

# **Law Enforcement Perspectives on Sexual Assault and Stalking Issues Pertaining to the United States Antarctic Program**

NATIONAL SCIENCE FOUNDATION  
OFFICE OF INSPECTOR GENERAL

A complex network graph composed of numerous small, glowing teal dots connected by thin, translucent lines, creating a sense of interconnectedness and data flow across the page.

March 7, 2023





**National Science Foundation • Office of Inspector General**  
2415 Eisenhower Avenue, Alexandria, Virginia 22314

**MEMORANDUM**

**DATE:** March 7, 2023

**TO:** Karen A. Marrongelle  
Chief Operating Officer  
Office of the Director

**FROM:** Ken Chason [REDACTED]  
Deputy Inspector General & OIG Counsel

**SUBJECT:** Law Enforcement Perspectives on Sexual Assault and Stalking Issues  
Pertaining to the United States Antarctic Program

Attached is our white paper offering a law enforcement perspective on sexual assault and stalking issues relating to the United States Antarctic Program (USAP). It provides NSF with considerations for an effective reporting and response capability when presented with allegations of these crimes. This paper is not the product of an inspection or audit conducted under standards governing those engagements, nor does it make findings or formal recommendations subject to audit resolution. Although we are conducting a related inspection (discussed in the attached), we are issuing this paper now to convey important information more quickly. This paper also complements the ongoing inspection with a criteria-focused overview.

We provided a draft of this report to NSF management for review on February 17, 2023. NSF provided technical comments on February 28, 2023, which we incorporated as appropriate.

If you have any questions, please contact me at 703.292.7100 or oigpublicaffairs@nsf.gov.

**CC:**

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## ABBREVIATIONS

AIL	Antarctic Infrastructure and Logistics
DOD	Department of Defense
DOJ	U.S. Department of Justice
FLETC	Federal Law Enforcement Training Center
HRSP	DOJ's Human Rights and Special Prosecutions Section
IACP	International Association of Chiefs of Police
OPP	Office of Polar Programs
OVW	DOJ's Office on Violence Against Women
SAFE	Sexual Assault Forensic Examination
SAHPR Report	<i>Sexual Assault/Harassment Prevention and Response</i>
SANE	Sexual Assault Nurse Examiner
SAPR	Sexual Assault Prevention and Response
SAPR VA	Sexual Assault Prevention and Response Victim Advocate
SARC	Sexual Assault Response Coordinator
SDUSM	Special Deputy U.S. Marshal
SMTJ	Special Maritime and Territorial Jurisdiction of the United States
UCMJ	Uniform Code of Military Justice
USAO	U.S. Attorney's Office
USAP	United States Antarctic Program



## About this Paper

This white paper offers a law enforcement perspective on sexual assault and stalking issues relating to the United States Antarctic Program (USAP). We focus on sexual assault given the complexities with reporting and responding to such incidents. We also discuss stalking because the *Sexual Assault/Harassment Prevention and Response* report includes allegations of stalking behavior, and because of the close connection it can have with sexual assault.

The paper provides NSF with considerations for an effective reporting and response capability when presented with allegations of these crimes. Although OIG is conducting a related inspection (discussed below), this paper is not the product of an inspection or audit conducted under standards governing those engagements, nor does it make findings or formal recommendations subject to audit resolution. This paper is intended to convey important information more quickly and complement the ongoing inspection with a criteria-focused overview.

To inform this discussion, we reviewed legal authority pertaining to sexual assault and stalking as well as literature from U.S. Government and non-governmental sources<sup>1</sup> on post-incident reporting and response. We also reviewed policies and procedures related to sexual assault prevention and response programs at two federal agencies — Department of Defense (DOD) and Peace Corps — that have had to address sexual assault incidents affecting their communities, including incidents that occur in remote settings. We interviewed key staff from those agencies to learn from their experiences. We also spoke with officials at the U.S. Department of Justice (DOJ) Headquarters and the U.S. Attorney's Office in Hawaii to gain a prosecutorial perspective.

## Executive Summary

A June 2022 report that NSF commissioned, entitled *Sexual Assault/Harassment Prevention and Response* (SAHPR Report), concluded that sexual harassment, sexual assault, and stalking are problems affecting USAP participants. Sexual assault and stalking are federal crimes. American civilians who commit these offenses in Antarctica — regardless of their employment affiliation (e.g., contractor/subcontractor employees, university researchers, and federal employees) — can be prosecuted under the Special Maritime and Extraterritorial Jurisdiction of the United States. U.S. military personnel supporting USAP are subject to worldwide jurisdiction under the Uniform Code of Military Justice (UCMJ) and could be prosecuted for analogous offenses (as well sexual harassment) under the UCMJ's punitive articles.

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<sup>1</sup> Nothing should be construed as an endorsement of a commercial product or service offered by any such non-governmental entity.



Such behavior, therefore, requires an effective law enforcement response to ensure the victim's immediate safety, to hold offenders accountable, and to deter future incidents. Because law enforcement considerations are not directly addressed in the SAHPR Report, we are issuing this paper to break down the definitions of sexual assault and stalking under the federal criminal code; describe the current law enforcement and prosecutorial framework for Antarctica; and explore approaches to facilitate effective reporting and response.

As a result of our efforts, we have identified two key hallmarks of an effective sexual assault response: First, because of the psychological injury that victims of sexual assault sustain, hotline operators, initial responders, investigators, medical staff, and all others who engage with the victim must be trained in, and employ, a victim-centered, trauma-informed approach to their work. For instance, a Sexual Assault Nurse Examiner is trained to provide this focus to forensic examinations. Next, law enforcement officers need to be accessible, trained, and experienced enough to understand and navigate the complexities of sexual assault cases, including the elements of proof, how to gather/preserve/use digital and trace evidence, and how to approach alcohol-related sexual assaults.

Even with trained responders available (at least at major USAP stations), other, case-specific situations can still present further challenges. For example, international considerations would arise if an alleged offender and/or victim were a foreign national. Also, incidents occurring in deep field locations present formidable investigative difficulties due to the time needed to reach the site. Mindful of these situational challenges, the insights and approaches discussed here can nonetheless help advance overall safety and accountability within a victim-focused framework.

## Introduction

### *The Sexual Assault/Harassment Prevention and Response (SAHPR) Report*

In August 2022, NSF released a report it commissioned following claims of sexual assault and harassment in the USAP.<sup>2</sup> The SAHPR Report consists of two parts.<sup>3</sup> The first — a needs assessment<sup>4</sup> — describes the “current state of sexual assault and sexual harassment” within the program.<sup>5</sup> Although noting that “NSF and partner organizations have taken

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<sup>2</sup> NSF news announcement, [Results from the U.S. Antarctic Program’s Sexual Assault and Harassment Needs Assessment](#), August 25, 2022.

<sup>3</sup> NSF, Office of Polar Programs (OPP), USAP, Sexual Assault/Harassment Prevention and Response (SAHPR), Final Report, June 22, 2022.

<sup>4</sup> The needs assessment was informed by experiences and perspectives of USAP participants derived from key stakeholder interviews, surveys, focus groups, and supplemental materials shared by key stakeholders and members of the focus group (either supplementing participation or in lieu of it). SAHPR Report at 17.

<sup>5</sup> *Id.* at 5.



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necessary steps to build a foundation for creating a healthier climate in the USAP,”<sup>6</sup> it outlines several findings indicating that serious issues remain:

- Sexual assault, sexual harassment, and stalking are problems in the USAP community.
- There is a lack of trust in the practice of using the Antarctic Support Contractor’s human resources to address these problems.
- Sexual misconduct is not perceived as a safety issue, leaving alcohol misidentified as the primary cause of sexual misconduct.<sup>7</sup>

The needs assessment concluded that “these issues are impacting a high number of USAP participants and efforts [as of the preparation of the SAHPR Report] to address and prevent related harm have been inadequate and ineffective.”<sup>8</sup>

The second part of the report is a multi-phased implementation plan that offers “an integrated, comprehensive approach to building an effective SAHPR Program for the USAP.”<sup>9</sup> The plan sets out goals, objectives, and tasks toward that end. NSF has taken or plans to take various actions in response to the SAHPR report.

## *OIG’s Inspection and White Paper*

In October 2022, OIG began an independent inspection of NSF’s USAP sexual harassment and assault prevention and response. The objectives of this inspection are to (1) determine what measures NSF has taken or is developing for sexual harassment and assault prevention, reporting, and response; (2) provide NSF with information on practices other federal agencies have employed to address this issue; and (3) determine if NSF’s measures are effective. The primary focus of this engagement pertains to USAP.

This white paper, which is separate from OIG’s inspection, explores certain law enforcement-related considerations pertaining to sexual assault and stalking. We chose these two specific issues for several reasons. First, while both sexual harassment and sexual assault are deplorable acts that traumatize the person who experiences them, sexual assault poses the greatest safety risk given its physical nature; and stalking can be a precursor to sexual assault. Second, sexual assault is an immediate risk — a point

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<sup>6</sup> *Id.* at 137. Among other things, in 2013, NSF instituted a Code of Conduct, “which applies to all people working or visiting the USAP, or who are financially supported by NSF in the Antarctic[,]” which NSF can enforce by removing violators from the ice. *Id.* at 61-62.

<sup>7</sup> *Id.* at 6-7.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 203.



underscored by the SAHPR Report's descriptions of alleged incidents in Antarctica that have gone unaddressed. Third, sexual assault and stalking are criminal offenses, which under these circumstances are subject to federal investigation and prosecution — a point that is largely absent from the SAHPR Report.

Part I of this paper (1) summarizes key portions of the SAHPR Report that illuminate the problem with sexual assault and stalking in Antarctica, (2) provides the criminal definitions of sexual assault and stalking at the federal level, and (3) describes the current law enforcement and prosecutorial framework for handling federal crimes that occur in Antarctica. Part II discusses what we learned about effective reporting and response to sexual assault based on a literature review and interviews with agencies that have addressed incidents in remote environments. Part III provides suggestions for NSF's consideration to help ensure effective reporting and response to sexual assault and stalking in Antarctica.

## **Part I. Sexual Assault and Stalking in Antarctica — What Should We Know?**

**The SAHPR Report found that sexual assault and stalking “are problems in the USAP community.”**

The SAHPR Report describes alleged incidents of sexual assault and stalking that victims and/or witnesses allege have gone unaddressed. Although the report does not contain hard data related to the frequency or prevalence of these crimes, information gleaned from the SAHPR Report's underlying surveys, interviews, and focus groups points to a serious situation.<sup>10</sup> NSF is working to obtain a baseline measure of such conduct through a climate survey.<sup>11</sup>

According to the SAHPR Report, 47 percent of female survey respondents and 33 percent of male respondents believe that sexual assault is a problem in the USAP community. The following excerpts from the report illustrate the problem:<sup>12</sup>

- In focus groups, key stakeholder interviews, and via email correspondence, interviewees recounted experiences such as:<sup>13</sup>

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<sup>10</sup> SAHPR Report at 17-29 (documenting the methodology used for the needs assessment).

<sup>11</sup> See [\[NSF\] Agency Information Collection Activities: Comment Request: \[USAP\] Climate Survey](#), 88 Fed. Reg. 9913 (Feb. 15, 2023).

<sup>12</sup> *Id.* at 32-33, Figure 3.

<sup>13</sup> Again, for context, we note the lack of hard data on frequency or prevalence of sexual assault or stalking.



“...a male supervisor attempting to break into women’s bedrooms using his master keys; a sexual assault on station during which the assailant slammed the victim’s head into a metal cabinet and then attacked her sexually. A male interviewee also reported incidences of being groped by male and female colleagues...”<sup>14</sup>

- “Across genders, project participants described how women are ‘hunted’ and viewed as ‘prey’ by older men.”<sup>15</sup>
- One survey respondent wrote: “...my very first day at McMurdo I was told to stay clear of Building [X] unless I wanted to be raped.”<sup>16</sup>
- A survivor of sexual assault and harassment at McMurdo recounted, “I left because [I was] sexually assaulted. I didn’t report it because, based on everything I’d seen so far, I assumed my company would fire me if I did. . . When I hit the point I couldn’t deal with it anymore, I quit...”<sup>17</sup>
- Contractors described how, despite repeated efforts to report abuse and to hold perpetrators accountable through the human resources process, there were rarely serious consequences for offenders who engaged in sexual harassment and assault.<sup>18</sup>
- “A notable number of community members perceive that contractor and subcontractor human resource departments as dismissing, minimizing, shaming, and blaming victims who report sexual harassment and sexual assault.”<sup>19</sup>
- “Another interviewee spoke of a sexual assault survivor who was unwilling to make a report to the individual responsible for taking action at their station because the survivor believed that person to be ‘uninformed, dismissive, inaccessible, and likely to minimize their experience.’”<sup>20</sup>
- Descriptions of “men following women back to their dorm after their sexual advances were rejected, women feeling compelled to hide in other rooms so that the person stalking them would not know where they lived, and men gaining access

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<sup>14</sup> SAHPR Report at 32.

<sup>15</sup> *Id.* at 34.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 35.

<sup>18</sup> *Id.* at 41.

<sup>19</sup> *Id.* at 44.

<sup>20</sup> *Id.* at 45.



to female galley workers' shift schedules to track them down at shift change or to follow them home from work.”<sup>21</sup>

- “There was a woman’ at McMurdo, one interviewee recounted, ‘who told me she carried a hammer around with her. And she is constantly changing rooms because she is so freaked out. HR told her to walk around with a radio if she felt uncomfortable . . . but they can’t do anything . . . because it’s still under investigation.”<sup>22</sup>

The contractor that prepared the SAHPR Report “prioritized receiving input from USAP participants who deployed between Summer 2018 and Summer 2021, [but] a small percentage of survey respondents deployed prior to Summer 2018 (3 percent).”<sup>23</sup> The contractor was not asked to substantiate when or if the above-noted incidents occurred and/or to verify what happened in response.<sup>24</sup>

**Sexual assault and stalking are criminal offenses that can be prosecuted, even if they occur in Antarctica.**

**1. Definitions and jurisdiction for offenses committed by U.S. civilians (regardless of employment affiliation).**

a. Sexual Assault

When the crime of sexual assault is committed within the United States, it typically arises under state law, with investigations and prosecutions being handled by state or local authorities. If, however, a sexual assault occurs within the Special Maritime and Territorial Jurisdiction of the United States (SMTJ), it is prosecutable under Chapter 109A of the federal criminal code (18 U.S.C. §§ 2241-48). The SMTJ includes any place outside of the jurisdiction of any nation — e.g., Antarctica — when the offense is committed by or against a U.S. national.<sup>25</sup> This jurisdiction enables prosecution of contractor and subcontractor employees, researchers, and federal civilian employees.<sup>26</sup> (U.S. military personnel are subject to prosecution within the military justice system as discussed in the following section.) Substantively, Chapter 109A of Title 18, United States Code, addresses sexual

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<sup>21</sup> *Id.* at 36.

<sup>22</sup> *Id.* at 37.

<sup>23</sup> *Id.* at 17, n. 10.

<sup>24</sup> *Id.* at 17.

<sup>25</sup> 18 U.S.C. § 7(7).

<sup>26</sup> U.S. military personnel are subject to prosecution within the military justice system for offenses arising under the Uniform Code of Military Justice. *But see* Memorandum of Understanding Between the Departments of Justice and Defense Relating to the Investigation and Prosecution of Certain Crimes, Aug. 1984 (describing areas of responsibility for investigating and prosecuting offenses over which the two departments have concurrent jurisdiction).



assault under the “sexual abuse” umbrella, which encompasses several individual offenses, including “aggravated sexual abuse,”<sup>27</sup> “sexual abuse,”<sup>28</sup> and “abusive sexual contact.”<sup>29</sup> The most serious offenses under Chapter 109A are “aggravated sexual abuse” and “sexual abuse.” Each involves a sexual act,<sup>30</sup> and due to the gravity of the offense, each carries a potential sentence of up to life imprisonment.

**Aggravated sexual abuse** (18 U.S.C. § 2241) means the sexual act is committed by:

- (1) actual force;
- (2) threatening or creating a fear of death, serious bodily injury, or kidnapping; or
- (3) rendering the victim unconscious or substantially impaired by administering a drug, etc., by force or threatened force or without the victim’s knowledge or permission.

**Sexual abuse** (18 U.S.C. § 2242) involves commission of the act under any of the following circumstances:

- (1) by threatening or placing the victim in fear (other than fear of death, serious bodily injury, or kidnapping);
- (2) when the individual is mentally or physically incapacitated; or
- (3) otherwise without consent (including through coercion).

In relevant part, the third sexual assault offense — **abusive sexual contact**<sup>31</sup> (18 U.S.C. § 2244) — involves sexual touching versus a sexual act, and it carries a potential sentence of up to ten years imprisonment.

b. Stalking

In relevant part, under the federal criminal code (18 U.S.C. § 2261A), **stalking** is committed when someone:

- (1) . . . is present within the special maritime and territorial jurisdiction of the United States, [including Antarctica] . . . with the intent to kill, injure, harass, intimidate [a person], or [to] place [a person] under surveillance with [such] intent, and

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<sup>27</sup> 18 U.S.C. § 2241.

<sup>28</sup> *Id.* at § 2242.

<sup>29</sup> *Id.* at § 2244.

<sup>30</sup> “Sexual act” is defined in 18 U.S.C. § 2246(2). (See Attachment 1.)

<sup>31</sup> “Sexual contact” is defined in 18 U.S.C. § 2246(3). (See Attachment 1.)



- (2) in the course of, or as a result of, such . . . presence [in Antarctica] engages in conduct that—
  - a. places that person in reasonable fear of death or serious bodily injury; or
  - b. causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to [that] person . . . .

We are including stalking in our analysis because the SAHPR report includes allegations of stalking behavior, and because of the close connection it can have with sexual assault. The U.S. Department of Justice, Office on Violence Against Women, adds this insight about that nexus:

We have long known that many sexual assaults don't just spontaneously occur when the sexual assault happens--but rather stalking of the victim by the offender is a frequent precursor of the sexual assault.

...

When a victim of stalking turns their intuition into action, law enforcement, prosecutors, and the courts have the necessary tools to intervene. Stalking laws are in place and our criminal justice system is designed to give stalking victims a voice. When a victim feels afraid of the behavior of a stalker, the interaction becomes a crime.<sup>32</sup>

Given this connection, a focus on prosecuting stalking could deter future sexual assault.

## **2. Definitions and jurisdiction for members of the military.**

The USAP community also includes military personnel who are "deployed under the command of the Joint Task Force-Support Forces Antarctica."<sup>33</sup> Article 2 of the Uniform Code of Military Justice (UCMJ) establishes worldwide jurisdiction over service members of all branches of the armed forces—including reservists and members of the National Guard depending on their status at the time (e.g., periods of active duty and inactive duty for training).<sup>34</sup> These service members are subject to investigation by the particular service's

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<sup>32</sup> DOJ Office on Violence Against Women, [Many Sexual Assaults Follow Stalking](#), January 12, 2021.

<sup>33</sup> SAHPR Report at 11.

<sup>34</sup> UCMJ Art. 2, 10 U.S.C. § 802.



military criminal investigative organization and prosecution within the military justice system.

The UCMJ sets forth various criminal offenses, many of which correspond to those in the federal criminal code (Title 18, U.S. Code). They include UCMJ Article 120<sup>35</sup>—rape, sexual assault, aggravated or abusive sexual contact. Article 120 offenses are similar those encompassed by 18 U.S.C., Chapter 109A (discussed, *supra*). Likewise, UCMJ Article 130,<sup>36</sup> Stalking, is comparable to the stalking offense under 18 U.S.C. § 2261A. Finally, while lacking a counterpart in Title 18, sexual harassment is a criminal offense under UCMJ Article 134,<sup>37</sup> as conduct either prejudicial to good order and discipline in the armed forces or of a nature to bring discredit upon the armed forces, or both.

### 3. International Considerations

The USAP population also includes foreign nationals who may be employed by contractors, research institutions, or non-U.S. military. It is possible, therefore, that a foreign national could be an alleged offender and/or victim. Because of the international considerations involved, this paper does not attempt cover how such cases might be handled (i.e., which nation's laws would apply and what type of foreign government coordination would be needed). Addressing this scenario — or any other involving a foreign government or its citizens — would require engaging with other U.S. Government agencies (e.g., DOJ and the U.S. Department of State), as well as international partners.

### **The McMurdo Station Manager can exercise certain law enforcement functions through appointment as a Special Deputy U.S. Marshal.**

The McMurdo Station Manager has on-site law enforcement responsibility for NSF's Antarctic research sites, among many other responsibilities. The Station Manager is appointed as a Special Deputy U.S. Marshal (SDUSM) under a 1992 authorization from the Deputy Attorney General (Attachment 2).<sup>38</sup> As such, the Station Manager/SDUSM is the point of contact for USAP participants who wish to report criminal wrongdoing. The SDUSM appointment, which must be renewed annually,<sup>39</sup> permits the Station Manager to exercise certain law enforcement functions, namely: "sight and probable caus[e] arrests, request[s] for and execution of arrest warrants, and request[s] for and execution of arrest warrants [but] only [if] exigent circumstances requir[e] immediate application of criminal law

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<sup>35</sup> UCMJ Art. 120, 10 U.S.C. § 920.

<sup>36</sup> UCMJ Art. 130, 10 U.S.C. § 930.

<sup>37</sup> UCMJ Art. 134, 10 U.S.C. § 934.

<sup>38</sup> U.S. Department of Justice Memorandum from the Deputy Attorney General to the Deputy Director, U.S. Marshals Service, subject: *Limited Appointment of National Science Foundation Antarctica Station Chief as Special Deputy United States Marshal* (Dec. 21, 1992) [hereinafter "1992 Authorization Memorandum"].

<sup>39</sup> We understand from NSF that DOJ has more recently provided the renewal every 2 years.



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enforcement authority[.]”<sup>40</sup>

This authority is limited to 24 specified criminal offenses — including sexual abuse, aggravated sexual abuse, and abusive sexual contact — when “alleged to have been committed by United States persons against other United States persons.”<sup>41</sup> Stalking, however, is not among the offenses listed. The 1992 memorandum further requires that the Station Manager/SDUSM and each of his successors undertake the standard Federal Law Enforcement Training Center (FLETC) Basic Criminal Investigators course.<sup>42</sup> According to FLETC’s posted curriculum, specialized training on sexual assault investigations is not provided in Criminal Investigative Training Program and it is not otherwise required.<sup>43</sup>

According to the 1992 memorandum, the Station Manager’s performance of SDUSM duties is directly supervised by the U.S. Marshal and U.S. Attorney for the District of Hawaii.<sup>44</sup> Guidance from NSF’s Office of Polar Programs to the Station Manager/SDUSM provides the following procedural direction:

Immediately upon being made aware of alleged criminal activity, notify the U.S. Attorney’s Office (USAO), District of Hawaii, for guidance. If so directed by the USAO, notify the U.S. Marshals Service for additional guidance and supervision on how to proceed.

...

In addition, you must also notify, as specified below, the Office of Polar Programs as well as the Office of General Counsel. These notifications should be done at the earliest opportunity, but they should not interfere with or delay the communications you need to have with the U.S. Attorney’s Office of the U.S. Marshals Service.<sup>45</sup>

In 2005, OIG conducted an audit of the law enforcement program in Antarctica. Noting that “[c]rime is rare in Antarctica,” the audit concluded that the law enforcement program was

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<sup>40</sup> 1992 Authorization Memorandum.; *see also* Memorandum from Director, Office of Polar Programs to NSF Station Managers, Antarctica, subject: Guidance for USAP Special Deputy U.S. Marshals (Sept. 6, 2022).

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> <https://www.fletc.gov/criminal-investigator-training-program>.

<sup>44</sup> 1992 Authorization Memorandum.

<sup>45</sup> Memorandum from Director, Office of Polar Programs to NSF Station Managers, Antarctica, subject: Guidance for USAP Special Deputy U.S. Marshals (Sept. 6, 2022).



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effective and complied with requirements for the SDUSM appointment.<sup>46</sup> It made two recommendations about the provision/use of non-lethal weapons, [REDACTED]

<sup>47</sup>

In 2015, OIG issued a USAP-focused health and safety audit report, which found that the SDUSM may lack adequate tools and training to perform the law enforcement function.<sup>48</sup> The report cited SDUSM concerns about the lack of a holding cell for dangerous individuals, refresher law enforcement training, or regular contact with the U.S. Marshals Service. OIG recommended “that NSF request that the U.S. Marshals Service or other appropriate law enforcement organization conduct an on-site assessment and evaluation of USAP conditions to make appropriate equipment and training recommendations for its special deputies.”<sup>49</sup> NSF took action to address this recommendation, expanding the review “to include a larger overall assessment of [then-]current Antarctic law enforcement policies, practices and procedures.”<sup>50</sup>

In February 2018, NSF representatives “escorted a group of federal law enforcement officials” on a site visit to address the OIG’s recommendations, and the USAP Law Enforcement Review Team (led by the United States Attorney for the District of Hawaii) issued a final Site-Visit Report to NSF the following month.<sup>51</sup> The Site-Visit Report recommended [REDACTED]

: [REDACTED]

- [REDACTED]
- [REDACTED]

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<sup>46</sup> NSF OIG Audit No. 05-2-009, *Audit of NSF's Law Enforcement Program in the Antarctic*, at 4-5 (Aug. 30, 2005). The audit describes a 1996 incident in which “a U.S. citizen assaulted two other U.S. citizens at McMurdo Station” and the above procedures were followed (i.e., securing evidence, holding the suspect under observation until the FBI arrived). *Id.* at 5.

<sup>47</sup> *Id.* at 4-5.

<sup>48</sup> NSF OIG Audit No. 15-2-009, *Audit of Health and Safety in the U.S. Antarctic Program*, at 10 (July 2, 2015).

<sup>49</sup> *Id.* at 11.

<sup>50</sup> *USAP Law Enforcement Review and Site-Visit Final Report*, at 1-2 (issued by the USAP Law Enforcement Review Team, U.S. Attorney, District of Hawaii, Mar. 12, 2018) [hereinafter “Site-Visit Report”].

<sup>51</sup> Aside from NSF officials, the site visit to McMurdo Station included “representatives from the U.S. Attorney’s Office for the District of Hawaii, U.S. Marshals Service, National Park Service Rangers, Department of the Air Force-Security Forces, Federal Law [E]nforcement Training Center, and Leidos International Security.” *Id.* at 2; see also FLETC article, *FLETC Reaches Seventh Continent*, (undated article).






Much like OIG's 2005 audit, the Site-Visit Report's analysis of the law enforcement program was based on the premise that historically, criminal activity in Antarctica has been extremely low.<sup>60</sup> Therefore, according to the report, "only a small fraction of time and resources are required" for law enforcement needs.<sup>61</sup> The report explained that "hosts of

<sup>52</sup> Site-Visit Report at 6.

<sup>53</sup> NSF Memorandum from Chief Program Manager, Antarctic Infrastructure and Logistics (AIL) to Section Head, AIL, subject: *2018 USAP Law Enforcement Review and Site-Visit Response* at 2 (Aug. 15, 2022) [hereinafter “NSF Response to Site-Visit Report”].

<sup>54</sup> Site-Visit Report at 7.

<sup>55</sup> NSF Response to Site-Visit Report at 2.

<sup>56</sup> Site-Visit Report at 8.

<sup>57</sup> NSF Response to Site-Visit Report at 3.

[REDACTED] See Memorandum from Operations Manager Antarctic Infrastructure and Logistics (AIL) to Chief Program Manager, AIL, subject: McMurdo Station Special Deputy Assistance and Law Enforcement Tools (Dec. 13, 2022).

<sup>58</sup> Site-Visit Report at 9.

<sup>59</sup> *Id.* at 9-10.

${}^{60}\text{Id}$  at 3

61 *Id*

79.



factors” contribute to the “relatively low” crime rate—namely:

NSF personnel consistently articulated a ‘science or mission’ driven community in a remote, hostile environment as factors supporting a caring and nurturing community of individuals looking out for one another. That, along with a robust physical and psychological screening during the hiring process as well as contractual dismissal provisions, results in a uniquely qualified (and law abiding) population.<sup>62</sup>

However, the SAHPR Report’s finding that sexual assault and stalking “are problems in the USAP community”<sup>63</sup> — and its many accounts of alleged incidents — call into question whether the SDUSM is adequately trained and experienced to respond to such incidents. This is particularly so with sexual assault cases, which present law enforcement challenges even under ordinary circumstances. Those challenges are compounded by Antarctica’s distant and sometimes inaccessible location.

**The U.S. Attorney’s Office for the District of Hawaii historically provides prosecution support, but cases could be handled by another district or by U.S. Department of Justice Headquarters, Criminal Division.**

The question of who will prosecute sexual assault in Antarctica does not have a simple answer. As mentioned earlier, the U.S. Attorney’s Office for the District of Hawaii is the SDUSM’s point of contact for civilian criminal matters arising in Antarctica. This relationship flows from the fact that the U.S. District Court in Hawaii is the most likely “venue” for an Antarctic-related prosecution. Venue — i.e., the federal judicial district in which an offender can be tried — is ordinarily the “district where the offense was committed.”<sup>64</sup> In extraterritorial cases (such as those arising in Antarctica), however, 18 U.S.C. § 3238 establishes venue in the district into which an offender is first brought or in which the individual is arrested for the crime. If neither has occurred, the individual may be charged in the district of their last known residence or in the District of Columbia if the residence is unknown.

Given its relative proximity to Antarctica, the District of Hawaii is likely the first judicial district into which an offender would be brought from McMurdo.<sup>65</sup> Owing to this venue nexus, the U.S. Attorney’s Office in Honolulu has a long-established and formalized role in

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<sup>62</sup> *Id.* at 3, n.2.

<sup>63</sup> *Id.* at 6.

<sup>64</sup> FED. R. CRIM. P. 18.

<sup>65</sup> If an offender is brought to the United States from Palmer Station, venue could exist in the Southern District of Florida.



Antarctic criminal matters. Nevertheless, it is possible that another office could, instead, prosecute an Antarctic sexual assault case. Charges are not always imminent in such cases due to investigative complexities; thus, to mitigate risk, a suspect might be removed from Antarctica and returned to their home of record while the investigation unfolds. In this scenario, the U.S. Attorney's Office in the individual's home district could assume prosecutorial responsibility and bring charges in that district.

Finally, DOJ's Human Rights and Special Prosecutions Section (HRSP), which is within the Criminal Division, also prosecutes offenses arising under the SMTJ of the United States.<sup>66</sup> We were informed that U.S. Attorneys Offices, in practice, coordinate with HRSP in extraterritorial cases. The HRSP office ultimately could either prosecute the case itself or provide subject-matter expertise through advice and assistance to the U.S. Attorney's Office involved.<sup>67</sup>

## Part II. What Approaches Could Facilitate Effective Victim-centered, Trauma-informed Reporting and Response for Sexual Assaults?

**A graduated reporting process, which provides victims with options to get help, with or without a law enforcement investigation.**

### 1. What is graduated reporting?

The National Defense Authorization Act for Fiscal Year 2011 directed DOD to prescribe regulations that allow sexual assault victims to "elect to confidentially disclose the details of the assault to [a Sexual Assault Response Coordinator, Victim Advocate, or healthcare personnel] and receive medical treatment, legal assistance . . . or counseling, without initiating an official investigation of the allegations."<sup>68</sup> The Department's implementing directive, 6495.01, elaborates:

The two reporting options are as follows:

(1) **Unrestricted Reporting** allows an eligible person who is sexually assaulted to access healthcare and counseling and request an official investigation of the allegation using existing reporting channels (e.g., chain of command, law enforcement, healthcare personnel, the SARC [Sexual Assault Response Coordinator]). When a sexual assault is reported through Unrestricted

<sup>66</sup> <https://www.justice.gov/criminal-hrsp>.

<sup>67</sup> <https://www.justice.gov/criminal-hrsp/about-hrsp>.

<sup>68</sup> Pub. L. No. 112-81, § 581 (2011) (codified at 10 U.S.C. § 1565b).



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Reporting, a SARC shall be notified as soon as possible, respond, assign a SAPR VA [Sexual Assault Prevention and Response Victim Advocate], and offer the victim healthcare and a SAFE [Sexual Assault Forensic Examination].

(2) **Restricted Reporting** allows sexual assault victims . . . to confidentially disclose the assault to specified individuals (i.e., SARC, SAPR VA, or healthcare personnel), . . . and receive healthcare treatment, including emergency care, counseling, and assignment of a SARC and SAPR VA, without triggering an official investigation. The victim's report to healthcare personnel (including the information acquired from a SAFE Kit), SARCs, or SAPR VAs will NOT be reported to law enforcement or to the victim's command, to initiate the official investigative process, unless the victim consents or an established EXCEPTION applies . . . When a sexual assault is reported through Restricted Reporting, a SARC shall be notified as soon as possible, respond, assign a SAPR VA, and offer the victim healthcare and a SAFE.<sup>69</sup>

Exceptions to restricted reporting include situations in which disclosure is needed to prevent or lessen a "serious and imminent threat to the health or safety of the victim or another person."<sup>70</sup> This might be the case when there are multiple reports involving the same alleged offender (repeat offender).<sup>71</sup>

The Peace Corps' SAPR program — which implements the Kate Puzey Peace Corps Volunteer Protection Act of 2011<sup>72</sup> — likewise permits a victim to file a standard (unrestricted) or restricted report.<sup>73</sup> Only certain staff members at a Volunteer's post can receive restricted reports, which do not result in law enforcement notification unless, for

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<sup>69</sup> "U.S. DEP'T OF DEF. DIR. 6495.01, SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) PROGRAM" (January 23, 2012, change 5, November 10, 2021).

<sup>70</sup> "U.S. DEP'T OF DEF. INSTR. 6495.02, VOL. 1, SEXUAL ASSAULT PREVENTION AND RESPONSE: PROGRAM PROCEDURES," encl. 4, para. 5.b.(2) (Mar. 28, 2013, change 7, Sept. 26, 2022) [hereinafter "DOD Instr. 6495.02, Vol. 1"]. With assistance from the SARC or SAPR VA, the sexual assault victim makes the reporting selection on a DD Form 2910, *Victim Reporting Preference Statement*.

<sup>71</sup> *Id.*

<sup>72</sup> Pub. L. No. 112-57 (2011) (codified at 22 U.S.C. §§ 2507a-2507i).

<sup>73</sup> PEACE CORPS MANUAL SECTION 243, RESPONDING TO SEXUAL ASSAULT PROCEDURES, paras. 2.0, 3.0 (Dec. 30, 2021 [hereinafter "MS 243"]).



example, there is a “serious or imminent” safety threat to the Volunteer or someone else.<sup>74</sup> Either reporting option affords support services and treatment, including availability of a forensic exam.<sup>75</sup> Standard reports trigger a criminal investigation by Peace Corps OIG (under the OIG’s basic authority to investigate “abuse” in the agency’s programs and operations) when the alleged perpetrator is a Peace Corps Volunteer or otherwise connected to the agency.<sup>76</sup> For Peace Corps OIG to investigate, though, the incident must fall within the SMTJ of the United States.<sup>77</sup>

Both DOD and Peace Corps’ programs allow a victim to convert a restricted report to a standard report at any time.<sup>78</sup> Conversion of a standard report to a restricted report, however, is not permitted.<sup>79</sup>

## 2. The benefits of graduated reporting.

Graduated reporting was addressed in the *Violence Against Women Act of 2005*, which requires states to provide sexual assault victims with free forensic exams without regard to whether the “victim participate[s] in the criminal justice system or cooperate[s] with law enforcement.”<sup>80</sup> A 2010 FBI Law Enforcement Bulletin article explains how this benefits victims and law enforcement:

‘Many victims refuse to undergo examinations because they are not ready to report the sexual assault to the police. Advocates for sexual assault victims maintain that the VAWA 2005 forensic examination requirement will encourage more victims to undergo examinations directly following the crime, thereby preserving forensic evidence for future prosecutions when victims are ready to cooperate with law enforcement. Jurisdictions that have implemented anonymous reporting, including the U.S. Military, have found this to be true.’<sup>81</sup>

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<sup>74</sup> *Id.* at paras. 1.5(k), 1.7.

<sup>75</sup> *Id.* at Annex I.

<sup>76</sup> *Id.* at para. 3.1.2.

<sup>77</sup> This jurisdiction exists when offense is committed in a volunteer’s residence or USG facility, etc., in a foreign country. See 18 U.S.C. § 7(9). This is a separate basis for SMTJ than is the case with offenses occurring in Antarctica in which SMTJ is based on the incident occurring “outside of the jurisdiction of any nation.” *Id.* at § 7(7).

<sup>78</sup> DOD Instr. 6495.02, Vol. 1, encl. 4, para. 1.b.; MS 243, Annex I.

<sup>79</sup> DOD Instr. 6495.02, Vol. 1, encl. 4, para. 1.a.; MS 243, para. 2.1.

<sup>80</sup> Pub L. No 109-162, § 101(f) (2005) (codified at 34 U.S.C. § 10449(d)(1)).

<sup>81</sup> quoting information then-posted on DOJ’s Office on Violence Against Women (OVW) website.



Agencies that implement some form of graduated reporting options likely will experience an increase in the initial reports that develop into formal investigations. For example, in 2005, the first year of the Department of Defense's graduated reporting system, 108 (24.8 percent) of the 435 victims who initially used the confidential reporting mechanism later chose to file formal reports.<sup>82</sup>

Indeed, the value of a two-tiered reporting system was emphasized by the DOD SAPR representatives with whom we spoke. They explained that it encourages more victims to come forward and seek assistance, knowing that a restricted report will not automatically result in law enforcement notification. SARC/Victim Advocate interaction restores the individual's sense of control and provides room to further consider the law enforcement option.

### **Providing a victim/patient-centered, trauma-informed, approach to the forensic examination through a Sexual Assault Nurse Examiner (SANE) Program.**

When conducted, and timely performed within applicable timelines, a medical forensic exam "can increase the likelihood that documentation of injuries and evidence collected will aid in the investigation and prosecution of sex offenders."<sup>83</sup> A Sexual Assault Nurse Examiner (SANE) Program offers a patient-centered, trauma-informed model within which these exams can be performed.<sup>84</sup> SANEs "are trained to help survivors across this spectrum of patient care. From providing evidence-based treatment to performing assessments to collect forensic evidence that can be used in a criminal trial, these nurses play a critical role in supporting survivors at the beginning of their recovery process."<sup>85</sup>

The U.S. Department of Justice's *SANE Program Development and Operation Guide* observes that patient-centered care "helps the patient feel safe, supported, and in control of all

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<sup>82</sup> Sabrina Garcia & Margaret Henderson, [Options for Reporting Sexual Violence: Developments Over the Past Decade — LEB \(fbi.gov\)](#). FBI LAW ENFORCEMENT BULLETIN (May 1, 2010)

<sup>83</sup> International Association of Chiefs of Police (IACP) Law Enforcement Policy Center, Investigating Sexual Assaults, Concepts Paper, at 8, 9 (updated October 2017); see also U.S. Dep't of Justice, Office on Violence Against Women, *National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents*, Second Ed. at section B.5. (April 2013).

<sup>84</sup> U.S. DEP'T OF JUSTICE, OFF. OF JUSTICE PROGRAMS, OFF. FOR VICTIMS OF CRIME, [SANE Program Development and Operation Guide: Building a Patient-Centered, Trauma-Informed SANE Program](#) [hereinafter "OVC SANE Program Dev. Guide"], at section 2.

<sup>85</sup> Georgetown University School of Nursing, [From Forensics to Advocacy: The Importance of Sexual Assault Nurse Examiners - Nursing@Georgetown](#) (Sept. 16, 2019).



aspects of their care.”<sup>86</sup> The trauma-informed aspect of a SANE model focuses on “understanding the sources of trauma that survivors of sexual assault experience . . . [to] support healing, acknowledge patients as whole people, and reduce re-traumatization.”<sup>87</sup> According to the Guide, benefits from SANE programs have been shown to include:

- Psychological Effectiveness: “...patients feel supported, believed, heard, respected, safe, reassured, in control, informed, and well cared for post-assault.”
- Medical Effectiveness: “Provide more comprehensive medical care than traditional emergency department care.”
- Forensic Effectiveness: Thorough and accurate evidence collection as compared to non-SANEs, including and proper chain of custody maintenance at a higher rate than non-SANEs.
- Criminal Justice System Effectiveness: Increased sexual assault reporting, more patients that chose to complete evidence collection, greater numbers of sexual assault charges filed, and ultimately higher sexual assault conviction rates.<sup>88</sup>

Through the National Defense Authorization Act for Fiscal Year 2014, Congress directed the military services to have a SANE, or make one available to a patient, at military medical treatment facilities.<sup>89</sup> Specifically, Section 1725 of the Act requires “at least one full-time” SANE at facilities that operate emergency departments 24 hours per day.<sup>90</sup> Other military medical treatment facilities (i.e., those without 24-hour emergency departments) are to make a SANE available when a determination is made regarding the patient’s need for their services.<sup>91</sup>

In summary, trauma-informed care that focuses on the patient — such as that offered through a SANE program — is especially important for victims of sexual assault. When coupled with an option for restricted reporting, the SANE approach can best serve individual needs, while also advancing law enforcement interests through increased reporting and skilled preservation of forensic evidence.

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<sup>86</sup> OVC SANE Program Dev. Guide at section 2.2.

<sup>87</sup> *Id.* at section 2.3.

<sup>88</sup> *Id.* at section 1.4.

<sup>89</sup> Pub L. No 113-66, § 1725 (2013).

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*



**Specialized training for law enforcement personnel and others who interact with sexual assault victims.**

Law enforcement and other personnel who interact with victims of sexual assault should be trained to respond in a way that considers the victim's needs along with those of the criminal justice process. For reference, the DOD OIG has established standards for the investigation of sexual assault cases involving military service members, which includes a training component.<sup>92</sup> Under DOD Instruction 5505.18, all Military Criminal Investigative Organizations investigators and supporting DOD law enforcement resources assigned to investigate adult sexual assault, including first responders, must be properly trained in conducting such investigations, including:

- Elements of proof for criminal offenses associated with sexual assault.
- Crime scene management . . . locating, identifying, preserving, obtaining, and transporting evidence.
- Sensitivities associated with victims of reported sexual assault, including:
  - Specific effects of trauma and stress on the victim of a reported sexual assault.
  - Balancing investigative priorities with needs of the victim of a reported sexual assault.
  - The various methods used in the practice of interviewing victims of reported sexual assaults in DOD.
- Digital evidence
- Alcohol and drug-related incidents and timeliness of toxicology collection.<sup>93</sup>

The Instruction also states that "MCIOs will consider aligning training with Council of Inspectors General on Integrity and Efficiency Quality Standards for Investigations, as

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<sup>92</sup> U.S. DEP'T OF DEF. INSTR. 5505.18, INVESTIGATION OF ADULT SEXUAL ASSAULT IN THE DEPARTMENT OF DEFENSE (Mar. 22, 2017, change 4, Sept. 6, 2022).

<sup>93</sup> *Id.* at para. 3.3.



appropriate.”<sup>94</sup>

Similarly, Peace Corps OIG informed us that all OIG personnel involved in this area, including investigators and evaluators who may interview victims in their oversight role, and others outside of OIG who interact with victims receive training in trauma-based interviewing. That training is provided upon assignment and every 3 years thereafter. They also noted the benefit of training focusing on sexual assault investigations, such as that offered by Federal Law Enforcement Training Center.

Proper training is an essential component of an effective response. Those who engage with the victim (e.g., law enforcement, medical personnel, and others) should be trained in interviewing that avoids re-traumatization and is mindful of victim needs. Responding law enforcement personnel, moreover, need to be grounded in the complexities of sexual assault investigations.<sup>95</sup> For instance, the suspect may admit that sexual activity occurred, but assert that it was consensual. The investigation, in that case, would focus on evidence that consent was lacking, including the effects of alcohol, information from “outcry witnesses,” or digital evidence suggesting threats or coercion. Training on common defenses raised in sexual assault cases and digital collection/review of digital evidence is crucial in such a case.

### Part III. Suggestions for NSF to Consider

To help ensure timely reporting and an effective response in instances of sexual assault and/or stalking, we suggest NSF consider:

- Working with law enforcement and prosecutors to: 1) assess whether the Station Manager is the most appropriate person to act as a first responder to allegations of sexual assault or stalking; 2) evaluate the value of having criminal investigators on-site who are trained in victim-centered, trauma-informed sexual assault investigations; and 3) if necessary, develop Memoranda of Understanding and policies/procedures necessary to support enhanced on-site law enforcement capacity.
- Working with the Department of Justice to update the 1992 SDUSM authorization to include stalking and other offenses as appropriate to the list of those for which SDUSM authority can be exercised.

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<sup>94</sup> *Id.*

<sup>95</sup> Our points about training are focused on instruction needed to respond to sexual assault incidents. This is consistent with the white paper’s focus and the unique challenges such cases present. Supporting law enforcement personnel may also require training in other areas, as appropriate.



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- Communicating a clear message to USAP participants that sexual assault and stalking are criminal offenses that are subject to a law enforcement investigation and prosecution.
- Implementing a graduated reporting system for sexual assault (e.g., restricted and unrestricted reporting), such as those in place at DOD and Peace Corps, and seeking statutory authority, if deemed necessary, to develop such a system.
- Working with DOD to ensure there is adequate military law enforcement coverage and coordination when alleged perpetrators are military servicemembers.
- Adding a SANE to the staff at all Antarctic medical facilities.
- Providing personnel who engage with sexual assault victims with training in victim-centered, trauma-informed approaches to such interactions.



## Attachment 1

### 18 USCS § 2246

Current through Public Law 117-285, approved December 21, 2022, with a gap of Public Law 117-263.

**United States Code Service > TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005) > Part I. Crimes (Chs. 1 — 123) > CHAPTER 109A. Sexual abuse (§§ 2241 — 2248)**

#### § 2246. Definitions for chapter

As used in this chapter [[18 USCS §§ 2241](#) et seq.]—

- (1) the term "prison" means a correctional, detention, or penal facility;
- (2) the term "sexual act" means—
  - (A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;
  - (B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
  - (C) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
  - (D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;
- (3) the term "sexual contact" means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;
- (4) the term "serious bodily injury" means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty;
- (5) the term "official detention" means—
  - (A) detention by a Federal officer or employee, or under the direction of a Federal officer or employee, following arrest for an offense; following surrender in lieu of arrest for an offense; following a charge or conviction of an offense, or an allegation or finding of juvenile delinquency; following commitment as a material witness; following civil commitment in lieu of criminal proceedings or pending resumption of criminal proceedings that are being held in abeyance, or pending extradition, deportation, or exclusion; or
  - (B) custody by a Federal officer or employee, or under the direction of a Federal officer or employee, for purposes incident to any detention described in subparagraph (A) of this paragraph, including transportation, medical diagnosis or treatment, court appearance, work, and recreation; but does not include supervision or other control (other than custody during specified hours or days) after release on bail, probation, or parole, or after release following a finding of juvenile delinquency;
- (6) the term "State" means a State of the United States, the District of Columbia, and any commonwealth, possession, or territory of the United States; and
- (7) the term "Federal law enforcement officer" has the meaning given the term in section 115 [[18 USCS § 115](#)].



# NATIONAL SCIENCE FOUNDATION OFFICE OF INSPECTOR GENERAL

## Attachment 2



**U.S. Department of Justice  
Office of the Deputy Attorney General**

The Deputy Attorney General

Washington, D.C. 20530

December 21, 1992

### MEMORANDUM

TO: John Twomey  
Deputy Director  
United States Marshals Service

FROM: George J. Terwilliger  
Deputy Attorney General

SUBJECT: Limited Appointment of National Science Foundation Antarctica Station Chief as Special Deputy United States Marshal.

The Department has reviewed your recommendation of July 7 and consulted with the State Department on NSF's requested authorization. You are authorized to appoint the NSF Station Chief for Antarctica as a Special Deputy United States Marshal with the following restrictions:

- A. that NSF's Station Chief, and each of his successors, undertake the standard FLETC Basic Criminal Investigators course;
- B. that the deputization run from January 1 - December 31, 1993, subject to annual reauthorization;
- C. that the deputization be restricted to authorize sight and probable causes arrests, request for and execution of arrest warrants, and request for and execution of arrest warrants only as to exigent circumstances requiring immediate application of criminal law enforcement authority under the following specific offenses alleged to have been committed by United States persons against other United States persons:
  1. 16 U.S.C. § 2408 (taking of flora and fauna in Antarctica; despoliation or pollution of restricted area);
  2. 18 U.S.C. § 32(a) & (b) (destruction of aircraft),



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3. 18 U.S.C. § 81 (arson),
4. 18 U.S.C. § 113 (assaults),
5. 18 U.S.C. § 114 (maiming),
6. 18 U.S.C. § 351 (assault on specific officials),
7. 18 U.S.C. § 641 (theft or embezzlement of government property),
8. 18 U.S.C. § 661 (theft and embezzlement),
9. 18 U.S.C. § 662 (receiving stolen property),
10. 18 U.S.C. § 844(f) (destruction by fire or explosives),
11. 18 U.S.C. § 1111 (murder),
12. 18 U.S.C. § 1112 (manslaughter),
13. 18 U.S.C. § 1113 (attempt to commit murder or manslaughter),
14. 18 U.S.C. § 1114 (assault on a protected federal official),
15. 18 U.S.C. § 1201 (kidnapping),
16. 18 U.S.C. § 1203 (hostage taking),
17. 18 U.S.C. § 1361 (malicious destruction),
18. 18 U.S.C. § 1512 (tampering with a witness, victim or informant),
19. 18 U.S.C. § 2111 (robbery),
20. 18 U.S.C. § 2241 (aggravated sexual abuse),
21. 18 U.S.C. § 2242 (sexual abuse),
22. 18 U.S.C. § 2243 (sexual abuse of a minor or ward),
23. 18 U.S.C. § 2244 (abusive sexual contact), and
24. 49 U.S.C. App. § 1472(n) (aircraft hijacking); and

- D. that the United States Marshal and United States Attorney for the District of Hawaii directly supervise the work of the Station Chief in performing the duties of Special Deputy United States Marshal.



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