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2014 Annual PREA Report

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March 20, 2015

The North Dakota Department of Corrections and Rehabilitation (DOCR) is committed to meeting the requirements of the Prison Rape Elimination Act of 2003 and enhancing the safety and security for DOCR offenders as a result thereof. This report is a summary of the agency's efforts in PREA compliance. 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-on-offender. The data in this section (Figures 1.1 and 1.2) contains aggregated data as well as a comparison between CY 2012 and CY 2013.

Figure 1.1

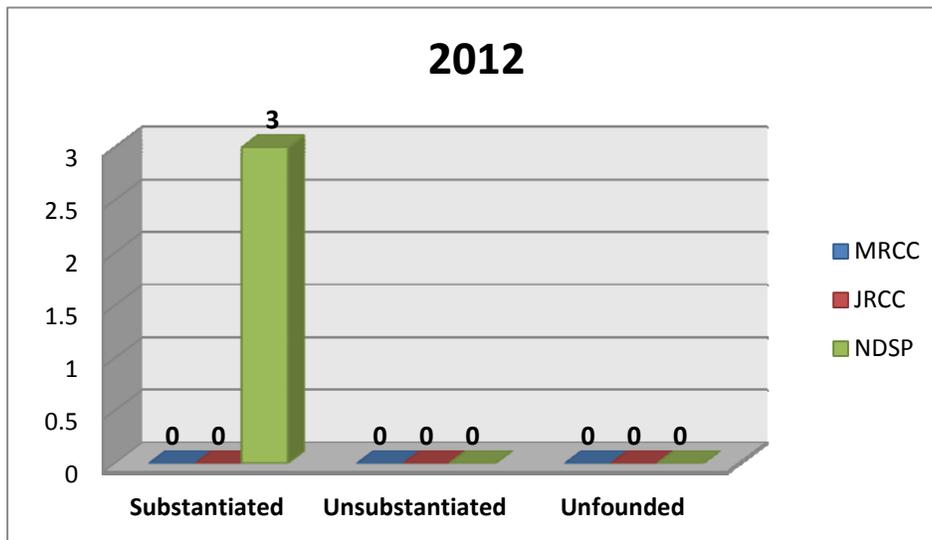
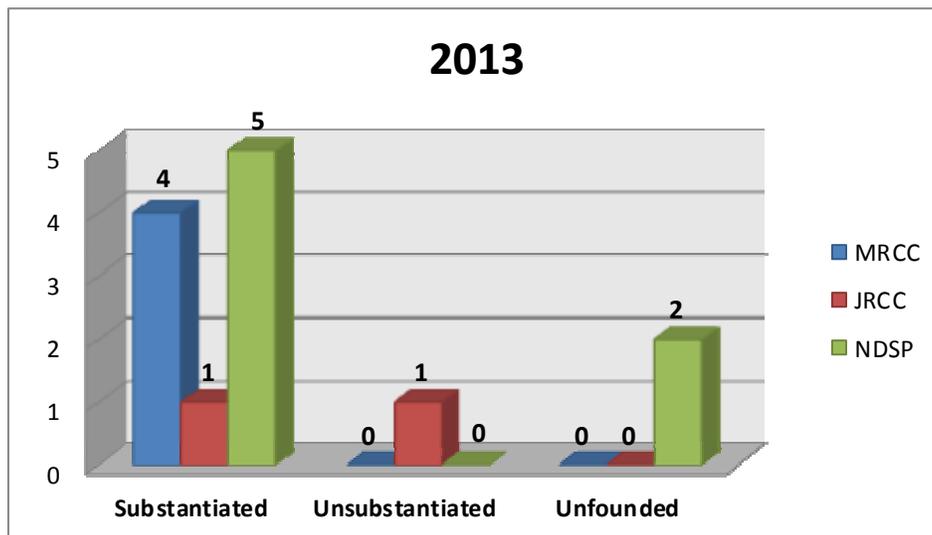


Figure 1.2



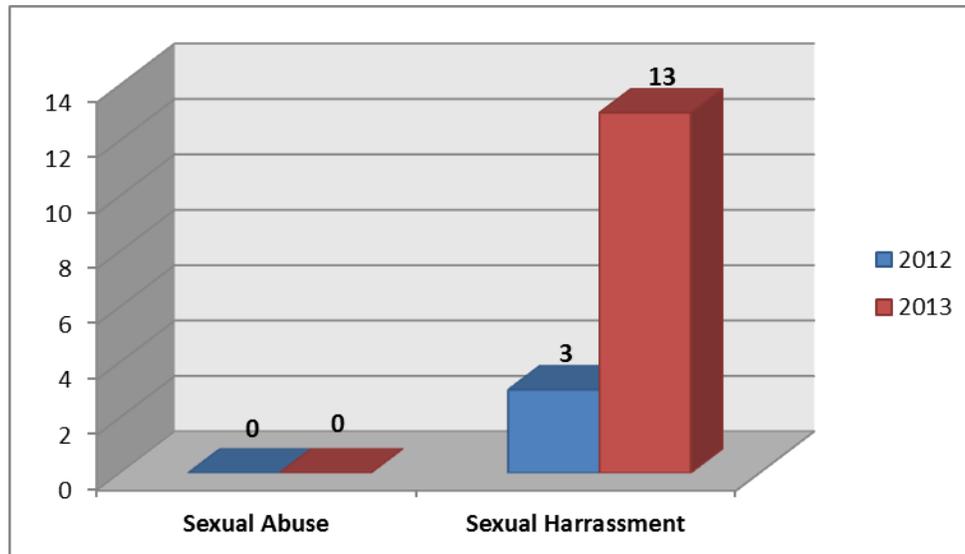
Comparative Data Analysis:

The following graph (Figure 2.1) represents a comparison between CY 2012 and CY 2013 agency reports of sexual abuse and sexual harassment. These totals are all reports received, regardless of their dispositions. In CY 2012, the agency-wide total was three while the agency-wide total in CY 2013 was 13. The increase in the total reports is attributed to enhancing the DOCR's data collection 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 Violence, 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. In addition, an increase in PREA incidents is noted.

Further analysis indicates that there was an increase of 10 total reports in 2013 among the adult correctional facilities; all of which were offender-on-offender sexual harassment reports.

The following graph depicts a breakdown of the 2012 and 2013 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:

It is noted that few incidents were reported in 2012 and while an increase in noted in 2013 the number of reported incidents remained quite minimal; however, the increase is significant statistically. It is interesting to note that MRCC (dorm setting) had four substantiated and JRCC (dorm setting) had one substantiated PREA incidents while NDSP (cell setting) had five substantiated PREA incidents in 2013. It is also noted that no staff, contractor or volunteer incidents were substantiated in DOCR facilities in 2012 or 2013.

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 reach full PREA compliance and most importantly to maximize the sexual safety of North Dakota correctional facilities. Creating culture change is a long and arduous process. As an agency, the

DOCR is steadily and continually making progress toward systemic change that fully integrates the intent of the PREA standards and the highest level of sexual safety.

The following are corrective actions completed at the agency level:

1. Revised policies to enhance PREA policy and practice.
2. Enhanced education for staff and offenders contractors and volunteers.
3. Implemented specialized training required of investigating agents.
4. Developed and implemented an objective screening tool.
5. Enhanced data collection and aggregation.
6. Implemented Sexual Abuse Incident Reviews.

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

1. Appoint a PREA Compliance Manager at each facility with time and authority to guide the PREA mission within the facility.
2. Complete Staffing Plan Analysis to determine areas of concern and address them.
3. Require every DOCR staff to complete annual PREA training.
4. Require every DOCR staff to review the PREA policy and respond to PREA screening questions at time of annual review.
5. Developed and implemented an approved PREA 24/Transfer screening tool and PREA Assessment.
6. Developed and implemented a PREA Incident Review Team for each facility.

It is the goal of the DOCR that every inmate 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 a continual and progressive culture change as we achieve and demonstrate full compliance with all the requirements of the PREA standards. In doing so, the DOCR looks forward to a safe, secure environment for offenders in which to improve them.