

Thank You

The services and programming provided to the staff and residents of South West Multi-County Center is essential to the safety, security and enrichment to all involved. Thank you for the services you provide.

SOUTH WEST MULTI-COUNTY
CORRECTIONAL CENTER

SWMCCC

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SOUTH WEST MULTI-COUNTY
CORRECTIONAL AND
REHABILITATIVE CENTER

PREA Handbook for Contractors, Volunteers, and Service Providers

Zero Tolerance for Sexual Abuse and Sexual Harassment

Residents have the right to be free of sexual abuse and sexual harassment



-Divisions of South West Multi-County Correctional and
Rehabilitative Center (SWMCCC)

-Dickinson Adult Detention Center (DADC)

Dakota Women's Correctional and Rehabilitation Center
(DWCRC)

PURPOSE OF THE HANDBOOK

“Contractors”, for the purposes of this handbook, includes those persons who are not employed directly by SWMCCC, but provide services to residents on a regular or rotational basis. This may be on a full-time or part-time basis. Information provided in handbook is also appropriate for volunteers, interns, and service providers who perform duties within the secured area of the facilities.

This handbook provides the necessary information you will need to be aware of the standards established by the Prison Rape Elimination Act (PREA).

This handbook explains the Zero Tolerance Policy toward Sexual Abuse and Sexual Harassment. It provides definitions that are established by PREA (utilizing the definitions the U.S. Department of Justice Bureau of Justice Statistics), and explanations of prohibited conduct. Most importantly, this handbook explains your role in recognizing and preventing prohibited conduct, and your responsibility for reporting allegations or observations of conduct that violates our Zero-Tolerance Policy.

Zero Tolerance policy for Sexual Abuse and Sexual Harassment

SWMCCC does not tolerate any behavior that violates an resident’s right to be free from sexual abuse/harassment. We will take all appropriate affirmative measures to protect residents. These measures include: comprehensive training and education for staff and residents and distribution for information to visitors, volunteers, contractors and service providers; providing multiple avenues for reporting violations of this policy, including acceptance of anonymous reports; thoroughly and comprehensively investigating all reports and allegations of misconduct; and strict accountability whenever a determination is made that misconduct did occur in violation of the policy.

Signs of Sexual Abuse and Sexual Harassment

In a aid to detect abuse occurring with the residents the following may be some indicators as a guide. Although the “red flags” listed below may be signs of abuse occurring they are not exclusive and other signs may be indicate abuse between other residents, contractor, volunteer service provider or staff.

- Over-identification with the resident or is blind to the resident’s actions, such as rule breaking, is overly concerned about an resident, shows favoritism.
- An resident exhibits increased familiarity, i.e. usage of nick name, increase in disrespect, physical proximity, demonstrated knowledge of contractor, volunteer, service provider personal life.
- Banter, conversations, jokes and horseplay with sexual overtones occurring with resident.
- Exchanging inappropriate item, gift, correspondence or illegal contraband with resident.
- Assists resident in financial, legal and personal affairs.
- Doing favors for a resident unrelated to service or program being provided.
- Residents appearance has changed or out of the ordinary, unkempt or
- Getting into conflicts with others unrelated to current programming or service provided.
- Sudden changes in behavior among younger or more vulnerable residents.
- Resident frequently tests boundaries of program or service provided.
- Involved with resident’s family, friends, girlfriend/boyfriend, or has excessive knowledge about the resident’s personal life and family.

Reporting Sexual Abuse and Sexual Harassment

It is very important that allegations be reported as quickly as possible. Failure to immediately report allegations will delay our ability to stop it reoccurring and may compromise our ability to investigate, collect evidence, and potentially prosecute the perpetrator.

There are several avenues available for reporting alleged, observed, or suspected Sexual Abuse and Sexual Harassment. For your convenience, these are listed in priority that we request you consider using them.

1. Immediately tell the first staff member you can contact, preferably a security staff. This may be in person, over the telephone, or via the intercom to Control. Even if all you do is request to speak with staff in person, this will initiate the reporting process.
2. Request to speak with the Captain on duty, or any other supervisor in the building.
3. Make the report via email address:
 (DWCRC) NEPREA@swmccc.com
 (DADC) PREAGroup@swmccc.com
4. If you are not comfortable filing a report directly with the individual facility, you may also make a third-party report to the following:
 - (DWCRC) Hettinger County Sheriff Office,
 336 Pacific Ave, P.O. Box 157
 Mott, ND 58646 Telephone
 (701)824-2935
 - (DADC) Dickinson Police Department,
 2475 State Avenue,
 Dickinson, ND 58601

PRISON RAPE ELIMINATION ACT (PREA)

The Prison Rape Elimination Act (PREA), is a federal law that prohibits sexual assault and sexual harassment of all persons incarcerated within SWMCCC. This protection is attached to all services and activities that occur during custody period, whether the abuse occur within the confines of a correctional facility, during transport or under supervision or contractor, volunteer, or service provider.

PREA mandates that all persons who are employed by, work within, or volunteer in a correctional facility be given specific information on the extent, duration, and frequency of potential interactions with residents.

Contractors, volunteers, and service providers who provide intermittent service directly to residents must be informed of the following information:

- The SWMCCC Zero-Tolerance Policy for sexual abuse and sexual harassment
- Information that explains the volunteer, contractor, service provider responsibilities regarding prevention, detection, reporting, and response to sexual abuse and sexual harassment.
- The residents right to be free from sexual abuse and sexual harassment
- All persons right to be free from retaliation for reporting abuse or harassment
- Options to privately report allegations or incidents of abuse or harassment
- Duty to report allegations, observed incidents, suspicions, and third-party disclosures alleging sexual abuse or sexual harassment

The following pages will provide specifics for all these required elements. Upon the initial entrance to the facility you will be required read this information and sign a PREA acknowledgement form before contact with residents.

Definitions for Sexual Abuse and Sexual Harassment

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 CONTACT: 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 inmate directed toward another.

STAFF SEXUAL MISCONDUCT: Any behavior or act of sexual nature directed toward an inmate 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 inmates 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 gratify sexual desire; or Completed, attempted, threatened, or requested sexual acts; 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 an inmate 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

IMPORTANT INFORMATION TO REMEMBER

As a contractor, volunteer, or service provider working with residents you must understand:

1. Any sexual act between residents and contractors, volunteer, or service provider (even when no objection is raised) is **ALWAYS** illegal under both state and federal law.
2. Resident on Resident sexual contact is always a violation of facility policy and is also illegal except where consent is mutual and free of influence or coercion.
3. As part of our Zero-Tolerance policy, SWMCCC will seek to prosecute any criminal violation of the law and any relevant licensing bodies.
4. As a contractor, volunteer, or service provider, it is possible that an resident could make a first report of sexual abuse or sexual harassment directly to you. These reports may even be made by a third party.
5. As a contractor, volunteer, or service provider you are obligated to report to a staff member if you receive information alleging, or have any reason to believe, that an resident has by subjected to sexual abuse or sexual harassment.

PREA CONFIDENTIALITY

Information concerning the identity of an resident victim reporting sexual abuse or sexual harassment, and the facts of the report itself, shall be limited to those who have a need to know in order to make decisions concerning the resident-victims welfare and for investigative processes

If an resident makes a first report of sexual abuse or sexual harassment to you, your first obligation is to report the allegation. If the allegation presents an imminent threat to the safety of the resident, or involves a recent incident of abuse, you must immediately notify a staff member and ensure the protection of the resident until the staff arrives. Once a staff member has been informed, you are legally prohibited from discussing both the report and the allegation, including names, with any other person not officially assigned to participate in the investigation or prosecution.