



Southwest Multi-County Correction Center

66 Museum Drive
Dickinson, ND 58601
Telephone: 701-456-7790 Fax: 701-456-7687
□ Dakota Women's Correctional Rehab Center
□ Dickinson Adult Detention Center

Doris Songer, Operations Administrator (DADC)
Adam Jangula, Deputy Operations Administrator (DADC)

Memorandum of Understanding

This **Memorandum of Understanding** is made by, and between Southwest Multi-County Correction Center ("SWMCCC"), a legal physical custodian of state, federal, city, and county inmates, and the Dickinson Police Department ("DPD"), a department of the city of Dickinson.

This **Memorandum of Understanding** is a compilation of discussions and decisions which occurred on 10/15/13, and 08/22/14 between SWMCCC and DPD, which are addressed in detail further in this document.

Whereas, the United States Department of Justice has promulgated national standards for the implementation and enforcement of the Prison Rape Elimination Act of 2003, Public Law 108-79, 117 Stat. 973, *et seq.*, 45 U.S.C. 15601, *et seq.* (PREA); and

Whereas, Subsection (a) of Section 115.22 and Subsection (b) require SWMCCC to ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment, as well as create policy and procedures which ensure allegations of sexual abuse and sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior.

Whereas, as a result of a 10/15/13 meeting with a DPD investigator, DPD, as the primary law enforcement responder to SWMCCC, agreed to investigate criminal allegations of sexual abuse and sexual harassment which may occur at SWMCCC.

Whereas, Subsection (b) of Section 115.51 requires SWMCCC to provide a means for inmates to report sexual abuse and sexual harassment to another entity which is not part of SWMCCC, and is able to receive, and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials while providing anonymity to the inmate if requested by the inmate; and

Whereas, the DPD, as of discussions which occurred on or about 08/22/14, has agreed to receive phone calls from SWMCCC inmates via an internal confidential toll free non-emergent phone number; (701)-456-7759, for the purpose of SWMCCC inmates reporting allegations of sexual abuse and sexual harassment. DPD will immediately forward the reports of sexual abuse and sexual harassment to the SWMCCC Operations



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Administrator, or designee, assuring the anonymity of the inmate, if requested by the inmate.

Whereas, the DPD has agreed to receive written reports of sexual abuse and sexual harassment from SWMCCC inmates, whether in physical custody or not, and to immediately forward the reports of sexual abuse and sexual harassment to designated officials of SWMCCC, assuring the anonymity of the inmate if requested by the inmate.

It is agreed between Southwest Multi-County Correction Center and the Dickinson Police Department as follows:

1. 28 C.F.R. Section 115.51 requires SWMCCC to establish the following procedure for inmate reports of sexual abuse and sexual harassment:
 - A. SWMCCC shall provide multiple internal ways for inmates or staff for reporting sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such events.
 - B. SWMCCC shall also provide at least one (1) way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to SWMCCC officials, allowing the inmate to remain anonymous upon request.
 - C. SWMCCC staff shall accept any and all reports made verbally, in writing, anonymously, and from third parties. SWMCCC staff shall promptly document any verbal reports.
 - D. SWMCCC shall provide a method for staff to privately report sexual abuse and sexual harassment of residents.
2. The DPD agrees that it will receive inmate phone calls at (701)-456-7759, and written reports of sexual abuse and sexual harassment from SWMCCC inmates at the following address:



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Criminal Investigations Section
Dickinson Police Department
66 Museum Drive
Dickinson, ND 58601

And moving to the following address late summer, early fall of 2015 (inmates will be advised when the move occurs:

Criminal Investigations Section
Dickinson Police Department
2475 State Avenue North
Dickinson, ND 58601

3. SWMCCC shall have the above address and confidential toll free DPD non-emergent phone number available in PREA posters, inmate PREA brochures, the SWMCCC Inmate Handbook, and this information will be presented by staff during PREA inmate education orientation groups, and on the SWMCCC website.
4. When the DPD receives a report of sexual abuse or sexual harassment from a SWMCCC inmate, it will immediately forward the report to the SWMCCC Operations Administrator, or designee, for an administrative investigation. If the inmate has requested to remain anonymous, the DPD shall advise SWMCCC the report is an anonymous report.
5. It is the responsibility of SWMCCC to conduct any necessary or appropriate administrative investigation upon receipt of the report from DPD.
6. If, during the course of an administrative investigation, or upon SWMCCC First Response incident, there is evidence which indicates a crime may have occurred, the DPD will immediately be contacted to conduct a criminal investigation.
7. SWMCCC security staff will follow First Responder Protocol in terms of evidence and securing the crime scene, until the SWMCCC Captain is relieved by the DPD lead investigator. DPD Investigators utilize protocol adapted from, or otherwise based on



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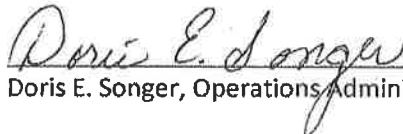
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the most recent edition of the U.S. Department of Justice's Office on Violence Against Women Publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011 when investigating sexual abuse and sexual harassment involving SWMCCC inmates.

8. In the event of a criminal investigation, the SWMCCC Operations Administrator, or designee will commit to full cooperation with an investigation, act as a liaison with the DPD to stay informed of the process of the investigation for the purpose of victim support and notification, and overall facility safety.

We, the below listed administrators, agree to the terms and conditions of this Memorandum of Understanding (MOU). Any modification to this Memorandum of Understanding (MOU) must be in writing and signed by the below listed administrators. This MOU may be terminated by mutual consent of both parties, or by either party upon written notice.


Doris E. Songer, Operations Administrator, SWMCCC

01/08/2015
Date


Dustin Dassinger, Chief of Police, Dickinson Police Department

1-08-15
Date