



The Heart of America Correctional &
Treatment Center
Prison Rape Elimination Act
2016 Annual Report

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In 2003 the Federal Government signed into law the Prison Rape Elimination Act (PREA). This law established a set of standards designed to eliminate sexual abuse and sexual harassment experienced by individuals incarcerated in our nation. This law does not focus solely on prison environments as it includes county jails, juvenile detention centers, confinement centers, etc...

As a grade 1 correctional facility in North Dakota, The Heart of America Correctional & Treatment Center (HACTC) has adopted these standards in preventing, detecting, responding to, and eliminating acts of sexual abuse & sexual harassment in our facility. HACTC has zero-tolerance for any form of sexual abuse & sexual harassment.

HACTC investigates all allegations of sexual abuse and sexual harassment and has provided inmates numerous methods of reporting:

- Verbally tell any staff member/contractor/volunteer
- Write any staff member/volunteer/contractor
- Have a third party make the report by contacting any HACTC staff member in writing or verbally
- Contact a third party by writing or calling (inmates are provided this contact information)
- Call our confidential crime tip line which is accessible by any inmate phone

Any allegations of sexual abuse will be referred to law enforcement for investigative purposes. Any person found to engage in a criminal act will be prosecuted to the fullest extent of the law. Any staff member found to violate HACTC policy regarding PREA will be subject to disciplinary sanctions up to and including termination from employment.

PREA STATISTICAL DATA FOR 2016

§115.89 Data storage, publication and destruction

Inmate-on-Inmate Sexual Harassment Allegations

Reported Allegations	n=12
Substantiated Allegations	2
Unsubstantiated Allegations	8
Unfounded Allegations	2
On-going Investigations	0

Inmate-on-Inmate Sexual Abuse Allegations

Reported Allegations	n=4
Substantiated Allegations	1
Unsubstantiated Allegations	1
Unfounded Allegations	2
On-going Investigations	0

Staff/Volunteer/Contractor-on-Inmate Sexual Harassment Allegations

Reported Allegations	n=1
Substantiated Allegations	0
Unsubstantiated Allegations	0
Unfounded Allegations	1
On-going Investigations	0

Staff/Volunteer/Contractor-on-Inmate Sexual Abuse Allegations

Reported Allegations	n=0
Substantiated Allegations	0
Unsubstantiated Allegations	0
Unfounded Allegations	0
On-going Investigations	0

§115.63 Reporting to other confinement facilities

- (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.

Reported allegations pursuant to §115.63 (a)	2
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Data Analysis

Previous data provided in the annual PREA report was highlighting the number of investigations that were initiated into PREA related matters. In 2016 the data presented is an account of allegations. Though we initiated 9 PREA investigations in 2016 we had 17 allegations that were being investigated. We had multiple cases that had 2 or more allegations associated with the report. 2016 did see a decline in the total number of investigations down from 15 the year prior.

This decline in total investigations is a positive result but the factors that contribute to the decline are uncertain. I feel that HACTC continues to do a great job at informing and educating the offenders that are housed here on what is PREA and how to report sexual misconduct. The staff at HACTC continues to receive education on PREA and appear to take reports seriously by forwarding them to the appropriate parties. In 2018 we will arrange for our 2nd on-site PREA compliance review and in the meantime will continue to apply best practices to our daily procedures.

Definitions:

Substantiated Allegation: Allegation that was investigated and determined to have sufficient evidence to justify a reasonable conclusion of guilt.

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

Unfounded Allegation: Allegation that was investigated and determined not to have occurred.

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 196 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

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.