

**McLean County Detention Center
PREA ANNUAL REPORT
2017**

The McLean County Detention Center is pleased to publish its 2017 Annual Report. This report reflects a tremendous amount of change this past year as we continued to move forward in complying with the national standards promulgated under the Prison Rape Elimination Act (PREA). We are committed to keeping those in our custody safe and free from harm and have zero tolerance for sexual assault and harassment of offenders under our jurisdiction.

PRISON RAPE ELIMINATION ACT (PREA)

In September of 2003, President Bush signed the Prison Rape Elimination Act. In August 2012, the PREA standards promulgated by the United States Department of Justice went into effect. The standards were established to address the problem of sexual abuse and sexual harassment of persons in the custody of U.S. correctional agencies. Major provisions of PREA include the development of standards for detection, prevention, reduction and punishment of prison/jail rapes. We continue to enforce zero tolerance on all issues pertaining to sexual abuse and sexual harassment involving inmates and are working continuously to implement new policies, training requirements for staff and inmates, and developing standards for detection, prevention, reduction and punishment of rape.

ZERO TOLERANCY POLICY

Policy 605.2 ZERO TOLERANCE

Federal

This office has zero tolerance with regard to sexual abuse and sexual harassment in this facility. This office will take appropriate affirmative measures to protect all inmates from sexual abuse and harassment, and promptly and thoroughly investigate all allegations of sexual abuse and sexual harassment (NDCFR 90).

PREA COORDINATOR

The Sheriff has taken on the additional role and responsibility for overseeing PREA activities. During this past year as the PREA Coordinator he has worked to develop new and revise existing policies and procedures to support compliance with PREA standards and protect inmates from sexual assault and harassment.

PREA INVESTIGATIONS

It is our policy to thoroughly investigate all complaints of sexual abuse or sexual harassment no matter whether inmate-on-inmate misconduct or employee misconduct, to properly determine whether the allegations are valid or invalid, and to take appropriate follow-up action.

Facility investigators have been properly trained in sexual harassment and sexual abuse investigations. Whenever an allegation has been in violation of a criminal offense, the matter will be investigated by McLean County Detectives or the North Dakota Bureau of Criminal Investigation (BCI).

Here our policy on Investigating reports of Sexual Abuse and Sexual Harassment.

Policy 605.7 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS

Federal

MODIFIED

An administrative investigation, criminal investigation or both shall be completed for all allegations of sexual abuse and sexual harassment (28 CFR 115.22). Administrative investigations shall include an effort to determine whether the staff's actions or inaction contributed to the abuse. All administrative and/or criminal investigations shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. Only investigators who have completed office-approved training on sexual abuse and sexual harassment investigation shall be assigned to investigate these cases (28 CFR 115.71).

When practicable, an investigator of the same sex as the victim should be assigned to the case. Sexual abuse and sexual harassment investigations should be conducted promptly and continuously until completed. Investigators should evaluate reports or threats of sexual abuse and sexual harassment without regard to an inmate's sexual orientation, sex or gender identity. Investigators should not assume that any sexual activity among inmates is consensual.

The departure of the alleged abuser or victim from the employment or control of the jail or office shall not provide a basis for terminating an investigation (28 CFR 115.71).

If the investigation is referred to another agency for investigation, the Office shall request that the investigating agency follow the requirements as provided in 28 CFR 115.21 (a) through (e). The referral shall be documented. The Office shall cooperate with the outside agency investigation and shall request to be informed about the progress of the investigation (28 CFR 115.71). If criminal acts are identified as a result of the investigation, the case shall be presented to the appropriate prosecutor's office for filing of new charges (28 CFR 115.71).

Evidence collection shall be based on a uniform evidence protocol that is developmentally appropriate for youth, if applicable, and adapted from or otherwise based on the most recent edition of the DOJ'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 (28 CFR 115.21).

Inmates alleging sexual abuse shall not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation (28 CFR 115.71).

If a victim is under 18 or considered a vulnerable adult under state law, the assigned investigator shall report the allegation to the designated social services agency as required (28 CFR 115.61).

Substantiated allegations of conduct that appear to be criminal are referred for prosecution.

TRAINING

Throughout the year the staff participated in training conducted by the PREA Resource Center, the National Institute of Corrections, the Moss Group and the Department of Justice.

In addition all new inmates were provided training on their rights to be free from sexual abuse and harassment and how to report any incidents of sexual abuse and harassment.

All new staff attended in-depth training on the facilities policies and procedures relating to PREA and all existing staff received in-service training.

VICTIM ADVOCACY SERVICES

We entered into an agreement with McLean Family Resource Center on July 1, 2018 to provide advocacy services to our inmates. They can be contacted at 718 Main Avenue, Washburn, ND 58577 or (701) 462-8643.

Rape crisis and sexual assault centers provide all or some of the following services for victims of rape and child sexual abuse and their families:

- 24 hour crisis hotline
- 24-hour medical accompaniment
- Accompaniment to police interviews
- Legal advocacy
- Courtroom accompaniment
- Professional counseling for survivors, family, and friends
- Support group for rape survivors
- Referrals to counseling and other services
- Self-defense classes
- Community education and prevention programs

If you would rather contact a crisis center, information is listed below.

RAINN (Rape, Abuse & Incest National Network) is the nation's largest anti-sexual violence organization. RAINN created and operates the National Sexual Assault Hotline (800.656.HOPE and [online.rainn.org](https://www.rainn.org)) in partnership with more than 1,100 local rape crisis centers across the country and operates the [DoD Safe Helpline](#) for the Department of Defense. RAINN also carries out programs to prevent sexual violence, help victims and ensure that rapists are brought to justice. RAINN has links to many other state sexual assault organizations.

<https://www.rainn.org/get-help/local-counseling-centers/state-sexual-assault-resources>

PREA AUDIT

A PREA Audit will be performed by a Department of Justice certified PREA Auditor, Candy Snyder, on May 2 & 3, 2018. The final audit report will be posted on our website at <https://www.mcleancountynd.gov/departments/sheriffs-office>.

DATA COLLECTION

In compliance with *Section 115.388* of the PREA Standards, senior staff have reviewed data collected and aggregated pursuant to *Section 115.387* and incident specific data in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including: Identifying problem areas; Taking corrective action on an ongoing basis; and Preparing an annual report of its findings and corrective actions. Also, in compliance with *Section 115.389* of the PREA Standards we will make all aggregated sexual abuse data readily available to the public at least annually by publishing data in a report and posting the report on our website.

	Inmate Sexual Abuse	Inmate Sexual Abuse Touching	Inmate Sexual Harassment	Staff Sexual Abuse	Staff Sexual Harassment	Total
Substantiated	0	0	0	0	0	0
Unsubstantiated	0	0	0	0	0	0
Unfounded	1	0	1	0	0	2
Total	1	0	1	0	0	2

General Definitions

Sexual Contact includes –

Physical contact for the purpose of sexual gratification of one or more of the parties involved.

Sexual abuse includes—

(1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer, includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- b. Contact between the mouth and the penis, vulva, or anus;
- c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and (8) Voyeurism by a staff member, contractor, or volunteer.

Sexual harassment includes—

- (1) 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, detainee, or resident directed toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Voyeurism -- An invasion of privacy of a inmate by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring a inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a inmate's naked body or of a inmate performing bodily functions.

Substantiated allegation -- An allegation that was investigated and a preponderance of the evidence determined the allegation to have occurred.

Unfounded allegation -- An allegation that was investigated and determined not to have occurred.

Unsubstantiated allegation -- An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Informational—An allegation or report of sexual activity, while a possible institutional rule violation, the incident was determined not to involve sexual abuse or sexual harassment.

REPORTING A PREA INCIDENT

If you or someone who you know have experienced sexual assault in our facility please report. You can contact the PREA Coordinator for McLean County Detention Center. You can report information anonymously if you wish.

Captain Wade Krohmer, McLean County Sheriff Office, PO Box 1108, Washburn, ND 58577 (701) 462-8103.

We believe that the growth we have experienced toward PREA compliance will continue to create a more conducive reporting environment within our facility. Staff training and education for inmates and staff will continue. Data collection and PREA monitoring will continue as well. We are firmly committed to our pursuit of compliance with the PREA standards and protecting inmates from sexual abuse and harassment.