



Jack Dalrymple, Governor  
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## 2015 Annual PREA Report

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The North Dakota Department of Corrections and Rehabilitation (DOCR) is committed to maintaining the requirements of the Prison Rape Elimination Act of 2003 and enhancing the safety and security for DOCR offenders. The DOCR achieved full compliance with the PREA standards in August 2015 with each facility audit available on the DOCR website. The DOCR will begin the second round of PREA audits in October of 2016 with plans for full compliance, agency wide by the end of 2016.

This report is a summary of the agency's efforts in PREA compliance from 2014 to 2015. By examining the collection and aggregation of agency data the DOCR is dedicated to improving the effectiveness of sexual abuse detection, prevention, and response.

### **Purpose:**

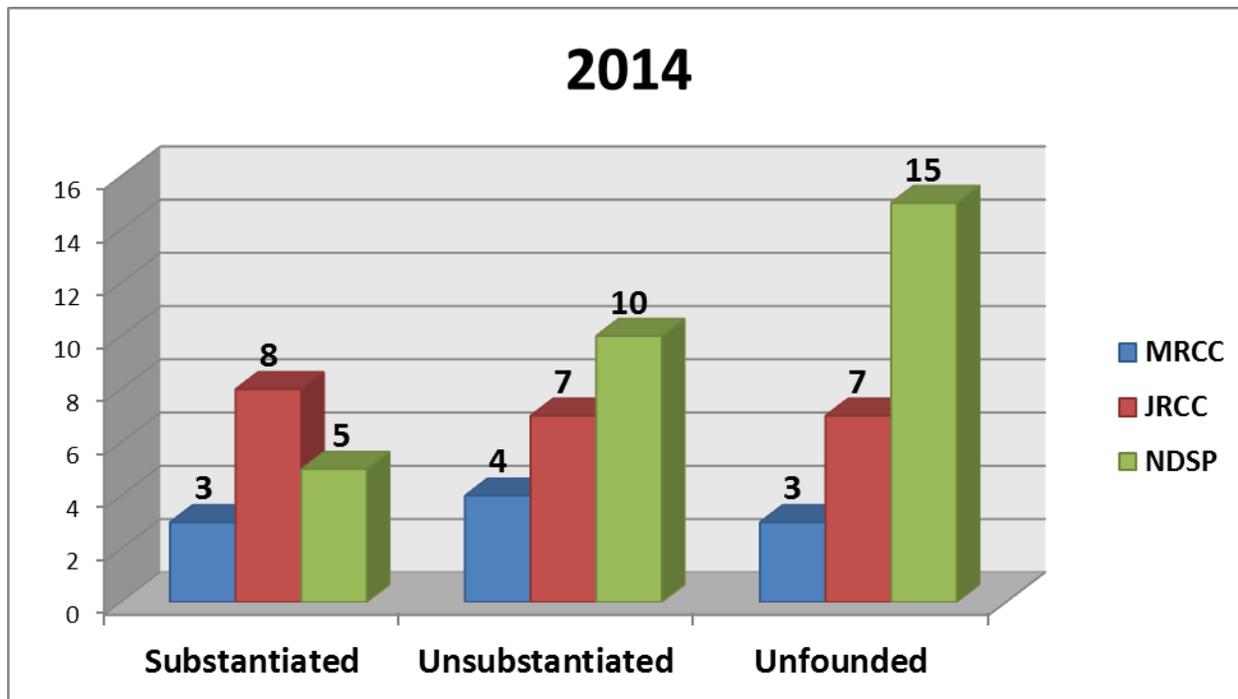
This document serves as an annual review to assess and improve the effectiveness of sexual abuse prevention, detection, and response policies, practices, and training in the DOCR pursuant to §115.88 and §115.89 of the national PREA standards. Therein, the Department is required to:

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; 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 DOCR website of its findings and corrective actions for each facility, as well as for the agency as a whole.

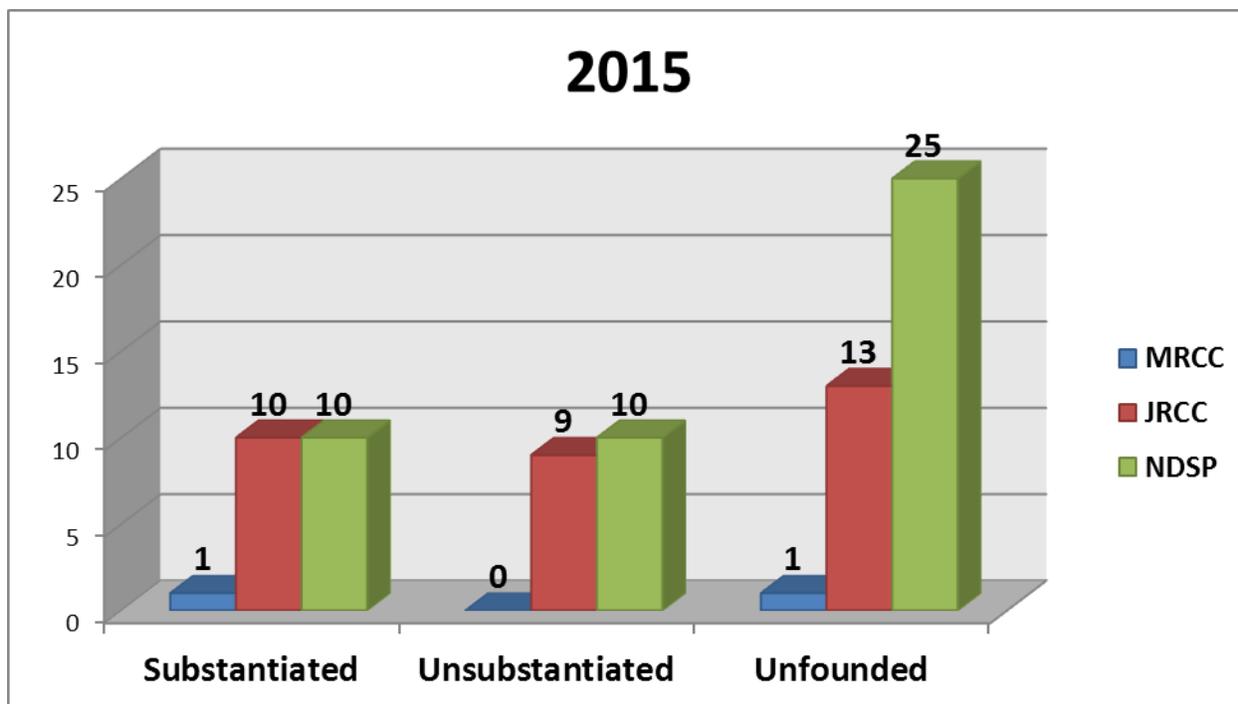
## Aggregated Data:

The DOCR collects data from the referrals for investigation of sexual abuse and sexual harassment; both offender-on-offender and staff/contractor/volunteer-on-offender. The data in this section contains aggregated data as well as a comparison between CY 2014 and CY 2015.

### 1.1



### 1.2



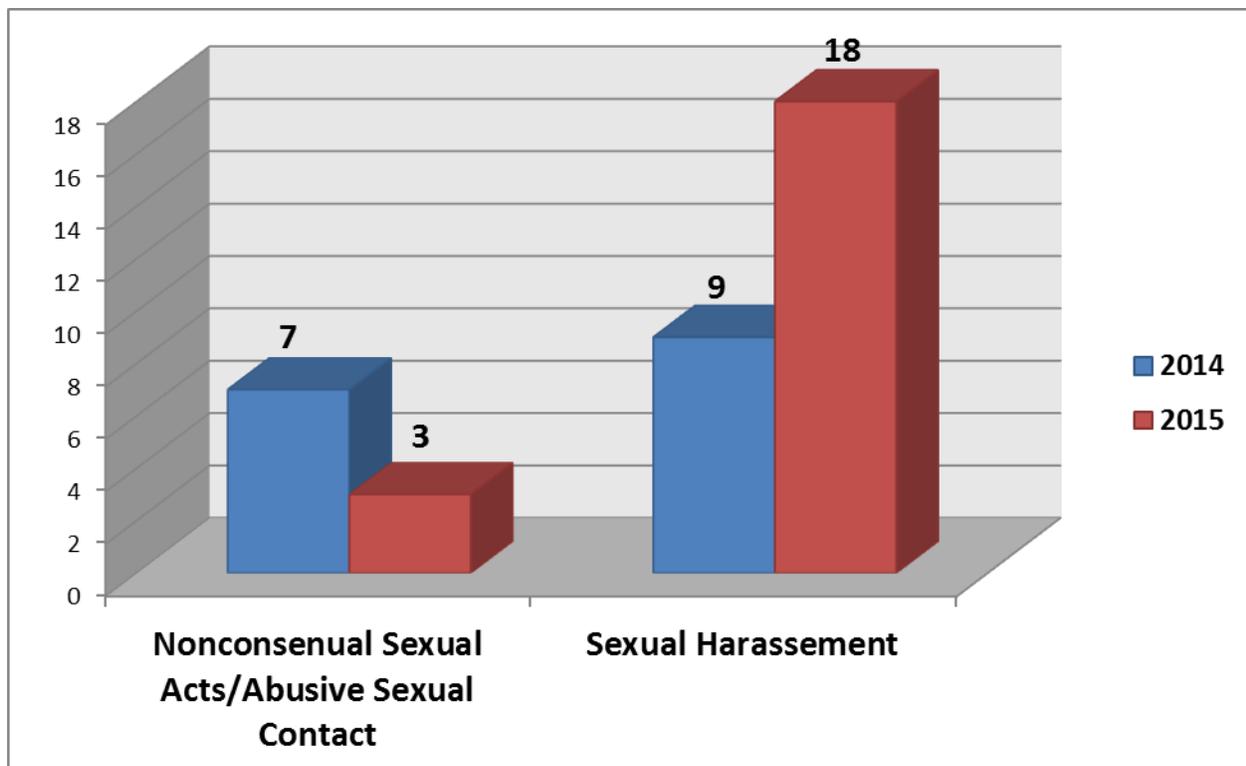
## Comparative Data Analysis:

The following graph (Figure 2.1) represents a comparison between CY 2014 and CY 2015 agency reports of sexual abuse and sexual harassment. These totals are all reports received, regardless of their dispositions. In CY 2014, the agency-wide total was sixty-two while the agency-wide total in CY 2015 was seventy-nine. The slight increase in the total reports is attributed to the DOCR's enhanced data collection process which has been in place since 2013, and the DOCR's PREA response process. Historically, the DOCR has collected and reported sexual abuse and sexual harassment data pursuant to the definitions and solicitation of the Bureau of Justice Statistics (BJS) Survey of Sexual Victimization, which accounts for the following four categories: nonconsensual sexual acts, abusive sexual contacts, staff sexual misconduct, and staff sexual harassment. It is recognized that these categories do not account for offender-on-offender sexual harassment. As a result and in an effort to accurately report PREA data, in 2014 the DOCR began compiling offender-on-offender sexual harassment data in addition to the four BJS categories. In doing so, the DOCR comprehensively covers the definitions of sexual abuse and sexual harassment as outlined in the final PREA Standards.

It is also noted that most reported PREA incidents resulted in a finding of "unfounded". The DOCR PREA data indicates that some inmates may have attempted to possibly manipulate the system by falsely reporting PREA incidents in retaliation. During the successful PREA audits of the Missouri River Correctional Center (MRCC) in 2014, and the James River Correctional Center (JRCC) and the North Dakota State Penitentiary (NDSP) in 2015, both auditors noted that the inmate population was very trusting of staff and comfortable reporting PREA incidents. In addition, the number of reported incidents at the MRCC has dropped significantly while JRCC and NDSP reported incidents have remained relatively similar.

The following graph depicts a breakdown of the 2014 and 2015 sexual abuse and sexual harassment data; staff-on-offender and offender-on-offender. Data from all DOCR adult facilities comprises this data, which includes the three adult correctional facilities.

**Figure 2.1**



It is noted, as cited in the “Department of Justice National Standards to Prevent, Detect, and Respond to Prison Rape Executive Summary”:

*“An increase in incidents reported to facility administrators might reflect increased abuse, or it might just reflect inmates’ increased willingness to report abuse, due to the facility’s success at assuring inmates that reporting will yield positive outcomes and not result in retaliation. Likewise, an increase in substantiated incidents could mean either that a facility is failing to protect inmates, or else simply that it has improved its effectiveness at investigating allegations. For these reasons, the standards generally aim to inculcate policies and procedures that will reduce and ameliorate bad outcomes, recognizing that one possible consequence of improved performance is that evidence of more incidents will come to light.”*

### **Problem Areas:**

Further analysis indicates that there was an increase of seventeen total reports from 2014 to 2015 among the adult correctional facilities. Of the seventeen additional reported claims those claims substantiated between 2014 and 2015 are as follows:

1. There were no Nonconsensual Sexual Act claims substantiated between inmates in either year.
2. Two staff were found to have committed Abusive Sexual Misconduct in each year, all of which were terminated and referred for criminal prosecution, which was denied.
3. Two staff were found to have committed Staff Sexual Harassment in each year. Three were terminated and one was disciplined.
4. Five Inmate on Inmate Abusive Sexual Contact claims were substantiated in 2014, while one was substantiated in 2015.
5. Six Inmate on Inmate sexual Harassment claims were substantiated in 2014, while in 2015 sixteen claims were substantiated.

The DOCR has a “Zero Tolerance” policy towards all forms of sexual abuse and harassment. Every substantiated incident indicates a “problem area” and warrants continued due diligence towards “Zero Tolerance”.

### **Corrective Actions:**

The DOCR continues to implement best practice and the requirements of the PREA standards in order to address allegations of sexual abuse and sexual harassment of offenders. Leadership of the DOCR is dedicated to on-going monitoring and corrective action in order to maintain full PREA compliance and most importantly to maximize the sexual safety of North Dakota correctional facilities. Creating culture change has been a long and arduous process. As an agency, the DOCR has steadily and continually made progress toward systemic change and has fully integrated the intent of the PREA standards into all policies and practices. The DOCR strives for the highest level of sexual safety for those in our care and continued full compliance with the PREA standards.

The following are corrective actions completed at the agency level:

1. Revised and updated DOCR PREA Policy.
2. Designed and presented a webinar in conjunction with the National PREA Recourse Center titled “What to expect from your PREA auditor”.

3. Created and implemented a Fast Response Team for the response to all reported PREA incidents.
4. Revised and updated DOCR Coordinated Response to PREA incidents.
5. Completed PREA Audits at all DOCR facilities resulting in full compliance.
6. DOCR sponsored and hosted The Moss Group for statewide PREA training for victim advocates, law enforcement, prosecutors and judges.
7. Enhanced education for staff and offenders contractors and volunteers.
8. Implemented specialized training required of investigating agents.
9. Provided The Moss Group authorized PREA Investigators training for stakeholders.
10. Revised and implemented an objective screening tool.
11. Enhanced data collection and aggregation.
12. Implemented Sexual Abuse Incident Reviews.
13. Provided PREA audit preparation training to statewide stakeholders.

The following are corrective actions completed by each DOCR correctional facility:

1. Appoint and train a PREA Compliance Manager at each facility with time and authority to guide the PREA mission within the facility.
2. Trained and mentored 18 new PREA investigators within agency facilities.
3. Complete Staffing Plan Analysis to determine areas of concern and address them.
4. Require every DOCR staff to complete annual PREA training.
5. Require every DOCR staff to review the PREA policy and respond to PREA screening questions at time of annual review.
6. Updated and implemented approved PREA 24/Transfer/Intake/Temp leave screening tools and PREA Assessment.
7. Developed and implemented a PREA Incident Review Team for each facility with review of every substantiated and unsubstantiated PREA incident.
8. Added several mirrors, cameras and increased lighting in order to enhance surveillance.

### **Conclusions:**

It is the goal of the DOCR that those in our care understand and exercise their right to be free from sexual abuse and sexual harassment from other inmates, contractors, volunteers and staff.

The DOCR is and will remain committed to the continuous demonstration of full compliance with all requirements of the PREA standards. In doing so, the DOCR looks forward to a safe, secure environment for offenders in which change can occur.