

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



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.

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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

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

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

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

- \*One unsubstantiated event involved a male staff and a female resident.*

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

Resident Allegations Made Towards Residents in 2015:

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

- \*One unsubstantiated allegation event involved two male residents.*

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

- \*One unfounded allegation involved two male residents.*

Resident Allegations Made Towards Staff in 2016:

Sexual Abuse: (3) Unsubstantiated (1) Substantiated (2) Unfounded

- \*One substantiated allegation involved a female staff and a male resident.*
- \*Two unsubstantiated allegations involved a male staff and a female resident.*
- \*One unsubstantiated allegation involved a female staff and a male resident.*
- \*One unfounded allegation involved a female staff and a male resident.*
- \*One unfounded allegation involved a male staff and a female resident.*

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

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

Resident Allegations Made Towards Residents in 2016:

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

- \*Two unfounded allegations involved two female residents.*

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

Pursuant to PREA standards for data review for correction action (§115.288/§115.88) the following will serve as an annual review in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies and training. It is noted the PREA three year audit cycle began on 8-20-13; with its initial audit occurring on September 29, 2014. Therefore, a calendar year for PREA review will initiate on August 20 and end on August 19 of any given year.

A. Progress Made on Previous Years Corrective Action Plan:

BTC underwent its first PREA audit on September 29 – October 1, 2014. On April 10, 2015, BTC was determined to be in full compliance with the PREA standards.

B. Comparison of Previous Years Aggregated Data:

There was a significant increase in PREA investigations related to the female population. The female housing unit's capacity was increased during this time period, which have led to the increase in reports. Additionally, BTC provided training to volunteers and contractors who were in the facility on a regular basis. This number

increased from one volunteer/contractor being trained to 24 volunteers/contractors who were trained in PREA.

C. Current Review of Identified Problem Areas:

A review of potential problem areas has been done. There are no identified problem areas at this time.

D. Ongoing Corrective Action Steps:

There are no ongoing corrective action steps at this time.

E. BTC Overall Progress in Addressing Sexual Abuse:

BTC has policy and practices to be followed to address the issue of sexual abuse within the facility.

Arthaud

03.01.17

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Kevin Arthaud, Administrator

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Date

Mike Thatcher

3/8/17

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Mike Thatcher, CEO

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Date

Marwan Saba

3/1/17

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Marwan Saba, PREA Coordinator

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Date