



NORTH DAKOTA
Department of Corrections
& Rehabilitation

Central Office

PO Box 1898 • 3100 Railroad Avenue

Bismarck, ND 58502-1898

(701) 328-6390 • Fax (701) 328-6651

TDD 1-800-366-6888 • TTY Voice 1-800-366-6889

Doug Burgum, Governor
Leann K. Bertsch, Director

2016 Annual PREA Report

Prepared by: Maren Arbach, PREA Coordinator

Reviewed and Approved by: Leann Bertsch, Director ND DOCR

11/27/2017

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 residents. The DOCR began our second set of PREA audits September, 2016. By February 20, 2017, the North Dakota Youth Correctional Center (YCC), the Missouri River Correctional Center (MRCC), the North Dakota State Penitentiary (NDSP), and the James River Correctional Center (JRCC) all achieved full compliance with the PREA standards.

This report is a summary of the agency's efforts in PREA compliance from 2015-2016. The DOCR examines all collected agency data in an effort to continually improve 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, response policies, practices, and training in the DOCR pursuant to §115.88 and §115.89 of the national PREA standards. Therein, the DOCR 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;
 - c. Preparing an annual report of its findings.
2. Compare the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse.
3. Publish an 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 of investigation of sexual abuse and sexual harassment; both resident on resident and staff/contractor/volunteer on resident. The data in this section contains the aggregated data as well a comparison between CY 2015 and CY 2016

Figure 1.1

2015

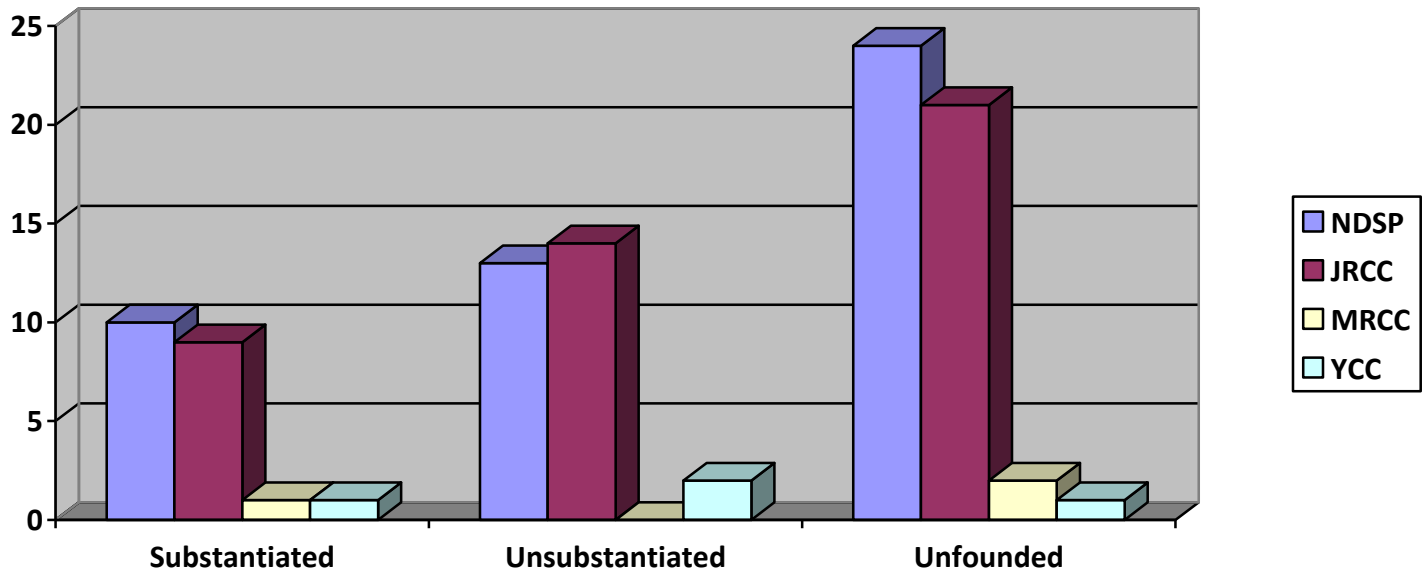
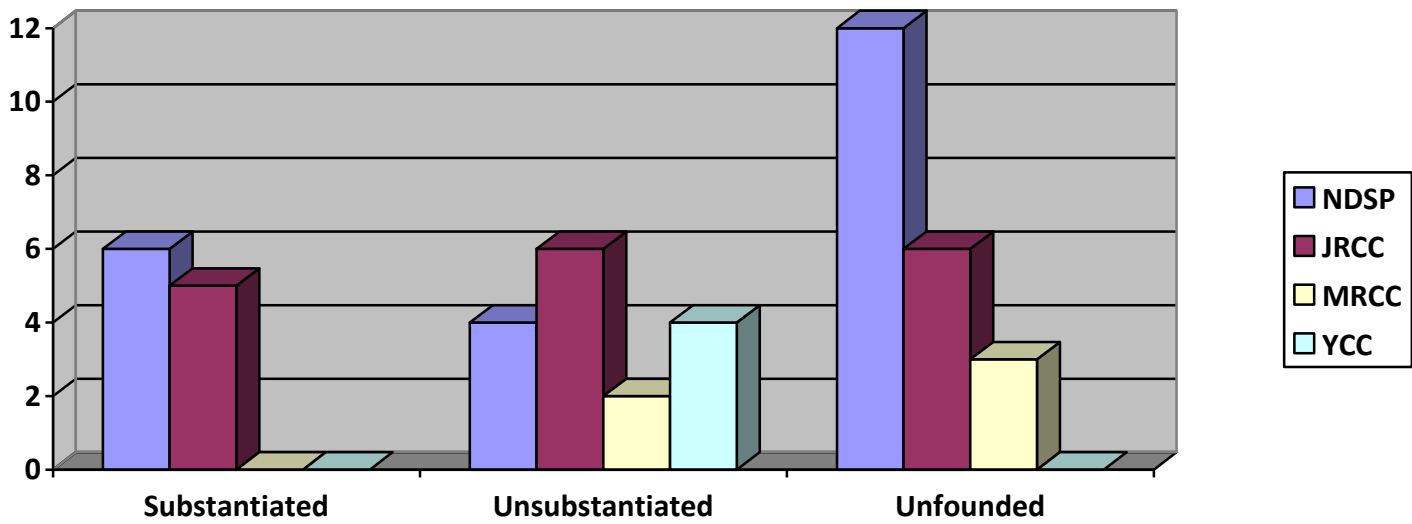


Figure 1.2

2016

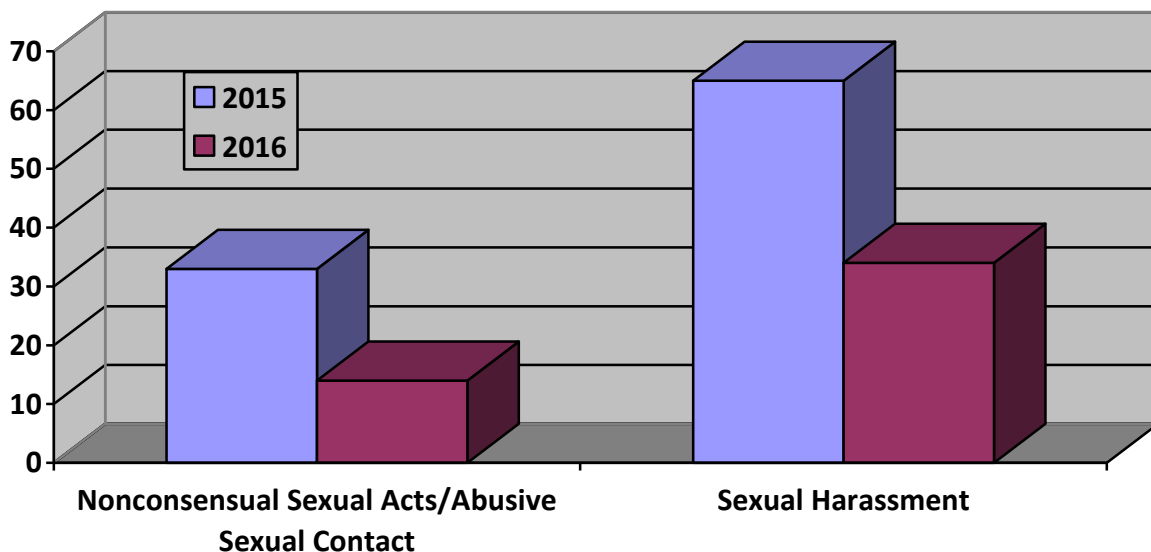


Comparative Data Analysis:

The following graph (Figure 2.1) represents a comparison between CY 2015 and CY 2016 agency reports of sexual abuse and sexual harassment. These totals are all reports received, regardless of their dispositions. In CY 2015, the agency-wide total was ninety-eight while the agency-wide total in CY 2016 was forty-eight. This decrease can be attributed to the process that was implemented to vet the allegations prior to officially labeling them a PREA case. The agency has begun immediately implementing the coordinated response in terms of initial response but, until an initial interview is done with the victim and the information in the allegation is compared to the definitions in the PREA standards, we are not logging these as PREA cases. This has enabled us to both ensure the safety of our residents and ensure that the allegations are truly PREA before being labeled as such.

While it is noted most PREA allegations have resulted in a finding of “unfounded”, during the investigative review it appears that some residents may have attempted to manipulate the system by falsely reporting PREA incidents in either retaliation or in an effort to change their housing. During the PREA audits of NDSP, JRCC, MRCC, and YCC in 2016, all auditors noted the residents are very trusting of staff and comfortable with reporting PREA incidents.

Figure 2.1



Problem Areas/Corrective Action:

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 residents. The 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 the residents in North Dakota correctional facilities.

While implementing the culture change was a long and difficult process, the DOCR has implemented systemic change to include integrating the PREA standards into all policies and procedures. The DOCR continues to strive for the highest level of sexual safety for the residents in our care.

The following are corrective actions completed at the agency level:

1. Revised and updated DOCR PREA policy.
2. Continues to revise the coordinated response plan to ensure a quick and thorough response to all PREA allegations,
3. Completed PREA audits at all DOCR facilities resulting in full compliance with the standards.

4. Continue to enhance training for staff, residents, contractors, and volunteers to ensure the information being relayed is clear and up to date with the new guidance from the PREA Resource Center.
5. Continue to train additional PREA Investigators utilizing the training provided by The Moss Group.
6. Revised the objective screening tool utilized in the facilities based on information received from facility case management, the audit results, and guidance from the PREA Resource Center.

Conclusion:

It is the goal of the DOCR to provide the highest possible level of safety to those in our care in all ways. We remain committed to the continuous demonstration of full compliance with all requirements of the PREA standards. In doing so, we feel we will provide our residents a safe, secure environment where they can work towards change and successful transition into the community.
