

Bismarck Transition Center Annual Comparative Reports (§115.287 and §115.288) for the year 2019.

Bismarck Transition Center posts an annual report of PREA investigations and outcomes.

The following are standardized definitions offered by the Prison Rape Elimination Act. This ensures everyone is using the same language, and has the same understandings of key terms.

Sexual abuse includes:

(1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and

(2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any

of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

(1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

(2) Contact between the mouth and the penis, vulva, or anus;

(3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and

(4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

(1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

(2) Contact between the mouth and the penis, vulva, or anus;

(3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above.

- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- (8) Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual harassment includes:

- (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Substantiated allegation means an allegation that was investigated and determined to have occurred.

Unfounded allegation means an allegation that was investigated and determined not to have occurred.

Unsubstantiated allegation means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

The following annual reports offer a yearly comparison of the number of PREA Investigations completed based upon receipt of reports/complaints of sexual abuse or sexual harassment. All reports are investigated.

Bismarck Transition Center has compiled the following data regarding PREA reports and subsequent PREA investigation results for the year of **2019**.

Bismarck Transition Center - 2019

There were (5) PREA Investigations completed in 2019.

Resident Allegations Made Towards Staff in 2019:

Sexual Abuse: (1) Unsubstantiated (0) Substantiated (1) Unfounded
Sexual Harassment: (1) Unsubstantiated (1) Substantiated (0) Unfounded.

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

1 unfounded complaint of sexual abuse of a resident by a staff member resulted in no further investigation. A former Bismarck Transition Center staff member, who was then employed with the ND DOC&R, stated when he was talking to the former Bismarck Transition Center resident, the resident stated he had received a video chat from two Bismarck Transition Center Resident Assistants. The former resident stated the Resident Assistants were naked on the video chats. The former resident stated one of the Resident Assistants is no longer employed at the Bismarck Transition Center. Upon further investigation, neither the former resident or the current Resident Assistant admitted to sending video chats or having any type of relationship.

1 unsubstantiated complaint of sexual abuse of a resident by a staff member did not result in further investigation. A former Bismarck Transition Center employee texted a current Bismarck Transition Center employee about a sexual relationship with a former Bismarck Transition Center resident. When questioned, both the former employee and former resident denied having a sexual relationship with each other.

1 substantiated complaint of sexual harassment of a resident by a staff member resulted in a staff member resigning prior to the conclusion of the investigation. A female resident, who was working in the kitchen, stated the staff member made derogatory comments about her genitalia. She reported he also made inappropriate gestures with his fingers while he made sexually suggestive comments towards her.

1 complaint of sexual harassment of a resident by a staff member was investigated and determined to be unsubstantiated. A female resident, who was working in the dishwashing room, stated a male staff member told her that she looked good wet. He made additional sexually suggestive comments towards her related to her being wet. The staff member resigned from the Bismarck Transition Center prior to her filing the complaint.

Resident on Resident:

Resident Allegations Made Towards Resident in 2019:

Sexual Abuse: (1) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated male on male (0) Unfounded

1 unsubstantiated complaint of sexual abuse of a resident by a resident resulted in the alleged victim being returned to NDSP. (The alleged victim assaulted the alleged aggressor). The alleged victim stated the alleged aggressor kicked him in the buttocks.

Bismarck Transition Center - 2018

There were (3) PREA Investigations completed in 2018.

Resident Allegations Made Towards Staff in 2018:

Sexual Abuse: (1) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (1) Unfounded.

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

1 unsubstantiated complaint of sexual abuse of a resident by a staff member resulted in a resident receiving an incident report for Sexual Harassment and Disobeying a Written or Verbal Order from Staff. A male resident reported that another male resident told him that a female staff member asked him for a hug, which he agreed to. The male resident added further that when he hugged the female staff member, he grabbed her buttocks.

1 complaint of sexual harassment of a resident by a staff member was investigated and determined to be unfounded. A female resident, who was working in the dishwashing room, stated a male staff member told her that her shirt was wet. She alleged the male staff member then stated that she should enter a wet t-shirt contest. There were no changes or actions taken involving this allegation.

Resident on Resident:

Resident Allegations Made Towards Resident in 2018:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated male on male (1) Unfounded
1 unfounded complaint of sexual harassment of a resident by a resident resulted in one resident being moved to another room in the facility.

There is 1 on-going PREA investigation related to allegations of staff on resident sexual abuse. The investigation is being completed by local law enforcement.

Bismarck Transition Center - 2017

There were (10) PREA Investigations in 2017.

Resident Allegations Made Towards Staff in 2017:

Sexual Abuse: (3) Unsubstantiated (0) Substantiated (4) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (1) Unfounded.

Voyeurism: (0) Unsubstantiated (0) Substantiated (1) Unfounded

1 unsubstantiated complaint of sexual abuse of a resident by a staff member resulted in a change to the Women's Services Unit handbook. The female resident alleged a male Resident Assistant sexually abused her in the WSU storage room. The change to the Resident Handbook states residents are not allowed in the WSU storage room unless two staff is present. Additionally, this area has been identified as an area where camera coverage is needed.

1 unsubstantiated complaint of sexual abuse of a resident by a staff member resulted in the staff member being terminated from her position as a Case Manager. The allegation was forwarded to the Bismarck Police Department for review for possible criminal charges. Although the allegations were determined to be unsubstantiated, the employee was found to have violated CCCS Inc.'s Standards of Conduct policy, which states no employees may have any outside contact with a former resident for a period of two years from the last date of supervision.

There were no changes or actions taken involving the third allegation.

There were no changes or actions taken as a result of the above identified unfounded allegations.

Resident on Resident:

Resident Allegations Made Towards Resident in 2017:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (1) Substantiated male on male (0) Unfounded

1 substantiated complaint of sexual harassment of a resident by a resident resulted in one resident receiving disciplinary action and a transfer to more secure housing within the ND DOC&R.

DATA Comparison

While looking at data from the previous three years, it is evident staff, along with the residents, are more educated about PREA. The number of Resident on Resident allegations has declined. Additionally, there were no substantiated allegations of staff on resident sexual abuse during 2019.

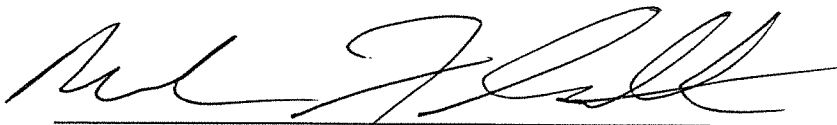
Residents receive information upon admission through fliers and they receive a PREA Handbook. Additionally, within the first week of their arrival, residents receive Orientation

concerning the role of each department, facility rules and additional information about PREA.

New staff receives training on PREA before they have any inter-action with residents; they sit in on Resident Orientation the first week they are employed (where they receive the same PREA information new residents receive) and again during quarterly training. Reporting mechanisms are visible to both staff and residents and BTC has taken a pro-active role in attempting to reduce prison rape.

The above-mentioned information will serve as an annual review for 2019 in order to assess and improve the effectiveness of BTC's sexual abuse and sexual harassment prevention, detection, response policies and training.

On September 12, 2017 – September 14, 2017, the Bismarck Transition Center underwent its' second PREA audit, conducted by K.E. Arnold, Castle Rock, CO. The Bismarck Transition Center was deemed to be in full compliance with PREA standards for Community Confinement facilities on March 7, 2018.

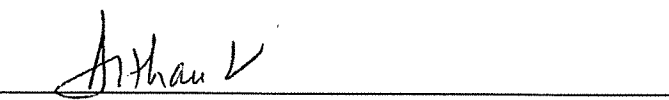


Mike Thatcher, CEO of CCCS Inc.

2/3/20
Date


Marwan Saba, PREA Coordinator

2/18/20
Date


Kevin Arthaud, Program Administrator

2.18.20
Date


Sheila Rahn, PREA Manager

2-18-20
Date