

*Community, Counseling and
Correctional Services, Inc.
Bismarck Transition Center
2013, 2014, 2015*



The 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 Bismarck Transition Center has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of **2013**.

Resident Allegations Made Towards Staff in 2013:

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

**One allegation involved a female staff and a male resident.*

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

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

Resident Allegations Made Towards Residents in 2013:

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

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

The Bismarck Transition Center has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of **2014**.

Resident Allegations Made Towards Staff in 2014:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (2) Unfounded

**One allegation involved a female staff and a male resident.*

**One allegation involved a female staff and a male resident.*

Sexual Harassment: (0) Unsubstantiated (3) Substantiated (3) Unfounded

**Three substantiated events involved a male staff and female residents.*

Unfounded allegations include:

- * One allegation involved a male staff and a male resident.*
- * One allegation involved a male staff and a male resident.*
- * One allegation involved a female staff and a male resident.*

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

- * One allegation involved a male staff and a male resident.*

Resident Allegations Made Towards Residents in 2014:

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

- * One event involving two female residents.*

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

- * One allegation involved two male residents.*

Resident Allegations Made Towards Staff in 2015:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (2) Unfounded

- * One allegation involved a female staff and a male resident.*
- * One allegation involved a female staff and a male resident.*

Sexual Harassment: (0) Unsubstantiated (3) Substantiated (3) Unfounded

- * Three substantiated events involved a male staff and female residents.*

Unfounded allegations include:

- * One allegation involved a male staff and a male resident.*
- * One allegation involved a male staff and a male resident.*
- * One allegation involved a female staff and a male resident.*

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

- * One allegation involved a male staff and a male resident.*

Resident Allegations Made Towards Residents in 2015:

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

**One event involving two female residents.*

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

**One allegation involved two male residents.*