

McLean County Detention Center

2024 PREA ANNUAL REPORT

The McLean County Detention Center is pleased to publish its 2024 PREA Annual Report. This report includes data from 2022 & 2023 years. 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 the 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 we are working continuously to implement new policies, and training requirements for staff and inmates, and developing procedures to ensure the detection, prevention, reduction, and punishment of rape.

ZERO TOLERANCY POLICY

Policy 605.2 ZERO TOLERANCE

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 (NDCFS 90).

PREA COORDINATOR

We have assigned a senior staff person in the responsibility for overseeing PREA activities. The PREA Coordinator has been appointed to lead our efforts in achieving compliance with PREA standards.

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 is our policy on investigating reports of Sexual Abuse and Sexual Harassment.

Policy 605.7 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS

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 obtained from the PREA Resource Center, the National Institute of Corrections (NIC), 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. We continue to train staff on PREA regulations and definitions. We also train staff on new incidents, laws, and policy changes. We continue to strive to change if there needs to be changes made. Our facility can always improve in all areas and PREA is an area we strive to maintain continued compliance with all standards.

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. An updated contract was signed on June 1, 2024.

Our local rape crisis center provides the following services for victims of rape and child sexual abuse and their families at various times. Please check directly with them regarding the availability of these services:

- 24-hour crisis hotline - 462-8643
- 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
- Community education and prevention programs

PREAAUDIT

We are currently undergoing a PREA Audit by a Department of Justice certified PREA Auditor, Candy Snyder, which began on June 4th & 5th, 2024.

The final audit report will be posted on our website at <https://www.mcleancountynd.gov/departments/sheriffs-office>. We have a PREA Audit every 3 years and our next audit will be in 2027.

DATA COLLECTION

In compliance with *Section 115.88* of the PREA Standards, senior staff have reviewed data collected and aggregated pursuant to *Section 115.87* 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 115.89* 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.

PREA Statistics / 2022	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	0	0	0	0	1	1
Total	0	0	0	0	1	1

PREA Statistics / 2023	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	0	0	0	0	0	0
Total	0	0	0	0	0	0

Comparative Analysis: In 2024 we continue to have 0 reports of PREA violations. We feel this is from our continued training on acceptable behaviors in our jail and that we have zero tolerance for violations.

DATA COLLECTION FOR CONTRACTED FACILITIES

We may house McLean County inmates in other facilities. When we hold contracts for the confinement of our inmates with private agencies or other entities, including other government agencies, we require that entity to adopt and comply with the PREA standards. (28 CFR 115.12)

We require the entity to allow us to monitor them to ensure that they are complying with the PREA standards. As part of our monitoring, we obtain incident-based and aggregated data from every private facility that we contract with for the confinement of our inmates. The following charts represent aggregate data from other entities that we hold contracts with for the confinement of our inmates. (28 CFR 115.87).

PREA Statistics / 2023 MERCER COUNTY	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	0	0	0	0	1	1
Total	0	0	0	0	1	1

MERCER COUNTY PREA INFORMATION CAN BE FOUND AT:

<https://www.mercercountynd.com/department-pages/mercer-county-prea-policy/>

DEFINITIONS RELATED TO SEXUAL ABUSE

Sexual abuse - Any of the following acts, if the inmate 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;
- d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the inmate, detainee, or resident:

- 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. 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;
- d. 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;
- e. 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;
- f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- g. Any display by a staff member, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- h. Voyeurism by a staff member, contractor, or volunteer. (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one inmate, detainee or resident that are directed toward another; 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 (28 CFR 115.6).

Voyeurism -- An invasion of privacy of an 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 an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an 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 determine 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 meet the standard definition of sexual abuse or sexual harassment.

REPORTING A PREA INCIDENT

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

Agency Head	Sheriff Jerry "JR" Kerzmann	701-462-8103	PO Box 1108
Jail Administrator	Capt. Casey Howe	701-462-8103	Washburn, ND 58577

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 protecti © inmates from sexua. abuse and harassment.



Captain Casey Howe, Jail Administrator and PREA Coordinator

11-1-2024
Date



Sheriff Jerry "JR" Kerzmann

10-10-24
Date