

BACKGROUND

The Prison Rape Elimination Act of 2003 (PREA) was enacted to address sexual abuse and sexual harassment in federal, state and local institutions. The goal of PREA is to prevent, detect and respond to sexual abuse and sexual harassment within confinement settings, by establishing a zero tolerance policy for sexual abuse and sexual harassment. PREA also includes a focus on data collection and analysis of PREA incidents that assists the agency in identifying problem areas, taking corrective action on an ongoing basis, and providing an assessment of the agency's progress in addressing sexual abuse and sexual harassment within its facilities.

The PREA standards were finalized in 2012. On August 20, 2013, all correctional agencies were required to be compliant with the PREA standards. The Grand Forks County Correctional Center (GFCCC) began its initial efforts to comply with the finalized PREA standards by implementing policies and procedures, training employees, and educating offenders. Additionally, GFCCC has installed a video monitoring system that is actively monitored on a 24-hour basis. Such a system is considered to be a deterrent to sexual misconduct and other safety violations, and is used in post-incident investigations. The system was upgraded in February 2016 to add sound in designated areas, and additional cameras were installed to provide coverage in blind spots to the maximum extent possible.

Agencies must demonstrate zero tolerance of sexual abuse and sexual harassment not merely by words and written policy, but through their actions, including what they do to prevent sexual abuse and sexual harassment and to comply with the PREA standards. Compliance is demonstrated through PREA audits. Over a three-year period, one-third of an agency's facilities must be audited each year. The final PREA Audit Compliance Tool was officially released in 2014.

AUDITS

2016

Grand Forks County Correctional Center completed its first audit regarding the level of compliance with implementation of 43 PREA Standards, which includes compliance of many subsets of each standard on June 20-22, 2016. Darnel Carlson, DOJ Certified PREA Auditor, contracted with GFCCC for the completion of the audit.

The final audit report was provided to the Grand Forks County Correctional Center on August 29, 2016. The summary of the **final audit findings** for Grand Forks County Correctional Center is listed below.

Number of standards exceeded:	02
Number of standards met:	38
Number of standards not met:	00
Number of standards not applicable:	03

The following (2) PREA Standards were found to have exceeded standard compliance:

115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator

(a) Policy C.18 – Prison Rape Elimination Act of 2003 outlines the Grand Forks County Correctional Center’s (GFCCC) zero tolerance policy with regard to sexual abuse and sexual assault, and outlines the Agency’s approach to preventing, detecting, and responding to sexual abuse and sexual harassment. Policy C.18 (G.1.a-d); (G.2.a-b); (G.3.a-g) and Policy D.03 – GFCCC Employee Disciplinary Procedures outline sanctions that will be imposed on staff, contractors, volunteers, and inmates for violating GFCCC’s PREA policy.

(b) Policy C.18 – (A.1.d. (i.a-o)) outlines the appointment of a PREA Coordinator and includes what duties the PREA Coordinator is responsible to oversee in the development and implementation for compliance with the PREA Standards. The Lieutenant has been designated as the Agency’s PREA Coordinator who reports to have sufficient time and authorization to oversee development and implementation of processes for compliance with the PREA Standards. The Agency also designated a Sergeant to act as the PREA Compliance Manager who also reports to have sufficient time to manage all her PREA related responsibilities. Grand Forks County operates one facility but has chosen to designate a PREA Coordinator and PREA Compliance Manager who report they work well together on all PREA related matters. Designating a PREA Coordinator and Compliance Manager for 1 facility which exceeds this standard. Interviews with the Administrator and Captain affirm the Agency’s commitment to enforcing their zero tolerance policy for sexual abuse and sexual harassment.

115.41 Screening for risk of victimization and abusiveness

Policy C.18 – Prison Rape Elimination Act of 2003 (D.1.a-i) states that all inmates/detainees shall be assessed during an intake screening for their risk of being sexually abused by other inmates/detainees or sexually abusive toward other inmates/detainees. During the booking process, which is usually within 24 hours of intake into GFCCC, or upon reasonable stabilization, an inmate/detainee will receive an initial assessment for risk of being sexually abused by other inmates/detainees or being sexually abusive toward other inmates/detainees, prior to placement in general population. Housing assignments are made accordingly. The PREA Intake and Initial Assessment considers (d) 1-10 & (e) of this standard. Interviews with staff verify completing PREA Intake and Initial Assessment Tool within 24 hours of the inmate/detainee’s arrival at the facility. Interviews with inmates/detainees confirm being asked questions from a questionnaire upon arrival at the facility. GFCCC exceeds this standard by completing the Assessment Tool within 24 hours of inmate’s/detainee’s arrival. Interviews with staff and inmates/detainees confirm the inmates are asked the screening questions privately.

Policy states that within 30 days of an inmates/detainees arrival at GFCCC, the inmate will be reassessed for risk of victimization or abusiveness based upon any additional relevant information received since the intake screening. Inmates/detainees will be reassessed due to a referral, request, incident of sexual abuse, or receipt of information that bears on the inmate/detainee’s risk of sexual victimization or abusiveness. Staff interviews confirm an inmate/detainee would be reassessed if the facility receives additional information pertinent to the victimization or abusiveness of an inmate/detainee. Inmates will not be disciplined for refusing to answer or not disclosing complete information asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this standard. Staff and inmate/detainee interviews confirm inmate/detainees are not or have not been disciplined for refusing or not disclosing questions pursuant to the above listed paragraphs. PREA Intake and Initial Assessments are reviewed by the PREA Coordinator and PREA Compliance Manager and stored securely in the PREA Coordinator’s office.

2019

Grand Forks County Correctional Center completed its second audit regarding the level of compliance with implementation of 45 PREA Standards, which includes compliance of many subsets of each standard on August 29-30, 2019. Candace L. Snyder, DOJ Certified PREA Auditor, contracted with GFCCC for the completion of the audit.

The final audit report was provided to the Grand Forks County Correctional Center on October 14, 2019. The summary of the **final audit findings** for Grand Forks County Correctional Center is listed below.

Number of standards exceeded:	00
Number of standards met:	45
Number of standards not met:	00
Number of standards not applicable:	00

PURPOSE

The Prison Rape Elimination Act of 2003 requires data be collected and aggregated on sexual abuse incidents for the GFCCC (§115.87). The standards require the GFCCC to review data collected and produce an annual report of its findings from its data review and any corrective actions taken (§115.88). The annual report includes the current year's data and corrective action, data from prior years for comparison, and an assessment of the agency's progress in addressing sexual abuse. This report is the GFCCC's formal report as it relates to this PREA standard. The GFCCC makes this report readily available to the public annually through its website at: <http://gfcountry.nd.gov/node/138>.

This report focuses on a review of the data collected from January 1, 2019 through December 31, 2019.

DEFINITIONS

The following are standardized definitions offered by the Prison Rape Elimination Act (§115.5 and §115.6). This ensures everyone is using the same language, and has the same understandings of key terms.

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.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident 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:

- (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) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) 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 above.
- (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.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident 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.

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.

Substantiated allegation means an allegation that was investigated and determined to have occurred.

Unfounded allegation means an allegation that was investigated and determined not to have occurred.

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

AGENCY AGGREGATE DATA

Comparison Data 2014 – 2019

Allegation Type	2019	2018	2017	2016	2015	2014
Substantiated	0	2	0	3	1	0
Unsubstantiated	3	8	7	7	6	8
Unfounded	10	3	4	8	1	4
Ongoing Investigation	0	0	0	0	0	0
Total Inmate on Inmate	13	13	11	18	8	12
Substantiated	3	0	0	0	0	0
Unsubstantiated	0	1	0	0	4	0
Unfounded	3	3	4	3	1	2
Ongoing Investigation	0	0	0	0	0	0
Total Staff on Inmate	6	4	4	3	5	2

The following aggregate data represents the number of PREA Investigations completed based upon receipt of reports/complaints of sexual abuse or sexual harassment. All reports are investigated.

Grand Forks County Correctional Center has compiled the following data regarding PREA reports and subsequent PREA investigation results for the year of **2019**.

2019 Agency Totals	Substantiated	Unsubstantiated	Unfounded	Ongoing Investigation	Total
Inmate Sexual Harassment	0	3	9	0	12
Inmate Sexual Abuse	0	0	1	0	1
Staff Sexual Harassment	0	0	0	0	0
Staff Sexual Misconduct	3	0	2	0	5
Staff Voyeurism	0	0	1	0	1
Totals	3	3	13	0	19

Grand Forks County Correctional Center has compiled the following data regarding PREA reports and subsequent PREA investigation results for the year of **2018**.

2018 Agency Totals	Substantiated	Unsubstantiated	Unfounded	Ongoing Investigation	Total
Inmate Sexual Harassment	2	7	2	0	11
Inmate Sexual Abuse	0	1	1	0	2
Staff Sexual Harassment	0	1	2	0	3
Staff Sexual Misconduct	0	0	1	0	1
Staff Voyeurism	0	0	0	0	0
Totals	2	9	6	0	17

Grand Forks County Correctional Center has compiled the following data regarding PREA reports and subsequent PREA investigation results for the year of **2017**.

2017 Agency Totals	Substantiated	Unsubstantiated	Unfounded	Ongoing Investigation	Total
Inmate Sexual Harassment	0	6	1	0	7
Inmate Sexual Abuse	0	1	3	0	4
Staff Sexual Harassment	0	0	1	0	1
Staff Sexual Misconduct	0	0	3	0	3
Staff Voyeurism	0	0	0	0	0
Totals	0	7	8	0	15

Grand Forks County Correctional Center has compiled the following data regarding PREA reports and subsequent PREA investigation results for the year of **2016**.

2016 Agency Totals	Substantiated	Unsubstantiated	Unfounded	Ongoing Investigation	Total
Inmate Sexual Harassment	2	5	7	0	14
Inmate Sexual Abuse	1	2	1	0	4
Staff Sexual Harassment	0	0	0	0	0
Staff Sexual Misconduct	0	0	3	0	3
Staff Voyeurism	0	0	0	0	0
Totals	3	7	11	0	21

Grand Forks County Correctional Center has compiled the following data regarding PREA reports and subsequent PREA investigation results for the year of **2015**.

2015 Agency Totals	Substantiated	Unsubstantiated	Unfounded	Ongoing Investigation	Total
Inmate Sexual Harassment	1	5	1	0	7
Inmate Sexual Abuse	0	1	0	0	1
Staff Sexual Harassment	0	4	0	0	4
Staff Sexual Misconduct	0	0	1	0	1
Staff Voyeurism	0	0	0	0	0
Totals	1	10	2	0	13

Grand Forks County Correctional Center has compiled the following data regarding PREA reports and subsequent PREA investigation results for the year of **2014**.

2014 Agency Totals	Substantiated	Unsubstantiated	Unfounded	Ongoing Investigation	Total
Inmate Sexual Harassment	0	4	2	0	6
Inmate Sexual Abuse	0	4	2	0	6
Staff Sexual Harassment	0	0	1	0	1
Staff Sexual Misconduct	0	0	1	0	1
Staff Voyeurism	0	0	0	0	0
Totals	0	8	6	0	14

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5/8/2020

Date

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5/8/2020

Date

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