

**PREA AUDIT REPORT INTERIM FINAL
ADULT PRISONS & JAILS**

Date of report: 01/24/16

Auditor Information			
Auditor name: Candy Snyder			
Address: PO Box 405, Custer SD 57730			
Email: Snyder@gwtc.net			
Telephone number: (605) 517-1747			
Date of facility visit: December 28-29, 2015			
Facility Information			
Facility Name: Ward County Jail			
Facility physical address: 315 SE Third Street, Minot, ND 58702			
Facility mailing address: <i>(If different from above)</i>			
Facility telephone number: (701) 857-6532			
The facility is:	<input type="checkbox"/> Federal	<input type="checkbox"/> State	<input checked="" type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
Facility Type:	<input type="checkbox"/> Prison	<input checked="" type="checkbox"/> Jail	
Name of facility's Chief Executive Officer: Paul Olthoff			
Number of staff assigned to the facility in the last 12 months: 40			
Designed facility capacity: 104			
Current population of facility: 87			
Facility security levels/inmate custody levels: minimum/medium/maximum			
Age range of the population: 18-65			
Name of PREA Compliance Manager: Paul Olthoff			
Email address: paul.olthoff@wardnd.com			
Agency Information			
Name of agency: Ward County			
Governing authority or parent agency: <i>(if applicable)</i>			
Physical address: 315 SE Third Street, Minot, ND 58702			
Mailing address: <i>(if different from above)</i>			
Telephone Number: (701) 857-6501			
Agency Chief Executive Officer			
Name: Steve Kukowski		Title: Sheriff	
Email address: Steve.Kukowski@wardnd.co		Telephone number: (701) 857-6501	
Agency-Wide PREA Coordinator			
Name: Same as PREA Compliance Mgr.		Title:	
Email address:		Telephone number:	

AUDIT FINDINGS

NARRATIVE:

The audit of Ward County Jail in Minot, North Dakota was conducted on December 28-29, 2015 by Candy Snyder, a Certified PREA auditor and assisted by Mark Snyder, an auditing assistant.

An entrance meeting was held with facility staff. The following people were in attendance: Sheriff Steve Kukowski; Jail Commander Paul Olthoff, and the Department of Corrections Monitor.

Following the entrance meeting Paul Olthoff accompanied the audit team on the facility tour. The auditor then began interviewing specialized staff. Private accommodations were made for the auditor to conduct interviews. The Jail Commander provided a listing of all inmates and the auditor randomly selected ten inmates ensuring one from was selected from each housing area. There were no hearing/visually impaired inmates, non-English speaking nor inmates who identified as lesbian, gay, transgender or intersex. The auditor was provided a shift roster and randomly selected staff to interview on all shifts. The auditor was not limited in any way from speaking with staff or inmates or inspecting any area of the facility. All staff were extremely polite and accommodating throughout the audit.

In addition the auditor reviewed employment files, training files, and investigative files. There were six sexual assault/harassment allegation incidents within the past year with four unfounded and two unsubstantiated. There were no substantiated cases of either sexual assault or sexual harassment.

An exit briefing was held with the Sheriff, the Jail Commander, the DOC monitor and the Lieutenant. The auditor provided a preliminary finding of each standard with the caveat that this was subject to change as the auditor continued to review documents, may have questions to be answered and prepares the interim report. The auditor thanked them for their hard work and their commitment to follow the Prison Rape Elimination Act.

DESCRIPTION OF FACILITY CHARACTERISTICS

The Ward County Jail is one building with four floors located in downtown Minot, North Dakota. The facility is comprised of a total of ten housing units, B through J with a capacity of 104 inmates. The basement level includes an indoor recreation area, conference room, staff offices, maintenance spaces, library, kitchen and the housing area for work release inmates. The first floor includes a booking area, visit area, control room and three housing areas B through D. The second floor includes housing areas E and F. The third floor housing areas are G, H, I and J. The top floor has two roof-top outdoor recreation areas. Most housing areas have sleeping rooms, an internal dayroom and a single room shower. The work release unit for male inmates has an open dormitory and a bathroom with two toilet stalls and a shower stall. The inmates are housed based upon needs and their respective level of classification. All inmates are supervised by two shifts of well-trained Corrections Officers. Ward County Jail houses minimum, medium and maximum security inmates.

SUMMARY OF AUDIT FINDINGS

The PREA Coordinator has been working on implementation of PREA compliance measures over the past year for the Ward County Jail. The facility has very thorough policy on PREA (4.19) and PREA related procedures. At the initial on-site portion of the audit the facility had five standards that were in progress of being met, but were not quite there. Over the next few weeks while the interim report was being prepared, the PREA Coordinator provided documentation of compliance with those five standards. Therefore, the final report was issued in lieu of the interim report.

Number of standards exceeded:	0
Number of standards met:	42
Number of standards not met:	0
Number of standards not applicable:	1

Standard 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Jail Commander was recently promoted to his current position following the retirement of the previous administrator. Previously, as the Jail Lieutenant, he implemented the PREA process at the jail as the PREA Coordinator and has maintained that position through his progression to the facility administrator. The PREA Policy 4.19 is thorough and informs in writing of the Ward County Jail zero tolerance of sexually abusive behavior, and sexual harassment. This policy also outlines the facilities efforts in preventing, detecting, and responding to such conduct.

The PREA Coordinator, although also the administrator, has done an exceptional job in implementing the jail's efforts to comply with PREA standards. He takes the job seriously and works diligently to ensure the standards are implemented not only through policy, but are also internalized throughout the jail culture. He has stated that at some future date he may designate a compliance manager to assist in carrying out some of the duties, but for now desires to keep full control to ensure efforts continue in the direction he desires.

Standard 115.12 Contracting with other entities for confinement of inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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The auditor interviewed the Jail Administrator that oversees contract compliance. He completes a site visit at least annually with those facilities. In addition, the auditor reviewed all contracts that the Ward County Jail contracts holds with other facilities for the confinement of inmates. All contracts contain a clause that the contracting facility has an obligation to adopt and comply with the PREA standards. The Bismarck Transition Center, the Heart of America Correctional and Treatment Center, and the Lake Region Correctional Facility have all completed audits and are in compliance with the requirements of the PREA Standards. The McLean County Jail facility is working toward compliance and is expected to have their audit prior to August 2016.

Standard 115.13 Supervision and monitoring

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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The auditor interviewed the Sheriff, the Jail Commander (also PREA Coordinator), staff and inmates. In addition, the auditor reviewed the staffing plan, the schedules, log books, and viewed the camera coverage within the control room. Based on these interviews and observations, the Ward County Jail has developed, documented, and made its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and uses video monitoring, and other technology to protect inmates against sexual abuse.

One year ago the staffing levels were reviewed by the North Dakota Department of Corrections and Rehabilitation (DOCR) and found to be inadequate. Due to that review, the jail increased their staffing levels. They have no documented instances of following below their required staffing levels. They will document and justify all deviations from the plan if they fall below the normal staffing level. On 10/12/15, The Ward County Jail completed an annual review, in consultation with the PREA coordinator required by § 115.11, to assess, determine, and document whether adjustments are needed.

Standard 115.14 Youthful inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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This standard is not applicable. The facility does not house youthful offenders.

Standard 115.15 Limits to cross gender viewing and searches

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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The facility does not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners. In the event a cross gender search is done in an emergency situation, the facility will document all cross-gender strip searches and cross-gender visual body cavity searches.

The facility has policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without staff of the opposite gender viewing except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures require staff of the opposite gender to announce their presence when entering an inmate housing unit. Inmates confirmed during interviews that the announcement was made as a matter of routine and the auditor's presence was announced by jail staff as she entered male housing areas. The facility does not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it is determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

The Ward County Jail trains security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Standard 115.16 Inmates with disabilities and inmates who are limited English proficient.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Ward County Jail takes appropriate steps to ensure inmates with disabilities including inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities have an equal opportunity to participate in or benefit from all aspects of jail's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. There were no non-English speaking inmates at the facility. The Ward County Jail contracts with TeleLanguage to provide interpretive services. Inmates are first provided basic information in a PREA handout. This handout is also available in Spanish. The handout is also posted in every unit of the jail. To improve inmate comprehension and understanding of PREA, they have created an Inmate PREA training video for more thorough, comprehensive information. PREA Posters throughout the units are posted in both English and Spanish. The Ward County Jail does not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety.

Standard 115.17 Hiring and promotion decisions

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The auditor interviewed the Jail Commander responsible for hiring, reviewed personnel files and the background check tracking sheets. The facility has performed background checks at the time of employment of new hires and re-runs all background checks every five years or upon promotion. They include the required three questions during the employment process and require new hires to affirm that they have a continuing duty to report.

Standard 115.18 Upgrades to facilities and technology

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

There have been no major expansions or modifications at the Ward County Jail. The administrators consider the ways in which to enhance their efforts and abilities to protect inmates from sexual abuse through the use of a 2-way intercom system and video monitoring. There are 41 cameras located throughout the facility. Two additional cameras

were added to the kitchen earlier in 2015. There is a planned extensive expansion project that consists of an additional building that is being added onto the existing jail that will greatly improve the supervision of inmates. The ground work has already began and they will begin construction in the spring.

Standard 115.21 Evidence protocol and forensic medical examinations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Ward County Jail offers all victims of sexual abuse access to forensic medical examinations through Trinity Health without financial cost. Such examinations are performed by Sexual Assault Nurse Examiners (SANEs). The jail also makes available to the victim a victim advocate from the Domestic Violence Crisis Center. These services are outlined in a MOU with the center. As requested by the victim, a victim advocate accompanies and supports the victim through the forensic medical examination process and investigatory interviews and are provide emotional support, crisis intervention, information, and referrals. In the interview with the investigator from Ward County Sheriff’s Office he stated he has received training in sexual abuse investigations and evidence collection. The investigator immediately reaches out to the prosecutor’s office once there is evidence of sexual abuse.

Standard 115.22 Policies to ensure referrals of allegations for investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

As soon as the Jail Commander is notified of a sexual assault the protocol is to call the investigator from the Sheriff’s Office. The sheriff’s office investigator conducts prompt and thorough investigations of all allegations of misconduct. He has law enforcement authority to conduct investigations concerning any allegation of criminal action. An alleged incident of sexual harassment, or incident otherwise deemed to be a PREA violation that does not rise to the level of sexual abuse, is referred to the jail commander as the facility PREA investigator who has received PREA incident investigation training. There is written investigative policy in the PREA Policy 4.19 and this policy is published on the Ward County Jail website. <http://www.co.ward.nd.us/460/Sexual-Abuse-Policy>

Standard 115.31 Employee training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Ward County Jail provides PREA training to all staff. The auditor reviewed training documentation and curriculum. The facility has very good records that include a roster, a tracking sheet to ensure none is missed and a receipt and acknowledgment sheet that the employee or contractor signs stating they have read the PREA policy, they have received training on the specific 11 points outlined in the standard and they understand the policy and the training.

Standard 115.32 Volunteer and contractor training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Ward County Jail provides PREA training to volunteers and contractors at a level that is dependent upon their level of contact with the inmates. Training was verified through the interview process with a contracting staff and a volunteer and through review of training records.

Standard 115. 33 Inmate education

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Ward County Jail provides inmates immediately upon booking into the jail. This initial information is on the zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. This was evident through the interviews with inmates. They stated that they received some basic information immediately (during intake) and then later watched a video with more comprehensive information. They also referenced that the information is always available through the posters on the unit walls.

Standard 115.34 Specialized training: Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Ward County Jail has a trained facility investigator to conduct administrative investigations. All criminal allegations are turned over to the Ward County Sheriff's Department for investigation. The jail administrator completed the PRC PREA investigator training through the NIC website.

Standard 115.35 Specialized training: Medical and mental health care

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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The nurse staff are contracted through Trinity Hospital. They have completed the specialized training through the National Institute of Corrections “PREA Medical Health Care for Sexual Assault Victims in Confinement”. Through an interview with a nurse, it is apparent she is knowledgeable in how to detect and assess signs of sexual abuse and sexual harassment; how to preserve physical evidence of sexual abuse; how to respond effectively and professionally to victims of sexual abuse and sexual harassment; and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment. This training is in addition to required staff PREA training. No forensic examinations are conducted on site. All inmates who would report a sexual assault are transported to the local hospital with SANE services.

Standard 115.41 Screening for risk of victimization and abusiveness

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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The Ward County Jail has implemented their screening process. The booking officer conducts the screening for all incoming inmates. If an inmate, through the screening process, is determined to be susceptible to victimization or perpetration of sexual abuse, this is shared with staff only to the extent necessary to provide for the well being of the inmate. The auditor reviewed the screening tool and it includes questions as outlined in the standard.

Standard 115.42 Use of screening information

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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The Ward County Jail makes decisions based on all information obtained from the screening to make housing, bed, program, and work assignments for inmates with the goal of keeping all inmates safe and free from sexual abuse. Inmates are placed on a case-by-case basis whether a placement would ensure the inmate’s health and safety, and whether the placement would present management or security problems. The jail takes into account the concerns of a transgendered or intersex inmate’s own views with respect to his or her own safety. Those views are given serious consideration and this was demonstrated through the interviews of staff. All inmates shower separately at the jail. The

facility does not place lesbian, gay, bisexual, transgender, or intersex inmates in particular housing, bed or other assignments solely on the basis of such identification or status, nor does the facility consider lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive.

Standard 115.43 Protective Custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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The Ward County Jail considers the least upsetting placement for the alleged victim. Staff interviews confirmed that inmates at high risk for sexual victimization are not placed into protective custody unless the inmate cannot be protected by any other means. A review of status for protective custody would be completed at a minimum of every 30 days. They have not placed any alleged inmate victims of sexual abuse or sexual harassment in involuntary segregated housing.

Standard 115.51 Inmate reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Ward County Jail provides multiple internal avenues for inmates to report sexual abuse, sexual harassment and retaliation. They can tell any staff member, write an inmate request form, write an inmate grievance form, a third party report form, write to the North Dakota Bureau of Criminal Investigation or place a free call to the Minot Domestic Violence Crisis Center using the unit phone. The auditor verified the number by dialing the number from an inmate housing unit. Inmate interviews confirmed that inmates are aware of their options.

Standard 115.52 Exhaustion of administrative remedies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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Inmates may submit a grievance alleging sexual abuse or harassment without submitting it to a staff member that is subject of the allegation. The inmate does not have to complete any other prior steps in order to submit a grievance for an allegation of sexual abuse. There is also no time limit on when an inmate can submit a grievance regarding an

allegation of sexual abuse. Staff and inmate interviews confirmed their knowledge of how the grievance process can be used to report sexual abuse and sexual harassment. This information is also provided in the inmate handbook.

Standard 115.53 Inmate access to outside confidential support services.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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The Ward County Jail has an MOU with the Domestic Violence Crisis Center. In addition, both staff and inmates verified that the medical staff could set up a visit with mental health staff at North Central Human Service Center. Also, the chaplain services through New Life Fellowship is available to inmates. The Ward County Jail provides inmates with reasonable and confidential access to their attorney. In addition, inmates interviewed reported that they had contact with their families regularly.

Standard 115.54 Third-party reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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The Ward County Jail website provides information on how an individual can make a third party report. Third parties are able to report sexual abuse and sexual harassment to any facility staff member. In addition, there are posters in the lobby area. The Ward County Jail has not received any third party reports. Interviews with staff and inmates confirm that staff and inmates are aware that third party reporting options are available.

Standard 115.61 Staff and agency reporting duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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The Ward County Jail PREA policy requires all staff to immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse or harassment and for staff not to reveal any information related to a sexual abuse report to anyone other than the extent necessary. Staff interviewed understood and spoke specifically about this procedure. Inmate interviews supported the fact that inmates are also aware of the reporting and confidentiality requirements of sexual abuse and sexual harassment.

Standard 115.62 Agency protection duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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The Ward County PREA policy requires staff to take immediate action to protect any inmate they learn is subject to substantial risk of imminent sexual abuse. All staff interviewed are aware of this procedure. There was a reported incident of threatened harm and the alleged abuser and the alleged victim were separated.

Standard 115.63 Reporting to other confinement facilities

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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Through interviews with the Jail Commander, upon receiving an allegation that an inmate was sexually abused while confined at another facility, he notifies the head of the facility or appropriate office of the agency where the alleged abuse occurred. An investigation will be initiated immediately. This notification is to be made immediately and documented. There was one incident reported to another facility over the past year regarding a transferred inmate. All procedures were correctly followed.

Standard 115.64 Staff first responder duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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Staff provided appropriate responses during the interviews outlining the duties of first responders as separate the victim and abuser; preserve and collect evidence; do not allow inmates to take any actions that could destroy evidence; contact medical staff to provide immediate medical care and contact a supervisor.

Standard 115.65 Coordinated responses

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Ward County Jail has a detailed comprehensive PREA Plan with a coordinated response and the staff seemed to be well versed in first responder procedures and were aware of all elements of this standard (separate alleged victim/abuser, preservation and protection of crime scene, to include collection of physical evidence as soon as possible, including the request of the victim not to take any actions which could destroy any physical evidence). Interviews with random staff confirmed knowledge of these procedures.

Standard 115.66 Preservation of ability to protect inmates from contact with abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Ward County Jail has a disciplinary process that allows for staff discipline when staff have participated in a sexual abuse / harassment incident to include dismissal. There are no barriers preventing the Jail Commander from removing an alleged staff, volunteer, or contractor sexual abuser from contact with inmates pending the outcome of the investigation and a determination of discipline.

Standard 115.67 Agency protection against retaliation

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Ward County PREA policy covers all elements of this standard. The Jail Commander/PREA Compliance Manager is designated to monitor for retaliation up to a 90-day period or for as long as needed.

Standard 115.68 Post-allegation protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Ward County Jail demonstrated compliance with all elements of this standard. Staff stated segregated housing would only be used at the request of the inmate or for an immediate need for protection until alternative housing could be provided. There are multiple housing options available to provide adequate separation for the protection of an inmate. The standard practice would be to place the suspected abuser in segregated housing.

Standard 115.71 Criminal and administrative agency investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The auditor reviewed agency investigative files. The incidents were properly investigated as outlined by their policy and PREA standards. Administrative investigations include efforts to determine whether staff actions/failures contributed to the abuse. The investigations are documented through written reports and include physical/testimonial evidence, credibility reasoning assessments and investigative facts and findings. All written reports will be retained for at least seven (7) years from inmate(s) discharge. Investigations will not be terminated due to the departure of an alleged abuser or victim. The facility will cooperate with outside investigators and will remain informed of the investigation progress.

Standard 115.72 Evidentiary standards for administrative investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Ward County Jail policy requires no standard higher than a preponderance of evidence will be used in making a determination of alleged sexual abuse/harassment. The policy was confirmed through interviews with the investigator.

Standard 115.73 Reporting to inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Ward County Jail policy requires inmates to be informed as to whether an allegation of sexual abuse is substantiated, unsubstantiated or unfounded. If a sexual misconduct allegation is confirmed, the inmate will be informed of the abuser's employment-volunteer-contractor status; and as appropriate of an indictment/conviction. Interviews with the Jail Commander confirmed practices involving all standard components were in place. Information regarding the status of investigations is readily available and was provided to the auditor. The auditor verified this by viewing written documentation of the reports to inmates. All the reports contained documented evidence to the inmate except one. The inmate was still present and this oversight was immediately corrected.

Standard 115.76 Disciplinary sanctions for staff

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Ward County Jail policy requires that staff members who have violated sexual abuse, sexual harassment and retaliation policies are subject to disciplinary sanctions. No staff has violated agency sexual abuse, harassment or retaliation policies. Interviews conducted with the Jail Commander verified that there had been no substantiated allegations at the facility during this audit period review. Interviews also confirmed that agency policy would be followed should disciplinary measures be required including a report to law enforcement should termination and/or resignation of staff occur.

Standard 115.77 Corrective actions for contractors and volunteers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Ward County Jail policy states contractors and volunteers are subject to disciplinary actions including termination for violation of sexual abuse policy. According to the Jail Commander, should any violation of this type be substantiated, the facility has complete authority to administer remedial measures including prohibiting further contact with inmates by prohibiting entrance into the facility for violation of the facility's sexual abuse/harassment policies. In the event of criminal conduct, reports will be made to Ward County Sheriff's office.

Standard 115.78 Disciplinary sanctions for inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

For incidents of inmate-on-inmate sexual abuse, sexual harassment or retaliation, administrative sanctions will be handed out following the formal disciplinary processes and applied commensurate with the level of the infraction. The Ward County Jail prohibits all sexual activity among offenders and does not deem such activity to be sexual abuse if the activity is consensual. However, consensual activity is thoroughly investigated to ensure that it is truly consensual and not coerced.

Standard 115.81 Medical and mental health screenings; history of sexual abuse.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Through the PREA screening completed by intake staff any inmate that has experienced prior sexual victimization or has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, will be offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. Interviews confirmed agency policy expectations and staff were aware of their responsibilities including limiting information strictly to medical and other staff, as necessary. Medical staff are aware of mandatory reporting laws for inmates. The auditor recommends that inmates are more clearly notified regarding the limits of confidentiality if they disclose sexual abuse to medical providers by perhaps posting a sign in the medical offices and the exam room. The auditor recommends that the inmate provide an informed consent in writing if medical reports information about prior sexual victimization that did not occur in an institutional setting.

Standard 115.82 Access to emergency medical and mental health services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

A review of facility policy documented PREA requirements are met for access to emergency medical and mental health services. In the event services after hours are not available by the facility medical staff, inmates would be taken to Trinity Hospital in Minot.

Standard 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Ward County Jail policy requires that medical and mental health evaluations and treatment are offered at no cost to sexual abuse victims and abusers. Medical staff verified this as a consistent practice. Tests for sexually transmitted infections and pregnancy are offered. If mental health services are required a referral is made to the North Central Human Service Center operated by the North Dakota Department of Human Services.

Standard 115.86 Sexual abuse incident reviews

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The facility conducts formal sexual abuse incident reviews following each sexual abuse investigation specifically answering the questions posed within the standard. The auditor recommended a consistent date each month is set for the review of any incidents from the previous month. The review includes upper-level staff, supervisors, investigators, and medical staff.

Standard 115.87 Data collection

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The facility collects uniform data for all allegations of sexual abuse based on incident reports and investigation files. Aggregate annual data is available and was provided to the auditor.

Standard 115.88 Data review for corrective action

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The jail conducted an annual review of data and prepared an annual report. This review was attended by all upper level managers and reported on findings and corrective actions as well as the progress made through their previous year in addressing sexual abuse.

Standard 115.89 Data storage, publication and destruction

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

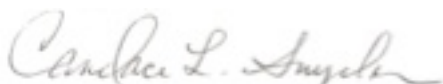
The Ward County Jail posts PREA related data on the website as listed below. Data collected is retained in a secure manner and for at least ten (10) years.

<http://www.co.ward.nd.us/460/Sexual-Abuse-Policy>

AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.



Auditor Signature

January 24, 2016

Date