

**Bismarck Transition Center Annual Comparative Reports (§115.287 and §115.288) for the year 2023.**

Bismarck Transition Center posts an annual report of PREA investigations and outcomes.

The following are standardized definitions offered by the Prison Rape Elimination Act. 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.

**The following annual reports offer a yearly comparison of the number of PREA Investigations completed based upon receipt of reports/complaints of sexual abuse or sexual harassment. All reports are investigated.**

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Bismarck Transition Center has compiled the following data regarding PREA reports and subsequent PREA investigation results for the year of 2023.

**Bismarck Transition Center - 2023**

**There were (4) PREA Investigation completed in 2023.**

**Resident Allegations Made Towards Staff in 2023:**

Sexual Misconduct: (1) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (1) Substantiated (0) Unfounded

One (1) complaint of staff on inmate Sexual Misconduct was investigated. A female resident claimed a male staff member made the following comments to her: "You look beautiful today", "You look nice in those shorts" and "You are wearing those short shorts". Both the resident and staff member were interviewed. The staff member denied making any of those statements. There were no witnesses to the alleged comments being made. The incident was determined to be Unsubstantiated.

One (1) complaint of staff on inmate Sexual Harassment was investigated. A male resident claimed a female staff member was sending boob pictures to a male resident. Both the resident and staff member were interviewed. The resident denied receiving boob pictures from a staff member. The staff member admitted sending pictures of her boobs to the resident. The incident was determined to be Substantiated. The staff member resigned from her position at the Bismarck Transition Center.

Resident Allegations Made Towards Resident in 2023:

Nonconsensual Sexual Acts: (0) Unsubstantiated (1) Substantiated (0) Unfounded

Abusive Sexual Contact: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (1) Unsubstantiated (0) Substantiated male on male (0) Unfounded

One (1) Substantiated Nonconsensual Sexual Act of a resident on resident resulted in the perpetrator receiving disciplinary action for sexual contact. The female resident (victim) reported the female resident (perpetrator) came up behind her when she (victim) was eating breakfast in the Dining Room. The resident (perpetrator) kissed her on her (victim's) right cheek. The resident (victim) told the resident (perpetrator) not to touch her. This incident was observed by a staff member. The staff member yelled at the resident (perpetrator) three times to stop. The resident (perpetrator) told the staff member "We are fine". The resident (perpetrator) leaned down and kissed the resident's (victim) right cheek again. It should be noted that the residents involved in this incident live in separate housing units. Additionally, the meal schedule was adjusted so these residents would not see each other in the Dining Room.

One (1) complaint of resident on resident Sexual Harassment was investigated. The female resident (victim) claimed the male resident (perpetrator) was asking her everyday they were at work together to have sexual intercourse with him. Interviews of the resident (perpetrator), co-workers, and Manager did not reveal enough evidence to substantiate the allegations. The allegations were determined to be Unsubstantiated.

Bismarck Transition Center has compiled the following data regarding PREA reports and subsequent PREA investigation results for the year of 2022.

### **Bismarck Transition Center - 2022**

**There was (1) PREA Investigation completed in 2022.**

#### **Resident Allegations Made Towards Staff in 2022:**

Sexual Misconduct: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (1) Unsubstantiated (0) Substantiated (0) Unfounded

One (1) complaint of staff on inmate sexual harassment was investigated. A female resident claimed a female staff member made her undress completely, sit on a toilet naked and submit a urine sample for drug testing. Both the resident and staff member were interviewed. The interviews revealed the urinalysis testing process the staff member used to obtain the urine sample did not violate BTC's urinalysis testing policy. This incident did not meet the criteria for Staff Sexual Harassment. The incident was determined to be unsubstantiated. (It should be noted, however, BTC's urinalysis testing policy was rewritten after this incident to be more specific regarding the process to be followed).

Bismarck Transition Center has compiled the following data regarding PREA reports and subsequent PREA investigation results for the year of 2021.

### **Bismarck Transition Center - 2021**

**There were (3) PREA Investigations completed in 2021.**

#### **Resident Allegations Made Towards Staff in 2021:**

Sexual Misconduct: (1) Unsubstantiated (0) Substantiated (1) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

One (1) unfounded complaint of sexual misconduct of a resident by a staff member resulted in no further investigation. The resident filed a grievance alleging that during a pat search, the Resident Assistant put her hands down the front of his pants, close to his genitals. The resident further stated, that the Resident Assistant pulls up his underwear and pants violently. A review of camera footage revealed the Resident Assistant used her thumbs to inspect the waist band of the resident. At no point does she put her hands down the front of resident's pants or violently pull up his pants or underwear. The pat search took less than 30 seconds.

One (1) unsubstantiated complaint of sexual misconduct of a resident by a staff member resulted in no further investigation. A staff member reported an allegation that another staff member was allegedly having a relationship with a resident. An interview was conducted with the alleged victim (resident). The interview did not substantiate that the resident was having any type of relationship with the staff member. The interview with the staff member did not substantiate any type of relationship with the resident.

Resident on Resident:

Resident Allegations Made Towards Resident in 2021:

Nonconsensual Sexual Acts: (0) Unsubstantiated (1) Substantiated (0) Unfounded

Abusive Sexual Contact: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated male on male (0) Unfounded

One (1) substantiated nonconsensual sexual act of a resident on resident resulted in the perpetrator receiving disciplinary action for sexual abuse. The resident was removed from the facility and returned to the North Dakota State Penitentiary. The resident (victim) reported that his roommate sexually assaulted him. The victim stated he was under his blankets, on his bed (top bunk). The perpetrator climbed onto the victim's bed, crawled on top of the victim and began "dry humping" him through the blankets. While interviewing the perpetrator (resident) he stated he meant nothing sexual, nor did he experience anything sexually gratifying. He stated they were all joking around in their room. He admitted that things probably had gotten out of hand and he should not have taken things as far as he did.

**DATA Comparison**

While looking at data from 2021, 2022 and 2023, there was a rise in PREA allegations in 2023, with 4 allegations. 2021 saw 3 allegations and 2022 had 1 allegation.

On September 25, 2023, a female treatment unit was opened. The unit houses 20 females. This unit, along with our transitional female unit, which houses 24 residents, may have an impact on future PREA allegations.

Additionally, on August 20, 2018, Management Team members began conducting Unannounced Sexual Safety Rounds. Team members are required to come in one time between Monday and Friday after 6 pm. They are required to come in on either Saturday, Sunday and holidays at any time. The Team members are assigned one week on a rotating basis. Team members are required to do a complete walk through of the facility, meet with staff and residents to address any issues or concerns, observe facility cleanliness and safety concerns. This information is documented via email to me and also in an electronic log book.

Since the implementation of Unannounced Sexual Safety rounds, there has been a decrease in the number of PREA allegations. Implementation of Unannounced Sexual Safety rounds has made an apparent difference in the number of PREA allegations BTC has received.

Residents receive information upon admission through fliers and they receive a PREA Handbook. Additionally, within the first week of their arrival, residents receive Orientation concerning the role of each department, facility rules and additional information about PREA.

New staff receives training on PREA before they have any inter-action with residents; they sit in on Resident Orientation the first week they are employed (where they receive the same PREA information new residents receive) and again during quarterly training. Reporting mechanisms are visible to both staff and residents and BTC has taken a proactive role in attempting to reduce prison rape.

On May 10,2021 – May 12, 2021, the Bismarck Transition Center underwent its' third PREA audit, conducted by K.E. Arnold, Castle Rock, CO. During this audit, it was recommended that we install mirrors in blind spots where cameras normally would be.

On June 15, 2021, nine mirrors were ordered, as suggested in the PREA audit. All of the mirrors have been installed.

The Bismarck Transition Center was deemed to be in full compliance with PREA standards for Community Confinement facilities on August 11, 2021.

On September 26, 2023 – September 27, 2023, the Bismarck Transition Center underwent its' fourth PREA audit, conducted by K.E. Arnold, Castle Rock, CO. We are still waiting for the official results from this audit.

**The above-mentioned information will serve as an annual review for 2023 in order to assess and improve the effectiveness of BTC's sexual abuse and sexual harassment prevention, detection, response policies and training.**

  
Mike Thatcher, CEO of CCCS Inc.

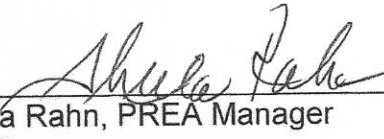
1/31/24  
Date

  
Marwan Saba, PREA Coordinator

1/31/24  
Date

  
Kevin Arthaud, Program Administrator

1-31-24  
Date

  
Sheila Rahn, PREA Manager

1/31/24  
Date