



Southwest Multi-County Correction Center

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□ Dickinson Adult Detention Center

□ Dakota Women's Correctional Rehab Center

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Annual Prison Rape Elimination Act Report: 2013

PREA Standard §115.87 requires data be collected and aggregated on sexual abuse, sexual assault and sexual harassment. PREA Standard §115.88 requires the facility to review data collected and produce an annual report. In addition, the U.S. Bureau of Justice Statistics (BJS) requires correctional agencies to collect and report detailed information regarding the sexual victimization of inmates. This report covers information submitted to the BJS for the Survey of Sexual Violence (SSV).

This report does not include comparisons to data from the prior year, as this is the first report completed by SWMCCC/DADC. The scope of this report provides a review of the incident-based and aggregate data collected for beginning **January 1, 2013**, and ending **December 31, 2013**.

The following are **standardized definitions** offered by the Prison Rape Elimination Act. This ensures everyone is using the same language, and has the same understandings of key terms.

Sexual abuse includes:

(1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and

(2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

(1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

(2) Contact between the mouth and the penis, vulva, or anus;

(3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and

(4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above.
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- (8) Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual harassment includes—

- (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Substantiated allegation means an allegation that was investigated and determined to have occurred.

Unfounded allegation means an allegation that was investigated and determined not to have occurred.

Unsubstantiated allegation means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Southwest Multi-County Correction Center/Dickinson Adult Detention Center has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of 2013.

Dickinson Adult Detention Center (Jail): 2013

Inmate Allegations Made Towards Staff in 2013:

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

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (2) Unfounded; involving male staff and female inmate.

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

Inmate Allegations Made Towards Inmates in 2013:

Sexual Abuse: (0) Unsubstantiated involving male inmates (0) Substantiated involving male inmates (2) Unfounded regarding male inmates

Sexual Harassment: (2) Unsubstantiated involving male inmates (3) Substantiated involving male inmates (0) Unfounded.

While SWMCCC has had a PREA policy in place for years, SWMCCC/DADC was awarded a competitive grant in March of 2013 from the Bureau of Justice Assistance to establish “zero tolerance” cultures for sexual abuse in local adult and juvenile detention facilities.

SWMCCC administration embraced PREA as preventative, proactive and part of “Best Practices” of corrections.

The following is a report of accomplishments achieved by SWMCCC/DADC dated December 31, 2013 in an effort to improve SWMCCC/DADC’s PREA implementation. This report was a requirement of the BJA grant.

ACCOMPLISHMENTS:

Prevention Planning:

PREA Coordinator oversees the provision of monthly, interactive education groups regarding STD/HIV education by medical staff from Region VIII Community Action Partnership. Separate, gender specific groups are provided. Free, confidential screenings and tests for infectious diseases and STDs, as well as community referrals are provided. This program has proven to be so successful, Community Action considers SWMCCC as "satellite clinic", in the interest of public health and safety. The inmates have shown a tremendous response to this part of their comprehensive PREA education program.

PREA Coordinator has shadowed multiple security staff performing the actual process of inmate booking and orientation in all facilities in order to offer continuous education, support, and immediate feedback regarding the completion of the PREA Questionnaire (SWMCCC's vulnerability/aggression screening tool). The direct and indirect involvement of the PREA coordinator provides an over view of the implementation of policies and procedures, especially noting if accommodations are being made to effectively convey all written information regarding PREA, including how to report sexual abuse, verbally offering the information to inmates who have limited reading skills, limited understanding of the English language, low functioning or are hearing or visually impaired.

PREA Coordinator currently reviews every PREA Intake and Questionnaire sheet, emailing issues of concerns, and tracking corrections in policy and procedure to ensure the integrity of the screening process as a whole. SWMCCC Medical department serves as a back-up to the PREA Coordinator in the PREA Coordinator's absence.

PREA Coordinator attended monthly shift captain (senior security) meetings to address any concerns about PREA implementation.

PREA Coordinator continues to update and strengthen SWMCCC's list of approved community language interpreters and acquire individual(s) who are fluent in sign language.

PREA Coordinator will provide periodic refresher information to all inmates to ensure they are aware of SWMCCC's most current sexual abuse policies and procedures. SWMCCC will provide inmate education in formats accessible to all inmates, including those who are LEP, deaf, visually impaired, or otherwise disabled as well as inmates who have limited reading skills. Documentation will be maintained of inmate participation in these education sessions.

Background checks of all staff, volunteers, and contractors are complete using the federal process of Triple I (III). Policy in place indicating a Triple I (III) will be done prior to promotion, or every 5 years on all staff, volunteers and contractors, unless a situation or information is obtained that warrants concern. At time of an employee's annual evaluation, the employee will be required to produce a current licensure or certification if related to one's job duties.

SWMCCC administrative team has reviewed, and updated the staffing plan to accommodate changes due to inmate population increase, inmate gender increase, or decrease, PREA best practices and staff leave issues.

SWMCCC administration has had an interdisciplinary review team conduct health and safety assessments in all SWMCCC facilities, focusing on physical plan considerations, and the environmental aspects of the living units, reviewed, and taken action on findings. Documents of compliance and satisfactory standards for the year of 2013 are in place from the following entities: ND Department of Correction and Rehabilitation, South Western Health District Unit/ND Department of Health License, United States Probation and Pretrial Services Office, and the Federal Bureau of Prisons. SWMCCC is up to date regarding the following requirements: Current Fire Marshal inspections, pre-engineered restaurant fire suppression systems, fire extinguisher inspection, sprinkler system inspection, inspection of hard wired smoke alarm system, boiler inspections, fire drills, safety/sanitation, health/food service inspection, approved menu by a registered dietician, and pest inspections.

SWMCCC Operations Administrator and Deputy Operations Administrator attended the second North Dakota Jail Administrator's Conference in Bismarck, ND, in October, 2013, and shared our mission, goals and objectives, as well as consulted with other correction agencies regarding PREA compliance and implementation.

SWMCCC administration, Chief of Security and shift captains have assessed, and documented, the feasibility of, and need for new or additional cost effective and appropriate monitoring technology to supplement its sexual abuse prevention, detection, and response efforts.

SWMCCC's PREA policies and procedures remain fluid because gains in education and training demand constant review, updates and revisions. SWMCCC is striving to have congruence in policy, procedure, and practice. SWMCCC PREA administration team, which meets once per week for formal PREA meetings is using the following publications to further revise policies, challenge SWMCCC current procedure, and cross check our practices: *Recommendations for Administrators of Prisons, Jails, and Community Confinement Facilities for Adapting the U.S. Department of Justice's, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents"*. *Victim Responses to Sexual Assault: Counterintuitive or Simply Adaptive?*, published by the Office on Violence against Women. *Policy Review and Development Guide for "Lesbian, Gay, Bisexual, Transgender, and Intersex Persons in Custodial Settings"*, published by National Institute of Corrections. *Screening for Risk of Sexual Victimization and for Abusiveness: Guidelines for Administering Screening Instruments and Using the Information to Inform Housing Decisions*. SWMCCC has consulted with MN DOC, and the Project on Addressing Prison Rape, and has reviewed forms, and policies and procedures provided.

Responsive Planning:

PREA Coordinator, Investigation Captain, and SWMCCC Training Captain revised and updated SWMCCC's first-response protocols to ensure a coordinated, victim-centered response while simultaneously managing the investigations. The first responder protocols are on the SWMCCC intranet in PREA policies, in the emergency binder in the control room, and have been presented at (4) captain's meetings, and the First Responder Duties and Trauma & Victim Response staff trainings for discussion, and distribution.

Our SWMCCC Medical Services Director who completed SANE training in August, 2013, is in the process of completing her practicum through Sanford Health Clinic here in Dickinson, and will be traveling to Bismarck, ND as she seeks her licensure. We continue the process of negotiating with our local emergency room, and will be securing written agreements of understanding with local medical providers, and St. Joseph's Hospital.

Training and Education:

PREA Coordinator attends the monthly SWMCCC Captain's meetings; Captain meetings occurred on October 23, November 20, and December 18, 2013.

PREA Coordinator and SWMCCC training officer have completed updating, and revising the basic PREA 101 training curriculum for new staff, contractors, and volunteers at SWMCCC in October, 2013. These individuals are required to take a pre and post test, which includes a signature acknowledging their understanding of the PREA training. The signed post test becomes a part of their personnel file.

SWMCCC entered into a verbal agreement to share PREA training options, and ongoing monthly consultation regarding PREA development with Dakota Women's Correctional Rehab Center in New England, ND. DWCR is the women's prison for the State of ND. PREA consultation between the (2) agencies occurred on October 21, 2013. Administrators and both PREA Coordinators were in attendance.

SWMCCC PREA administration team comprised of facility Operation's Administrator, Medical Services Director, and PREA Coordinator attended a training sponsored by the National PREA Resource Center in collaboration with The Project on Addressing Prison Rape on Gender Responsive Strategies Working in Female Correctional Facilities, and Inmate Culture and the Dynamics of Sexual abuse on October 9, 2013 at Dakota Women's Correctional and Rehab Center in New England, ND.

SWMCCC Sexual Misconduct hand out was created, and distributed to (72) inmates on November 20, 2013. This resulted in an inmate reporting PREA allegations regarding another inmate.

PREA Coordinator applied for Technical Assistance through the Moss Group for "Victim Centered" Investigation Training in November, 2013, for local law enforcement, including Dickinson Police Department, Stark County Sherriff's Department, and ND Bureau of Criminal Investigation. On November 26, 2013, SWMCCC PREA Coordinator was notified by David Gasper that SWMCCC's Technical Assistance request was accepted for the Investigator Training; however, we have since been notified that due to budget cuts, SWMCCC would not be receiving the technical assistance, but was encouraged to utilize the curricula available on the E – NIC learning courses on the National PREA Resource page.

The First Responder Duties sheet [115.64] was finalized after (6) formal revisions, and placed in the PREA policies, the emergency binder in the control room, and was presented as a basis for the SWMCCC staff training, entitled, First Responder Duties and Trauma & Victim Response. (18) SWMCCC staff members were trained at SWMCCC in Dickinson, ND on December 4, 2013, and (15) SWMCCC staff members were trained on December 11, 2013. The First Responder Duties and Trauma & Victim Response training, along with the PREA 101 training are part of SWMCCC new staff training and orientation rotation.

On November 14, 2013, PREA Coordinator attended a (3) hour training provided by Officer Grant Snyder of the MN Police Department, Crimes against Children Unit, on Sex Trafficking Investigations. The training highlighted the concept of "Victim-Centered" investigations, and acknowledged the deep impact of trauma on victim response. The training was provided in Dickinson, ND through the support of Southwest Crime Conference.

Region VIII Community Action continues to offer STD, and infectious blood born disease testing, and education regarding healthy sexuality to our inmates as part of our comprehensive PREA inmate education program. SWMCCC is an acknowledged satellite clinic of Region VIII Community Action. Region VIII Community Action offered PREA education clinics on October 3, 2013, and November 19, 2013, with the SWMCCC PREA Coordinator in attendance.

Screening for Risk of Sexual Victimization and Abusiveness:

PREA Coordinator, nursing, or Chaplain meet with identified high risk inmates within one week of being placed in general population for an individual, or group review PREA orientation to ensure understanding of PREA information, and may take this opportunity to reassess risk factors. This will occur within the jail, and community corrections facilities.

PREA Coordinator revised the PREA Questionnaire and Intake Questions sheet, which is the SWMCCC vulnerability and aggression propensity instrument to include criteria for "vulnerable adults".

SWMCCC's PREA Intake and Questionnaire (our vulnerability and propensity towards aggression tool) has been revised at least (4) times since September, 2013. SWMCCC's vulnerability and propensity towards aggression tool has been shared with the ND DOCR.

PREA Coordinator will ensure the privacy of the sensitive information gathered in the vulnerability/propensity towards aggression assessment, in terms of limitation of access, safe storage, and discard when appropriate.

PREA Coordinator has developed a system of data retention regarding investigation files, and the sensitive data gleaned from the vulnerability/propensity towards aggression assessments.

SWMCCC has purchased technical assistance in designing and updating a new website. Information regarding PREA and third-party reporting is present on the web site.

Reporting:

SWMCCC administration, Chief of Security and PREA Coordinator has finalized investigative protocol with local and state law enforcement agencies.

SWMCCC's website <http://www.swmccc.com> hosts a PREA tab, which explains the Prison Rape Elimination Act, and offers information about third-party reporting. We are experiencing some technical problems with our website, so only basic information has been able to be successfully added.

Official Response Following an Inmate Report:

As proof SWMCCC culture is changing, inmates have been reporting more, and we have been in close

consultation with Steve Engen, Director of Staff Training and Development, Division of Corrections and Rehabilitation, State of ND, who also inspects our facilities. We have reported to many other facilities when inmates report PREA incidents from another facility. We have reported to the receiving agency prior to transfer if one of our inmates has indicated a past PREA concern. We have reported changes in vulnerability or propensity to offend. We have been cooperating with other agencies that may have PREA investigations which are not completed. Documentation has been scrupulous. We are in the process of creating an informative flow chart for any reporter based on the Official Response standards, and plan to provide this to any reporter, and post the flow chart on our web site as well.

Investigations:

We are doing investigations, as inmates are reporting more, having completed (4) PREA investigations in 2013. Regarding sexual harassment, investigators found (4) allegations were substantiated, (3) allegations unsubstantiated, and (6) allegations unfounded. Regarding sexual abuse, investigators found (2) allegations unfounded. All PREA allegations and investigations involved inmate on inmate dynamics.

SWMCCC PREA Coordinator and SWMCCC administrative staff met with the lead investigator of Stark County Sheriff's Department, and the lead investigator of Dickinson Police Department to begin discussions to formulate MOU's, and the provision of Specialized "Victim-Centered" Investigation Training, on October 15, 2013. Staff from the ND Bureau of Investigation was not able to be at the meeting, but the information was communicated to their agency at a later date. The curriculum for the Specialized Investigation Training which has been developed by The Moss Group, Inc. was presented to Steve Engen of ND Department of Correctional Rehabilitation to be audited for post order certification for law enforcement. SWMCCC PREA Coordinator and Administrative Team which included SART participated in a conference call with Coach Cari Gerlicher, regarding approaching local law enforcement about participating in "victim-centered" PREA training and formulating MOUs with local law enforcement agencies on October 11, 2013. This interactive phone call lasted for (1) hour, and (7) SWMCCC staff members participated. Sample MOUs have been acquired from MN Department of Corrections.

Our sexual abuse incident team has reviewed PREA investigations up to the point, and have found a need to further revise the form(s) used for documenting outcome of these (30) day and annual reviews.

SWMCCC Operations Administrator and/or Deputy Operations Administrator attended monthly Southwest Crime Conferences, and updated regional law enforcement agencies on the progress of enhancing SWMCCC's "Zero Tolerance" Culture for Sexual Abuse. This reinforces our partnerships with law enforcement agencies, and also provides education for a "victim-centered" philosophical approach.

Discipline:

SWMCCC Administration received information on Garrity Rights, and Human Resource personnel are researching the applicability to our state. After this process are complete, policies and procedures will be updated, and employees informed.

SWMCCC administration has obtained releases of information and waivers for employees upon retention of employment regarding communication to past employers.

Medical and Mental Care:

PREA Coordinator, nursing staff, and Chaplain provided follow-up support and assessment to inmates who have been identified as high risk through the process of completing the vulnerability/propensity towards aggression assessment.

PREA Coordinator has reassessed inmate vulnerability, or propensity for abusiveness based on many factors. Ongoing therapeutic support is provided individually for inmates who have a history of sexual abuse and/or sexual offending.

SWMCCC administration continues to actively seek grant opportunities from organizations such as Office on Violence against Women for funding regarding the provision of ongoing therapeutic services for victims and offenders (abusers).

Data Collection and Review:

PREA Coordinator is ensuring the sexual abuse review team is collecting accurate, uniform data for every reported incident of sexual abuse using a standardized instrument and set of definitions.

PREA Coordinator has modified the SWMCCC offender data base in an effort to identify and track victims and offenders. Results of reassessment of inmate risk levels based on facility information, transfer or referral will also be entered into the data base. Protective measure will be put in place to protect sensitive data.

PREA Coordinator is in process of revising SWMCCC's Sexual Abuse Incident Review form to include recommended systemic changes, whether or not previous systemic changes were made, whether facility, policy or cultural issues contributed to the PREA incident(s), and attempts at resolution. The form needs to reflect the meetings of SWMCCC's Sexual Abuse Incident Review team, and which cases were reviewed post-investigation, as well as annually. Each allegation of each investigation needs to be processed and represented on the SWMCCC Sexual Abuse Incident Review form. We have received sample forms from ND DOCR, MN DOC, and The Project on Addressing Prison Rape, and are in the process of finalizing our own.

Operations Administrator and PREA Coordinator completed a survey regarding The Project on Addressing Prison Rape and their collaborative work with The National PREA Resource Center in November, 2013

PREA Coordinator has begun the distribution of updated grievance forms, inmate reporting, visitation applications, informed consent, waivers, releases of information as well as other forms needed to comply with documentation and data organization requirements, to the training officer, captains, and appropriate staff. PREA Coordinator will provide examples of correctly completed forms in a form binder, and on the intranet.

Audits:

PREA Coordinator has begun to gather samples of standard compliance, using ACA methods as a general guideline.

The audit tool and handbook are being used in policy and procedure formation, review, and revisions. SWMCCC administrative team continues to meet once per week for PREA administration team meetings. We conduct informal, internal PREA audits, to ensure meeting of outlined goals according to the original, and revised timeline(s).

PREA Coordinator has applied to become a PREA auditor for prisons and jails.

A third quarter overview was completed on November 26, 2013 to ensure progression of completion regarding the proposed timeline of this grant. Operations Administrator, Deputy Operations Administrator, PREA Coordinator, Quality Assurance Coordinator, Chief of Security and Medical Services Director were present. The original PREA Timeline was used as a guide.



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11/14/2014

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10/13/2015

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