



CASS COUNTY JAIL

Annual Report Prison Rape Elimination Act (PREA)

2019

Submitted by:

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Cass County Sheriff's Office – Mission Statement

In partnership with our neighbors, we proudly serve and protect. With unequivocal compassion, dedication, and commitment to excellence, we foster a safe community for all.

Cass County Jail – Mission Statement

It is the mission of the Cass County Jail to provide a safe and secure confinement for lawfully committed inmates or detainees in compliance with standards set forth by the North Dakota Century Code and the North Dakota Administrative Jail Rules. The primary goal of the jail will be to provide for the safety of Cass County citizens by detaining lawfully committed inmates in the most efficient and cost-effective manner possible.

The jail will be managed in a manner that will foster a positive atmosphere between staff and the inmate population, with the expectation that mutual respect will be given at all times. This will be accomplished by employing well-trained and motivated jail staff, maintaining a safe and secure physical plant, and providing inmate programs that will offer an opportunity to prepare for eventual reintegration into the community. Inmates will be held accountable for their actions, and incentives for good behavior will be provided through a classification system that rewards positive behavior. We will strive toward the goal that inmates will leave this facility in at least the same, and preferably better, condition as when they arrived.

Purpose Statement

The Prison Rape Elimination Act (PREA) requires the Cass County Jail to prepare and publish an annual report on efforts to prevent and respond to sexual abuse and sexual harassment of inmates. The standards established by PREA can be found in the U.S. Code of Federal Regulations 28 C.F.R Part 115.

PREA was signed into law in 2003, and the final rule establishing PREA Standards was published in 2012. These standards were written with the intent of eliminating sexual abuse and sexual harassment of persons incarcerated or held in alternative confinement throughout the United States.

The Cass County Jail is a Grade 1 Facility as established in Facility Standards published by the North Dakota Department of Corrections and Rehabilitation and is therefore subject to the specific PREA Standards established for Adult Prisons and Jails. Per those standards, the Cass County Jail has adopted all required elements that pertain to preventing, detecting, responding, training, investigating, and reporting all allegations of sexual abuse and sexual harassment.

The Cass County Jail has established a comprehensive PREA program to establish and maintain compliance with the published standards and has adopted a Zero Tolerance Policy for any form of sexual abuse and sexual harassment within the jail facility. All employees, volunteers, contracted service providers (collectively referred to as "Staff"), guests of the facility, and persons incarcerated within the facility are held accountable to the PREA Standards, and all are provided with varying levels of training and education to establish their various roles and responsibilities under PREA.

Reporting Options

The Cass County Jail will accept and investigate any allegation that PREA Standards have been violated. Such allegations can be made by any inmate, by any staff member, and by any third party.

Upon intake to the facility, inmates are provided with several options for reporting sexual abuse and sexual harassment. Staff are provided with multiple options for reporting, and the general public is notified of options via the county website and literature available at the jail.

Inmates may report PREA allegations in the following ways:

- 1. Verbally, by telling any staff member.*
- 2. In writing, by submitting any one of several different forms such as inmate requests, grievances, or simply a note/letter on plain paper.*
- 3. Via Phone Hotline, using the inmate phones with a designated shortcut code which bypasses the standard pin# entry, and provides a free option for leaving a recorded message that is accessible only by designated staff.*
- 4. Via a 3rd Party, by requesting any other person to report an allegation on their behalf.*
- 5. To an outside agency. Inmates may contact the local Rape and Abuse Crisis Center free of charge, to speak confidentially with an advocate. Inmates can also report allegations to the ND Department of Corrections and Rehabilitation or the US Marshals Service, with contact information for both entities posted in all inmate housing areas.*

Facility Staff are mandated to report allegations, observations, and suspicions of conduct which violates our PREA Policy, and can do so in the following ways:

- 1. By reporting immediately to a facility supervisor.*
- 2. By reporting directly to the PREA Coordinator or the Jail Administrator.*
- 3. By reporting directly to the Office of Professional Standards.*
- 4. By reporting directly to the ND Department of Corrections and Rehabilitation.*

The general public can report allegations using any of the staff reporting options and can also report using an email link posted on the county website that links directly to the PREA Coordinator.

All reports and allegations can also be made anonymously.

Processing of Allegations

When an allegation is received, the first priority is to take whatever immediate action is necessary to protect the alleged victim. The PREA Coordinator will be notified of all allegations as soon as possible, regardless of the initial method used to make an allegation.

In cases where sexual abuse is alleged, and is recent, the alleged victim will be provided with access to appropriate medical care without delay. Victims will be offered the services of sexual abuse advocate throughout the response and investigation process.

Where allegations involve a potential criminal violation committed by another inmate, a volunteer, or a contracted service provider, a criminal investigation will be conducted as a priority, with the case referred to the Cass County Sheriff's Office.

Where allegations involve a potential criminal violation committed by an employee, the matter will be referred to an outside law enforcement agency for criminal investigation.

If the allegation does not involve a criminal violation, but a violation of policy committed by a staff member, the matter will be referred to the Office of Professional Standards as a priority. Once that investigation is concluded, a PREA Investigation will proceed.

If the allegation does not involve a criminal violation and the misconduct was committed by another inmate, a PREA Investigation will proceed without delay.

Criminal and OPS investigations are prioritized so that potential criminal prosecutions and staff misconduct investigations will not be compromised, and to prevent those investigations from conflicting with each other. Any information obtained during a criminal investigation, or an OPS investigation, can be considered

during the PREA investigation. The burden of proof to substantiate a PREA allegation is Preponderance of the Available Evidence.

While all substantiated PREA allegations involving criminal conduct are referred to the State's Attorney, the decision to prosecute is solely at their discretion and will be based on established evidentiary standards for criminal matters.

Summary of Actions and Achievements

The Cass County Jail completed its second audit in December of 2019, with a final report to be determined by May of 2020. Such audits are required during every three-year cycle as established by the U.S. Department of Justice. Audits are conducted by specially trained and certified PREA Auditors, who must be independent and not previously involved in any other matters involving the facility they are inspecting.

The results of the prior PREA Audit in 2016 was 100% compliance with all standards. The preliminary report for the current audit was not completed in time for this annual review.

The jail has made no modifications to the physical structure, no changes to security procedures, and has implemented only routine updates to existing policy.

In 2019, the existing camera surveillance system was upgraded to High Definition digital, and the data storage system was also upgrade. These upgrades have enhanced our ability to deter and prevent sexual abuse by providing clearer images and, longer retention of archived video, and the ability to record all cameras in the building at all times. Wiring infrastructure was also added in anticipation of adding approximately 60 additional cameras during the 2020 budget year.

In June of 2019, the Jail Administrator attended a week-long training in Baltimore, sponsored by the USDOJ and PREA Resource Center, titled PREA Implementation and Audit Preparedness Training. This course provided an invaluable opportunity to network with other facility representatives throughout the United States, gain insight into the current and future intentions of the PREA auditing process, and evaluate our own PREA program for any blind spots or areas of improvement. Based on information gathered at that training, the Jail Administrator served on a

panel at a statewide PREA Coordinator conference sponsored by the ND DOCR, instructed a ND POST Certified training session on the PREA Audit Process for facility administrators from throughout North Dakota, and provided additional training to the staff at the Cass County Jail, as well as a specific course for command staff of the Cass County Sheriff's Office.

During 2019, additional resources were also developed to enhance our PREA program. Those improvements include:

Creation of general public PREA literature

Creation of a Volunteer and Contracted Service Provider Handbook

Revisions to the jail staff training program.

Revisions to the PREA training for our ND CO Basic Training course.

Revisions to the Inmate PREA Education Program

Revisions to the Inmate Handbook

Modifications to enhance compliance with interpretive and ADA requirements

Data regarding allegations received during 2019, sorted by determined outcome of each type of allegation, can be found on the following pages.

CASS COUNTY JAIL – PREA STATISTICAL DATA 2018

§115.89 Data Storage, Publication, and Destruction

The following data is published, with all identifying information removed, for the purposes of compliance with PREA reporting requirements. This data is public information available upon request and intended to be published on the facility website.

Each investigation must be listed as one of four outcomes:

Substantiated - which is a determination that the allegation did occur;

Unsubstantiated - which is a determination that insufficient evidence exists to determine whether or not the event occurred;

Unfounded - which is a determination that confirmation exists that the alleged conduct did not occur (or was not PREA reportable conduct);

Ongoing Investigation - which is a determination that the case is still under investigation and a final determination has not yet been made.

TOTAL ALLEGATIONS SUBMITTED IN 2018

Inmate on Inmate Sexual Harassment Allegations = 15 total

Substantiated	3
Unsubstantiated	8
Unfounded	4
Investigation Ongoing	0

Inmate on Inmate Sexual Abuse Allegations = 6 total

Substantiated	1
Unsubstantiated	5
Unfounded	0
Investigation Ongoing	0

Staff on Inmate Sexual Harassment Allegations = 3 total

Substantiated	1
Unsubstantiated	0
Unfounded	2
Investigation Ongoing	0

Staff on Inmate Sexual Abuse Allegations = 3 total

Substantiated	0
Unsubstantiated	0
Unfounded	3
Investigation Ongoing	0

Reporting to Other Facilities

§115.63 of the PREA Standards requires that:

- (a) Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.*
- (b) Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.*
- (c) The agency shall document that it has provided such notification.*

There was 1 allegation in 2019 by a Cass County Jail inmate alleging to have been sexually abused in another facility where that abuse had not already been previously reported and investigated.