



The Heart of America Correctional & Treatment Center Prison Rape Elimination Act 2022 Annual Report

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Background

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.

This document serves as an annual review to assess and improve the effectiveness of sexual abuse prevention, detection, response policies, practices and training at HACTC pursuant to: § 115.88 Data review for corrective action;

(a) The agency shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:

- (1) Identifying problem areas;
- (2) Taking corrective action on an ongoing basis; and
- (3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.

(b) Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.

(c) The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.

PREA STATISTICAL DATA FOR 2022

§115.89 Data storage, publication and destruction

Inmate-on-Inmate Sexual Harassment Allegations

Reported Allegations	n=4
Substantiated Allegations	1
Unsubstantiated Allegations	0
Unfounded Allegations	3
On-going Investigations	0

Inmate-on-Inmate Sexual Abuse Allegations

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

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

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

*Staff member was terminated from employment

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

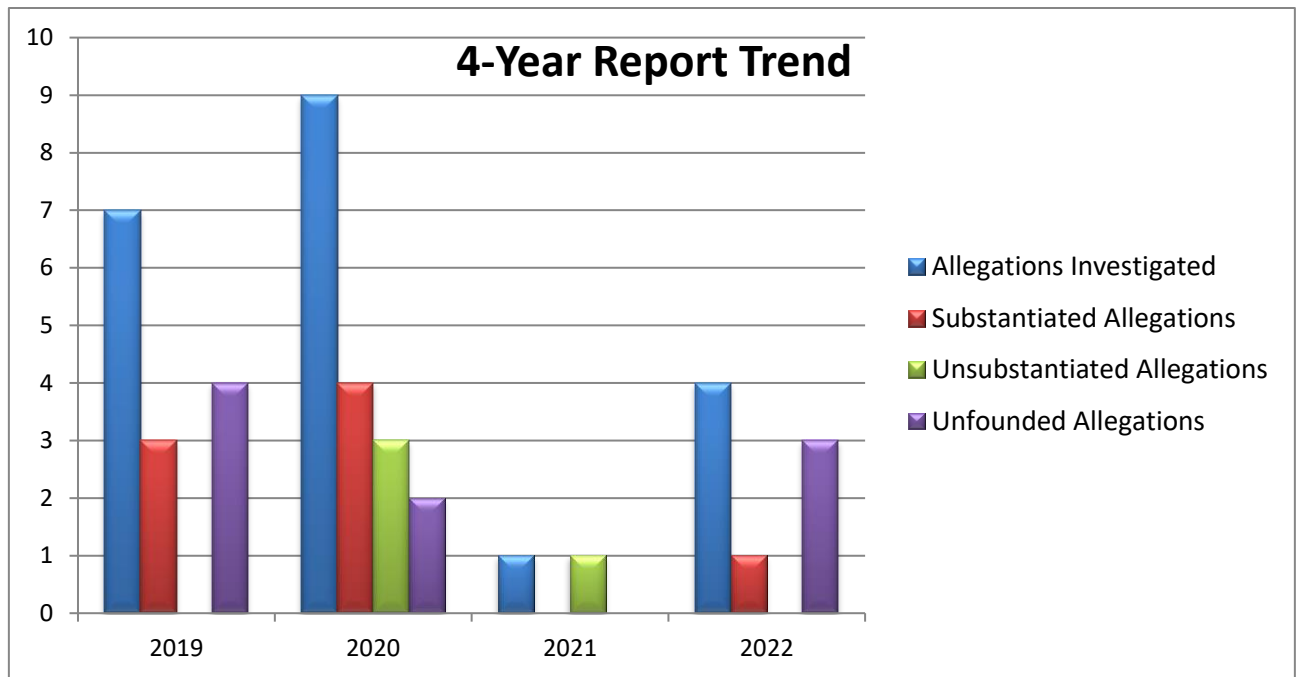
(a) Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.

(b) Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.

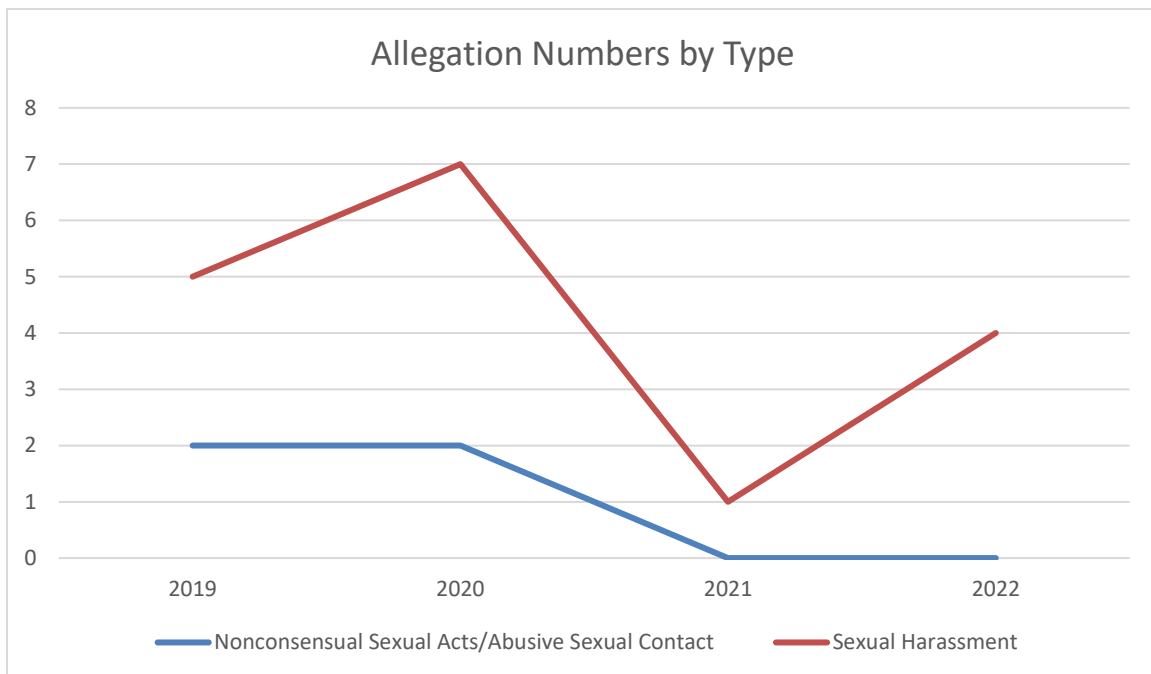
(c) The agency shall document that it has provided such notification.

Reported allegations pursuant to §115.63 (a)	1
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Aggregate Data Analysis:



Comparative Data Analysis:



2022 Efforts and On-going Focus

HACTC is in year 2 of its third audit cycle. We completed our 2nd audit in the summer of 2021 and we will look to complete our 3rd audit the summer of 2024. HACTC continues to strive to meet the requirements set forth by the PREA standards. HACTC staff is dedicated to maintaining a safe environment for those confined here.

In CY 2022 we had a slight increase in total allegations investigated. A total of three (3) investigations were completed all alleging inmate-on-inmate sexual harassment. One (1) of these investigations had two (2) allegations to investigate. We did not receive any allegations of non-consensual sexual abuse in 2022. We did not receive any allegations of staff/contractor/volunteer sexual misconduct in 2022.

HACTC did not have any corrective actions, new processes, or updates completed in 2022.

We continue to provide training for our staff to ensure they remain current and informed with PREA standards and any new guidance that may be recommended. In 2023 we will return to conducting volunteer & contractor training. These trainings have been suspended during the pandemic. Individuals requesting volunteer status have not been considered during this period.

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.