

BISMARCK TRANSITION CENTER PREA ANNUAL REPORT 2016

Prison Rape Elimination Act (PREA)

PREA was established and signed into law in 2003 by President George Bush. PREA addresses the problem of sexual abuse and sexual harassment of both adults and juveniles in the custody of U.S. correctional facilities. Major provisions address the development of standards for the detection and prevention of prison rape. Community, Counseling and Correctional Services and the Bismarck Transition Center has adopted a ZERO TOLERANCE policy on any sexual misconduct/sexual abuse or sexual harassment of offenders within our facility. These measures are being accomplished through yearly reviews of policies, procedures and training of all residents, staff and volunteers.

The Prison Rape Elimination Act (PREA) Federal Standard 115.288 requires that each facility collect and review data "...in order to assess and improve the effectiveness of sexual abuse prevention, detection, and response policies, practices, and training." This report works to meet this standard as well as:

- Identify corrective action taken to address problem areas in the past year. Compare PREA related data to previous year's data and Identify problem areas to be addressed in the future.

Definitions & Acronyms:

ADP: Average Daily

Population **PREA:**

Prison Rape Elimination

Act

Sexual Harassment: Repeated verbal comments or gestures of a sexual nature to a resident by another resident, staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Sexual Misconduct/Abuse: Any of the following acts toward a resident in custody by another resident, staff member, contractor or volunteer with or without consent: contact between genitals, between mouth and genitals, penetration of genitals or anus by hand, finger, object or other instrument; intentional touching/contact, either directly or through clothing of the genital, anus, groin, breast, inner thigh or the buttocks that is unrelated to official duties or where a resident, staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire; any display by a resident, staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a resident or voyeurism by a resident, staff member, contractor or volunteer.

Substantiated: The allegation is supported by sufficient factual evidence.

Unsubstantiated: The allegation is not supported by sufficient factual evidence.

Unfounded: The allegation is false or has no validity.

NOTE: The definitions above were paraphrased from the Department of Justice PREA Standards definitions.

In 2012 the Bismarck Transition Center established new policies and procedures to meet and where possible, exceed PREA standards. This includes strong Zero Tolerance, Retaliation and Investigation policies and procedures. The Zero Tolerance policy is for the protection of both residents and staff and for the elimination of sexual misconduct within the facility. The Retaliation procedure is to protect an individual from retaliation after reporting a violation. The Investigation procedure is used to determine if allegations are founded or not. Investigations are also used to determine if changes are needed to be made in policies, procedures, facility, staffing, personnel assignments or supervision. All allegations are taken seriously and investigated thoroughly.

The Bismarck Transition Center is committed to providing a safe and healthy environment for staff and residents. Prevention of sexual assault, abuse or misconduct, and harassment in the Bismarck Transition Center is paramount. The Bismarck Transition Center has a zero tolerance policy

toward sexual assault, sexual abuse or misconduct, and/or sexual harassment of residents by either other residents or staff.

In 2013 the Bismarck Transition Center started an aggressive training program for all staff and volunteers. During the period of September 29, 2014 – October 1, 2014, the Bismarck Transition Center underwent its' first PREA audit. On April 10, 2015, the Bismarck Transition Center was determined to be in compliance with the PREA guidelines.

During a resident's intake process at the Bismarck Transition Center, they are given a PREA handbook which informs them of their right to be free from sexual abuse and sexual harassment. Additionally, during the intake process, residents are informed about the Bismarck Transition Center's Zero Tolerance policy related to PREA violations. Residents are also required to attend an orientation class within seven days of their arrival, where they receive additional information related to the Prison Rape Elimination Act. This education includes a video developed by the National PREA Resource Center.

Investigations

The facility immediately responds to allegations, thoroughly investigates all reported incidents, pursues disciplinary action, and refers those who perpetrate such conduct for investigation and prosecution, when warranted. Perpetrators will be held accountable and every victim will be offered services. The Bismarck Transition Center's policies regarding sexual misconduct apply to all residents, employees and volunteers. Every allegation will be thoroughly investigated and sanctions up to and including prosecution will be imposed, when warranted. In addition, retaliatory actions against employees or residents who report incidents of sexual assault, abuse, or harassment will not be tolerated.

Administrative Investigators are trained staff members who collect facts and records observations by interviewing employees, residents, volunteers or any other individual who may have knowledge of the allegation. In addition investigators review evidence and collect any new evidence; ensure mental health services are available to any offender participating in an investigation who has experienced trauma of a sexual nature, whether

in an institutional setting or in the community. Throughout the investigation process, a designated staff member monitors reporters and alleged victims for possible retaliation from staff and/or other offenders. After the investigation is completed, the investigator determines whether the allegation is substantiated, unsubstantiated or unfounded. All substantiated or unsubstantiated cases of resident-on-resident sexual assault/abuse and staff sexual misconduct are reviewed by a committee consisting of facility management, supervisors, investigators and the PREA Compliance Manager. This group reviews cases for policy compliance, and systemic issues.

In 2016 between January 1 and December 31 there were two allegations of non-consensual resident-on-resident sexual acts reported. Both were determined to be unfounded. There were six allegations of staff sexual misconduct reported. Of the six reported events, one was substantiated, three were unsubstantiated and two were unfounded. There were no allegations of sexual harassment reported during this period.

Data Comparison

In 2014, there was one allegation of non-consensual resident-on-resident sexual act reported, which was substantiated. There were two allegations of staff sexual misconduct, which were both determined to be unfounded. There was one allegation of sexual harassment which was determined to be unfounded.

In 2015, there was one allegation of non-consensual resident-on-resident sexual act reported, which was substantiated. There were two allegations of staff sexual misconduct; both were determined to be unfounded. There was one allegation of sexual harassment, which was unfounded.

In October 2015, the mission of the housing unit located in the second floor of the south building was changed from the Secure Transitional Offender Program to the Women's Services Unit. This is a secured unit, which houses both short-term and long-term female residents. The change in the mission of this unit correlates to the rise in number of allegations of staff sexual misconduct. The Bismarck Transition Center continues to focus on training for both staff and residents and technology improvements are

being sought to enhance our capabilities to detect and prevent sexual abuse and sexual harassment. The staff members at the Bismarck Transition Center continue to be diligent in their efforts to provide a safe living and working environment for the residents who reside at our facility.

Report based on Annual PREA Reports submitted by the Bismarck Transition Center

	Target Year	2014	2015	2016
On December 31 of the Target Year, how many males were in custody?	105	92	74	
On December 31 of the Target Year, how many females were in custody?	13	45	57	
Between January 1 and December 31 of the Target Year, how many residents were admitted to the facility?	541	653	673	
The total ADP for the Target Year was:	119	121	136	
Between January 1 and December 31 of Target Year, how many Non-consensual resident-on-resident sexual acts were reported?	1	1	2	
Of those acts, how many were substantiated?	1	1	0	
Of those acts, how many were unsubstantiated?	0	0	0	
Of those acts, how many were unfounded?	0	0	2	
Of those acts, how many are still under investigation?	0	0	0	
Between January 1 and December 31 of Target Year, how many Allegations of Staff Sexual Misconduct were reported?	2	2	6	
Of those acts, how many were substantiated?	0	0	1	
Of those acts, how many were unsubstantiated?	0	0	3	
Of those acts, how many were unfounded?	2	2	2	
Of those acts, how many are still under investigation?	0	0	0	
Between January 1 and December 31 or the Target Year, how many Allegations of sexual harassment were reported?	1	1	0	
Of those acts, how many were substantiated?	0	0	0	
Of those acts, how many were unsubstantiated?	0	0	0	
Of those acts, how many were unfounded?	1	1	0	
Of those acts, how many are still under investigation?	0	0	0	

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Date

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Date

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