

2020 ANNUAL REPORT –PRISON RAPE ELIMINATION ACT

Southwest Multi-County Correction Center



Prison Rape Elimination Act

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Rachelle Juntunen, DWCRW Warden

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Background:

The Prison Rape Elimination Act (PREA) was passed in 2003 with unanimous support from both parties in Congress. The purpose of the act was to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, and recommendations and funding to protect individuals from prison rape.” (Prison Rape Elimination Act, 2003). In addition to creating a mandate for significant research from the Bureau of Justice Statistics and through the National Institute of Justice, funding through the Bureau of Justice Assistance and the National Institute of Corrections supported major efforts in many state correctional, juvenile detention, community corrections, and jail systems.

The act also created the National Prison Rape Elimination Commission and charged it with developing draft standards for the elimination of prison rape. Those standards were published in June 2009, and were turned over to the Department of Justice for review and passage as a final rule. That final rule became effective August 20, 2012.

The PREA Standards and Final Rule can be viewed on the PREA Resource Center’s website. www.prearesourcecenter.org

Purpose:

This document serves as an annual report to assess and improve the effectiveness of sexual abuse prevention, detection, response policies, practices, and training for Southwest Multi-County Correction Center (SWMCCC) divisions pursuant to §115.88 and §115.89 of the national PREA standards. Therein, the SWMCCC is required 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 basis;
 - c. Preparing an annual report of its findings.
2. Compare the current year’s data and corrective actions with those from prior years and provide an assessment of the agency’s progress in addressing sexual abuse.
3. Publish an annual report on the SWMCCC website (swmccc.com) of its findings and corrective actions for each facility as well as for the agency’s progress in addressing sexual abuse.

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Definitions:

The Bureau of Justice provides definitions for the types of PREA allegations made as well as the outcomes of the investigation. The definitions are provided below.

Outcomes of investigations:

Substantiated allegation means the event was investigated and determined to have occurred, based on a preponderance of the evidence.

Unfounded allegation means the investigation determined that the event did not occur.

Unsubstantiated allegation means the investigation concluded that evidence was insufficient to determine whether or not the event occurred.

Definition of Sexual Violence:

Nonconsensual Sexual Acts: is Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and Contact between the penis and the vulva or the penis and the anus including penetration, however slight; or Contact between the mouth and the penis, vulva, or anus; or Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

Abusive Sexual Contacts: is Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

EXCLUDE incidents in which the contact was incidental to a physical altercation.

Sexual Harassment: Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one resident directed toward another.

Staff Sexual Misconduct: Any behavior or act of sexual nature directed toward a resident by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors). Sexual relationships of a romantic nature between staff and residents are included in this definition.

Consensual or nonconsensual sexual acts include— Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or

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gratify sexual desire; or completed, attempted, threatened, or requested sexual acts; or occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Staff Sexual Harassment: Repeated verbal comments or gestures of a sexual nature to a resident by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). Include— demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; or repeated profane or obscene language or gestures.

Staff: include SWMCCC employees, contractors, volunteers, and service providers and any other person providing programming or services to residents.

Southwest Multi-County Center Facilities and Audit Schedule:

Facility	Date of Last Audit	Results of Last Audit	Date of Next Audit
Dakota Women’s Correctional and Rehabilitation Center (DWCRC)	February 2017	Pass - Number of standards exceeded: 11 Number of standards met: 28 Number of standards not met: 0 Number of standards not applicable: 4	DWCRC scheduled May 2020, postponed due to Covid-19, rescheduled for April 2021
Dickinson Adult Detention Center (DADC)	May 2018	Pass- Number of standards exceeded: 8 Number of standards met: 37 Number of standards not met: 0	DADC scheduled May 2021

Full audit reports may be reviewed on www.swmccc.com

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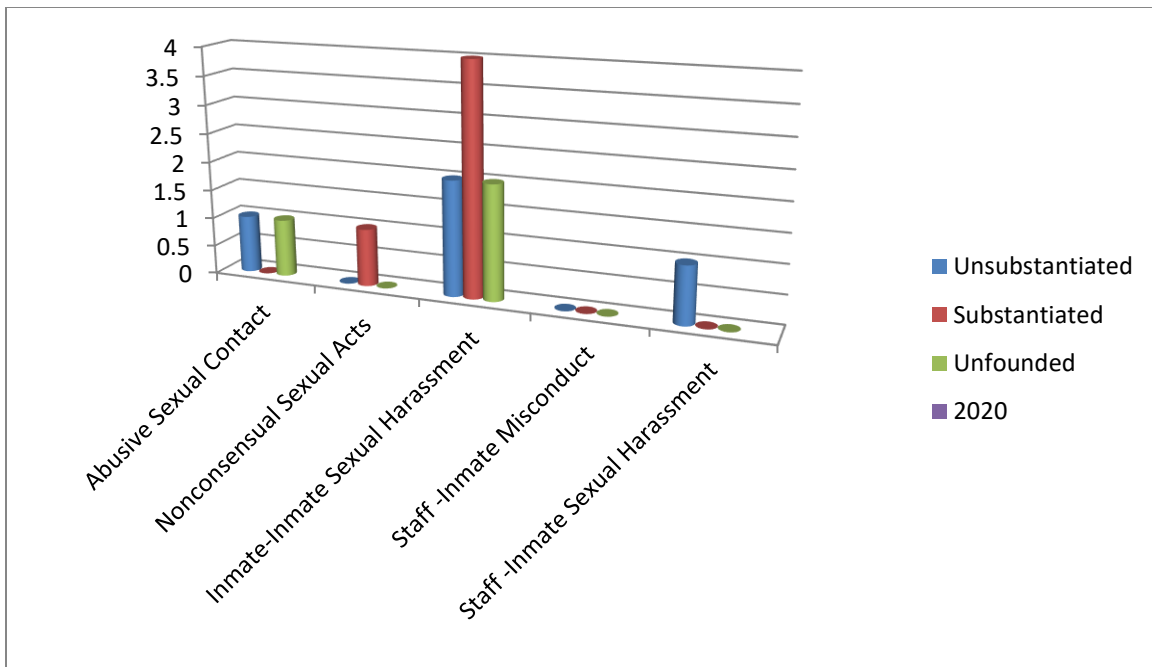
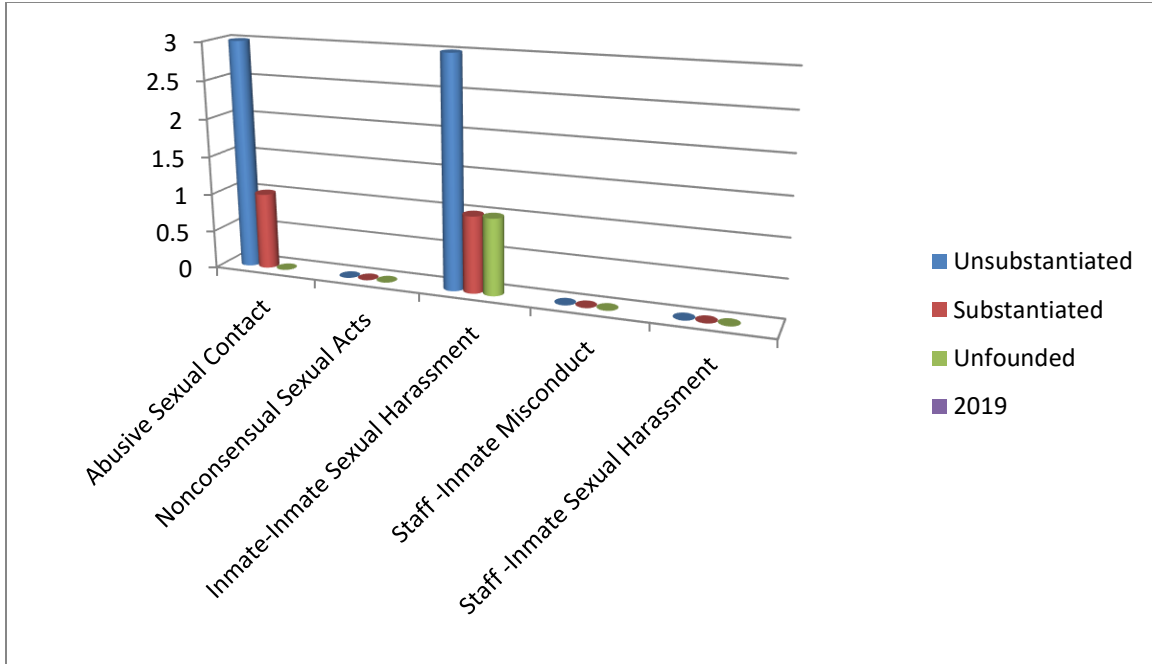
Dakota Women’s Correctional and Rehabilitation Center

Warden: Rachelle Juntunen

PREA Coordinator: Lenore Witte

Population Capacity: 126

Population on 12/31/2020: 84



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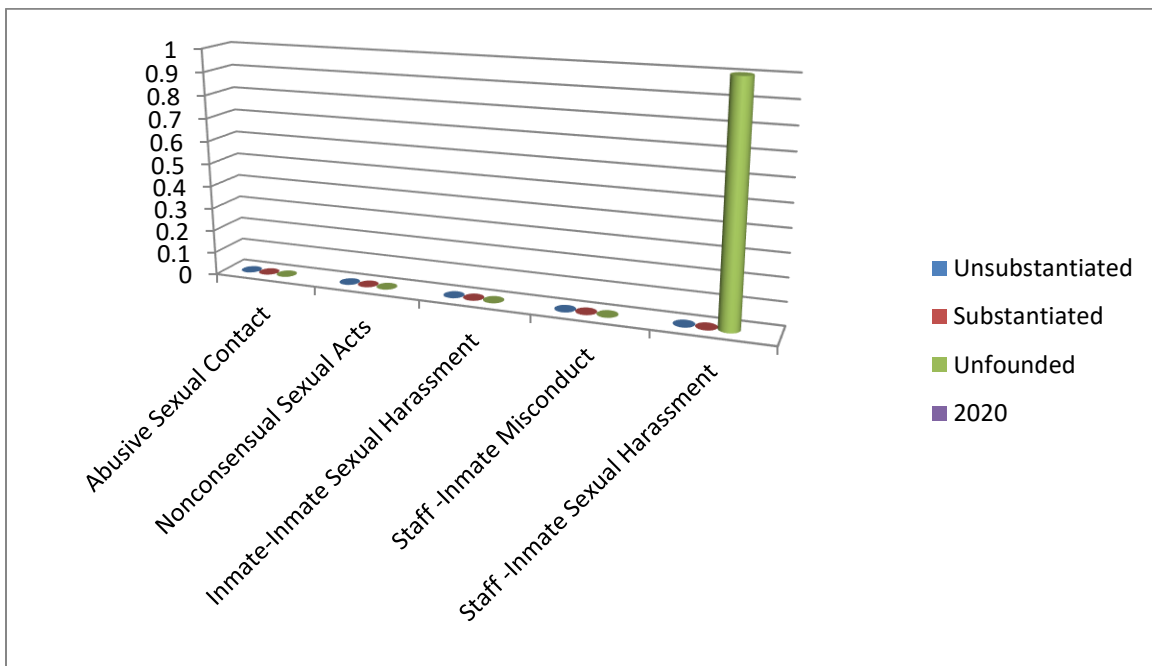
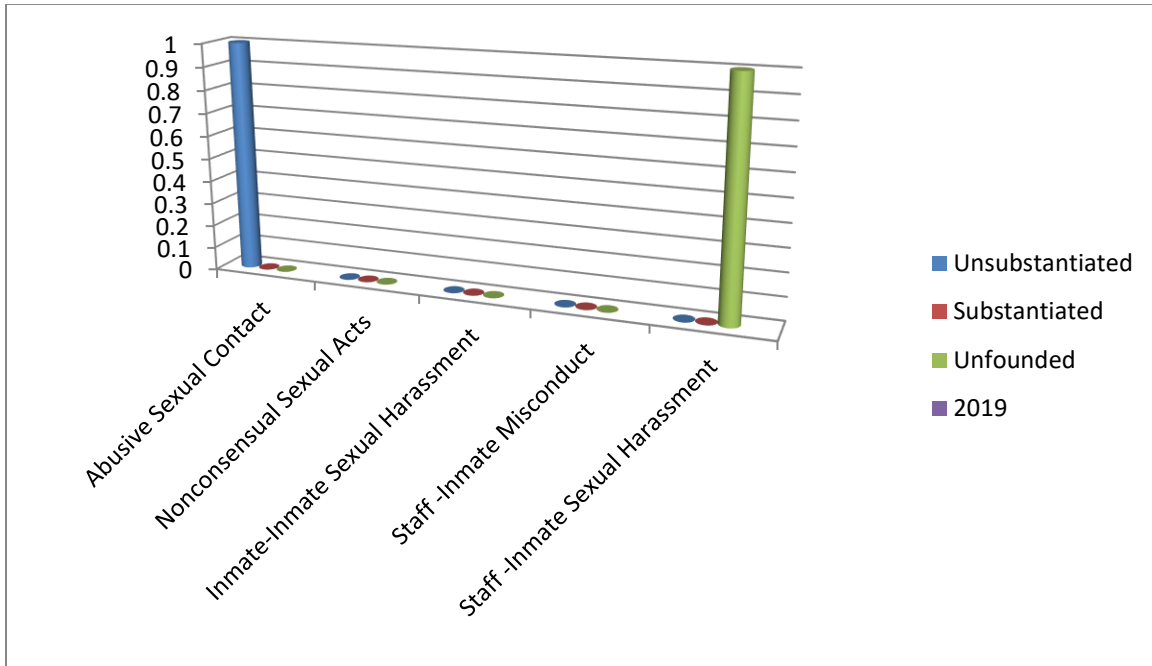
Dickinson Adult Detention Center

Operations Administrator: Doris E. Songer

PREA Compliance Manager: Loree Ivanets

Population Capacity: 124

Population on 12/31/20: 71; 46 males, and 25 females

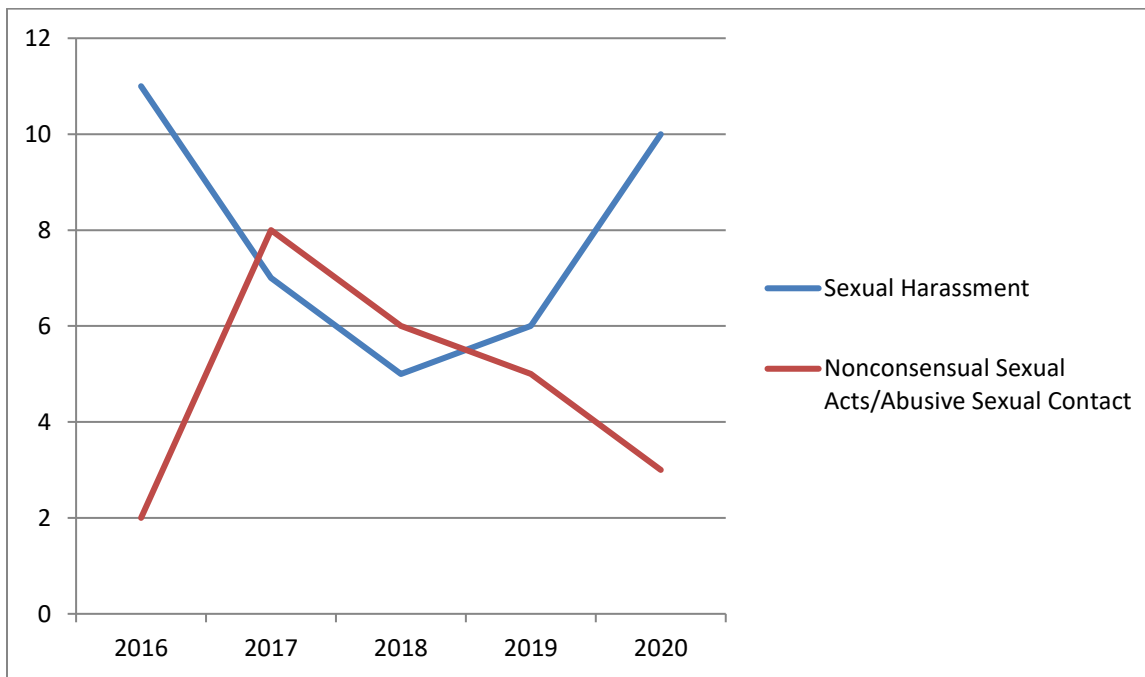


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SWMCCC divisions collect data from the referrals of investigations of nonconsensual/abusive sexual acts and sexual harassment. The data provided on the graphs include the aggregated data for CY 2019 and CY 2020 for each division of SWMCCC.

Comparative Data Analysis:

The following graph is the comparison between reports of Nonconsensual Sexual Contact/Abusive Sexual Contact and Sexual Harassment for both SWMCCC facilities. These totals are all investigations, regardless of the findings of the investigation. We have seen a steady decrease of reports of sexual harassment from 2016 to 2018, with a slight increase in 2019 and 2020. Since 2017 SWMCCC facilities have seen a steady decrease of nonconsensual sexual acts/abusive sexual contact allegations reported.



Continued Pro-Active/Corrective Actions:

SWMCCC facilities are dedicated to implementing and continuing best practice to the requirements of the PREA standards to ensure the sexual safety of the residents in our care. SWMCCC Board of Directors and leadership are devoted to on-going monitoring and corrective action when needed in order to preserve full compliance with PREA standards.

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The following are continued pro-active/corrective actions completed:

1. Revised and updated PREA policy.
2. Replaced existing and expanded camera coverage that includes cameras that have audio as well as video in several areas of the facility.
3. Continue to enhance training for staff, contractors, volunteers and residents in a relatable and clear fashion to ensure full understanding of the PREA standards.
4. Continue to enroll staff in PREA Investigator training provided by ND DOCR, utilizing the training provided by The Moss Group.
5. DWCR is utilizing PREA compliant shower curtains in each housing unit.
6. Updated the volunteer/contractor application form to include the following questions:
 - a. Have your actions while on the job ever caused your employer to take disciplinary action or have you ever resigned from a position while under investigation for sexual harassment?
 - b. Have you engaged in sexual abuse in a prison, jail, community confinement facility, juvenile facility, or other institution?
 - c. Have you 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?
 - d. Have you been civilly or administratively adjudicated to have engaged in the activity as described below? (Engaging or attempting to engage in sexual activity in the community by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse.)

All contractors, volunteers, and service providers went through the process of resubmitting applications for approval after the update on the application.