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THE PEACE CORPS IS FAILING TO KEEP VOLUNTEERS SAFE

by Marnie Leonard*

I. INTRODUCTION

Nicole Jacobson, an American Peace Corps Volunteer (PCV) in a Zambian village, was “far from home and feeling alone” when the father of the host family that the Peace Corps (“the agency”) placed her with sexually assaulted her.¹ Jacobson reported the assault to Peace Corps staff, who told her it was a cultural misunderstanding and kept Jacobson at the site for more than a year before allowing her to leave in 2018.² Unfortunately, Jacobson’s story is not unique. In fact, she is one of many Returned Peace Corps Volunteers (RPCVs) who have come forward in recent years to share stories of the agency knowingly placing volunteers in dangerous sites, disregarding safety concerns, and downplaying the seriousness of assaults.³

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1 See Donovan Slack & Tricia Nadolny, *Peace Corps Volunteers Were Raped and Assaulted. A Review Says the Agency Isn’t Doing Enough to Protect Them*, USA TODAY (Dec. 12, 2021), <https://www.usatoday.com/in-depth/news/investigations/2021/12/12/sexual-assault-peace-corps-investigation-volunteers/8718716002/>.

2 *Id.*

3 See e.g., Anna Schechter & Brian Ross, *Peace Corps Gang Rape: Volunteer Says U.S. Agency Ignored Warnings*, ABC NEWS (Jan. 12, 2011), <https://abcnews.go.com/Blotter/peace-corps-gang-rape-volunteer-jess-smochek-us/story?id=12599341> (discussing the Peace Corps’ history of “blam[ing] the women who were raped for bringing on the attacks”); Sam Frizell, *Peace Corps Report Says 1 in 5 Volunteers Are Sexually Assaulted*, TIME (Nov. 30, 2015), <https://time.com/4129299/peace-corps-volunteers-sexual-assault> (reporting volunteers felt “criticized and threatened” when reporting sexual assault to the agency).

The Kate Puzey Volunteer Act of 2011 (“Kate Puzey Act” or “the Act”) addressed some of these concerns following the murder of a PCV in Benin.⁴ The Act mandated new procedures for Peace Corps posts to prevent and respond to sexual assaults.⁵ However, the Act’s passage did not have the intended effect, as the agency continues to violate its duty to volunteers.⁶ This Article argues that the Peace Corps has never met its obligation to ensure volunteer safety under the Kate Puzey Act and provides policy recommendations to help the agency rectify this failure.

II. BACKGROUND

Allegations of a disregard for volunteer safety have plagued the Peace Corps for years.⁷ The issue garnered widespread attention in 2009 when Kate Puzey, a volunteer in Benin, was found murdered in her village.⁸ Puzey had reported to her Peace Corps superiors that she suspected a teacher at her school was raping students.⁹ When she made her report via email, she specified that it should remain confidential because the teacher’s brother worked at the Peace Corps post in Benin.¹⁰ But someone breached that confidentiality, and the email ended up in the hands of the teacher.¹¹ Just days later, Puzey was found dead.¹²

4 See 22 U.S.C. § 2507 (2011).

5 *Id.* at § 2507a(c) (requiring country-specific sexual assault prevention training for PCVs that includes “cultural training relating to gender relations . . . and information regarding a victim’s right to pursue legal action against a perpetrator.”).

6 See CBS Mornings, *Peace Corps Failing to Protect Volunteers from Sexual Assault, Says Government Report*, YOUTUBE (Feb. 2, 2018), <https://www.youtube.com/watch?v=ZnZGKOfPPIU> (explaining the agency failed to provide compassionate support to PCVs who were sexually assaulted).

7 See, e.g., Frizell, *supra* note 3 (reporting volunteers felt “criticized and threatened” when reporting sexual assault to the agency).

8 See Anna Schechter & Brian Ross, *Parents of Slain Volunteer Say Peace Corps Error Led to Murder*, ABC NEWS (Jan. 12, 2011), <https://abcnews.go.com/Blotter/parents-slain-volunteer-peace-corps-error-led-murder/story?id=12607274>.

9 *Id.*

10 *Id.*

11 *Id.*

12 *Id.*

Following Puzey's death, the Peace Corps announced a litany of reforms, one of which was a new sexual assault policy mandated by the Kate Puzey Act.¹³ This law required the agency to adopt comprehensive sexual assault prevention and response measures.¹⁴ However, a 2015 audit from the Peace Corps Office of the Inspector General (OIG) found that since the Act's passage in 2011, the agency never met its safety and security performance indicators, and Peace Corps posts did not consistently follow security protocols.¹⁵

A 2015 questionnaire showed that one in five PCVs reported being sexually assaulted while volunteering, and nearly half of the respondents who were sexually assaulted did not report it to the agency.¹⁶ Kellie Greene, the first Director of the agency's Office of Victim Advocacy, attributed this phenomenon to the agency's culture of victim blaming and retaliatory dismissals.¹⁷ Greene herself was dismissed in 2015, and she claims it was due to her challenging the status quo as the agency resisted altering its security policies.¹⁸

In 2018, CBS News ran a segment on the Peace Corps' mishandling of volunteer sexual assault

¹³ Kate Puzey Act, 22 U.S.C. § 2507 (2011).

¹⁴ See 22 U.S.C. § 2507(b)-(c) (2011) (creating an Office of Victim Advocacy to develop sexual assault-related trainings, Sexual Assault Response Liaisons at every Peace Corps post to guide PCVs through the reporting process, and confidentiality protection trainings for staff with penalties for violations).

¹⁵ See *Final Report on the Follow-Up Audit of the Peace Corps' Safety and Security Program*, PEACE CORPS OFF. OF INSPECTOR GEN. i-ii, https://files.peacecorps.gov/multimedia/pdf/policies/PCIG_Final_Follow-up_Audit_Report_of_the_Peace_Corps_Safety_and_Security_Program.pdf (last visited Oct. 3, 2022).

¹⁶ See *Peace Corps Volunteers Claim Retaliation for Reporting Sexual Assaults*, CBS NEWS (Nov. 30, 2015), <https://www.cbsnews.com/video/peace-corps-volunteers-claim-retaliation-for-reporting-sexual-assaults/>.

¹⁷ *Id.*

¹⁸ See Lee Ferran, *Peace Corps Victims' Advocate Claims She Was Pushed Out*, ABC NEWS (Dec. 2015), <https://abcnews.go.com/International/peace-corps-victims-advocate-claims-pushed/story?id=35492122>.

reports.¹⁹ The agency issued a response saying the segment "grossly mischaracterize[d] the tremendous progress the Peace Corps has made to both prevent and address sexual assaults" since the enactment of the Act and other reforms.²⁰ However, a 2021 USA Today investigation found that the number of volunteers who were sexually assaulted during their service nearly doubled between 2015 and 2019.²¹ This investigation also revealed stories from several RPCVs who said the Peace Corps knowingly placed them in dangerous situations.²² These former volunteers came forward with experiences of being sexually assaulted by doctors, host family members, and work site counterparts selected by the Peace Corps.²³

For example, Amanda Moses, a PCV in Kyrgyzstan, was frequently groped on the bus she had to take to work every day.²⁴ She reported this to her post and was shocked to learn that a previous volunteer had reported the issue already and the Peace Corps never warned Moses.²⁵ Lacey Ihler, a PCV in Togo, had a similar experience.²⁶ The previous volunteer at her site ended her service early after a colleague at her school pressured her for sex.²⁷ She asked the agency not to assign another woman to the school, but it ignored this request; within weeks, it placed Ihler there without warning her of the danger the colleague posed.²⁸ Once Ihler learned what happened, she requested a new site, but agency staff resisted.²⁹ The agency's actions here violated the Act's requirement

¹⁹ CBS Mornings, *supra* note 6.

²⁰ See *Peace Corps Responds to CBS News Report on Sexual Assault*, PEACE CORPS (Jan. 30, 2018), <https://www.peacecorps.gov/news/library/peace-corps-responds-cbs-news-report-sexual-assault/>.

²¹ See Donovan Slack & Tricia L. Nadolny, *Sexual Assaults Rise as the Peace Corps Fails its Volunteers*, USA TODAY (Apr. 22, 2021), <https://www.usatoday.com/in-depth/news/investigations/2021/04/22/sexual-assault-peace-corps-volunteers-betrayed-violated/6804425002/>.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ Slack & Nadolny, *supra* note 21.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

that the Peace Corps conduct an evaluation to ensure a site is safe before placing a volunteer there and its requirement to remove volunteers from unsafe work sites as quickly as possible.³⁰ Despite the agency's vow to implement new security measures, many RPCVs say the agency is only doing "the bare minimum to make the story go away."³¹

III. ANALYSIS

The agency's failure to enact safety reforms constitutes a violation of the Kate Puzey Act. The Act requires sexual assault prevention and response training, the creation of the Office of Victim Advocacy, and the establishment of a Sexual Assault Advisory Council.³² The Act defines sexual assault³³ and says that if a volunteer requests removal from their site because they feel unsafe, the agency should remove the volunteer from that site "as expeditiously as practical."³⁴ The agency then needs to conduct a safety evaluation of that site and "may not assign another volunteer to the site until such time as the assessment and evaluation is complete and the site has been determined to be safe."³⁵

The Peace Corps consistently fails to uphold its duties under the Act. The dozens of volunteers who shared their experiences in the USA Today investigation a decade after passage of the Act can attest to this.³⁶ Peace Corps Zambia's response to Jacobson's report

30 See 22 U.S.C. at § 2507h(a).

31 Compare *Peace Corps Acting Director Carol Spahn Statement on USA Today Article*, PEACE CORPS (April 22, 2021), <https://www.peacecorps.gov/news/library/peace-corps-acting-director-carol-spahn-statement-usa-today-article/>; with Slack & Nadolny, *supra* note 21.

32 See 22 U.S.C. § 2507 (2011).

33 *Id.* at § 2507a(f)(3) (defining sexual assault as "knowingly . . . (1) caus[ing] another person to engage in a sexual act by threatening or placing that other person in fear . . . or (2) engag[ing] in a sexual act with another person if that other person is — (A) incapable of appraising the nature of the conduct; or (B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act; or attempts to do so").

34 *Id.* at § 2507h(a) (emphasis added).

35 *Id.* (emphasis added).

36 See generally Donovan Slack & Tricia L. Nadolny, *supra* note 21 (discussing the experiences of volunteers that the Peace Corps placed in unsafe situations).

was a violation of the Act's directive to remove volunteers from unsafe work sites "as expeditiously as practical" because it left Jacobson at the village for more than a year after she had been sexually assaulted.³⁷ In the case of RPCV Amanda Moses, the agency clearly did not conduct the thorough evaluation required to determine whether the site was safe before placing Moses there, as the Act requires.³⁸

The same violation occurred in the case of RPCV Lacey Ihler.³⁹ The agency's actions in Ihler's case violated the Act's requirement that after a report of abuse, the Peace Corps conduct an evaluation to ensure a site is safe before placing a volunteer there and its requirement to remove volunteers from unsafe work sites as quickly as possible.⁴⁰ By placing volunteers at the same sites in which past volunteers were sexually assaulted without a thorough safety evaluation, failing to warn volunteers of known dangers, and keeping volunteers in dangerous situations for extended periods before moving them, the Peace Corps is failing to uphold its duty to determine that sites are safe for volunteers under the Kate Puzey Act.

IV. POLICY RECOMMENDATIONS

The Peace Corps should provide PCVs with a thorough explanation of what the site evaluation process entails, and it should conduct safety evaluations on a regular basis. Additionally, Peace Corps posts should give outgoing volunteer recommendations more weight when deciding where to place new PCVs. While some posts ask outgoing volunteers to submit a site report and recommend whether the post should place another volunteer there, it is unclear how much weight these reports hold in the process of placing the next cohort of volunteers.⁴¹ After living in their assigned sites for two years, outgoing volunteers have valuable insight

37 See 22 U.S.C. § 2507h(a) (2011); See Slack & Nadolny, *supra* note 21.

38 See 2 U.S.C. § 2507h(a) (requiring that the President assess and evaluate the safety of the site before assigning another volunteer to the site until it is deemed safe).

39 Slack & Nadolny, *supra* note 21.

40 See 22 U.S.C. at § 2507h(a).

41 See PEACE CORPS, FINAL SITE REPORT 1 (2018).

into those communities. The agency should use this insight to help uphold its obligation under the Kate Puzey Act to place volunteers in safe environments and protect them from known threats like sexual assault and other dangerous situations.⁴²

The Peace Corps OIG first identified that the agency did not have consistent site security evaluation processes in 2010, and in its 2015 audit, it found that the agency still had not resolved this issue.⁴³ In its 2021 report to Congress, the OIG found that there has been a recurring issue of missing information from site files, including records of crimes.⁴⁴ The OIG reported that these weaknesses in agency oversight increase the risk that posts could place volunteers in unsafe sites.⁴⁵ The Peace Corps should require posts to keep thorough site histories and issue guidance to each post about what information must go into each site's file.

V. CONCLUSION

In March 2020, Peace Corps evacuated all its volunteers back to the United States due to the COVID-19 pandemic.⁴⁶ Many of the RPCVs who shared their stories as part of the USA Today investigation fear that nothing has changed to increase volunteer safety as the agency begins sending volunteers back into the field in 2022.⁴⁷ The Peace Corps has consistently violated its duty to ensure

volunteer safety by knowingly placing volunteers in dangerous situations. It must rectify this failure by making its site safety evaluation process more transparent, issuing uniform guidance to all posts regarding the site evaluation process and site history files, and giving more weight to the recommendations and safety concerns of outgoing volunteers before placing new volunteers in their sites. Doing so would be the best way for the agency to protect volunteers and uphold its legal duty under the Kate Puzey Act.

⁴² 22 U.S.C. § 2507 (2011).

⁴³ See *Final Report on the Follow-Up Audit of the Peace Corps' Safety and Security Program*, PEACE CORPS OFF. OF INSPECTOR GEN. i-ii, https://files.peacecorps.gov/multimedia/pdf/policies/PCIG_Final_Follow-up_Audit_Report_of_the_Peace_Corps_Safety_and_Security_Program.pdf (last visited Oct. 3, 2022).

⁴⁴ See *Semiannual Report to Congress April 1, 2021 to September 30, 2021*, PEACE CORPS OFF. OF INSPECTOR GEN. 12, https://files.peacecorps.gov/documents/inspector-general/Semiannual_Report_to_Congress_April_2021_-_September_2021.pdf (last visited Apr. 1, 2022).

⁴⁵ *Id.*

⁴⁶ See PEACE CORPS, *Peace Corps Announces Suspension of Volunteer Activities, Evacuations Due to COVID-19* (March 15, 2020), <https://www.peacecorps.gov/news/library/peace-corps-announces-suspension-volunteer-activities-evacuations-due-covid-19/>.

⁴⁷ See Slack & Nadolny, *supra* note 21.