help a Volunteer who is a victim of crime regain a sense of control by (i) taking into consideration the preferences of the Volunteer in the decision-making process; (ii) providing the Volunteer with a transparent response and decision-making process; and (iii) providing the Volunteer with choices consistent with Peace Corps obligations and limitations. The Peace Corps support of a Volunteer who is the victim of a crime may include the following:

- (a) Provide support that meets the clinical, legal, security, and advocacy needs of the Volunteer in accordance with Peace Corps policies and procedures.
- (b) Make appropriate efforts to support the Volunteer through the criminal justice process, within the limits and constraints of the local legal system.
- (c) Retain legal counsel and provide other logistical resources and support to assist the Volunteer in a legal process in accordance with MS 774.
- (d) Attempt to ensure that the Volunteer is able to continue service if the Peace Corps determines it is appropriate and if the Volunteer chooses to continue.

4.5 Third Party Reports

- (a) In cases where a third party discloses to post that a Volunteer is a victim of a incident, post will immediately contact the Volunteer to determine the safety status of the Volunteer and ascertain if the alleged incident did occur. If confirmed, post will follow the requirements in this Manual Section. If a third party makes a disclosure to Headquarters, the information will be transmitted to the post for the preceding follow-up action.
- (b) If the Volunteer denies that an incident occurred, post must report the allegation to the Country Director. If the Country Director believes that an incident did in fact occur, then post must conduct a Post Incident Assessment as outlined in Procedures.
- (c) Irrespective of whether the alleged victim to a crime confirms that an incident occurred, if the third party report of an incident indicates the perpetrator is a Volunteer, staff member, or contractor, allegations of the incident must be reported to the OIG as described in MS 861.

4.6 Training

- (a) All Volunteers must be trained during pre-service training on the procedure for reporting incidents at their post of service. During service, Volunteers will be provided with subsequent training on reporting incidents.
- (b) All staff at post will be trained on applicable incident reporting and response procedures based on their duties and responsibilities. Refresher training will be provided as necessary.
- (c) Staff at Headquarters who are involved in the response, support or management of incidents will be trained on the Peace Corps policies and reporting and response procedures.

4.7 Maintaining Confidentiality

- (a) The Peace Corps will maintain the confidentiality of Volunteers who have been victims of crime and will not, without the Volunteer's prior written consent, disclose the Personally Identifying Information of the Volunteer or details of the incident to anyone within or outside of the Peace Corps who does not have a need to know. For purposes of this Manual Section, need to know means, with respect to particular information, that access by an individual to that particular information is useful in or facilitates the efficient performance of that individual's official duties.
- (b) The Peace Corps will not, without the consent of the Volunteer who is a victim of a crime, report incidents to host country authorities except in cases involving the death of a Volunteer, where required by law, where there is a compelling government interest, or where there is an ongoing security threat or concern to the Volunteer or others. See SSI 202.

5.0 Coordinated Agency Response System

The Coordinated Agency Response System (CARS) is a system under which a multidisciplinary team may come together to manage various elements involved in responding to an incident. The CARS Team ensures continued and coordinated support, including after service, as necessary and appropriate, to Volunteers who have been the victims of crime. The CARS process will normally be used in cases of incidents that pose an ongoing security threat or concern that cannot be solely mitigated by the Volunteer or require an enhanced Peace Corps response. See MS 461 Procedures.

6.0 Roles and Responsibilities

6.1 Country Director

In accordance with MS 270 and other agency policies and procedures, the Country Director (CD) has responsibility for the management of post's incident reporting and response systems. Except in the case of a sexual assault that is the subject of a restricted report as provided in MS 243 Responding to Sexual Assault, the CD is responsible for:

- (a) Reviewing and being knowledgeable about all applicable Peace Corps policies and procedures related to crimes against Volunteers.
- (b) Ensuring that all post staff are properly trained and prepared to respond to an incident, including those staff who may serve as Acting Country Director, Acting Safety and Security Manager, and duty officers.
- (c) Ensuring that the SSM, PCMOs and post management team review the post's Legal Environment Survey on an annual basis. See SSI 500.
- (d) Ensuring Volunteers are provided training on the post's incident reporting procedures.
- (e) Ensuring that incidents are reported by post in accordance with the Consolidated Incident Reporting Guide.
- (f) If the crime was committed by another Volunteer, a Peace Corps staff member or a contractor or other individual conducting transactions with the Peace Corps or receiving Peace Corps funds, reporting the crime to the OIG in accordance with MS 861 Office of Inspector General.
- (g) Coordinating support for the Volunteer in consultation with the Office of Safety and Security, the U.S. Embassy's Regional Security Officer (as set out in the DS MOU) and host country authorities, as appropriate.
- (h) Notifying the RSO immediately of serious crimes or incidents listed in Section V, Subsection D, of the DS MOU, which includes the following serious crimes:

- (1) A missing or isolated Peace Corps Volunteer;

- (2) The death of a Peace Corps Volunteer;
- (3) A life-threatening injury to a Peace Corps Volunteer resulting from a crime;
- (4) The rape or attempted rape or sexual assault of a Peace Corps Volunteer;
- (5) The kidnapping or hostage-taking of a Peace Corps Volunteer;
- (6) Any other serious crime or security incident involving a Peace Corps Volunteer; or
- (7) Any crime or attack that is potentially motivated by politics, terrorism, or a hate crime.

However, in the case of sexual assaults classified as restricted reports, the RSO shall only receive the notification provided in accordance with 4.5 of MS 243 *Responding to Sexual Assault*.

- (i) Providing for the ongoing safety of all Volunteers who could be at-risk in accordance with SSI 202.
- (j) Making the final decision about a Volunteer's ability to remain at site or continue service. This decision will be made in consultation with the Regional Director, and with input from the CARS Team.
- (k) Participating as a member of the CARS Team.

6.2 Office of Victim Advocacy

The Office of Victim Advocacy (OVA) is responsible for assisting Volunteers who are victims of crime throughout the response process by educating them on the services available and facilitating their access to such services. OVA gives priority to cases involving sexual assault, stalking and other serious crimes. When a Volunteer has chosen to engage the services of OVA, OVA is responsible for:

- (a) Reviewing and being knowledgeable about agency policies and guidance related to crimes against Volunteers.
- (b) Advocating for Volunteers who are victims of crime.
- (c) Ensuring the preferences of Volunteers are heard and taken into consideration in decisions affecting clinical care and medevacs (except in acute or emergency cases), choice of reporting options, site and housing changes, continued service in Peace Corps, and long-term support.
- (d) Advising, as appropriate, and coordinating with other offices involved in providing response and support services to Volunteers.

- (e) When requested or as necessary, accompanying a Volunteer in country or in the U.S. to proceedings related to the criminal justice process.
- (f) In coordination with the Office of Safety and Security and post, ensuring that Volunteers receive updates regarding the criminal justice process.
- (g) Participating as a member of the CARS Team.

6.3 Office of Safety and Security

The Office of Safety and Security has the primary responsibility for overseeing and directing the overall agency response to crimes against Volunteers. The Office of Safety and Security will mobilize necessary resources to support the investigative, judicial or security response to a crime and give priority to cases involving serious crimes. Except for a crime that is suspected of having been committed by another Volunteer or a Peace Corps staff member (including a contractor), the Office of Safety and Security will be the primary liaison between the Peace Corps and other U.S. Government and foreign investigative agencies. Specifically, the Office of Safety and Security is responsible for:

- (a) Establishing and maintaining the agency's system for reporting incidents through the Consolidated Incident Reporting Guide and developing the policies and procedures for that system, including the distribution of incident reports.
- (b) Collecting and analyzing crime data and producing annual statistical reports.
- (c) Developing the agency's policies and procedures for responding to incidents.
- (d) Providing direction to post in the aftermath of incidents, in accordance with established policies and procedures.
- (e) Coordinating with and providing guidance to other offices regarding the investigative, judicial and security response to an incident.
- (f) Coordinating with post to conduct a Post-Incident Assessment, as appropriate.
- (g) Regularly monitoring the status of a case and maintaining records regarding the case disposition.
- (h) Coordinating with post and OGC for the retention of legal counsel for a Volunteer, in accordance with MS 774.
- (i) Making notifications and providing updates to relevant Headquarters offices, as appropriate.
- (j) As described in SSI 500, jointly with OGC, establishing and maintaining the process for conducting Legal Environment Surveys at all posts.

- (k) Administering the Centrally Managed Account to fund investigative support activities, including retention of legal counsel and travel expenses, as appropriate.
- (l) Coordinating with the Department of State, Bureau of Diplomatic Security, for investigative support as required, in accordance with the DS MOU.
- (m) Participating as a member of the CARS Team.

6.4 Peace Corps Safety and Security Officers

Peace Corps Safety and Security Officers (PCSSOs) are responsible for:

- (a) Reviewing and being knowledgeable about agency policies and guidance related to crimes against Volunteers.
- (b) Monitoring incidents at their constituent posts and initiating follow-up, as appropriate.
- (c) Providing direction and support to post in order to enhance Volunteer safety and security.
- (d) Coordinating with host country authorities and the U.S. Embassy's Regional Security Office, as appropriate.
- (e) Jointly with OGC, leading the process for conducting Legal Environment Surveys at post.
- (f) Participating on the CARS Team, as necessary or required.

6.5 Safety and Security Manager

The Safety and Security Manager (SSM) is responsible for the overall management of a post's crime reporting and response systems, in accordance with agency policies and procedures. Specifically, the SSM is responsible for:

- (a) Reviewing and being knowledgeable about Peace Corps policies and guidance related to crimes against Volunteers.
- (b) Help ensure that post staff respond to incidents promptly in accordance with Peace Corps policies and procedures and systems established at post.
- (c) Coordinating with other post staff, the US Embassy (as set out in the DS MOU) and host country authorities, as necessary, to provide timely and appropriate support to a Volunteer who is the victim of a crime.
- (d) Assessing the circumstances of crimes against Volunteers and advising appropriate people to the ongoing safety of the victims and/or other Volunteers.
- (e) Coordinating with other post staff, the Office of Safety and Security, the Region and host country authorities as necessary, to ensure the ongoing safety of Volunteers in accordance with MS 270 and SSI 202.

- (f) Reviewing on an annual basis the post's Legal Environment Survey.
- (g) Providing a Volunteer with information about the local legal process to enable the Volunteer to make an informed decision about filing a report with the authorities.
- (h) Assisting a Volunteer to file a report with host country authorities, if the Volunteer so chooses.
- (i) At the request of the Volunteer, accompanying, or arranging for another appropriate staff member to accompany, the Volunteer at all meetings and legal proceedings related to a police report filed by the Volunteer.
- (j) Coordinating with the PCMO and the Office of Safety and Security to conduct a Post-Incident Assessment, as appropriate.
- (k) Coordinating with the Office of Safety and Security, the U.S. Embassy (as set out in the DS MOU), host country authorities and other law enforcement authorities on all matters related to the investigation and prosecution of a crime, or ongoing security concern, against a Volunteer.
- (l) When the suspected perpetrator is another Volunteer or a Peace Corps staff member (including a contractor), coordinating with the OIG.
- (m) Regularly monitoring the status of a case and providing updates to the Office of Safety and Security.
- (n) Participating as a member of the CARS Team.

6.6 Office of Health Services

The Office of Health Services (OHS) is responsible for overseeing the provision of medical and mental health support services to Volunteers who are victims of crime through the Office of Medical Services (OMS) and the Counseling and Outreach Unit (COU). In addition, OHS is also responsible for managing the agency's Medevac Program and ensuring a Volunteer's access to clinical care after service, as appropriate. Specifically, OHS is responsible for:

- (a) Reviewing and being knowledgeable about all applicable Peace Corps policies and procedures related to crimes against Volunteers.
- (b) Overseeing the care and services provided to a Volunteer by the PCMO and providing guidance, as appropriate.
- (c) Coordinating with the PCMO to develop a clinical treatment plan for a Volunteer.
- (d) Determining, in consultation with the PCMO, if medevac is warranted and the most appropriate location to provide the required treatment. OHS must communicate with OVA, with the exception of acute or emergency cases, to ensure the Volunteer's preferences are considered.

- (e) Determining, with input from the PCMO and OVA as appropriate, the need to appoint a medical or non-medical escort to accompany a Volunteer during medevac travel (NOTE: Special provisions apply if the Volunteer is the victim of a sexual assault, see MS 264).
- (f) Determining the suitability of a Volunteer to continue service based on medical or mental health assessment and communicating such determination to OVA as soon as reasonably possible.

6.6.1 Peace Corps Medical Officer

The Peace Corps Medical Officer (PCMO) is responsible for the health and well-being of the Volunteer by ensuring the provision of clinical care and support, as needed, for a Volunteer at post. Specifically, the PCMO is responsible for:

- (a) Reviewing and being knowledgeable of Peace Corps and Office of Health Services (OHS) policies and guidance related to crimes against Volunteers.
- (b) Reviewing on an annual basis the post's Legal Environment Survey.
- (c) In coordination with OHS, providing appropriate clinical services to the Volunteer.
- (d) Initiating and coordinating, when appropriate, the medical evacuation (medevac) of a Volunteer, in accordance with MS 264 Medical Evacuation and TG 380.
- (e) Accompanying a Volunteer who requires medical services to local medical facilities, when practicable.
- (f) Providing, in coordination with the OHS International Health Coordinators, the Post-Service Unit in OHS and OVA, information to a Volunteer regarding clinical care options within Peace Corps and post-service health care benefits.
- (g) Educating Volunteers on how to provide feedback about the care Volunteers received.
- (h) Participating as a member of the CARS Team.

6.6.2 International Health Coordinators

The International Health Coordinator (IHC) serves as a primary clinical liaison between the PCMO and other coordinating offices involved in the response and support of Volunteers who have been victims of crime. Specifically, the assigned IHC is responsible for:

- (a) Reviewing and being knowledgeable about agency and OHS policies and guidance related to crimes against Volunteers.
- (b) Assisting the PCMO in developing a clinical treatment plan for the Volunteer.

- (c) Coordinating with the PCMO, the Medevac Team Lead, the Medevac Program Specialist and OVA regarding travel arrangements, accommodations and any additional individualized support that may be required for the Volunteer.
- (d) Serving as the case manager responsible for coordinating the clinical care of Volunteers who are medevac'd.
- (e) Providing Volunteers on medevac with information regarding their options for clinical care and ways to provide feedback about the care received.
- (f) Coordinating with COU for the provision of services by outside mental health providers, as appropriate.
- (g) Providing updates to OVA on the medical clearance status of a Volunteer.
- (h) Assisting the PCMO in providing information to a Volunteer, in coordination with OVA, regarding the healthcare delivery options.
- (i) Assisting the PCMO in providing information to a Volunteer, in coordination with the Post-Service Unit and OVA, regarding post-service health care benefits.
- (j) Participating as a member of the CARS Team.

6.6.3 Counseling and Outreach Unit

The Counseling and Outreach Unit (COU) is responsible for providing mental health services to Volunteers who have been victims of crime. COU provides counseling in-person or by phone and coordinates, along with IHC, counseling services provided by outside mental health service providers, either in the country of service or at a medevac location. COU also manages the agency's Medevac Program. Specifically, COU is responsible for:

- (a) Reviewing and being knowledgeable about agency and Office of Health Services (OHS) policies and guidance related to crimes against Volunteers.
- (b) Providing a clinical assessment for Volunteers when clinically indicated.
- (c) Providing guidance and recommending treatment options to PCMOs and Volunteers regarding mental health services.
- (d) Aiding Volunteers in decision making about medevac choice.
- (e) Determining, in consultation with the PCMO, the need for a medevac for mental health services.
- (f) Determining, with input from the PCMO and OVA as appropriate, the need to appoint a medical or non-medical escort to accompany a Volunteer during medevac travel. (NOTE: Special provisions apply if the Volunteer is the victim of a sexual assault, see MS 264).

- (g) Coordinating with the IHC for the provision of outside mental health services, as may be required.
- (h) In collaboration with IHC, providing Volunteers on medevac with information regarding their options for psychological care and avenues by which to provide feedback about the care received.
- (i) Participating as a member of the CARS Team.

6.6.3.1 Medevac Support Team

The Medevac Team Lead is responsible for managing the overall Medevac Program, including coordinating with the PCMO, the IHC, the Medevac Program Specialist and OVA regarding travel arrangements, accommodations and any additional individualized support that may be required by the Volunteer. The Medevac Team Lead is specifically responsible for ensuring that Volunteers medevac'd to Washington, DC are met at the airport and that transportation is provided to the lodging. See MS 264 Medical Evacuation for the responsibilities of the Medevac Team Lead and Medevac Program.

6.6.4 Post-Service Unit

In collaboration with PCMOs, IHCs and OVA, the Post Service Unit (PSU) is responsible for assisting Volunteers who have been victims of crime in educating them about, and providing them with access to, Peace Corps post-service health benefits. The PSU assists returned Volunteers in submitting Federal Employees' Compensation Act (FECA) claims to the Department of Labor and acts as liaison between the Peace Corps and the Department of Labor, as needed, regarding FECA benefits. As appropriate, the PSU participates as a member of the CARS Team.

6.7 Office of Global Operations

The Office of Global Operations (OGO), through the Regions, has overall responsibility for ensuring that posts follow established policies and procedures in cases of crimes against Volunteers. As needed, Regions, in coordination with the Office of Safety and Security, will provide guidance and support to posts in response to incidents. Representation from the appropriate Region (usually the Regional Director or Chief of Operations, and the Regional Security Advisor) will participate as a member of the CARS Team.

6.8 Office of the General Counsel

The Office of the General Counsel (OGC) is responsible for providing legal advice and policy support to post and Headquarters staff. OGC assists in the retention of local counsel to represent a Volunteer who has been the victim of a crime pursuant to MS 774. As appropriate, OGC participates as a member of the CARS Team. As described in SSI 500, OGC, jointly with the Office of Safety and Security, establishes and maintains the process for conducting Legal

Environment Surveys at all posts. Jointly with the PCSSOs, OGC leads the process for conducting Legal Environment Surveys at post.

6.9 Office of Inspector General

In the case of a crime which is suspected of having been committed by another Volunteer or a Peace Corps staff member (including a contractor), other than a sexual assault that is the subject of a restricted report under MS 243 Responding to Sexual Assault, OIG is responsible, in accordance with the DS MOU, for ensuring the investigation of the crime, coordinating with the Bureau of Diplomatic Security, the Regional Security Officer and other federal agencies and, to the extent necessary, serving as liaison with host country law enforcement officials.

7.0 Rewards

- (a) The Peace Corps may offer a reward for information regarding a crime committed against a Volunteer. No reward offer should be made public until it has been officially authorized as provided in this Manual Section.
- (b) If the Country Director deems a reward advisable, the Country Director must request the Regional Director for authority to offer the reward stating the reasons for a reward and the amount to be offered either in cash or in goods according to accepted cultural practice. In evaluating the request, the Regional Director must consult with the Associate Director for Safety and Security and the General Counsel and other offices, as appropriate.
- (c) The Regional Director is authorized to make the final determination to offer an award valued at up to \$10,000. A reward in excess of \$10,000 must be submitted through the Associate Director for the Office of Global Operations and approved by the Peace Corps Director.
- (d) The officer who authorizes the offer for a reward makes the final determination on whether to pay the reward, taking into account all relevant factors.
- (e) This Manual Section is not intended to affect the authorities of the OIG to provide rewards pursuant to MS 861 and the Inspector General Act of 1978, as amended.

8.0 Procedures

Procedures for implementing this Manual Section will be developed by, and require the approval of, the Offices of Safety and Security, Global Operations, Health Services, Victim Advocacy and the General Counsel. Proposed procedures that affect the OIG must be approved by the OIG.

9.0 Effective Date

The Effective Date is the date of issuance.