



Southwest Multi-County Correction Center

66 Museum Drive

Dickinson, ND 58601

Telephone: 701-456-7790 Fax: 701-456-7687

□ Dickinson Adult Detention Center

□ Dakota Women's Correctional Rehab Center

Doris E. Songer, Operations Administrator

Rachelle Juntunen, Warden

April 10, 2015

Mike Thatcher, Chief Executive Officer
Community, Counseling and Correctional Services, Inc.
471 East Mercury Street
Butte, MT 59701

Dear Mr. Thatcher,

With great pleasure, I present the Final PREA Audit Report regarding the September, 2014 PREA audit of Bismarck Transition Center, Bismarck, ND. Please find the report enclosed.

Congratulations, as this Final PREA Audit Report serves as confirmation Bismarck Transition Center is in full compliance with PREA standards for Community Confinement facilities.

It has been an honor to work with your agency, and especially with your incredibly committed and competent staff at Bismarck Transition Center.

Please note this PREA Audit Report should be available to the public on the website of Community, Counseling and Correctional Services, Inc. Present it with pride!

Please feel free to contact me if you are in need of anything further,

Sincerely,

Loree Ivanets
DOJ Certified PREA Auditor
SWMCCC

Cc Kevin Arthaud

PREA AUDIT REPORT ☐ INTERIM ☒ FINAL

COMMUNITY CONFINEMENT FACILITIES

NATIONAL
PREA
RESOURCE
CENTER



BJA
Bureau of Justice Assistance
U.S. Department of Justice

Auditor Information			
Auditor name: Loree Ivanets/ SWMCCC			
Address: 66 Museum Drive, Dickinson, ND 58601			
Email: olivanets@gmail.com			
Telephone number: (701)-290-1596			
Date of facility visit: September 29 - October 1, 2014			
Facility Information			
Facility name: Bismarck Transition Center			
Facility physical address: 2001 Lee Avenue, Bismarck, ND 58504			
Facility mailing address: (if different from above)			
Facility telephone number: (701)-222-3440			
The facility is:	<input type="checkbox"/> Federal	<input type="checkbox"/> State	<input type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	<input checked="" type="checkbox"/> Private not for profit		
Facility type:	<input type="checkbox"/> Community treatment center	<input type="checkbox"/> Community-based confinement facility	<input type="checkbox"/> Other
	<input checked="" type="checkbox"/> Halfway house	<input type="checkbox"/> Mental health facility	
	<input type="checkbox"/> Alcohol or drug rehabilitation center		
Name of facility's Chief Executive Officer: Kevin Arthaud, Program Administrator			
Number of staff assigned to the facility in the last 12 months: 52			
Designed facility capacity: Bismarck Transition Center 124; STOP unit 50 = total of 174 residents			
Current population of facility: Bismarck Transition Center 111; STOP unit 38 = total of 149 residents			
Facility security levels/inmate custody levels: Community/Minimum			
Age range of the population: 18-65 years of age			
Name of PREA Compliance Manager: Amy Ruff		Title:	Clinical Program
Email address: aruff@cccscorp.com		Telephone number:	(701) 222-3440
Agency Information			
Name of agency: Community, Counseling and Correctional Services, Inc.			
Governing authority or parent agency: (if applicable)			
Physical address: 471 East Mercury Street, Butte, MT 59701			
Mailing address: (if different from above)			
Telephone number: (406) 782-0417			
Agency Chief Executive Officer			
Name: Mike Thatcher		Title:	Chief Executive
Email address: mthatcher@cccscorp.com		Telephone number:	(406) 782-0417
Agency-Wide PREA Coordinator			
Name: Steve McArthur		Title:	Director of
Email address: smcarthur@cccscorp.com		Telephone number:	(406) 782-0417

AUDIT FINDINGS

NARRATIVE

The on-site PREA audit of Bismarck Transition Center, Bismarck, ND was conducted on September 29 through October 1, 2014.

I would like to extend my appreciation to Chief Executive Officer, Mike Thatcher of Community, Counseling, and Correctional Service, Inc., Butte, MT, and his staff at Bismarck Transition Center (BTC) for the professionalism, hospitality, and willingness to complete BTC's PREA audit, which was the first agency of Community, Counseling, and Correctional Service, Inc. (CCCS) to undergo a PREA audit.

It is noteworthy, that Bismarck Transition Center has pioneered an initial path for the parent agency CCCS in completing this PREA audit. As is the case across the nation, agencies and facilities are in an initial learning process regarding the overall implementation of PREA. In this audit, and confirmed by interviews with the agency-wide PREA Coordinator, and Chief Executive Officer, it was clearly evident BTC, with the support of the parent agency, CCCS, has been working very hard creating and implementing policy, procedure and process indicators which were not available agency wide at the time of the audit. It is my hope that Community, Counseling, and Correctional Service, Inc. deeply acknowledges what an incredible asset Kevin Arthaud, Program Administrator and his dedicated staff at Bismarck Transition Center are to the parent agency, as BTC forged ahead at times independently to meet the PREA standards.

The newly contracted PREA Consultant for Community, Counseling, and Correctional Services Inc., was not interviewed prior to the completion of the Interim Report, as the first interview with the Agency Head, Chief Executive Officer of Community, Counseling, and Correctional Services, Inc., occurred on October 20, 2014. I was informed by the Agency Head the PREA Consultant, who would begin working in partnership with the agency-wide PREA Coordinator, would assume his new position the week of October 20, 2014.

I would like to acknowledge the incredible fortitude and commitment of Bismarck Transition Center's Program Administrator, Kevin Arthaud, who was my contact throughout the PREA audit. Mr. Arthaud has been communicating with me, and reaching out to others well in advance of completion of the Pre-Audit Questionnaire. I communicated multiple times gathering information and gaining clarification with Mr. Arthaud by phone or email. Mr. Arthaud has been consistent to respond in a timely manner. I was much honored to meet and interact with the very competent, talented, and professional team who assist Mr. Arthaud.

I was provided an electronic version of the completed Pre-Audit Questionnaire for Community Confinement and accompanying electronic documentation on September 10, 2014. Prior, I had been provided documentation from the Program Administrator that Bismarck Transition Center, Bismarck, ND posted the audit for the awareness of residents and employees on August 8, 2014.

Following an initial review of the electronic documents, I requested further information, and received the second set of electronic data on September 28, 2014.

Upon arrival at Bismarck Transition Center, in Bismarck ND, the early afternoon of September 29, 2014, I was instructed by the attending Resident Assistant to read and sign BTC's PREA Compliance Acknowledgement for Contractors, Vendors, and Volunteers. I immediately viewed PREA posters, and notices regarding third-party reporting hung conspicuously in the building entry way.

I then met with the Program Administrator, and after formulating a preliminary plan for interviews and gathering documentation, I was provided a quiet, relaxed environment to conduct staff interviews.

On September 29, 2014, I interviewed 8 staff who were required to demonstrate proficiency in the following PREA staff process positions: Facility Director, Warden, PREA Coordinator/PREA Compliance Manager, Investigative Staff, staff who perform screening for risk and abusiveness, Incident Review Team, designated staff charged with monitoring retaliation, non-security, non-direct care staff (First Responders), intake staff, and a random sampling of staff. One Secure Transitional Offender Program (STOP) unit employee was interviewed. Some staff job positions include more than one PREA role/duty.

On September 30, 2014, I interviewed the agency-wide PREA Coordinator/Director of Community Correctional Programs, and Quality Assurance and Special Projects Coordinator via phone. On-site interviews of 9 staff included the PREA Compliance Manager/Clinical Program Supervisor, staff who performs screening for risk and abusiveness, Incident Review Team, intake staff, BTC's Qualified Agency Staff Member who offers sexual abuse victims support and advocacy, and a random sampling of staff. 3 staff included employees of the STOP unit.

On September 30, 2014, I was provided a dated Female Resident Roster, indicating the count was 16, and interviewed 3 female residents chosen randomly by myself in various stages of placement at BTC. One of the women I interviewed identified themselves as LGBTI.

On October 1, 2014, I was also provided a dated BTC Male Resident Roster, indicating the count on October 1, 2014 was 77 males in the BTC unit of Bismarck Transition Center. Given the time of day, the majority of the male residents were in the community. I interviewed 6 males chosen randomly in various stages of placement.

It should be noted residential specialist staff encouraged male residents to participate in interviews, as residents seemed hesitant.

The count of male inmates on the STOP unit was 31 on October 1, 2014, and I interviewed 6 male STOP inmates.

On October 1 2014, I interviewed one random staff as well.

I was accompanied by the Program Administrator on the PREA audit tour, which included the female and male residential wings, and the secure STOP detention unit. The tour also allowed me to verify the scope of the electronic surveillance equipment throughout the facility.

The majority of BTC residents interviewed felt respected by staff and indicated they feel safe from sexual abuse and sexual harassment. Many residents spoke of a high level of trust in staff, and were aware of PREA.

I interviewed 12 residents/inmates out of 124 residents/inmates.

An exit interview with the Program Administrator and his team occurred on October 1, 2014, in which initial concerns and findings were communicated. These concerns and findings were met with professionalism, a willingness to seek best correctional standards, and find solutions.

Complimenting the leadership skills of Mr. Arthaud, the PREA Compliance Manager is an extremely organized visionary, who possesses inordinate skills in not only creating policy, and but in bridging policy with parallel procedure. The BTC PREA Sexual Abuse Investigator a Resident Assistant Supervisor, who coordinates the 24/7, UA, and Drug Patch programs is a previous administrative level law enforcement investigator. He joins the STOP Unit Coordinator, also a PREA Sexual Abuse Investigator in bringing years of law enforcement experience into their key positions at BTC. Case Management and Licensed Addiction Counselors appear empathic and believe in empowering the individual, taking the lead from their competent supervisors. BTC has an Assessment Center Case Manager who has vast experience dealing with sexual abuse victims and sex offenders. After completing further training offered by the National PREA Resource Center, this Case Manager became BTC's Qualified Agency Staff Member specializing in victim support and advocacy.

Evidenced by staff and resident/inmate interviews, BTC staff embraces their mission statement which is: **Bismarck Transition Center is a professional team of individuals who promote public safety, preserve the rights of victims, fulfill the mandates of the criminal justice system, and address the needs of adults.**

Prior to my departure, I was provided requested documentation in hard copy form. All requests for documentation and process indicators were granted with concerted effort and promptness.

Out of 50 Bismarck Transition Center, Bismarck, ND employees, 18 were interviewed during the 2.5 day on-site audit; 4 of which were STOP unit employees.

The Community, Counseling, and Correctional Services, Inc. Director of Human Resources was interviewed by telephone on October 8, 2014, and again on October 28, 2014.

2 of 4 volunteers were interviewed by telephone on October 11, 2014.

On October 20, 2014, I completed a phone interview with the Agency Head, Chief Executive Officer, Mike Thatcher in Butte, MT.

Since the on-site visit, sexual harassment allegations made by 3 female residents regarding a male staff member were reported and investigated, resulting in substantiation. BTC has been very open about this process, and worked diligently to respond to this situation demonstrating mindfulness of the PREA standards.

Communication with the Program Administrator, who continued to be the point of contact, remained consistently open from the on-site visit up to March 31, 2015, at which time Bismarck Transition Center achieved full compliance regarding PREA implementation.

DESCRIPTION OF FACILITY CHARACTERISTICS

Headquartered in Butte, MT, Community, Counseling, and Correctional Services, Inc. (CCCS), a private, not-for-profit 501-c (3) corporation since 1983, provides services for local, state, and federal agencies including correctional and other human service programs designed for adults and juveniles. CCCS, a diversified company continues to change lives, one-life-at-a-time, by providing services and programs to the person in need.

Bismarck Transition Center is one of 16 facilities operated by Community, Counseling, and Correctional Services, Inc. A vision of CCCS, and BTC is to meet the supervision and control needs of adult offenders in a community-based correctional setting by providing a safe and secure transition of residents into the community; provide opportunities for change through the delivery of Evidence Based Practices; thus reducing the risk of future criminal behavior.

Facility owned and renovated by a group of private investors, BTC is a two tiered building, uniquely recognizable with castle motif turrets. Male residents of the 106 male transition unit are housed on the main level in multiple occupancy sleeping rooms. Resident Assistant Case Management offices and the cafeteria are also on the main level. Female residents are housed in multiple occupancy sleeping rooms in a SE wing of the upper tier, which has a capacity to house 20 females. A Case Management office is strategically located on the female unit. The Administrative, and PREA Compliance Manager offices are on the second tier as well.

The STOP (Secure Transitional Offender Program) a secure detention unit equipped to house 50 male offenders opened on November 1, 2013. The STOP unit is also on the second tier, in a totally separate area from all transition units and residents.

Bismarck Transition Center began providing services in August of 2002, and currently offers a spectrum of services from male detention, correctional housing, correctional treatment programming which includes Level 1, 2.1, 2.5, 3.1 and 3.5 Chemical Dependency Treatment, 24/7 DUI surveillance, UA programming, Drug Patch coordination, work release, and transition center services.

BTC is a comprehensive, community-based correctional program designed to help eligible, non-violent offenders transition back in to the community. It provides the opportunity to develop necessary skills that aid male and female offenders in obtaining essentials such as employment and housing once they are released into society. The program provides services that decrease the

likelihood of re-offense upon release. BTC contracts with ND Department of Corrections & Rehabilitation and multiple counties throughout ND.

An upgrade to computer software and electronic monitoring occurred in August, 2013. At the time of the PREA on-site audit tour, there were 21 cameras, consisting of 1 camera on the female unit, 13 cameras on the male residential unit, and 4 cameras on the STOP unit. Administration added 2 more cameras to the female unit, and one in stairwell in the STOP unit; totally 24 in the facility. There are no cameras in resident sleeping rooms, showers or restrooms. When upgrades or replacements of cameras are needed, advanced technological electronic equipment is being acquired. An intercom speaker system was also added to the female unit.

A group of phones are available for resident use in each unit.

BTC is accredited by the American Correctional Association, and CPC.

**SUMMARY OF AUDIT FINDINGS AT TIME OF BISMARCK TRANSITION
CENTER'S FINAL REPORT:**

Number of standards exceeded: 5

Number of standards met: 31

Number of standards not met: 0

Number of standards N/A: 3

Total Number of Community Confinement Standards: 39

***Bismarck Transition Center Achieved Full Compliance on March 31, 2015. BTC's
Corrective Action Period ended 180 days from October 31, 2014, which was April 29, 2015.**

§ 115.211 Zero tolerance of sexual abuse and sexual harassment; PREA coordinator.

***Exceeds Standard (substantially exceeds requirement of standard)**

Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Not Applicable

Bismarck Transition Center (BTC) of Bismarck, ND has a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment outlining the BTC's approach to preventing, detecting, and responding to such conduct. The Bismarck Transition Center appears to demonstrate a commitment to safety for residents and staff, while creating a culture of prevention, detection, reporting, and response. Interviews of staff and residents/inmates supported the ownership of BTC's commitment to the prevention, detection and response to sexual abuse and sexual harassment, as multiple staff used the phrase "zero tolerance", and commented on the efforts of administration to present the PREA standards as serious.

Community, Counseling, and Correctional Services, Inc., (CCCS) of Butte, MT employs an upper-level, agency-wide PREA Coordinator. Steve McArthur, Director of Community Correctional Programs, Quality Assurance and Special Projects Coordinator is the agency-wide appointed PREA Coordinator. During the Agency Head interview, Chief Executive Officer, Mike Thatcher indicated CCCS is contracting with Marwan Saba, former State of MT Contract Oversight Specialist for secure Juvenile facilities as a PREA Consultant. Mr. Thatcher indicated Marwan Saba would begin his position as PREA Consultant, directly reporting to Steve McArthur, agency -wide PREA Coordinator in late October, 2014. Community, Counseling, and Correctional Services, Inc.'s vision is that the agency-wide PREA Consultant will work closely with the agency-wide PREA Coordinator. Due to the contracted PREA Consultant's late October start date, this individual was not interviewed prior to the Interim report.

Interviews with the Agency Head and agency-wide PREA Coordinator, affirmed that Bismarck Transition Center has forged ahead of the parent agency's lead, by embracing and implementing PREA standards.

On-site at BTC, Program Administrator Kevin Arthaud has demonstrated an understanding of the PREA standards, and fierce commitment to PREA implementation. Mr. Arthaud has appointed Amy Ruff, Clinical Program Supervisor as the PREA Compliance Officer. Ms. Ruff is approaching the implementation of the PREA standards, and organizing the "process compliance indicators" in such a manner to correlate and compliment ACA documentation standards.

While both the agency-wide PREA Coordinator and the facility PREA Compliance Officer have authority and time to develop, implement, and oversee efforts to comply with PREA standards, BTC has demonstrated an independent competency and knowledge base which has superseded the parent agency's demonstration of PREA knowledge and implementation. Community,

Counseling, and Correctional Services, Inc., the parent agency, has noted BTC is an invaluable asset to the other 15 facilities in the agency, as BTC is the first facility to undergo a PREA audit.

Community, Counseling, and Correctional Services, Inc. has demonstrated their support of implementation of PREA by indicating a plan to send key staff from their 16 facilities to PREA Auditor training, joining a PREA Auditor who works in one of Community, Counseling and Correctional Services, Inc., secure juvenile facilities in the State of WA.

BTC's PREA Compliance Officer is apparent on the facility's organizational chart. The parent agency; Community, Counseling and Correctional Service, Inc. has updated the agency's organization chart to demonstrate the agency-wide PREA co-Coordination effort and PREA Consultant.

Community Confinement PREA standards require an agency to retain an agency-wide PREA Coordinator who oversees agency efforts to comply with PREA standards within all facilities. BTC benefits from the on-site PREA Compliance Officer, the agency-wide PREA Coordinator, and newly contracted PREA consultant; therefore, exceeding this standard.

§ 115.212 Contracting with other entities for the confinement of residents.

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

***Not Applicable**

Bismarck Transition Center does not maintain contracts with other entities for the confinement of residents.

§ 115.213 Supervision and monitoring.

***Exceeds Standard (substantially exceeds requirement of standard)**

Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Not Applicable

Documentation was provided indicating unannounced, sporadic rounds are conducted by intermediate level and higher level supervisors as well as administration on all shifts. This was a definite strength of BTC's commitment as making these rounds are not mandated in the Community Confinement standards. Resident Assistants who were interviewed indicated it is a routine requirement for them to make sporadic, unannounced checks throughout the facility.

During the PREA audit tour accompanied by the Facility Head (Program Administrator), I was provided a facility map which outlined the placement of the video cameras. BTC updated its video monitoring technology in 2013. BTC updated software and computers for the video system, and replaced outdated and non-functioning cameras in an effort to enhance the safety of residents/inmates and staff. I was provided a photograph of, and viewed the operating computers of the video system.

A schematic of facility layout was provided prior to the PREA audit tour of the facility.

The PREA audit facility tour with the Facility Head (Program Administrator) revealed a need to provide a more accessible and centrally located means of communication between the female residents and staff. The female unit is located on an upper tier, being somewhat distant from staff, and staff control centers during evening and weekend hours. BTC administration installed an intercom speaker system in the female unit by the end of November, 2014.

The Case Management Supervisor's office was located on the female unit at the time of the PREA audit tour. This has served the female unit well, but because of the supervisor's status, she had been often mobile throughout the whole facility.

A pro-active decision was made by administration to move the female resident Case Manager's office onto the female unit, swapping with the Case Management Supervisor as part of early corrective action. The female resident Case Manager will be working some evening and weekend hours. In addition, because of the secluded location of the female unit, corrective action called for the installation of one additional surveillance camera; however, two surveillance cameras were added. This decision which superseded corrective action by BTC, resulted in a surveillance camera being installed in the foyer outside the women's unit, and at the bottom of the stairwell leading to the women's unit.

A blind spot was noted in the stairwell that is often utilized by STOP inmates as they access the outdoor recreation area, while STOP staff waited for the secure alarmed door from the STOP unit to close (15 seconds). Alarmed doors were added when the STOP unit was created in November, 2013. Corrective action included a strong recommendation to add a security camera in the stairwell, which was completed in January, 2015.

Corrective action required BTC to create a revised staffing and monitoring plan highlighting not only the additions and upgrades to the female unit, but enriching the current staffing plan for the male unit and the STOP unit, which was completed on February 25, 2015.

During the Agency Head interview, the Chief Executive Officer of Community, Counseling, and Correctional Services, Inc., indicated he was supportive of all necessary electronic additions or upgrades needed by BTC to ensure safety and supervision, noting the best option for supervision is staff.

Bismarck Transition Center exceeded this standard in their willingness to substantially improve overall electronic monitoring, demonstrated by adding 3 surveillance cameras, as well as the installation of the intercom speaker system in the female unit. Further, unannounced, sporadic rounds are conducted by upper level staff on a routine basis.

§ 115.215 Limits to cross-gender viewing and searches.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

BTC has a comprehensive policy prohibiting cross-gender strip, and cross-gender visual body cavity searches. Cross-gender pat downs of male residents/inmates can occur. There are no cross-gender pat downs of female residents. All resident/inmate pat downs are documented in the pat down log, which I reviewed.

Resident Assistants, the Facility Head (Program Administrator), Chief of Security, PREA Compliance Officer, and multiple female and male residents/inmates were interviewed. At the time of the PREA audit tour, there were no identified transgender or intersex residents/inmates at BTC.

Policy is supported by practice as confirmed in the aforementioned interviews, and noted by myself during the PREA audit tour. Staff of the opposite gender loudly “announces” themselves by gender when conducting checks of sleeping rooms and bathroom/shower areas. Policies are in place and staff appears very respectful in carrying out procedures which enable residents/inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their private areas of their bodies, except in exigent circumstances, or when such viewing is incidental to routine cell checks.

Bismarck Transition Center report male and female staff work both the male and female BTC units; therefore, the likelihood of a female staff being present to conduct a search on a female resident is high. This ensures females are not restricted access to regular programming or other outside opportunities.

Placards informing residents that both female and male staff may be on any given shift in a 24 hour period of time are posted throughout BTC.

Currently, only male staff works in the STOP unit, which houses male inmates.

BTC created parallel policy, procedure and an excellent detailed curriculum, and then trained all staff in regards to §115.215 (f); specifically conducting pat-down searches and searches of transgender and intersex residents/inmates as of February 23, 2015.

§ 115.216 Residents with disabilities and residents who are limited English proficient.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Bismarck Transition Center does not rely on resident/inmate interpreters, resident/inmate readers, or other types of resident/inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident/inmate's safety, the performance of first-response duties under §115.264, or the investigation of the resident/inmate's allegations. This is evidenced by current policy and procedure.

Interviews with the PREA Compliance Officer, Facility Head (Program Administrator), Case Managers and intake staff confirmed there has been no need to use an interpreter over this past year due to an English speaking resident/inmate population. Bismarck Transition Center is aware of community resources they can summon if the need for an interpreter were to arise. There were no limited English speaking residents/inmates placed at Bismarck Transition Center during the time of my PREA audit tour.

As confirmed in interviews with residents/inmates, intake staff, Resident Assistants, Case Managers, and PREA Compliance Officer all residents/inmates are provided with a PREA BTC Resident Brochure upon intake. The Resident Assistant, who is conducting the intake, goes over this information with the resident/inmate verbally and checks for understanding. The Resident Assistant will be able to provide immediate assistance to aid in the understanding of the written materials if a resident/inmate is in need because of a reading, comprehension, or hearing issue. The residents/inmates sign and date to document receipt and acknowledge an opportunity to ask questions or gain further clarification. I was provided this document, entitled Bismarck Transition Center Resident Contract as a compliance indicator.

Meeting the needs of the blind, or low vision residents/inmates as mentioned in §115.216 (a) were added to the current PREA policy number 14-1.

During the on-site PREA audit, Case Management identified two challenged residents placed at Bismarck Transition Center. Staff was informed of various strategies used to amplify these residents' comprehension and understanding by the Case Managers. I did interview these residents, and they verbalized they felt supported and respected. They further indicated understanding of PREA information.

The Facility Head (Program Administrator) followed up on a recommendation made by this PREA auditor to secure a contract with the Western State Contracting Alliance Agreement for Over-The-Phone Language Interpretation through a Participating Addendum initiated by the State of ND, who provide as needed interpreter services, 24 hours per day, 7 days per week. This action to improve best practices, once again, demonstrates BTC's commitment to PREA implementation.

§ 115.217 Hiring and promotion decisions.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Stated in policy and verified in interviews with the Agency Head, Facility Head (Program Administrator) and the Director of Human Resources, Bismarck Transition Center does not hire or promote anyone who may have contact with residents/inmates nor does not enlist the services of any contractor who may have contact with residents/inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution, has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse or has been civilly or administratively adjudicated to have engaged in the activity described above.

Community, Counseling, and Correctional Services, Inc.'s employment application inquires regarding the aforementioned behaviors in two areas on the employment application. All Community, Counseling, and Correctional Services, Inc.'s employees are aware of a continuing affirmative duty to disclose such behaviors.

The Director of Human Resources of Community, Counseling, and Correctional Service, Inc. is very passionate about preventing and responding to sexual harassment, and has specialized training in this area. She is an asset to the agency, as she is committed to safe workplaces, and safety for all CCCS residents/inmates. The Director of Human Resources of Community, Counseling, and Correctional Service, Inc., works very closely with the Facility Head (Program Administrator) of BTC regarding all personnel issues.

Bismarck Transition Center considers any incidents of sexual harassment in determining whether to hire or promote anyone or to enlist the services of any contractor who may have contact with residents/inmates.

BTC performs a criminal background records check consisting of a criminal history check of the National Crime Information Center/National Law Enforcement Telecommunication System (NCIC/NLETS) before an employee is hired or a volunteer or contractor who may have contact with residents/inmates is allowed at the agency. Criminal background checks have been updated every 5 years. BTC has instituted a practice of updating the background checks prior to promotion, and this provision of completing background checks prior to employee promotion was added to PREA policy 14-1. Files of fingerprints, and background check records were reviewed as compliance indicators.

Consistent with federal, state, and local law, Bismarck Transition Center makes its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse. I was provided with a copy of this form.

Unless prohibited by law, and utilizing a release of information form, BTC will provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

§ 115.218 Upgrades to facilities and technology.

***Exceeds Standard (substantially exceeds requirement of standard)**

Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Not Applicable

Interviews with the Agency Head, Facility Director, and PREA Coordinator verified there have been no major renovations to Bismarck Transition Center since the standard date of August 20, 2012; however, substantial modifications of the existing facility to create the STOP Unit occurred in November, 2013, to include an addition of two alarmed doors.

During the PREA audit tour accompanied by the Facility Head (Program Administrator), I was provided a facility map which outlined the placement of the video cameras. Further, a Resident Assistant drew the directional view of each video camera on the facility map provided.

BTC updated its video monitoring technology in 2013. BTC updated software and computers for the video system, and replaced outdated and non-functioning cameras in an effort to enhance the

safety of residents and staff. I was provided a photograph of, and viewed the operating computers of the video system.

Bismarck Transition Center exceeded this standard in their willingness to substantially improve overall electronic surveillance monitoring, as well as the installation of the intercom speaker system in the female unit.

§ 115.221 Evidence protocol and forensic medical examinations.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

All Bismarck Transition Center staff are trained on First Responder Duties. A “Checklist for Attempted or Completed Recent (less than 120 hours) Sexual Abuse/Assault” and “Checklist for Attempted or Completed Not Recent (greater than 120 hours) Sexual Abuse/Assault” are posted at each Resident Assistant’s control centers throughout all the BTC facility units, including the STOP unit for quick reference.

Further, BTC employees are trained to the “Bismarck Transition Center Evidence Chain of Custody Tracking Form” and “Crime Scene Entry Log Sheet”.

A First Responder flow chart is posted in hallways, and is accessible to residents.

Bismarck Transition Center’s policy clearly outlines all victims of sexual abuse have access to forensic medical examinations at one of two medical centers: Sanford Health or St. Alexius in Bismarck, ND, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFE) or Sexual Assault Nurse Examiners (SANE). Both of these medical centers participate in the local Bismarck Sexual Assault Nurse Examiners (SANE) program, which is directly supported by the Abused Adult Resource Center.

The Sexual Assault Nurse Examiner (SANE) program was developed to enhance the services available to victims in the Bismarck/Mandan region through the Abused Adult Resource Center’s Sexual Assault Support Program. This program is intended to offer victims of sexual assault compassionate and comprehensive forensic medical examination services through a Coordinated Community Response Team. This team of professionals generally includes a registered nurse trained to collect forensic medical evidence as well as a rape crisis advocate, law enforcement representative, and any other responders that are appropriate. The SANE program is operated in collaboration with the two Bismarck hospitals.

BTC has attempted to make available to the victim a victim advocate from the Abused Adult Resource Center (AARC) rape crisis center demonstrated by a letter, dated August 28, 2014, requesting victim advocacy services as outlined in an enclosed Memorandum of Understanding. The Memorandum of Understanding remains unsigned; however, as stated in the above paragraph, the Bismarck/Mandan region has a comprehensive resource within the SANE program which is part of a Coordinated Community Response Team supported by the Abused Adult Resource Center.

Per BTC's policy and interviews with the Program Administrator, PREA Compliance Manager, PREA Sexual Abuse Investigator, and Qualified Agency Staff Member requests of the victim will be honored if the victim chooses to have a victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews while providing emotional support, crisis intervention, information, and referrals.

One of BTC's Case Managers has extensive professional experience dealing with sexual abuse. Having been the Sexual Assault Program Coordinator for ND Council on Abused Women's Services (NDCAWS) for two years, and having completed certified victim advocacy training in the past, this staff member will act as BTC's Qualified Agency Staff Member. In addition to being the sexual assault program and policy coordinator for 8 years for NDCAWS, she completed the Specialized Training: PREA Medical and Mental Care Standards and Victim Services curricula on the National PREA Resource Center website. It should be noted this Case Manager is a tremendous strength to BTC's PREA team.

Further, this case manager has a working relationship with the Abused Adult Resource Center, and may be able to act as an effective liaison between BTC and AARC. This staff member, and BTC's demonstrated commitment to support her in her professional quest to become BTC's Qualified Agency Staff Member is evidence of BTC's commitment to offer best practices to residents/inmates.

For purposes of this audit, there have been no forensic medical exams conducted within the past year and there were no residents/inmates who made a report of sexual abuse within the current resident/inmate population during the on-site audit visit.

BTC refers all sexual abuse investigations for criminal investigation to the Bismarck Police Department.

A second Memorandum of Understanding was secured by BTC from the Bismarck Police Department, in which BTC respectfully requests the Bismarck Police Department utilize protocol adapted from, or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011 when investigating sexual abuse involving BTC residents/inmates in December, 2014 as part of corrective action. An initial Memorandum of Understanding did exist prior to the PREA Audit; however, the second Memorandum of Understanding is more specific to criminal investigations of sexual abuse and sexual harassment.

§ 115.222 Policies to ensure referrals of allegations for investigations.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Interviews with the Agency Head, the Facility Head (Program Administrator), the PREA Sexual Abuse Investigator, and the PREA Compliance Manager confirm practices as outlined in Bismarck Transition Center's policies ensuring an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment, documenting all referrals.

BTC ensures allegations of sexual abuse are referred for investigation to Bismarck Police Department unless the allegation does not involve potentially criminal behavior. If the allegation does not involve potentially criminal behavior, BTC will conduct an administrative investigation.

In the past year, there were 3 administrative investigations conducted and concluded by BTC. One administrative investigation occurred after the on-site PREA audit.

There were no criminal investigations.

As of late March, 2014, BTC published agency policy on its website, according to required corrective action, to include a description of the responsibilities of BTC when criminal investigation referrals are made, and the Bismarck Police Department's policy and responsibilities regarding criminal investigations of sexual abuse or sexual harassment.

§ 115.231 Employee training.

***Exceeds Standard (substantially exceeds requirement of standard)**

Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Not Applicable

Bismarck Transition Center clearly trains all employees who have contact with residents/inmates on:

Its zero tolerance policy for sexual abuse and sexual harassment: how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures, resident/inmate's right to be free from sexual abuse and sexual harassment, the right of residents/inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment, the dynamics of sexual abuse and sexual harassment in confinement, the common reactions of sexual abuse and sexual harassment victims, how to detect and respond to signs of threatened and actual sexual abuse, how to avoid inappropriate relationships with residents/inmates, how to communicate effectively and professionally with residents/inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents/inmates, and how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Each BTC employee is provided with PREA refresher training annually to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In addition to the annual PREA refresher training, the agency clearly provides refresher information on current sexual abuse and sexual harassment policies. This PREA refresher training plan clearly exceeds standards, as PREA refresher training is required every two years augmented by sexual abuse and sexual harassment policies and procedures during the year training is not provided.

All new BTC employees receive comprehensive PREA training prior to any degree of independent contact with residents/inmates, as indicated in §115.231(c), and demonstrated by training records received in November, 2014, as part of corrective action. Employees then participate in scheduled quarterly PREA training, with annual follow-up training. This training schedule clearly supersedes this standard.

BTC documents through employee signature the employees understand the training they have received as evidenced by dated and signed training records reviewed.

§ 115.232 Volunteer and contractor training.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

There are currently four volunteers at the Bismarck Transition Center. All current volunteers have been trained in PREA standards based on the services they provide and level of contact they have with residents/inmates, and have signed for understanding.

I interviewed two of the volunteers, who were able to offer specifics on the contents of the PREA training they had received. The volunteers stated the believed BTC is very committed to PREA standards.

All visitors, volunteers, and contractors who enter the BTC facility are notified of the agency's zero tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. BTC maintains documentation all visitors, volunteers, and contractors understand the information on the zero tolerance policy and how to report such incidents by signing the Prison Rape Elimination Act (PREA) Compliance Acknowledgement (Contractors, Visitors, and Volunteers). I was asked to sign the aforementioned form every time I presented at BTC to conduct the on-site PREA audit, and viewed other Prison Rape Elimination Act (PREA) Compliance Acknowledgement (Contractors, Visitors, and Volunteers) forms signed by contractors and visitors.

§ 115.233 Resident education.

***Exceeds Standard (substantially exceeds requirement of standard)**

Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Not Applicable

Bismarck Transition Center's policies and interviews with intake staff, PREA Compliance Manager, Resident Assistants, Case Managers, and residents/inmates confirm the provision of resident education in formats accessible to all residents/inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as residents/inmates who have limited reading skills.

BTC ensures key information is continuously and readily available or visible to residents/inmates through other written information. PREA posters are strategically posted above resident/inmate telephones. BTC's entire PREA policy and handbook is posted on the walls (tunnel) of the BTC male unit.

During Bismarck Transition Center's intake process and upon transfer from a different facility, residents/inmates receive "PREA – PRISON RAPE ELIMINATION ACT BTC RESIDENT BROCHURE" which is a colored brochure explaining the agency's zero tolerance policy regarding sexual abuse and sexual harassment, how to report incidents or suspicions of sexual abuse or sexual harassment, resident/inmate rights to be free from sexual abuse and sexual harassment and agency policies and procedures for responding to such incidents. All residents/inmates sign, date, and acknowledge understanding in their resident/inmate contracts.

The Community Confinement standard regarding the timing of the delivery of Resident Education is upon intake. The PREA brochure was revised in accordance with corrective action

to include the key component of Community Confinement Resident Education §115.233 (a) which is to be free from retaliation for reporting such incidents. This key component of institutional cultural change was added to the PREA brochure on November 19, 2014.

Residents/inmates participate in a PREA orientation group, which utilizes the Just Detention International DVD entitled, “PREA: What You Need to Know”, on a weekly basis. I reviewed a sampling of the documentation of resident/inmate participation in these education sessions. Participation in PREA orientation group was supported by interviews with residents/inmates. The provision of the weekly PREA orientation group supersedes Community Confinement PREA standards, and clearly is a strength of BTC’s resident/inmate PREA education program.

§ 115.234 Specialized training: Investigations.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

At the time of the PREA audit tour, one BTC staff member, who is a former law enforcement investigator had completed the Specialized Training: Investigating Sexual Abuse in Confinement Settings through the National PREA Resource Center. As of March 11, and March 8, 2015, respectively, the PREA Compliance Manager and the Facility Head (Program Administrator), completed the same Specialized Training through the National PREA Resource Center.

This is an intensive, comprehensive, specialized training for PREA investigators and includes techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The STOP unit supervisor completed, “Misconduct: Training for Correctional Investigators”, presented by provided by the North Dakota Department of Corrections staff who had been previously trained by the Moss Group on December 15-16, 2014.

Interviews of the Facility Head (Program Administrator), PREA Compliance Manager as well as the manner in which policy is demonstrated through action at BTC, indicates a commitment to the prevention, detection and coordinated response to sexual abuse.

It had been strongly recommended the PREA Compliance Manager, as well as the agency-wide PREA Coordinator, the newly hired PREA Consultant, and the Chief Executive Director of CCCS, Inc. all complete the Specialized Training: Investigating Sexual Abuse in Confinement Settings through the National PREA Resource Center. Even though these key individuals may

not provide the actual investigation, the completion of the specialized training will serve to educate and coordinate understanding of key concepts relative to sexual abuse within confinement. It is likely these key individuals will be involved in making decisions, responding to the results of the investigations, and participating in the sexual assault reviews. Both the agency-wide PREA Coordinator, and the facility-wide PREA Compliance Manager completed the recommended training.

§ 115.235 Specialized training: Medical and mental health care.

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

***Not Applicable**

Bismarck Transition Center refers residents/inmates who have medical and mental health care needs to the community.

§ 115.241 Screening for risk of victimization and abusiveness.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

All residents/inmates at Bismarck Transition Center are assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other residents/inmates or sexually abusive toward other residents/inmates well within 72 hours of arrival at the facility, as staff uses this information to make safe bed and room assignments.

ND Department of Corrections and Rehabilitation has asked Bismarck Transition Center to use their comprehensive screening tool, to achieve continuity in assessment of risk levels of victimization and aggression through inter-agency communication of scores, throughout ND DOCR's facilities. ND Department of Corrections and Rehabilitation has developed a comprehensive screening tool, complete with a 24 Hour Intake/Transfer PREA Screening, an Initial Assessment/Re-Assessment and accompanying scoring handbook, entitled, "PREA Rating Manual".

In addition to achieve compliance, on December 19, 2014, BTC incorporated gathering the full spectrum of sexual victimization history as referenced in §115.241 (d) (8) to the ND DOCR tool, with the approval of ND DOCR.

The BTC residents will be reassessed within a set time period, not to exceed 30 days from the resident/inmate's arrival at the facility by their respective Case Managers utilizing the Re-Assessment ND DOCR form. The STOP unit supervisor and his staff will reassess the STOP unit inmates in the same time frame. The facility will reassess the resident/inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.

Further, a resident/inmate's risk level will be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the resident/inmate's risk of sexual victimization or abusiveness.

An update to BTC's PREA policy 14-5 H (2) assures BTC implements appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the resident/inmate's detriment by staff or other residents/inmates.

While some intake procedures may be done as a group, the process of administering any screening tools, or gathering information relative to PREA should always be done privately and with the utmost respect for the individual. This is evidenced by the cover sheet BTC created for their current screening tool, which serves as a full disclosure to the resident/inmate about the sensitive nature of the questions to follow, allowing the resident/inmate to choose not to participate, or partially respond without retribution. The cover sheet is strength of BTC's screening tool.

I received samplings of completed initial assessments and reassessments completed within 30 days from the facility using the objective screening tool.

§ 115.242 Use of screening information.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Bismarck Transition Center uses information from the risk screening required by § 115.241 to make informed housing, bed, work, education, and program assignments with the goal of keeping separate those residents/inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. In a highly respectful manner, evidenced in intake staff and Resident Assistant interviews, the facility focuses on individualizing these determinations.

In deciding whether to assign a transgender or intersex resident/inmate to a facility for male or female residents, and in making other housing and programming assignments, the facility will consider on a case-by-case basis whether a placement would ensure the resident/inmate's health and safety, and whether the placement would present management or security problems.

Policies confirm BTC does not place lesbian, gay, bisexual, transgender, or intersex residents in dedicated facilities, units, or wings solely on the basis of such identification or status. The facility does not have a dedicated facility unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such residents/inmates.

I interviewed one resident who identified as bisexual. The bisexual resident resided in rooms with other residents in general population who did not identify themselves as lesbian, gay, bisexual, transgender, or intersex.

Interviews with intake staff, residential staff, Case Managers, Program Administrator, PREA Compliance Manager, and a bisexual resident offer a confirmation of a climate of respect and dignity.

Further policy and procedure development addressed specifics on showering and access to restroom facilities for transgender and intersex residents/inmates. Policies addressing the process of how a decision is made to make a referral to another facility, if there is a risk to a transgender or intersex resident/inmate's safety, taking into consideration the resident/inmate's own views with respect of his or her own safety were completed as well as policies addressing BTC's initial assessment process prior to accepting a transgender or intersex resident/inmate referred for placement at BTC.

§ 115.251 Resident reporting.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Bismarck Transition Center provides multiple internal ways for residents/inmates to privately report sexual abuse and sexual harassment, retaliation by other residents/inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Residents/inmates are informed many times, in multiple ways they can report sexual abuse and sexual harassment verbally, in writing, anonymously, by a third party, and have written materials and PREA posters notifying them of whom to report to. Residents/inmates receive this information in writing upon intake, in PREA orientation through media, additional written material, and PREA posters serve as reminders. All

residents/inmates interviewed were aware of PREA and were able to verbalize various ways to report.

Staff verbalized they are trained on accepting reports verbally, in writing, anonymously, and from third parties. Staff interviews revealed an understanding of the expectation to promptly document any verbal reports, and notify their chain of command immediately. Staff training includes methods they may privately report sexual abuse and sexual harassment of residents/inmates through verbal, written and anonymous reports.

BTC provides addresses and phone numbers of local, state and national sexual assault hotlines in distributed written materials and on PREA posters. There are resident/inmate phones in all facilities. Residents are not allowed to use their cell phones within the facility however, a large percentage of BTC residents access their cell phones and community phones when outside of the facility. Residents/inmates are able to access STOP unit and BTC's landline and BTC cell phones to make emergent calls; however, there are privacy concerns.

Resident/inmate interviews had revealed knowledge of options to make a report confidentially to local, state and national sexual abuse and domestic violence hotlines; however, residents/inmates reported toll free numbers are not accessible with the use of the purchased resident/inmate phone cards used on the facility's resident/inmate phones. This was brought to the attention of the Program Administrator, who immediately began exploring solutions.

As of late December, 2014, Bismarck Transition Center's residents/inmates have access to toll free numbers to national sexual abuse and domestic violence hotlines by using an assigned pin number through ND DOCR. This pin number can be consistently used throughout all ND DOCR facilities. In January, 2015 a phone in the female unit was relocated to allow for more privacy for female residents, with the addition of a second phone in the female unit.

Bismarck Transition Center has a signed Memorandum of Understanding, dated August 8, 2014, with the Bismarck Police Department who has agreed to accept reports of sexual abuse and sexual harassment, inform the Program Administrator immediately of the report, and allow reporters to remain anonymous if desired. A letter requesting services and an unsigned memorandum of agreement with the Abused Adult Resource Center was noted per documentation requirements.

§ 115.252 Exhaustion of administrative remedies.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Bismarck Transition Center has a comprehensive administrative procedure for dealing with resident/inmate grievances regarding sexual abuse. Within this administrative procedure the following is outlined: A resident/inmate may submit a grievance regarding an allegation of sexual abuse at any time regardless of when the incident is alleged to have occurred. In an attempt to reach resolution, the facility will not require a resident/inmate to use any informal grievance process, or to otherwise attempt to resolve with staff an alleged incident of sexual abuse. Further, nothing in this section shall restrict the facility's ability to defend against a lawsuit filed by a resident/inmate on the ground that the applicable statute of limitations has expired.

In addition, BTC policy ensures a resident/inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and the grievance is not referred to a staff member who is the subject of the complaint.

In the past 12 months, one grievance was filed alleging sexual harassment by a staff member, and the investigation concluded the allegation was unfounded; however, during the post audit period, 2 nonemergency grievances were filed by two residents, alleging sexual harassment against a staff member. I was able to review the grievances and the documented steps taken to reach a decision. Interviews with the Program Administrator, Agency Head and Director of Human Resources affirmed written policy stating the facility will issue a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance, or sooner. The two grievances which were filed were answered immediately by the Program Administrator, and subsequently investigated immediately reaching a conclusion of substantiated sexual harassment by a PREA Sexual Abuse Investigator within 48 hours.

Policy mandates if the facility is in need of an extension up to 70 more days, BTC will notify the resident/inmate in writing of the extension and provide a date for a decision.

BTC allows third parties including fellow residents/inmates, staff members, family members, attorneys, and outside advocates to assist residents/inmates in filing requests for administrative remedies relating to allegations of sexual abuse and permit filing such requests on behalf of residents. If the resident/inmate declines to have the request processed on his or her behalf, the facility shall document the resident's/inmate's decision. There were no grievances alleging sexual abuse this past year in which the residents/inmates declined third-party assistance.

Established procedures for the filing of an emergency grievance alleging that a resident/inmate is subject to a substantial risk of imminent sexual abuse, are clearly in place and require an initial response within 48 hours and a final decision within five days. There were no emergency grievances alleging substantial risk of imminent sexual abuse within the last 12 months.

BTC policy also addresses the facility's ability to discipline a resident/inmate for filing a grievance alleging sexual abuse filed in bad faith. There were no such grievances filed within the last 12 months.

There were no residents/inmates placed at BTC who had filed sexual abuse or sexual harassment grievance at the time of the on-site audit.

The full PREA policy which contains the aforementioned information regarding grievances related to sexual abuse and sexual harassment, and the Emergency Grievance procedure is posted for resident review on the wall of the BTC male unit. BTC's formal grievance procedure relative to reporting sexual misconduct is mentioned in the Resident Handbook on page 30.

§ 115.253 Resident access to outside confidential support services.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

BTC provides addresses and phone numbers of local, state and national sexual assault hotlines in distributed written materials and on PREA posters. Residents are not allowed to use their cell phones within the facility however, a large percentage of residents access their cell phones and community phones when outside of the facility.

As of late December, 2014, Bismarck Transition Center's residents/inmates have access to toll free numbers to national sexual abuse and domestic violence hotlines by using an assigned pin number through ND DOCR. This pin number can be consistently used throughout all ND DOCR facilities. In January, 2015 a phone in the female unit was relocated to allow for more privacy for female residents, with the addition of a second phone in the female unit.

Resident/inmate interviews revealed knowledge of the ability to make a report confidentially to local, state and national sexual abuse and domestic violence hotlines. A letter requesting services and an unsigned memorandum of agreement with the Abused Adult Resource Center was noted per documentation requirements, dated August 28, 2014.

Confidentiality, and limits thereof, in terms of reporting is discussed in weekly PREA orientation groups.

§ 115.254 Third-party reporting.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Bismarck Transition Center receives third-party reports of resident/inmate sexual abuse or sexual harassment verbally to staff, in written format by mail, by telephone, via electronic mail, or by referral from any outside agency.

BTC publicly distributes information on how to report resident/inmate sexual abuse or sexual harassment on behalf of residents by: a. Posting this information on the center's website at www.cccscorp.com/btc.htm as of March 31, 2015 and b. Posting this information in written format at all public entrances and exits to BTC.

§ 115.261 Staff and agency reporting duties.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

As evidenced in policy, and random staff interviews, interviews with the Agency Head, Program Administrator, Chief of Security, and PREA Compliance Manager, all Bismarck Transition Center staff shall immediately report to the Shift Supervisor, Chief of Security, or Administrator any knowledge, suspicion, or information they receive regarding any incident of resident/inmate sexual abuse or resident/inmate sexual harassment.

Further, all BTC staff shall immediately report to the Shift Supervisor, Chief of Security, or Administrator any knowledge, suspicion, or information they receive regarding staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse, an incident of sexual harassment, or an incident of retaliation against any resident/inmate or staff who have reported sexual abuse or sexual harassment.

Apart from designated supervisors or officials and designated local or state service agencies, all staff is prohibited from revealing or releasing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

The PREA Compliance Manager, and Case Management Supervisor were aware of the mandatory reporting laws regarding if the alleged victim is considered a vulnerable adult under North Dakota State statute, which mandates the agency reporting the allegation to the designated

State or local services agency; and BTC updated BTC's PREA policy 14-7, to add language related to applicable mandatory reporting laws regarding vulnerable adult under ND Statute.

BTC refers residents/inmates to community medical and mental health providers.

§ 115.262 Agency protection duties.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Bismarck Transition Center shall take immediate action to protect any resident/inmate that is subject to a substantial risk of imminent sexual abuse, such as assessing and implementing appropriate protective measures without reasonable delay. The center shall document every instance that it determines a resident was subject to a substantial risk of imminent sexual abuse. The center shall document and calculate its response time once it has been determined that a resident has been subject to a substantial risk of imminent sexual abuse.

Random staff interviews and interviews with the Agency Head, agency-wide PREA Coordinator, Program Administrator, PREA Compliance Manager, and Chief of Security supported this broad commitment to resident safety.

In the event of "substantial risk of imminent sexual abuse" all staff resonated any or all of the following actions would be taken: separation, additional monitoring, new housing and programming assignments, possible transfer of the alleged abuser, ongoing assessment and reassessment, and a provision of emotional support services. These events would take place "immediately".

There were no incidents of a resident/inmate presenting as in substantial risk of imminent sexual abuse over the past year.

§ 115.263 Reporting to other confinement facilities.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

If Bismarck Transition Center staff receives information that a resident/inmate was abused in any manner while confined in another facility they will immediately report it to the Program Administrator. The Program Administrator will then notify the head of the facility or the appropriate office of the facility where the alleged abuse occurred as soon as possible, but no later than seventy-two (72) hours after receiving the allegation of abuse.

The Program Administrator will document the time and date of receipt of information as well as contacts, or attempted contacts.

Interviews with the Program Administrator, PREA Compliance Officer Manager, and a PREA Sexual Abuse Investigator indicated BTC received one notification regarding an allegation made by a former BTC resident. This allegation was investigated and concluded as unfounded.

Within the past year, there were no reports made by BTC residents/inmates regarding their placements at former correction institutional placements.

§ 115.264 Staff first responder duties.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Bismarck Transition Center has developed a comprehensive "first responder duties" policy and trains regarding procedures.

In addition to the comprehensive policy, BTC also provides a PREA Incident Checklist which was recently updated to include 120 hour evidence collection time frames, and posted in each Resident Assistant control center.

A Coordinated Response Flow Chart is an integral part of staff training.

As verbalized in a random sample of staff interviews, and clearly indicated in BTC/STOP staff Standard Operating Procedures 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:

- (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 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

(4) If the abuse occurred within a time period that still allows for the collection of physical evidence, (120 hours), 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.

Through ongoing quarterly PREA training, non-direct care staff received clarification of their expected “first response” which is, as a non-direct care staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and then notify Resident Assistant staff.

There have been no incidents requiring “first response” by any staff, or allegations of resident/inmate sexual abuse at BTC in the last 12 months.

§ 115.265 Coordinated response.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Bismarck Transition Center has developed a creative written and visual institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

The Coordinated Response Flow Chart uses shading, design, bulleting and categories of action which are clearly identified by the various disciplines which include staff. The diagram is in the shape of an arrow, implying guided direction throughout the coordinated response, beginning with the first responder and ending with a formal review of the sexual abuse incident.

These diagrams are utilized in staff training, and are strategically posted throughout the facility as a visual reference to staff, and another prevention/education tool for residents/inmates.

§ 115.266 Preservation of ability to protect residents from contact with abusers.

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

***Not Applicable**

Bismarck Transition Center does not have collective bargaining agreements as verified in the interview with the Agency Head.

§ 115.267 Agency protection against retaliation.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Bismarck Transition Center has established policies to protect all residents/inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents/inmates or staff; however, there is some confusion between written policy, day-to-day operation as evidenced in interviews, and documentation provided.

Currently, BTC's policies are as follows:

Retaliation against offenders, employees, or other parties, for reporting or cooperating with an investigation of sexual misconduct shall not be tolerated. Residents/inmates or staff members who retaliate shall face disciplinary action. Staff and residents/inmates who fear retaliation can speak to a community mental health professional. Alternative protection against retaliation may include moving a resident/inmate to another dormitory or to another facility if deemed necessary by the Administrator.

The Administrator, or his designee, shall monitor the conduct or treatment of resident/inmate and staff for a minimum of ninety (90) days after a report of abuse has been made, to ensure that retaliatory behavior towards those individuals is not occurring. This includes monitoring resident/inmate incident reports, housing changes, program changes, and negative performance of staff.

Various forms of documentation will be used to communicate concerns to include (emails, shift summary entries, administrative memos, staff directives etc...)

The Administrator may elect to continue monitoring beyond ninety (90) days to ensure safety and security of resident/inmates and staff.

BTC's PREA policy 14-7 was updated with the following required additions:

§ 115.267 (a)-2. The Administrator, or his designee, is in charge of monitoring for possible retaliation. The victim and/or aggressor's Case Manager shall be primarily responsible for monitoring for retaliation through periodic status checks. During the nightshift, weekends, and on all holidays, the Resident Assistant Shift Supervisor shall be responsible for monitoring for retaliation.

§ 115.267 (d), in the case of residents/inmates, such monitoring shall also include periodic status checks.

§ 115.267 (e), regarding other individuals who may have cooperated with the investigation.

§ 115.267 (f), regarding the agency's obligation to monitor may terminate based on a finding the allegation(s) are unfounded;

There were no residents/inmates who reported sexual abuse placed at BTC at the time of the on-site audit. I did review documented periodic status checks of a female resident who reported sexual harassment after the PREA audit on-site visit. The periodic status checks were completed by the resident's Case Manager, and forwarded to the Program Administrator for review.

There were no reported incidents of retaliation against reporters by residents/inmates or staff in the past 12 months.

§ 115.271 Criminal and administrative agency investigations.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Bismarck Transition Center conducts only administrative investigations, referring criminal investigations to the Bismarck Police Department.

BTC's PREA policy 14-8 was amended to reflect only investigators who have received special training in sexual abuse investigations pursuant to 115. 234 may be utilized by the agency. A former law enforcement officer, who is a Resident Assistant Supervisor, and coordinates the 24/7, UA and Drug Patch programs had completed the Specialized Investigator training through the PREA Resource Center. The STOP unit supervisor, also a former law enforcement officer completed the Specialized Investigator training regarding Sexual Abuse in Confinement Settings by participating in ND DOCR training. These two individuals will be completing the administrative investigations at BTC/STOP.

In addition, to promote further understanding of, and support the unique process of sexual abuse investigations, the agency-wide PREA Coordinator, Program Administrator, and PREA Compliance Manager all completed the Specialized Investigator training through the National PREA Resource Center as recommended.

Reviews of three administrative investigations prior to the on-site PREA audit, and one administrative investigation which occurred during the corrective action period indicated all allegations are investigated promptly, thoroughly, and objectively. Investigation materials indicate the investigator knows and uses Garrity when appropriate, and it was clear an effort was made to determine whether staff actions or failures to act contributed to the allegations.

§ 115.271 (j) was added to BTC's PREA policy indicating the departure of the alleged abuser or victim from the employment of control of the facility or agency shall not provide a basis for terminating the investigation.

If an allegation appears to be at all criminal in nature, an immediate referral is made to the Bismarck Police Department for investigation. In the event a criminal investigation is being conducted by the Bismarck Police Department, the PREA Compliance Manager of BTC and the PREA Sexual Abuse Investigators are committed to act as liaisons and make efforts to remain informed of progress regarding the investigation.

Investigation information demonstrates credibility assessments are made on a case-by-case basis and no polygraph or other truth-verification equipment or technology is used.

Documentation which supports the agency retains all written reports pertaining to the administrative or criminal investigation (if provided criminal investigative reports) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years, was reviewed.

§ 115.272 Evidentiary standards for administrative investigations.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Interviews with the Program Administrator, PREA Compliance Manager, and PREA Sexual Abuse Investigator, as well as a review of 4 investigations support BTC does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

§ 115.273 Reporting to residents.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Any resident/inmate who makes an allegation, resulting in an administrative investigation, that he or she suffered sexual abuse while residing at the center shall be informed, verbally or in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

Following an administrative or criminal investigation by another entity into a resident/inmate's allegations of abuse, sexual abuse, or harassment in the center, the Administrator shall request relevant information from the investigating agency in order to inform the resident/inmate, verbally or in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

For substantiated allegations that a staff member has committed sexual abuse against a resident/inmate the Administrator shall provide, verbally or in writing, the victimized resident/inmate with the following information:

a. The staff member is no longer posted within the resident/inmate's unit; b. The staff member is no longer employed by BTC or CCCS, Inc.; c. The staff member has been indicted on a criminal charge related to sexual abuse within the facility; or d. The staff member has been convicted of a criminal charge related to sexual abuse within the facility.

All notifications shall be documented in the resident/inmate's file and a copy shall be maintained in the Administrator's office.

For substantiated allegations of a resident/inmate's sexual abuse by another resident/inmate the Administrator shall provide, verbally or in writing, the victimized resident/inmate with the following information:

a. When or if the alleged abuser has been indicted on or charged with a criminal offense related to sexual abuse within the center. b. When or if the alleged abuser has been convicted of a criminal offense related to sexual abuse within the center.

The aforementioned policies and procedures were acknowledged in interviews of the Program Administrator, the PREA Sexual Abuse Investigator/RA Supervisor, and the PREA Compliance Manager. Implementation was evidenced by documentation, of two resident reporters' notifications of the outcomes of administrative investigations on a form entitled, "Resident/Inmate Investigation Outcome Notification", including the most recent substantiated allegations of sexual harassment against a staff member, who is no longer working in the reporters' unit.

§ 115.271 (j) was added to BTC's PREA policy indicating the departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating the investigation.

There have been no criminal investigations at Bismarck Transition Center.

There were no residents who reported sexual abuse placed at BTC during the time of the on-site visit.

§ 115.276 Disciplinary sanctions for staff.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Staff shall be subject to disciplinary sanctions up to and including termination for violating center sexual abuse or sexual harassment policies.

Disciplinary sanctions for violation of center policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be 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. BTC shall calculate and track the number of staff who has been disciplined, short of termination, for violation of the center's sexual abuse or sexual harassment policies.

All terminations for violations of center sexual abuse or sexual harassment policies, or resignations by staff that would have been terminated if not for their resignation, shall be reported to the Bismarck Police Department, unless the activity was clearly not criminal. BTC

shall document, calculate and track the number of staff who has been disciplined, short of termination, for violation of the center's sexual abuse or sexual harassment policies.

BTC PREA policy 14-9 was updated to reflect the requirement of §115.276 (d) , which is in addition to notification to law enforcement, notification is required to any relevant licensing bodies.

No BTC employees have been terminated (or resigned prior to termination) for violating agency sexual abuse or sexual harassment policies in the past 12 months.

One employee has been disciplined, short of termination for violation of said policies, in the past 12 months. The employee was placed on a Performance Plan for a 12 month period, receiving monthly evaluations for the 6 months of the plan. If he achieves an overall satisfactory rating in all categories during the first 6 months, he will then be evaluated every other month for the duration of the Performance Plan. Documented discipline included time off without pay, a permanent reassignment of unit placement (STOP), retraining on PREA policies and procedures, a prohibition entering the female unit, supervising, or communicating with female residents, and a written statement from Community, Counseling, Correctional Services, Inc., that he would not be eligible for promotion within this agency.

§ 115.277 Corrective action for contractors and volunteers.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Corrective Action for Contractors and Volunteers: Any sexual contact or sexual harassment between contract personnel and resident/inmate, or volunteer and resident/inmate regardless of consensual status, is prohibited, and subject to administrative disciplinary and criminal sanctions.

Any contractor or volunteer who engages in sexual abuse shall be immediately prohibited from having any further contact with residents/inmates and shall be reported to the Bismarck Police Department, unless the activity was clearly not criminal.

The center shall take appropriate remedial measures, and shall consider whether to prohibit further contact with residents/inmates, in the case of any other violation of center sexual abuse or sexual harassment policies by a contractor or volunteer.

Interviews with volunteers confirmed the PREA training they have received included being informed of possible corrective action.

No allegations were made towards volunteers or contractors in the past 12 months.

§ 115.278 Disciplinary sanctions for residents.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Bismarck Transition Center's PREA policy 14-9 states residents/inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the resident/inmate engaged in resident-on-resident (inmate-on-inmate) sexual abuse, or following a criminal finding of guilt for resident-on-resident (inmate-on-inmate) sexual abuse, the disciplinary sanctions shall take into consideration the following:

a. The nature and circumstances of the abuse committed, the resident/inmate's disciplinary history, and the sanctions imposed for comparable offenses by other residents/inmates with similar histories. b. Whether the resident/inmate's mental disabilities or mental illness contributed to their behavior when determining what type of sanction, if any, should be imposed.

The center may offer interventions designed to address and correct underlying reasons or motivations for the abuse and may consider whether to require the offending resident/inmate to participate in these interventions as a condition of access to any type of behavior based programming, but not to general programming or education.

The center may discipline a resident/inmate for sexual contact with staff if it is found that the staff member did not consent to the contact.

The center prohibits disciplinary action if a report was made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation.

BTC prohibits all sexual activity between residents/inmates and will discipline residents/inmates for such activity. If it is deemed that the sexual activity was coerced it shall be considered as sexual abuse.

The aforementioned policies are evident in the BTC/STOP Resident/Inmate Handbook, BTC/STOP resident/inmate training form, and BTC/STOP Resident training curriculum.

There were no residents/inmates who have been disciplined because of PREA allegations in the past 12 months.

§ 115.282 Access to emergency medical and mental health services.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Resident/inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.

Bismarck Transition Center's first responder policy clearly outlines all victims of sexual abuse have access to forensic medical examinations at one of two medical centers: Sanford Health or St. Alexius in Bismarck, ND, without financial cost, when evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFE) or Sexual Assault Nurse Examiners (SANE). Both of these medical centers participate in the local Bismarck Sexual Assault Nurse Examiners (SANE) program, which is directly supported by the Abused Adult Resource Center.

In addition to the emergency medical resources available to BTC residents, timely referrals will be made to emergency mental health staff at both of the aforementioned medical institutions, which has inpatient and outpatient psychiatric units, and through West Central Human Service Center in Bismarck, ND.

Bismarck Transition Center staff first responders will take preliminary steps to protect the victim pursuant to § 115.262 and shall immediately notify the appropriate medical and mental health practitioners, according to outlined coordinated response. BTC does not employ medical and/or mental health staff.

Resident/inmate victims of sexual abuse while incarcerated shall be offered timely information about, and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate upon referral to the aforementioned medical providers at no cost to the victim, regardless whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Interviews with residential/direct care staff and non-residential/direct care staff, First Responders, Program Administrator, and PREA Compliance Manager support current policy and procedure.

There were no residents/inmates who reported sexual abuse at BTC at the time of the on-site audit.

§ 115.283 Ongoing medical and mental health care for sexual abuse victims and abusers.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Bismarck Transition Center offers medical and mental health evaluation and, as appropriate, treatment to all residents/inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility through community referrals.

In addition, the evaluation and treatment of such victims shall include as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in other facilities, or their release from custody, as evidenced in release plans and probation and parole plans if appropriate.

BTC provides such victims with medical and mental health services consistent with the community level of care.

BTC PREA policy 14-10 states resident/inmate victims of sexually abusive vaginal penetration while incarcerated will be offered pregnancy tests, and if pregnancy results from conduct specified in paragraph (d) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

PREA policy 14-10 indicates resident/inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate, and treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Interviews with Case Managers, the Case Management Supervisor, Program Administrator and PREA Compliance Manager support current policy and procedure. Secondary documentation regarding referrals, timeliness of referrals and provision of services are the responsibility of the Case Managers overseen by the Case Management Supervisor and PREA Compliance Manager.

The center shall arrange a mental health evaluation of all known resident-on-resident (inmate – on-inmate) sexual abusers within sixty (60) days of learning of such abuse history and offers access to treatment when deemed appropriate by mental health practitioners.

There were no residents/inmates who reported sexual abuse, or were identified as sexual abusers at BTC at the time of the on-site audit.

§ 115.286 Sexual abuse incident reviews.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

Sexual Abuse Incident Reviews: According to Bismarck Transition Center's PREA policy 14-11, BTC will conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including when the allegation has not been substantiated, unless the allegation has been determined to be unfounded.

The review shall ordinarily occur within thirty (30) days of the conclusion of the investigation.

The review team will include the Program Administrator, PREA Compliance Manager, Chief of Security, Shift Supervisor, and Case Manager, but will also allow for input from investigators, the contracting agency, and medical or mental health practitioners. Depending on the dynamics of the investigation and findings, the agency-wide PREA Coordinator may be involved in the initial review as well.

The review team shall consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status, or gang affiliation, or was motivated or otherwise caused by other group dynamics at the facility; examining the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; assessing the adequacy of staffing levels in that area during different shifts; assessing whether monitoring technology should be deployed or augmented to supplement supervision by staff; and the facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

The facility prepares a report of its findings from sexual abuse incident reviews, including but not necessarily limited to determinations made regarding the above stated variables, and any recommendations for improvement, and submits such report to the Agency Head, PREA Coordinator, Program Administrator and PREA Compliance Manager.

I was provided with a form entitled, Sexual Incident Review which contains the aforementioned components. I was able to review one previous completed version of the form during the on-site audit regarding a 2014 administrative investigation, and another Sexual Incident Review form during the corrective action period regarding substantiated allegations of sexual harassment by an employee of BTC.

Since the on-site audit, an administrative investigation has taken place involving substantiated allegations of sexual harassment by an employee of BTC.

§ 115.287 Data collection.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

According to Bismarck Transition Center's PREA policy 14-11, BTC shall collect accurate, uniform data for every allegation of sexual abuse at the facility using the Sexual Assault Incident Review and a set of definitions (PREA Standard §115.287(a)/(c)-1).

This standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice.

BTC shall aggregate the incident-based sexual abuse data annually.

BTC shall collect, maintain and review data as needed from all available incident-based documents, including incident reports, monthly reports, investigations files, and sexual abuse incident reviews.

The Program Administrator or his designee shall prepare, approve, and report this data to the Department of Justice and the Agency's PREA Coordinator at least annually, and as requested to the DOCR in a timely manner.

It should be noted the Program Administrator submits a comprehensive monthly report to the Agency Head and PREA Coordinator which is based on statistical information.

§ 115.288 Data review for corrective action.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Does Not Meet Standard (requires corrective action)

Not Applicable

According to Bismarck Transition Center's PREA policy 14-11, BTC shall review data collected and aggregated pursuant to Data Collection (PREA Standard §115.287) in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies, and training, including: identifying problem areas; taking corrective action on an ongoing basis; and preparing an annual report of its findings from its data review and any corrective actions.

BTC's annual report shall be approved by the Program Administrator, will provide an assessment of the center's progress in addressing sexual abuse, and shall include a comparison of the current year's data and corrective actions with those from prior years.

Upon Program Administrator approval, annual reports shall be distributed and approved by the Agency Head, CCCS PREA Coordinator and all other relevant stakeholders.

BTC shall publish the yearly reports of aggregated sexual abuse on its website, www.cccscorp.com/btc.htm, at least annually.

When BTC redacts material from its annual report for publication, the redactions are limited to specific materials where publication would present a clear and specific threat to the safety and security of the center. BTC will indicate the nature of the material redacted.

According to current policy and interviews with the Agency Head, agency-wide PREA Coordinator, Program Administrator, and PREA Compliance Manager, the Agency Head is provided with monthly reports along with PREA annual reports.

I was able to review many samples of statistical monthly reports authored by the Program Administrator, and the PREA Standards Yearly Reports regarding data gathered for 2013 and 2014. These reports are available for public viewing at www.cccscorp.com/btc.htm, since late March, 2015.

§ 115.289 Data storage, publication, and destruction.

Exceeds Standard (substantially exceeds requirement of standard)

***Meets Standard (substantially compliance; complies in all material ways with the standard for the relevant review period)**

Not Applicable

Bismarck Transition Center ensures all sexual abuse or sexual assault incident-based and aggregate data is securely retained electronically and in written format.

BTC shall make the aggregated sexual abuse data readily available to the public at least annually through its website, www.cccscorp.com/btc.htm, in late March, 2015.


If the yearly reports are not published on the website, according to BTC PREA policy, the agency makes it available through other means.

All personal identifiers will be removed prior to making the aggregated sexual abuse data publicly available.

For at least ten (10) years and also in accordance with North Dakota statute (Open Records Law) BTC shall retain and maintain sexual abuse data including: a. Incident and investigative reports; b. Resident information; c. Case disposition; d. Medical and counseling findings; and e. Recommendations for post-release treatment and/or counseling.

AUDITOR CERTIFICATION:

The auditor certifies that the contents of the report are accurate to the best of his/her knowledge and no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.



Auditor Signature



Date