



## 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 Songer, Operations Administrator**  
**Adam Jangula, Deputy Operations Administrator**

---

### Annual Prison Rape Elimination Act Report: 2014

This document serves as an annual review to assess and improve the effectiveness of the sexual abuse prevention, detection, and response to the SWMCCC/DADC to national PREA Standards **115.88** and **115.89**. These standards require SWMCCC/DADC to:

1. Review and aggregate incident-based sexual abuse data annually in order to improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training to include:
  - a. Identifying problem areas
  - b. Taking corrective action on an on-going bases; and
  - c. Preparing an annual report of its findings
2. Compare the current year's data and corrective actions with those from prior year's and provide an assessment of the agency's progress in addressing sexual abuse.
3. Publish the annual report on the SWMCCC/DADC website with its finding and Corrective actions.

The scope of this report provides a review of the incident-based and aggregate data collected as required by PREA Standard **115.87** beginning **January 1, 2014**, and ending **December 31, 2014**.

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 has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of 2014.

**Dickinson Adult Detention Center (Jail): 2014**

**Inmate Allegations Made Towards Staff in 2014:**

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (1) Unfounded involving female inmate and unidentified staff.

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

Voyeurism: (0) Unsubstantiated (0) Substantiated (1) Unfounded involving female staff and male inmate.

**Inmate Allegations Made Towards Inmates in 2014:**

Sexual Abuse: (0) Unsubstantiated (1) Substantiated involving male inmates (0) Unfounded

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

**The following is a final report of accomplishments achieved by SWMCCC/DADC dated June 30, 2014. This report was a requirement of the BJA grant.**

ACCOMPLISHMENTS: April – June, 2014

**Prevention Planning:**

It should be noted through clarification of standardized definition, SWMCCC has become aware the observation cells used to hold mentally ill and detoxification individuals are under the umbrellas of adult prisons and jails; therefore SWMCCC does not have an adult lockup facility, and will need to revise policies and procedures.

SWMCCC has video cameras installed in every cell in all facilities. Inmate education materials, such as inmate handbooks, PREA brochures, and PREA comprehensive educational materials have been revised and strongly address privacy concerns, an awareness of the presence of the video monitoring, and suggestions to maximize privacy from staff, and other residents. Further, the DADC Video – Audio Surveillance Equipment policy has been revised in April, 2014.

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 screening and tests for infectious diseases and STDs, as well as community referrals are provided. This program has proven to be so successful, Community Action considered a satellite clinic of Region VIII Community Action. Region VIII Community Action offered PREA education clinics at SWMCCC on April 10, April 17, May 29, June 5 and June 26, 2014.

Beginning with the initial review of the Captains, the PREA Coordinator currently reviews every PREA Intake and Questionnaire sheet, emailing issues of concern, and tracking corrections to ensure the integrity of the screening process as a whole. SWMCCC Medical department and Chaplain serve as a back-up to the PREA Coordinator in the PREA Coordinator's absence. There have been 792 inmates booked in during this past quarter, which means 792 PREA Intake and Questionnaire sheets have been processed, dependent on the willingness of the inmate.

PREA Coordinator attended monthly shift captain (senior security) meetings to address any concerns about PREA implementation. Captain meetings occurred on April 23, May 14, and June 18, 2014.

PREA Coordinator continues to update and strengthen SWMCCC's list of approved community language interpreters, and acquire individual(s) fluent in sign language. A female and male English version of the Zero Tolerance SWMCCC statement has been recorded for those who need assistance reading, as well as a Spanish version. Security staff has also been able to convert the PREA Intake and Questionnaire sheet via language converter computer programs. Security staff has been able to successfully convert the current PREA Intake and Questionnaire sheet into Spanish on three occasions within this quarter.

PREA Coordinator has provided periodic refresher information to all inmates to ensure they are aware of SWMCCC's most current sexual abuse policies and procedures. Documentation has been maintained of inmate participation in these sessions.

Inmate education now consists of (2) phases: intake and comprehensive. Intake consists of the written material provided upon intake in various forms, and meeting the needs of inmates who cannot read, are in need of larger print materials, or are hard of hearing. The comprehensive educational component occurs within (30) days after arrival. The comprehensive education sessions are facilitated by the PREA Coordinator who utilizes the JDI DVD, "What You Need to Know". The comprehensive education sessions have occurred on May 6, May 28, June 4, June 11, June 15, and June 25, 2014.

Background checks of all staff, volunteers, and contractors are completed 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 which 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. Results of Triple I (III) remain in SWMCCC personnel files.

SWMCCC's PREA policies have been continually updated, and remain fluid because of gains in education and training. SWMCCC is striving to have congruence in policy, procedure, and practice. SWMCCC PREA administration team, which meets once per week for formal PREA meetings challenges current policy and procedure by comparing, contrasting and cross checking our practices and procedures.

SWMCCC administration, Chief of Security, and PREA Coordinator have revised the original SWMCCC's staffing plan to ensure the staffing plan provides for adequate levels of staffing, and where applicable, video monitoring to protect residents against sexual abuse. The revision includes a format to document any and all staff deviations.

### **Responsive Planning:**

Our SWMCCC Medical Services Director who completed SANE training in August, 2013, has completed obstetric exams under the supervision of Dr. McMacken at Sanford Health Clinic in Dickinson, ND. Further, she has been instrumental in the formation of a community SART, and is seeking collaboration with the Bismarck, ND SANE Coalition. Two community meetings have occurred on May 22 and June 18, 2014 to move forward with the formation of a SART in the Dickinson, ND area.

### **Training and Education:**

#### **Staff, Contractors, and Volunteers:**

In early April, 2014, (8) staff including the chaplain, a business office staff member, and (7) correction officers completed SWMCCC's First Responder and Victims and Trauma training.

(1) of the (7) correction officers was required to retake the training from March, 2014. This resulted in an expectation of an individual needing to achieve 70% in a post test score in order to successfully complete training.

On April 17, 2014, SWMCCC Administrative Team of (5) individuals participated in a webinar entitled, "The PREA Audit Experience: Lessons Learned from the Southwest Idaho Juvenile Detention Center" PREA in Action webinar.

PREA Coordinator trained (7) senior level security staff members on April 23, 2014 on the revisions to the vulnerability assessments at the SWMCCC captain's meeting, which included reading SWMCCC's Zero Tolerance statement to ALL inmates upon receipt. We also discussed a color coding system to identify vulnerable residents, and those who have a propensity towards aggression.

All SWMCCC staff was required to complete an online (4) hour credit course entitled: PREA: Staff Roles and Responsibilities Under the Prison Rape Elimination Act between May 4-31, 2014.

On May 21, 2014, SWMCCC Administrative Team of (5) individuals participated in a webinar entitled, "Introduction to the Lexipol North Dakota Custody Policy Manual Presentation", which offered options for PREA policies and procedures.

On June 3, 2014, a Inmate PREA Investigator and Acting Captain completed the "PREA: Investigating Sexual Abuse in a Confinement Setting" (3) hour National Institute of Corrections course, as well as the (3) hour American Correctional Association, "PREA: Investigation Protocols" course online. In addition, this Inmate PREA Investigator completed the U.S. Department of Justice, Bureau of Prisons, NIC course entitled, "Investigating Sexual Abuse in a Confinement Setting".

All SWMCCC staff was required to complete an online (1.5) hour credit course entitled: Safe Management of Gay, Lesbian, Bisexual, Transgender, and Intersex Individuals in Corrections between June 4-28, 2014.

On June 10, 2014, SWMCCC Administrative Team of (5) individuals participated in a (3) hour webinar entitled, "Health Reform and Public Safety: New Opportunities, Better Outcomes" to seek sources for funding for ongoing mental health needs of vulnerable residents and those who have a propensity towards aggression.

On June 11, 2014, SWMCCC Chaplain completed the (3) hour online NIC course: "PREA: Behavioral Health Care for Sexual Assault Victims in a Confinement Setting".

On June 26, 2014, SWMCCC Administrative Team of (5) individuals participated in a (1.5) hour webinar entitled, "Cross Gender Supervision and Legal Liability".

PREA Coordinator trained (7) senior level security staff members on May 14, 2014 on the PREA comprehensive education process, and proper use of English and Spanish recordings of SWMCCC Zero Tolerance statements at the monthly SWMCCC captain's meeting.

PREA Coordinator addressed (6) senior level security staff members on June 18, 2014 regarding reoccurring errors in completion and processing of the PREA Intake and Questionnaire sheets, and strategies to reduce errors.

(5) newly hired Correction Officers had (3.5) hours of PREA 101 training this quarter.

(1) newly hired contractor received (3.5) hours of PREA 101 training this quarter.

(5) newly hired Correction Officers had (3) hours of First Responder and Victims and Trauma training in this quarter.

(1) newly hired contractor received (3) hours of First Responder and Victims and Trauma training this quarter.

SWMCCC Administrative team of (5) and the Warden and PREA Coordinator of Dakota Women's Correctional Rehab Center met on May 1, 2014 for (1.5) hours to consult regarding implementation of PREA standards. These (2) agencies also share staff training when appropriate.

PREA Coordinator hosted weekly PREA meetings for (1-1.5) hours each week. PREA meetings are attended by the SWMCCC administrative team, comprised by (5) upper management individuals.

The employee, contractor and volunteer acknowledgement of training and understanding of documented PREA training statement was revised. These signed acknowledgements of PREA understanding will be kept in electronic folders in the main training file.

**Inmate and Resident:**

Through the month of April, 2014, an older version of (2) gender specific PREA DVDs were played through the inmate viewing system once every Saturday evening.

Comprehensive PREA education groups utilizing the Just Detention International's Video: "What You Need to Know", and presented by the PREA Coordinator were held on the following dates to the corresponding number of inmates who attended.

May 6, 2014: (22)

May 28, 2014: (14)

June 4, 2014: (16)

June 11, 2014: (14)

June 15, 2014: (4) Community Confinement

June 25, 2014: (20)

SWMCCC's Community Confinement Case Manager is working closely with the PREA Coordinator regarding inmate education in the Community Confinement facility. PREA orientation needs to be completed before Community Confinement individuals begin actively working in the community.

Region VIII Community Action continues to offer STD, infectious blood borne disease testing, and education regarding healthy sexuality, and high risk behaviors to our inmates as part of our comprehensive PREA inmate education program. PREA education clinics and testing were offered on the following dates to the corresponding number of inmates who attended and chose to be tested.

April 10, 2014: (21) inmates attended education session, (12) inmates tested.

April 17, 2014: (3) inmates completed testing from April 10, 2014 session.

May 29, 2014: (23) inmates attended education session, (18) inmates tested.

June 5, 2014: (15) inmates completed testing from May 29, 2014 session.

June 26, 2014: (15) attended education session, (15 ) tested.

**Screening for Risk of Sexual Victimization and Abusiveness:**

SWMCCC is in the process of using a color-coded sticker identification system to alert Captains who make housing, programming, and movement decisions regarding an individual's vulnerability or at-risk for aggression status. Up to this point, we have been utilizing emailed lists, which is not efficient for quick decisions.

The Prison Rape Elimination Act (PREA) Intake Questions and Assessment Questionnaire has been revised to include a bolded statement about avenues to report. This is required to either be read to the inmate at the time of booking, or a pre-recorded version in English or Spanish in a male or female voice may be played at that time. It is mandatory that SWMCCC's Zero Tolerance statement, and options for reporting are presented orally by the Correction Officers immediately upon booking.



PREA Coordinator, nursing, or Chaplain met with identified high risk inmates within one to two weeks of being placed in general population for an individual, or group review PREA orientation to ensure understanding of PREA information, and reassess risk factors in the jail, and community confinement facilities. An objective Vulnerability Assessment Instrument: Risk of Victimization and/or Sexually Aggressive or Violent Behavior is being administered within (2) weeks of initial identification of vulnerability or at risk to be sexually aggressive.

SWMCCC is committed to re-screening everyone with the objective vulnerability assessment.

PREA Coordinator ensured the privacy of sensitive information gathered in the initial and reassessment of vulnerability/propensity towards aggression tools, in terms of limitation of access, safe storage, and retention.

### **Investigations:**

A reporting culture is developing at SWMCCC, as evidenced by inmate reports. We completed (1) PREA investigation this past quarter regarding unfounded male inmate on male inmate sexual harassment, and (1) PREA investigation this past quarter regarding unfounded female staff on male inmate sexual harassment.

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. A draft of Sexual Abuse Incident Review has been created, and well as (2) draft forms of Notice of PREA Investigation Status. These forms will be finalized and implemented.

SART developed a draft form for review and documentation of outcome of (30) day and annual investigation reviews.

A "Safeguarding of Inmates Alleging Sexual Abuse/Assault Allegation" form has been received and implemented from the U.S. Department of Justice; Federal Bureau of Prisons, and will be utilized regarding SWMCCC's contract residents.

SWMCCC's SART compiled and revised the statistics regarding PREA investigations and results.

(4) SWMCCC Correction Officers have been promoted to PREA Inmate Investigators, and are in the process of acquiring training.

### **Medical and Mental Care:**

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

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

SWMCCC Operations Administrator Doris Songer requested a formal meeting with the Regional Director of Badlands Human Service Center to explore options for therapeutic support for inmates who are victims of sexual abuse, or are sexual offenders, or are at risk. At this time, other than offering a secondary crisis line, staff of Badlands Human Service Center does not serve incarcerated individuals, even if the individuals have an open case file at the Center.

**Data Collection and Review:**

PREA Coordinator has ensured the SART has collected accurate, uniform data for every reported incident of sexual abuse using a standardized instrument and set of definitions. A draft of this form has been created.

PREA Coordinator has created a draft of SWMCCC's SART 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 draft form reflects the meetings of SWMCCC's SART, and which cases were reviewed post-investigation, as well as annually. Each allegation of each investigation is represented.

The SWMCCC PREA reports and results of PREA investigations for (2013) was updated from the January 28, 2014 report due to further clarification of definitions, and posted on the SWMCCC website. Further, this information was sent to the ND Department of Corrections and Rehabilitation.

**Audits:**

PREA Coordinator is a DOJ certified auditor of PREA prisons/jails, community confinement, and juvenile standards.

The Federal Bureau of Prisons (BOP) Residential Reentry Management Branch Prison Rape Elimination Act (PREA) Compliance Tool was completed in June, 2014.

PREA Coordinator continues to gather, and file samples of standard compliance using ACA methods.

PREA Coordinator has contracted through SWMCCC to provide (3) audits in the State of ND between August and November, 2014.

SWMCCC has scheduled an audit for the last week in February, 2015.

*Doris E. Songer*  
Doris E. Songer  
Operations Administrator  
10/13/2015

*[Signature]* Adam Jangula 7  
1/12/2015

*[Vertical Signature]* Ryan A. Wood