

Bismarck Transition Center
 PREA Standards Yearly Report
 8/20/2014- 8/19/2015

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.

Report Distribution:

ND DOCR: Warden of Transitional Facilities; PREA Coordinator
 CCCS: CEO; PREA Coordinator; IT Personal (posted to CCCS Website)
 Contract Managers: County and Federal
 BTC: Compliance Manager; PREA Investigators

Prevention Planning: §115.213 – Supervision and monitoring.				
PREA Standard	Description	Y	N	#
115.213 (a)-2	Since August 20, 2012, or last PREA audit, whichever is later, the average daily number of residents/inmates.			133
115.213 (a)-3	Since August 20, 2012, or last PREA audit, whichever is later, the average daily number of residents/inmates on which the staffing plan was predicated.			140

115.213 (b)-1	Each time the staffing plan is not complied with, the facility documents and justifies all deviations from the staffing plan.	X		
Prevention Planning: §115.215 – Limits to cross-gender viewing and searches				
PREA Standard	Description	Y	N	#
115.215 (a)-1	The facility conducts cross-gender strip or cross-gender visual body cavity searches of residents/inmates.		X	
115.215 (a)-2	In the past 12 months, the number of cross-gender strip or cross-gender visual body cavity searches of residents/inmates.			0
115.215 (a)-3	In the past 12 months, the number of cross-gender strip or cross-gender visual body cavity searches of residents/ inmates that did not involve exigent circumstances or were performed by non-medical staff.			0
115.215 (b)-1	The facility does not permit cross-gender pat-down searches of female residents/inmates, absent exigent circumstances (facilities have until August 20, 2015, to comply; or August 20, 2017, if their rated capacity does not exceed 50 residents/inmates).	X		
115.215 (b)-2	The facility does not restrict female residents'/inmates' access to regularly available programming or other outside (out-of-cell) opportunities in order to comply with this provision.	X		
115.215 (b)-3	The number of pat-down searches of female residents /inmates that were conducted by male staff.			0
115.215 (b)-4	The number of pat-down searches of female residents /inmates conducted by male staff that did not involve exigent circumstance(s).			0
115.215 (e)-1	The facility has a policy prohibiting staff from searching or physically examining a transgender or intersex resident for the sole purpose of determining the resident's genital status.	X		
115.215 (e)-2	Such searches (described in 115.215(e)-1/115.15(e)-1) occurred in the past 12 months.			0
115.215 (f)-1	The percent of all security staff who received training on conducting cross-gender pat-down searches and searches of transgender and intersex residents in a professional and respectful manner, consistent with security needs.			88 %
Prevention Planning: §115.216 – Residents/Inmates with disabilities and residents who are limited English proficient.				
PREA Standard	Description	Y	N	#
115.216 (c)-1	Agency policy prohibits use of resident/inmate interpreters, resident/inmate readers, or other types	X		

	of resident/inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under §115.264/§115.64, or the investigation of the resident's/inmate's allegations.			
115.216 (c)-2	If YES, the agency or facility documents the limited circumstances in individual cases where resident/inmate interpreters, readers, or other types of resident/inmate assistants are used.	X		
115.216 (c)-3	In the past 12 months, the number of instances where resident/inmate interpreters, readers, or other types of resident/inmate assistants have been used and it was not the case that an extended delay in obtaining another interpreter could compromise the resident's safety, the performance of first-response duties under § 115.264/ §115.64, or the investigation of the resident's/inmate's allegations.			0
Prevention Planning: §115.217 – Hiring and promotion decisions.				
PREA Standard	Description	Y	N	#
115.217 (c)-2	In the past 12 months, the number of persons hired who may have contact with residents/inmates who have had criminal background record checks.			45
115.217 (d)-2	In the past 12 months, the number of contracts for services where criminal background record checks were conducted on all staff covered in the contract who might have contact with residents/inmates.			0
Prevention Planning: §115.218 – Upgrades to facilities and technology				
PREA Standard	Description	Y	N	#
115.218 (a)-1	Has the agency/facility acquired any new facilities or made any substantial expansions or modifications of existing facilities since August 20, 2012, or since the last PREA audit, whichever is later?		X	
115.218 (b)-1	Has the agency/facility installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later?	X		
Responsive Planning: §115.221 – Evidence protocol and forensic medical examinations.				
PREA Standard	Description	Y	N	#
115.221 (c)-1	The facility offers to all residents/inmates who experience sexual abuse access to forensic medical examinations.	X		
115.221 (c)-6	The number of forensic medical exams conducted during the past 12 months.			0

115.221 (c)-7	The number of exams performed by SANES/SAFEs during the past 12 months.			0
115.221 (c)-8	The number of exams performed by a qualified medical practitioner during the past 12 months.			0
Responsive Planning: §115.222 – Policies to ensure referrals of allegations for investigations.				
PREA Standard	Description	Y	N	#
115.222 (a)-1	The agency ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.	X		
115.222 (a)-2	During the past 12 months, the number of allegations of sexual abuse and sexual harassment that were received.			11
115.222 (a)-3	During the past 12 months, the number of allegations resulting in an administrative investigation.			11
115.222(a)-4	During the past 12 months, the number of allegations referred for criminal investigation.			1
115.222 (a)-5	Referring to allegations received during the past 12 months, all administrative and/or criminal investigations were completed.	Y		
Training and Education: §115.231 – Employee training				
PREA Standard	Description	Y	N	#
115.231 (c)-1	The number of staff {within the past 12 months-jail standards} currently employed by the facility, who may have contact with residents/inmates, who were trained or retrained on the PREA requirements enumerated above.			51
Training and Education: §115.232 – Volunteer and contractor training.				
PREA Standard	Description	Y	N	#
115.232 (a)-1	All volunteers and contractors who have contact with residents/inmates have been trained on their responsibilities under the agency's policies and procedures regarding sexual abuse/harassment prevention, detection, and response.	X		
115.232 (a)-2	The number of volunteers {In the past 12 months-jail standards} and individual contractors who have contact with residents/inmates who have been trained in agency policies and procedures regarding sexual abuse /harassment prevention, detection, and response.			23
Training and Education: §115.233 – Resident/Inmate education.				
PREA Standard	Description	Y	N	#
115.233 (a)-1	Residents/inmates receive information at time of intake about the zero-tolerance policy, how to report incidents or suspicions of sexual abuse or harassment.	X		

	{Their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents-Community Confinement Standard}			
115.233 (a)-2	The number of residents/inmates admitted during past 12 months who were given this information at intake.			361
115.233 (b)-2	The number of residents transferred from a different community confinement facility during the past 12 months.			3
115.233 (b)-3	The number of residents transferred from a different community confinement facility, during the past 12 months, who received refresher information.			0
Training and Education: §115.234 – Specialized training: Investigations.				
PREA Standard	Description	Y	N	#
115.234 (c)-2	The number of investigators currently employed who have completed the required training.			4
Screening for risk of victimization and abusiveness: §115.241 – Screening for risk of victimization and abusiveness.				
PREA Standard	Description	Y	N	#
115.241 (b)-2	The number of residents/inmates entering the facility (either through intake or transfer) within the past 12 months (whose length of stay in the facility was for 72 hours or more) who were screened for risk of sexual victimization or risk of sexually abusing other residents within 72 hours of their entry into the facility.			361
115.241 (f)-2	The number of residents/inmates entering the facility (either through intake or transfer) within the past 12 months (whose length of stay in the facility was for 30 days or more) who were reassessed for their risk of sexual victimization or of being sexually abusive within 30 days after their arrival at the facility based upon any additional, relevant information received since intake.			0
Reporting: §115.252 – Exhaustion of administrative remedies.				
PREA Standard	Description	Y	N	#
115.252 (d)-2	In the past 12 months, the number of grievances filed that alleged sexual abuse.			3
115.252 (d)-3	In the past 12 months, the number of grievances alleging sexual abuse that reached final decision within 90 days after being filed.			0
115.252 (d)-4	In the past 12 months, number of grievances alleging sexual abuse that involved extensions because final decision was not reached within 90 days.			0
115.252 (e)-3	The number of grievances alleging sexual abuse filed by residents/inmates in the past 12 months in which			0

	the resident/inmates declined third-party assistance, containing documentation of the resident's/inmate's decision to decline.			
115.252 (f)-3	The number of emergency grievances alleging substantial risk of imminent sexual abuse that were filed in the past 12 months.			0
115.252 (f)-4	The number of those grievances in 115.252/115.52 (e) – 3 that had an initial response within 48 hours.			0
115.252 (f)-6	The number of grievances alleging substantial risk of imminent sexual abuse filed in the past 12 months that reached final decisions within five days.			0
115.252 (g)-2	In the past 12 months, the number of resident/inmate grievances alleging sexual abuse that resulted in disciplinary action by the agency against the resident /inmate for having filed the grievance in bad faith.			0
Official Response Following a Resident/Inmate Report: §115.262 – Agency protection duties.				
PREA Standard	Description	Y	N	#
115.262 (a)-2	In the past 12 months, the number of times the agency or facility determined that a resident/inmate was subject to a substantial risk of imminent sexual abuse.			0
115.262 (a)-3	If the agency or facility made such determinations in the past 12 months, the average amount of time that passed before taking action.			N/A
115.262 (a)-4	The longest amount of time elapsed before taking action--if not "immediate" (i.e., without unreasonable delay).			N/A
Official Response Following a Resident/Inmate Report: §115.263 – Reporting to other confinement facilities.				
PREA Standard	Description	Y	N	#
115.263 (a)-2	During the past 12 months, the number of allegations the facility received that a resident/inmate was abused while confined at another facility.			0
115.263 (d)-2	In the past 12 months, the number of allegations of sexual abuse the facility received from other facilities.			1
Official Response Following a Resident/Inmate Report: §115.264 – Staff first responder duties.				
PREA Standard	Description	Y	N	#
115.264 (a)-1	115.264/115.64 (a)-1 The agency has a first responder policy for allegations of sexual abuse. If YES, the policy requires that, upon learning of an allegation that a resident/inmate was sexually abused, the first security staff member to respond to the report shall be required to (check all that apply): (1) Separate the alleged victim and abuser; (2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; (3) If the abuse occurred within a time period that still allows for the collection of	X		

	physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and/or (4) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.			
115.264 (a)-2	In the past 12 months, the number of allegations that a resident was sexually abused.			1
115.264 (a)-3	Of these allegations, the number of times the first security staff member to respond to the report separated the alleged victim and abuser.			0
115.264 (a)-4	In the past 12 months, the number of allegations where staff were notified within a time period that still allowed for the collection of physical evidence.			0
115.264 (a)-5	Of these allegations, the number of times the first security staff member to respond to the report: (1) Preserved and protected any crime scene until appropriate steps could be taken to collect any evidence; (2) Requested that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and/or (3) Ensured that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.			0
115.264 (b)-2	Of the allegations that a resident/inmate was sexually abused made in the past 12 months, the number of times a non-security staff member was the first responder.			0
115.264 (b)-3	Of those allegations responded to first by a non-security staff member, the number of times that staff member: (1) Requested that the alleged victim not take any actions that could destroy physical evidence; and/or (2) Notified security staff.			0
Official Response Following a Resident/Inmate Report: §115.267 – Agency protection against retaliation.				
PREA Standard	Description	Y	N	#

115.267 (c)-1	The agency and/or facility monitors the conduct or treatment of residents/inmates or staff who reported sexual abuse and of residents who were reported to have suffered sexual abuse to see if there are any changes that may suggest possible retaliation by residents or staff.	X		
115.267 (c)-2	If yes, length of time that the agency and/or facility monitors the conduct or treatment.			90 DAYS
115.267 (c)-5	The number of times an incident of retaliation occurred in the past 12 months.			0
Investigation: §115.271 – Criminal and administrative agency investigations.				
PREA Standard	Description	Y	N	#
115.271 (h)-2	The number of substantiated allegations of conduct that appear to be criminal that were referred for prosecution since August 20, 2012, or since the last PREA audit, whichever is later.			0
Investigation: §115.271 – Criminal and administrative agency investigations.				
PREA Standard	Description	Y	N	#
115.273 (a)-2	The number of criminal and/or administrative investigations of alleged resident/inmate sexual abuse that were completed by the facility in the past 12 months.			11
115.273 (a)-3	Of the alleged sexual abuse investigations that were completed in the past 12 months, the number of residents/inmates who were notified, verbally or in writing, of the results of the investigation.			9
115.273 (b)-2	The number of investigations of alleged resident/inmate sexual abuse in the agency's facilities that were completed by an outside agency in the past 12 months.			0
115.273 (b)-3	Of the outside agency investigations of alleged sexual abuse that were completed in the past 12 months, the number of residents/inmates alleging sexual abuse in an agency facility who were notified verbally or in writing of the results of the investigation.			0
115.273 (c)-2	There has been a substantiated or unsubstantiated complaint (i.e., not unfounded) of sexual abuse committed by a staff member against a resident/inmate in an agency facility in the past 12 months.	X		
115.273 (e)-1	The agency has a policy that all notifications to residents/inmates described under this standard are documented.	X		
115.273 (e)-2	In the past 12 months, the number of notifications to residents/inmates that were provided pursuant to this standard.			9

115.273 (e)-3	Of those notifications made in the past 12 months, the number that were documented.			9
Discipline: §115.276 – Disciplinary sanctions for staff.				
PREA Standard	Description	Y	N	#
115.276 (a)-1	Staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.	X		
115.276 (b)-1	In the past 12 months, the number of staff from the facility who have violated agency sexual abuse or sexual harassment policies.			1
115.276 (b)-2	In the past 12 months, the number of staff from the facility who have been terminated (or resigned prior to termination) for violating agency sexual abuse or sexual harassment policies.			0
115.276 (c)-1	The disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed, the staff member’s disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.	X		
115.276 (c)-2	In the past 12 months, the number of staff from the facility who have been disciplined, short of termination, for violation of agency sexual abuse or sexual harassment policies.			1
115.276 (d)-1	All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies (unless the activity was clearly not criminal) and to any relevant licensing bodies.	X		N/A
115.276 (d)-2	In the past 12 months, the number of staff from the facility that have been reported to law enforcement or licensing boards following their termination (or resignation prior to termination) for violating agency sexual abuse or sexual harassment policies.			0
Discipline: §115.277 – Corrective action for contractors and volunteers.				
PREA Standard	Description	Y	N	#
115.277 (a)-1	Agency policy requires that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies (unless the activity was clearly not criminal) and to relevant licensing bodies.	X		
115.277 (a)-3	In the past 12 months, contractors or volunteers have been reported to law enforcement agencies and relevant licensing bodies for engaging in sexual abuse of residents/inmates.		X	

115.277 (a)-4	In the past 12 months, the number of contractors or volunteers reported to law enforcement for engaging in sexual abuse of residents/inmates.			0
Discipline: §115.278 – Disciplinary sanctions for residents/inmates.				
PREA Standard	Description	Y	N	#
115.278 (a)-1	Residents/inmates are subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that a resident engaged in resident-on-resident or inmate-on-inmate sexual abuse.	X		
115.278 (a)-2	Residents/inmates are subject to disciplinary sanctions only pursuant to a formal disciplinary process following a criminal finding of guilt for resident-on-resident or inmate-on-inmate sexual abuse.	X		
115.278 (a)-3	In the past 12 months, the number of administrative findings of resident-on-resident and inmate-on-inmate sexual abuse that have occurred at the facility.			1
115.278 (a)-4	In the past 12 months, the number of criminal findings of guilt for resident-on-resident and inmate-on-inmate sexual abuse that has occurred at the facility.			0
Data Collection and Review: §115.286 – Sexual abuse incident reviews.				
PREA Standard	Description	Y	N	#
115.286 (a)-1	The facility conducts a sexual abuse incident review at the conclusion of every criminal or administrative sexual abuse investigation, unless the allegation has been determined to be unfounded.	X		
115.286 (a)-2	In the past 12 months, the number of criminal and/or administrative investigations of alleged sexual abuse completed at the facility, excluding only “unfounded” incidents.			7
115.286 (b)-1	The facility ordinarily conducts a sexual abuse incident review within 30 days of the conclusion of the criminal or administrative sexual abuse investigation.	X		
115.286 (b)-2	In the past 12 months, the number of criminal and/or administrative investigations of alleged sexual abuse completed at the facility that were followed by a sexual abuse incident review within 30 days, excluding only “unfounded” incidents.			7

Kevin Arthaud



09.17.15

Administrator, Bismarck Transition Center

Date