

Prison Rape Elimination Act (PREA) Audit Report

Adult Prisons & Jails

☐ Interim ☒ Final

Date of Report March 10, 2019

Auditor Information

Name: Darnel Carlson Email: darnel.carlson@crowwing.us

Company Name: Click or tap here to enter text.

Mailing Address: P.O. Box 1201 City, State, Zip: Brainerd, MN 56401

Telephone: 218-822-7007 Date of Facility Visit: 07/19/2018

Agency Information

Name of Agency: Governing Authority or Parent Agency (If Applicable):

Trail County Jail Trail County Sheriff's Department

Physical Address: 118 W. Caledonia Avenue City, State, Zip: Hillsboro, ND 58045

Mailing Address: P.O. Box 279 City, State, Zip: Hillsboro, ND 58045

Telephone: Click or tap here to enter text. Is Agency accredited by any organization? ☐ Yes ☐ No

The Agency Is: ☐ Military ☐ Private for Profit ☐ Private not for Profit

☐ Municipal ☒ County ☐ State ☐ Federal

Agency mission: Click or tap here to enter text.

Agency Website with PREA Information: None

Agency Chief Executive Officer

Name: Steve Hunt Title: Sheriff

Email: shunt@nd.gov Telephone: 701-636-4510

Agency-Wide PREA Coordinator

Name: Tony Ernst Title: Chief Deputy

Email: aernst@nd.gov Telephone: 701-636-4510

PREA Coordinator Reports to: Sheriff Steve Hunt		Number of Compliance Managers who report to the PREA Coordinator 0	
Facility Information			
Name of Facility: Traill County Jail			
Physical Address: 118 W. Caledonia Avenue Hillsboro, ND 58045			
Mailing Address (if different than above): P.O. Box 279 Hillsboro, ND 58045			
Telephone Number: 701-636-4510			
The Facility Is:	<input type="checkbox"/> Military	<input type="checkbox"/> Private for profit	<input type="checkbox"/> Private not for profit
<input type="checkbox"/> Municipal	<input type="checkbox"/> County	<input type="checkbox"/> State	<input type="checkbox"/> Federal
Facility Type:	<input checked="" type="checkbox"/> Jail	<input type="checkbox"/> Prison	
Facility Mission: Click or tap here to enter text.			
Facility Website with PREA Information: None			
Warden/Superintendent			
Name: Steve Hunt		Title: Sheriff	
Email: shunt@nd.gov		Telephone: 701-636-4510	
Facility PREA Compliance Manager			
Name: N/A		Title: Click or tap here to enter text.	
Email: Click or tap here to enter text.		Telephone: Click or tap here to enter text.	
Facility Health Service Administrator			
Name: N/A		Title: Click or tap here to enter text.	
Email: Click or tap here to enter text.		Telephone: Click or tap here to enter text.	
Facility Characteristics			
Designated Facility Capacity: 13		Current Population of Facility: 1	
Number of inmates admitted to facility during the past 12 months			247
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more:			3
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:			56

Number of inmates on date of audit who were admitted to facility prior to August 20, 2012:			0	
Age Range of Population:	Youthful Inmates Under 18: N/A	Adults: 18-99		
Are youthful inmates housed separately from the adult population?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
Number of youthful inmates housed at this facility during the past 12 months:			N/A	
Average length of stay or time under supervision:			N/A	
Facility security level/inmate custody levels:			Minimum; Medium; Maximum	
Number of staff currently employed by the facility who may have contact with inmates:			7	
Number of staff hired by the facility during the past 12 months who may have contact with inmates:			1	
Number of contracts in the past 12 months for services with contractors who may have contact with inmates:			0	
Physical Plant				
Number of Buildings: 1		Number of Single Cell Housing Units: 0		
Number of Multiple Occupancy Cell Housing Units:		1		
Number of Open Bay/Dorm Housing Units:		0		
Number of Segregation Cells (Administrative and Disciplinary):		1		
Description of any video or electronic monitoring technology (including any relevant information about where cameras are placed, where the control room is, retention of video, etc.):				
The video monitoring system consists of ten plus IP cameras placed internally and externally throughout the building.				
Medical				
Type of Medical Facility:		N/A		
Forensic sexual assault medical exams are conducted at:		Sanford Hospital – Fargo North Dakota		
Other				
Number of volunteers and individual contractors, who may have contact with inmates, currently authorized to enter the facility:			1	
Number of investigators the agency currently employs to investigate allegations of sexual abuse:			2	

Audit Findings

Audit Narrative

The Prison Rape Elimination Act (PREA) on-site audit of the Traill County Jail (TCJ) in Hillsboro, North Dakota was conducted on July 19, 2018. Pre-Audit preparation included a thorough review of the Pre-Audit Questionnaire and all documents and materials submitted by the facility. The documentation review included agency policies, procedures, forms, contracts, educational materials, and other PREA related materials that were provided to demonstrate compliance with the PREA Standards. This review prompted questions that were asked during the initial meeting during the on-site audit. Answers to the questions were provided by the Sheriff and the PREA Coordinator. Audit notices were provided to the Traill County Jail six weeks prior to the audit. The audit notices provided in English and Spanish versions were visibly posted in the jail. The auditor did not receive any correspondence from inmates throughout the audit process. The audit notices were still posted in the jail and entry area of the Sheriff's Department on the date of the on-site audit.

During the one day of the on-site audit, the auditor was provided a conference room to work and conduct confidential interviews. Four facility staff members were interviewed. Included in the four facility staff interviews were random staff and investigative staff. Also, interviewed were the Sheriff who is also the Jail Administrator and the Chief Deputy who is the designated PREA Coordinator. The inmate population of the day of the on-site audit was one, which the auditor interviewed. During the on-site audit, there were zero inmates admitted to the facility identified to be interviewed in other targeted areas. The Traill County Jail reported zero allegations of sexual abuse or sexual harassment have occurred since August 20, 2012.

The auditor reviewed background procedures, and ongoing background checks completed every two years of staff. The Traill County Jail completes a full background packet on potential employees which include an NCIC background check. Inmate files were reviewed to evaluate screening and intake procedures and training acknowledgments.

The Traill County Sheriff's Department employees fifteen staff which include the Sheriff, Chief Deputy, eight deputies, and five correctional/dispatchers who have direct contact with inmates.

The auditor toured the facility escorted by the Sheriff. The Traill County Jail is a small facility that holds a maximum of 13 inmates. The facility was toured which included a laundry room, storage room, detox cell, linen closet, and a 10-bed general population area with a dayroom and private shower, the location of cameras, placement of posters and PREA information resources. The auditor noted that a toilet was located in each cell. The facility does not have a kitchen, meals are prepared off-site and picked up by the Sheriff's Department staff and transported back to the jail.

The Sheriff and Chief Deputy were available throughout the audit. The staff and inmate were made readily available to the auditor for interviews. The Sheriff and Chief Deputy have made a commitment to becoming PREA complaint and developing a culture of zero tolerance.

Facility Characteristics

The Traill County Jail is a Grade two facility under North Dakota Century Code (N.D.C.C.) – S.S. 12-44 1.06.b. A grade two facility means – a correctional facility for confining inmates not more than ninety days. The Traill County Jail generally does not hold inmates over thirty days. The Traill County Jail is inspected annually by the North Dakota Department of Corrections and Rehabilitation. The Sheriff's Department is attached to the back of the historic Traill County Courthouse.

The Traill County Sheriff's Department is located downtown surrounded by a residential area at 118 W. Caledonia Avenue in Hillsboro, North Dakota. The Traill County Sheriff's Department is attached to the Traill County Courthouse. There was one adult male inmate (male only facility) in custody on the day of the PREA Audit.

The Traill County Sheriff's Department is one level and contains a thirteen-bed jail. The Traill County Jail houses adult male inmates who are sentenced, pretrial, or pre-sentenced. Upon entering the building there is a small reception area. The Sheriff's Department consists of office space, one conference room, and a correctional/dispatcher office that is staffed twenty-four/seven. The video monitoring system is located in the correctional/dispatcher office. The main entrance to the jail is located off the hallway. The small jail has a short "L" shaped hallway with an emergency exit door at the opposite end of the hallway. When you enter the jail you are facing a wall on the opposite side of the hallway with three doors. The laundry room is to the left, a cell used for storage is in the middle, and a detox cell is to the right. Walking a short distance down the hallway there is a ten-bed general population cell. There is an open dayroom with a private shower behind a row of bars and located off the dayroom are three cells. Two of the cells have two bunk beds and one cell has one bunk bed. There are toilets in each cell area. The second exit located at the end of the short hallway that runs in front of the general population area.

Meals are not prepared at the facility. The facility does not have a kitchen, meals are prepared off-site and picked up by the Sheriff's Department staff and transported back to the jail.

The Traill County Jail does not have a structured program department. One church volunteer is called in as needed upon a request from an inmate.

Summary of Audit Findings

The Traill County Jail reported zero allegations of sexual abuse or sexual harassment since August 20, 2012. Therefore, there have been zero administrative and zero criminal investigations related to sexual abuse or harassment conducted.

An interview with an inmate indicated receipt of PREA information at intake. The Traill County Jail generally houses male inmates for a maximum of thirty days. Female inmates are housed at the Grand Forks County Correctional Facility. Traill County has a long term housing contract with the Grand Forks County Correctional Facility. The facility in Grand Forks is a PREA compliant facility. At intake, inmates are given a copy of the PREA Brochure and inmate handbook that contains detailed information about the agency's zero-tolerance policy and multiple ways to report sexual abuse and harassment. The Traill County Jail has an average daily population of less than one, therefore it is not uncommon for the facility to have a zero inmate population. The inmate interviewed stated he felt safe at the facility and believed that staff would respond to any report of sexual abuse or harassment.

At the time of the onsite audit, the facility reported that staff training had not been completed. Staff interviewed were knowledgeable about their responsibilities in the prevention, reporting, and responding to sexual abuse and sexual harassment after attending PREA training in March 2018. Staff interviewed were able to explain steps they would follow if they were the first to respond to an incident of sexual abuse.

After a review of documentation, a tour of the facility, and conducting interviews, this auditor found that the facility leadership is vested in continuing a culture of zero tolerance for sexual abuse and sexual harassment.

The Traill County Jail was found to be out of compliance with five standards. Standard 115.22 – Policies to Ensure Referrals of Allegations for Investigations; Standard – 115.31 – Staff Training; 115.32 – Volunteer and Contractor Training; 115.35 – Specialized training: Medical and Mental Health Staff; 115.54 – Third Party Reporting. The facility completed the corrective action requested within the 180-day correction

Number of Standards Exceeded: 0

0

Number of Standards Met: 47

115.11 Through 115.403

Number of Standards Not Met: 0

0

Summary of Corrective Action (if any)

During the onsite audit, the facility was found to be out of compliance with five standards. Standard 115.22 – Policies to Ensure Referrals of Allegations for Investigations; standard – 115.31 – Staff Training; standard 115.32 – Volunteer and Contractor Training; standard 115.35 – Specialized training: Medical and Mental Health Staff; standard 115.54 – Third Party Reporting.

Standard 115.22 – Policies to Ensure Referrals of Allegations for Investigations. The agency had not publicly published its investigative policy on its website or by other means. For compliance with this standard, the agency will have to publish their investigative policy on their website or other means. The auditor was provided a copy of the investigative policy that was posted in the public lobby of the jail on August 23, 2018. The agency reported they are unable to publish this policy on their website due to technical problems with the website.

Standard – 115.31 – Staff Training. The agency had not completed staff training. For compliance with this standard, the agency will have to complete staff training and document staff signatures acknowledging receipt and understanding of the training.

On January 22, 2019, the auditor received an email from the PREA Coordinator with signed acknowledgments that employees received and understand the training.

Standard 115.32 – Volunteer and Contractor Training. The agency did not provide training for contractors and volunteers. For compliance with this standard, the agency will have to select a training curriculum for contractors and volunteers. Complete training and document contractor and volunteers acknowledging receipt and understanding of training.

On August 23, 2018, the auditor received an email with the training curriculum for contractors and volunteers. The facility has not provided the training to the volunteer. The PREA Coordinator assured that the church volunteer will be provided training the next time the volunteer is called to the jail.

Standard 115.35 – Specialized training: Medical and Mental Health Staff. Corrective action required is to provide contractor/volunteer training to the public health nurse.

On August 23, 2018, the PREA Coordinator emailed documentation of contractor/volunteer training being completed by the public health nurse.

Standard 115.54 – Third Party Reporting. The agency has not publicly distributed information on how to report inmate sexual abuse and harassment on behalf of inmates. For compliance with this standard, the agency will have to publish third-party reporting information on their website or other means.

On August 23, 2018, the auditor was provided a copy of the information posted on how to report inmate sexual abuse and harassment on behalf of inmates. The information is posted in the public lobby of the jail. The agency reported they are unable to publish this policy on their website due to technical problems with the website.

PREVENTION PLANNING

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

All Yes/No Questions Must Be Answered by The Auditor to Complete the Report

115.11 (a)

- Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment? ☒ Yes ☐ No
- Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment? ☒ Yes ☐ No

115.11 (b)

- Has the agency employed or designated an agency-wide PREA Coordinator? ☒ Yes ☐ No
- Is the PREA Coordinator position in the upper-level of the agency hierarchy? ☒ Yes ☐ No
- Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities?
☒ Yes ☐ No

115.11 (c)

- If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.) ☐ Yes ☐ No ☒ NA
- Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)
☐ Yes ☐ No ☒ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The Traill County Jail (TCJ) has implemented a zero-tolerance policy as detailed in the Prison Rape Elimination Act (PREA) Policy which comprehensively addresses the agency's approach to preventing, detecting, and responding to all forms of sexual abuse and sexual harassment. The policy contains essential definitions, sanctions, and descriptions of the agency's strategies and responses to sexual abuse and sexual harassment. This policy creates the foundation for the agency's training efforts with inmates, staff, volunteers, and contractors.

B. TJC Jail has a designated PREA Coordinator, Chief Deputy Anthony Ernest, who reports directly to the Sheriff. The PREA Coordinator reports having sufficient time and authority to develop, implement, and oversee the agency's efforts toward PREA compliance. The responsibilities of the PREA Coordinator are clearly outlined in the agency's PREA Policy on page 4.

C. Traill County operates 1 facility, therefore, this section of the standard is not applicable.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ Jail PREA Policy
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Chief Deputy Anthony Ernst (Chief Deputy)

Standard 115.12: Contracting with other entities for the confinement of inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.12 (a)

- If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.) ☒ Yes ☐ No ☐ NA

115.12 (b)

- Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates OR the response to 115.12(a)-1 is "NO".) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A-B. TCJ contracts with Grand Forks County Correctional Facility for the confinement of their female inmates and inmates being housed over 90 days. The TCJ PREA Policy page 5 requires the agency when contracting with another agency for the confinement of Traill County inmates to include the entity's obligation to adopt and comply with the PREA standards.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)
- Grand Forks County Correctional Facility – confirmed PREA compliance
- The contract for confinement with Grand Forks County

Standard 115.13: Supervision and monitoring

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.13 (a)

- Does the agency ensure that each facility has developed a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse? ☒ Yes ☐ No
- Does the agency ensure that each facility has documented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse? ☒ Yes ☐ No
- Does the agency ensure that each facility's staffing plan takes into consideration the generally accepted detention and correctional practices in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No
- Does the agency ensure that each facility's staffing plan takes into consideration any judicial findings of inadequacy in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No
- Does the agency ensure that each facility's staffing plan takes into consideration any findings of inadequacy from Federal investigative agencies in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No
- Does the agency ensure that each facility's staffing plan takes into consideration any findings of inadequacy from internal or external oversight bodies in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No
- Does the agency ensure that each facility's staffing plan takes into consideration all components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated) in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No

- Does the agency ensure that each facility's staffing plan takes into consideration the composition of the inmate population in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No
- Does the agency ensure that each facility's staffing plan takes into consideration the number and placement of supervisory staff in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No
- Does the agency ensure that each facility's staffing plan takes into consideration the institution programs occurring on a particular shift in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No ☐ NA
- Does the agency ensure that each facility's staffing plan takes into consideration any applicable State or local laws, regulations, or standards in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No
- Does the agency ensure that each facility's staffing plan takes into consideration the prevalence of substantiated and unsubstantiated incidents of sexual abuse in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No
- Does the agency ensure that each facility's staffing plan takes into consideration any other relevant factors in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No

115.13 (b)

- In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)
☐ Yes ☐ No ☒ NA

115.13 (c)

- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section? ☒ Yes ☐ No
- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies? ☒ Yes ☐ No
- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan? ☒ Yes ☐ No

115.13 (d)

- Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment? ☒ Yes ☐ No
- Is this policy and practice implemented for night shifts as well as day shifts? ☒ Yes ☐ No
- Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ has a staffing plan that considers the mandatory 11 elements and considerations required in this standard.

B. The TCJ does not deviate from the staffing plan. Voluntary or mandatory overtime would be used to maintain minimum staffing. The TCJ reports zero deviations from the staffing plan.

C. The TCJ PREA Policy page 5 requires the Sheriff with input from the PREA Coordinator review, determine, and document whether any adjustments are needed to the staffing plan.

D. The TCJ PREA Policy page 5 states the Sheriff or Chief Deputy will conduct unannounced rounds of the facility and documented. The Traill County Jail is a 13-bed facility that requires one jail/dispatcher on per shift. Page 5 of the TCJ PREA Policy, does prohibit staff from alerting other staff members that a supervisor is conducting these rounds.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy
- Completed Pre-Audit Questionnaire submitted by TCJ
- Documentation of Sheriff/Chief Deputy supervisory rounds
- Interview with Sheriff Steve Hunt
- Interview with Chief Deputy Anthony Ernst

Standard 115.14: Youthful inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.14 (a)

- Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates [inmates <18 years old].) ☐ Yes ☐ No ☒ NA

115.14 (b)

- In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates [inmates <18 years old].) ☐ Yes ☐ No ☒ NA
- In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates [inmates <18 years old].) ☐ Yes ☐ No ☒ NA

115.14 (c)

- Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates [inmates <18 years old].) ☐ Yes ☐ No ☒ NA
- Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates [inmates <18 years old].) ☐ Yes ☐ No ☒ NA
- Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates [inmates <18 years old].) ☐ Yes ☐ No ☒ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

The Traill County Jail (TCJ) does not house youthful inmates. TCJ PREA Policy page 5 states that youthful inmates are not housed at TCJ. Therefore, this standard is not applicable to the Traill County Jail.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)

Standard 115.15: Limits to cross-gender viewing and searches

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.15 (a)

- Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?
☒ Yes ☐ No

115.15 (b)

- Does the facility always refrain from conducting cross-gender pat-down searches of female inmates in non-exigent circumstances? (N/A here for facilities with less than 50 inmates before August 20, 2017.) ☒ Yes ☐ No ☐ NA
- Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A here for facilities with less than 50 inmates before August 20, 2017.) ☒ Yes ☐ No ☐ NA

115.15 (c)

- Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches? ☒ Yes ☐ No
- Does the facility document all cross-gender pat-down searches of female inmates?
☒ Yes ☐ No

115.15 (d)

- Does the facility implement a policy and practice that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? ☒ Yes ☐ No
- Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit? ☒ Yes ☐ No

115.15 (e)

- Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status? ☒ Yes ☐ No
- If an inmate's genital status is unknown, does the facility determine genital status 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? ☒ Yes ☐ No

115.15 (f)

- Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? ☒ Yes ☐ No
- Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

The Traill County Jail reports that it has conducted zero cross-gender strip or cross-gender visual body cavity searches of inmates in the last 12 months. The agency also reports zero cross-gender pat-down searches of female inmates by male officers.

A. The TCJ PREA Policy page 6 prohibits staff from conducting cross-gender strip searches or visual body cavity searches except in exigent circumstances or when performed by medical practitioners.

B. The Traill County Jail does not house female inmates. Female arrestees do not enter the secured perimeter of the jail. Female arrestees are immediately transported to the Grand Forks County Correctional Facility for housing. The TCJ PREA Policy page 6 does prohibit female inmates from being pat searched by male officers except in indigent circumstances which must be documented.

C. Agency policy requires that all cross-gender strip searches and cross-gender body cavity searches be documented.

D. The TCJ PREA Policy page 6 allows for inmates to be allowed to shower, perform bodily functions, and change clothing in privacy. The policy also requires a staff member announces their presence when entering the jail.

E. The TCJ PREA Policy page 6 prohibits staff from searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. An interview with jail staff verified this policy is followed. There were zero transgender or intersex inmates in custody at the time of the on-site audit.

F. The TCJ PREA Policy page 6 states that security staff members are trained to conduct cross-gender pat-down searches and searches of transgender and intersex inmates professionally, respectfully in the least intrusive manner possible consistent with security needs. Random staff interviewed were able to explain the training they received.

There is a room outside the secured area of the jail where male arrestees are searched by the arresting officer. The arrestee is given privacy behind a curtain to change into jail clothing after a pat search is completed.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy
- Completed Pre-Audit Questionnaire submitted by the facility
- Interview with random staff and inmate
- Training documents

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

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.16 (a)

- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing? ☒ Yes ☐ No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision? ☒ Yes ☐ No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities? ☒ Yes ☐ No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect,

and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities? ☒ Yes ☐ No

- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities? ☒ Yes ☐ No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes)? ☒ Yes ☐ No
- Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing? ☒ Yes ☐ No
- Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? ☒ Yes ☐ No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities? ☒ Yes ☐ No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills? ☒ Yes ☐ No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Are blind or have low vision? ☒ Yes ☐ No

115.16 (b)

- Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient? ☒ Yes ☐ No
- Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? ☒ Yes ☐ No

115.16 (c)

- Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ ensures key information about PREA is continuously and readily available or visible to inmates through postings and the PREA Brochure given to the inmate at intake. The facility provides translation services for all PREA educational material for adults with special needs (limited English proficient, deaf, visually impaired, limited reading skills, etc.)

B. The TCJ has a contract with Language Link to provide translation and interpretive services who also provide on-site services upon request.

C. The policy prohibits using inmate interpreters.

D. During the on-site audit, there was 1 inmate in custody who was not disabled or limited English proficient. The facility reports that there have been zero instances where inmate interpreters have been used in the past 12 months.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)
- Interview with a random staff member

Standard 115.17: Hiring and promotion decisions

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.17 (a)

- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? ☒ Yes ☐ No
- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? ☒ Yes ☐ No

- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? ☒ Yes ☐ No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? ☒ Yes ☐ No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? ☒ Yes ☐ No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? ☒ Yes ☐ No

115.17 (b)

- Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates? ☒ Yes ☐ No

115.17 (c)

- Before hiring new employees, who may have contact with inmates, does the agency: perform a criminal background records check? ☒ Yes ☐ No
- Before hiring new employees, who may have contact with inmates, does the agency: consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse? ☒ Yes ☐ No

115.17 (d)

- Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates? ☒ Yes ☐ No

115.17 (e)

- Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees? ☒ Yes ☐ No

115.17 (f)

- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions? ☒ Yes ☐ No
- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees? ☒ Yes ☐ No
- Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct? ☒ Yes ☐ No

115.17 (g)

- Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination? ☒ Yes ☐ No

115.17 (h)

- Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ PREA Policy page 7 prohibits the hiring or promotion of anyone who may have contact with inmates, and will not enlist the services of any contractor or volunteer who may have contact with inmates that has the prohibited conduct specified in this standard.

B. The TCJ PREA Policy page 7 states all incidents of sexual abuse be considered for hiring or promotional decisions or enlist the services of any contractor who may have contact with inmates.

C. The TCJ PREA Policy page 7 requires a criminal background check consistent with Federal, State, and local law and to make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

- D.** The TCJ PREA Policy page 7 requires criminal background checks be conducted before enlisting the services of any contractor who may have contact with inmates.
- E.** The TCJ PREA Policy page 7 requires criminal background checks be conducted at least every 5 years on all current employees, volunteers, and contractors who may have contact with inmates. It was explained during a conversation with the Sheriff and Chief Deputy/PREA Coordinator that NCIC background records checks are conducted every 2 years.
- F.** The TCJ PREA Policy page 7 requires all applicants and employees to disclose any misconduct described in “a” of this standard through written applications or interviews for hiring or promotions. The Traill County Sheriff’s Department does not use written self-evaluations as part of reviews of current employees. Policy imposes a continuing affirmative duty to disclose any misconduct described in “a” of this standard.
- G.** Material omissions regarding conduct described in “a” of this standard or the provision of materially false information shall be grounds for termination.
- H.** The Sheriff assured that unless prohibited by law, information would be shared about previous employee misconduct if requested.

In the past 12 months, the Traill County Sheriff’s Office has entered into zero contracts for services. Traill County conducts a full background check prior to hiring an employee which includes questions regarding misconduct described in “a” of this standard. There is one contractor who may enter the jail. Background checks are conducted on the contractor and the contractor is escorted by jail staff. The Traill County Sheriff’s Office is a small agency who doesn’t have frequent promotional opportunities. Any future promotional opportunities will include asking about misconduct described in “a” of this standard.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)
- Background check review
- Employee file review

Standard 115.18: Upgrades to facilities and technologies

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.18 (a)

- If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency’s ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)
☐ Yes ☒ No ☐ NA

115.18 (b)

- If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)
☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The Traill County Jail has not acquired a new facility or made a substantial expansion or modification to existing facilities since August 20, 2012.

B. The Traill County Jail has upgraded its video monitoring system. The camera system was upgraded to an IP system.

Interviews with the Sheriff and Chief Deputy/PREA Coordinator confirmed that PREA would be taken into consideration in any future upgrades to the facility.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt
- Interview with Chief Deputy Anthony Ernst/PREA Coordinator
- Review of the camera system

RESPONSIVE PLANNING

Standard 115.21: Evidence protocol and forensic medical examinations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.21 (a)

- If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)
☒ Yes ☐ No ☐ NA

115.21 (b)

- Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) ☒ Yes ☐ No ☐ NA
- Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) ☒ Yes ☐ No ☐ NA

115.21 (c)

- Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate? ☒ Yes ☐ No
- Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible? ☒ Yes ☐ No
- If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)? ☒ Yes ☐ No
- Has the agency documented its efforts to provide SAFEs or SANEs? ☒ Yes ☐ No

115.21 (d)

- Does the agency attempt to make available to the victim a victim advocate from a rape crisis center? ☒ Yes ☐ No
- If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? ☒ Yes ☐ No
- Has the agency documented its efforts to secure services from rape crisis centers? ☒ Yes ☐ No

115.21 (e)

- As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews? ☒ Yes ☐ No
- As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals? ☒ Yes ☐ No

115.21 (f)

- If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating entity follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.) ☒ Yes ☐ No ☐ NA

115.21 (g)

- Auditor is not required to audit this provision.

115.21 (h)

- If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? [N/A if agency attempts to make a victim advocate from a rape crisis center available to victims per 115.21(d) above.] ☐ Yes ☐ No ☒ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ refers all inmate-on-inmate and staff-on-inmate criminal allegations of sexual abuse to the North Dakota Bureau of Criminal Investigations (NDCBI) to be investigated. Administrative investigations are conducted by the Traill County Sheriff's Department investigator who follows a uniform evidence protocol for obtaining usable physical evidence for administrative proceedings.

B. An interview with the investigator assured that correct protocols are followed and training has been provided for investigating sexual harassment allegations in the TCJ.

C. A forensic medical examination is conducted at Sanford Hospital in Fargo, North Dakota. Sanford Hospital is a Level I Trauma Center. Sanford Hospital has 24/7 Sexual Assault Nurse Examiner (SANE) coverage. Sanford Hospital would provide the same medical care for victims of sexual assault from the jail as they would someone from the community.

D. The Traill County Jail does not have a Memorandum of Understanding (MOU) with the Rape and Abuse Crisis Center. The Rape and Abuse Crisis Center <https://www.raccfm.com/home> would provide advocacy services for inmate victims of sexual abuse from the TCJ following the Red River Sexual Assault Response Team (RRSART) Protocol Manual. The manual includes process maps for the entry points of the Victim Advocate, Medical Facility, and Law Enforcement. The TCJ has documented attempts to secure an MOU with a Rape Crisis Center

E. The Charge/Triage Nurse would call an advocate from the Rape and Abuse Crisis Center and a SANE Nurse who would respond within 30 minutes. The advocate will explain to the roles of each professional and options for evidence, medical, and reporting. If requested by the victim, the advocate will accompany the victim through the forensic medical examination and investigatory interviews. The advocate would provide support, information, and referrals to the victim.

F. The NDCBI is responsible for conducting criminal investigations for the TCJ.

The facility reported that in the past 12 months there have been zero forensic medical examinations conducted.

During the on-site audit, there were zero inmates who reported sexual abuse in the facility.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy – page 8-9
- Completed Pre-Audit Questionnaire submitted by TCJ
- Sanford Hospital Level I Trauma Center – Fargo North Dakota
<https://www.sanfordhealth.org/medical-services/emergency-medicine>
- Rape and Abuse Crisis Center <https://www.racfm.com/services>
- Red River Sexual Assault Response Team Protocols
- Interview with Sheriff Steve Hunt
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)
- Interview with the Rape and Abuse Crisis Center
- PREA Brochure
- PREA Posters
- Documentation attempting to secure MOU

Standard 115.22: Policies to ensure referrals of allegations for investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.22 (a)

- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse? ☒ Yes ☐ No
- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment? ☒ Yes ☐ No

115.22 (b)

- Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior? ☒ Yes ☐ No

- Has the agency published such policy on its website or, if it does not have one, made the policy available through other means? ☒ Yes ☐ No
- Does the agency document all such referrals? ☒ Yes ☐ No

115.22 (c)

- If a separate entity is responsible for conducting criminal investigations, does such publication describe the responsibilities of both the agency and the investigating entity? [N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).] ☒ Yes ☐ No ☐ NA

115.22 (d)

- Auditor is not required to audit this provision.

115.22 (e)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ PREA Policy page 9 ensures an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. The facility reported that in the past 12 months there have been zero allegations of sexual abuse or sexual harassment filed.

B. The TCJ PREA Policy page 9 states that TCJ will ensure criminal allegations of sexual abuse or sexual harassment are referred to the North Dakota Bureau of Criminal Investigations unless the allegation does not involve potentially criminal behavior. The agency reported they did not have their policy for referral of allegations of sexual abuse or sexual harassment for criminal investigations published on their website or other means.

C. The agency reported they did not have their policy published on their website or other means on the investigative responsibilities of the agency and separate entity that conducts criminal investigations.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy
- Completed Pre-Audit Questionnaire submitted by the TCJ
- Interview with Sheriff Steve Hunt
- Interview with investigator

Corrective Action Required:

1. The agency has not publicly published its investigative policy on its website or by other means. For compliance with this standard, the agency will have to publish their investigative policy on their website or other means.

Verification of Correction Action since the Audit:

The auditor was provided a copy of the investigative policy that was posted in the public lobby of the jail on August 23, 2018. The agency reported they are unable to publish this policy on their website due to technical problems with the website.

TRAINING AND EDUCATION

Standard 115.31: Employee training

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.31 (a)

- Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates? ☒ Yes ☐ No

- Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?
☒ Yes ☐ No

115.31 (b)

- Is such training tailored to the gender of the inmates at the employee's facility? ☒ Yes ☐ No
- Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa? ☐ Yes ☒ No

115.31 (c)

- Have all current employees who may have contact with inmates received such training?
☒ Yes ☐ No
- Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures? ☒ Yes ☐ No
- In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies? ☒ Yes ☐ No

115.31 (d)

- Does the agency document, through employee signature or electronic verification, that employees understand the training they have received? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ PREA Policy page 9 outlines the training provided during orientation prior to independent inmate contact. The TCJ reported during the onsite audit that staff training had not been completed. On the date of the onsite audit, 2 staff members had received training consistent with the 11 topics in "a" of this standard.

B. The TCJ is a small 13-bed jail that holds adult male inmates up to 90 days. The training is tailored to male inmates. Additional staff training for reassignment is not applicable for the TCJ.

C. The TCJ PREA Policy page 9 states that all employees during orientation prior to independent inmate contact, and every two years thereafter. During years' staff does not receive training, refresher information will include policy review.

D. Agency policy requires staff sign documentation of acknowledgment and understanding of PREA training.

A staff member interviewed had received training in March 2018 on the topics in “a” of this standard. During the interview, the employee demonstrated a full understanding of the training topics and responsibility in preventing, detecting, and responding to sexual abuse and harassment of inmates.

The agency’s training curriculum was reviewed during the onsite audit and met the training requirements of this standard. The curriculum TCJ chose is from the Moss Group and tailored to their facility.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy
- Completed Pre-Audit Questionnaire submitted by TCJ
- PREA Training Curriculum
- Conversation with Sheriff Steve Hunt
- Conversation with Chief Deputy Anthony Ernst (PREA Coordinator)
- Interview with random staff
- Conversation with the training officer

Corrective Action Required:

1. Complete staff training using the Moss Group curriculum tailored to the TCJ
2. Staff sign documentation acknowledging receipt and understanding of the training

Verification of Correction Action since the Audit:

On January 22, 2019, the auditor received an email from the PREA Coordinator with signed acknowledgments that employees received and understand the training.

Standard 115.32: Volunteer and contractor training

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.32 (a)

- Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures? ☒ Yes ☐ No

115.32 (b)

- Have all volunteers and contractors who have contact with inmates been notified of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)? ☒ Yes ☐ No

115.32 (c)

- Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ PREA Policy page 9-10 details training provided to contractors and volunteers.

B. The Traill County Jail is a small 13-bed jail with an average daily population of less than 1 inmate. The TCJ does not have a structured inmate program department. On an infrequent basis, at the request of an inmate, the TCJ will contact a church volunteer to come into the jail and visit with the inmate. The TCJ has one church volunteer and one contractor who come into the jail. The contractor is always escorted by TCJ staff and does not have direct contact with inmates.

C. TCJ PREA Policy page 9-10 requires contractor and volunteers to sign acknowledgment forms stating they understand and have received PREA Training.

It was explained to the Sheriff and Chief Deputy that any future volunteers or contractors allowed admittance into the jail would require PREA Training and the facility maintaining signed documents that the volunteer or contractor has received and understood the training. The Sheriff and Chief Deputy assured this auditor that training would be provided.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)

Corrective Action Required:

1. Training curriculum for contractors and volunteers
2. Provide training to current volunteer

Verification of Correction Action since the Audit:

On August 23, 2018, the auditor received an email with the training curriculum for contractors and volunteers. The facility has not provided the training to the volunteer. The PREA Coordinator assured that the church volunteer will be provided training the next time the volunteer is called to the jail.

Standard 115.33: Inmate education

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.33 (a)

- During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment? ☒ Yes ☐ No
- During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment? ☒ Yes ☐ No

115.33 (b)

- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment? ☐ Yes ☒ No
- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents? ☐ Yes ☒ No
- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents? ☐ Yes ☒ No

115.33 (c)

- Have all inmates received such education? ☒ Yes ☐ No
- Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility?
☐ Yes ☒ No

115.33 (d)

- Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient? ☒ Yes ☐ No
- Does the agency provide inmate education in formats accessible to all inmates including those who are deaf? ☒ Yes ☐ No
- Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired? ☒ Yes ☐ No
- Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled? ☒ Yes ☐ No

- Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills? ☒ Yes ☐ No

115.33 (e)

- Does the agency maintain documentation of inmate participation in these education sessions? ☐ Yes ☒ No

115.33 (f)

- In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ reports that 247 inmates have been admitted to the facility in the past 12 months and 3 inmates have been held in the jail over 30 days. The Sheriff and Chief Deputy disclosed during the onsite audit that inmates are generally not held over 30 days. Inmates are provided with an inmate handbook, PREA Brochure which includes information on the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or harassment and PREA posters displayed throughout the facility. An inmate interview verified that a PREA brochure was provided at intake.

B. The Traill County Jail generally does not hold inmates over 30 days. If an inmate is held over 30 days, the inmate education provided during the intake process includes the comprehensive training required in this paragraph of this standard.

C. The TCJ has one facility which houses male inmates.

D. The TCJ will provide PREA related documentation is Spanish if needed. The training can be provided in other languages by Language Link. PREA training is available for the visually impaired and for otherwise disabled or limited reading skills utilizing the contracted interpreter services or jail staff.

E. The TCJ has each inmate sign a PREA Prevention Information Form which acknowledges receipt of PREA information at intake which is witnessed and signed by the officer.

F. The TCJ ensures key information about PREA is continuously and readily available or visible to inmates through posters, inmate handbook, and the PREA brochure.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 10-11
- TCJ inmate handbook
- TCJ PREA brochure
- PREA posters displayed for inmates in the jail
- Interview with inmate
- Interview with random staff
- Conversation with Sheriff Steve Hunt and Chief Deputy Anthony Ernst (PREA Coordinator)

Standard 115.34: Specialized training: Investigations**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report****115.34 (a)**

- In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) ☒ Yes ☐ No ☐ NA

115.34 (b)

- Does this specialized training include techniques for interviewing sexual abuse victims? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).] ☒ Yes ☐ No ☐ NA
- Does this specialized training include proper use of Miranda and Garrity warnings? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).] ☒ Yes ☐ No ☐ NA
- Does this specialized training include sexual abuse evidence collection in confinement settings? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).] ☒ Yes ☐ No ☐ NA
- Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).] ☒ Yes ☐ No ☐ NA

115.34 (c)

- Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).] ☒ Yes ☐ No ☐ NA

115.34 (d)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ refers all allegations of sexual abuse to the North Dakota Bureau of Criminal Investigations (NDCBI) to conduct criminal investigations. The TCJ has 2 investigators trained to conduct administrative allegations of sexual abuse or harassment. The TCJ investigators have received training in conducting sexual abuse or harassment investigations in a confinement setting. The investigators attended a 2-day PREA Investigator Training conducted by the North Dakota Department of Corrections & Rehabilitation (NDDOCR.) The investigator interviewed confirmed having attended and received specialized investigator training. The investigator interviewed in the investigator for the Traill County Sheriff's Department who conducts all investigations for Traill County.

B. The investigator interviewed, was able to explain training topics that were covered in the PREA Investigator Training which verified the training topics required in this standard were part of the training curriculum.

C. Training documentation is maintained for any individuals that have completed the specialized training in confinement settings.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy
- Completed Pre-Audit Questionnaire submitted by the TCJ
- Interview with investigator
- Training documentation for staff who have completed specialized training for investigations

Standard 115.35: Specialized training: Medical and mental health care

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.35 (a)

- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? ☐ Yes ☒ No

- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? ☐ Yes ☒ No
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? ☐ Yes ☒ No
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? ☒ Yes ☐ No

115.35 (b)

- If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams.) ☐ Yes ☐ No ☒ NA

115.35 (c)

- Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? ☒ Yes ☐ No

115.35 (d)

- Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? ☐ Yes ☒ No
- Do medical and mental health care practitioners contracted by and volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ does not contract with a medical or mental health provider. Inmates would be taken to a community medical provider for medical services. A public health nurse is used to complete 14-day assessments, Mantoux shots, and general sick call. The public health nurse does not have a set weekly schedule to provide services to the jail. A public health nurse is called by the jail as needed.

B. Forensic medical examinations are conducted at the Sanford Hospital in Fargo, North Dakota.

C. Training documentation is maintained for the public health nurse who completed contractor/volunteer PREA training.

D. The public health nurse receives contractor/volunteer training.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 11
- Completed Pre-Audit Questionnaire submitted by TCJ
- Information provided by Chief Deputy Anthony Ernst (PREA Coordinator)

Corrective Action Required:

1. Provide contractor/volunteer training to the public health nurse

Verification of Correction Action since the Audit:

On August 23, 2018, the PREA Coordinator emailed documentation of contractor/volunteer training being completed by the public health nurse.

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

Standard 115.41: Screening for risk of victimization and abusiveness

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.41 (a)

- Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? ☒ Yes ☐ No
- Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? ☒ Yes ☐ No

115.41 (b)

- Do intake screenings ordinarily take place within 72 hours of arrival at the facility?
☒ Yes ☐ No

115.41 (c)

- Are all PREA screening assessments conducted using an objective screening instrument?
☒ Yes ☐ No

115.41 (d)

- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability? ☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate? ☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate? ☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated? ☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent? ☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child? ☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)? ☐ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization? ☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability? ☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes? ☐ Yes ☒ No

115.41 (e)

- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior acts of sexual abuse? ☒ Yes ☐ No
- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior convictions for violent offenses? ☒ Yes ☐ No
- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: history of prior institutional violence or sexual abuse? ☒ Yes ☐ No

115.41 (f)

- Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening? ☒ Yes ☐ No

115.41 (g)

- Does the facility reassess an inmate's risk level when warranted due to a: Referral? ☒ Yes ☐ No
- Does the facility reassess an inmate's risk level when warranted due to a: Request? ☒ Yes ☐ No
- Does the facility reassess an inmate's risk level when warranted due to a: Incident of sexual abuse? ☒ Yes ☐ No
- Does the facility reassess an inmate's risk level when warranted due to a: Receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness? ☒ Yes ☐ No

115.41 (h)

- Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section? ☒ Yes ☐ No

115.41 (i)

- Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

- A.** TCJ PREA Policy page 11-12 requires all inmates to be assessed during intake screening for their risk of being sexually abused or sexually abusive by or to other inmates. An interview with staff verified screenings for risk of victimization or abusiveness are completed on each inmate. An interview with an inmate verified a risk screening was completed.
- B.** The intake screening is generally completed within 24 hours of an inmate's intake into the facility.
- C.** The TCJ uses an objective comprehensive assessment tool.
- D.** The TCJ PREA Screening Form considers all aspects of this standard including the risk of victimization or aggressiveness, inmate's perception of vulnerability, a whether the inmate has prior convictions for sex offenses against an adult and child. The screening form does not include the question of whether the inmate is detained solely for civil immigration purposes. TCJ does not house inmates detained solely for civil immigration purposes.
- E.** The risk screening considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse known to the agency.
- F.** The TCJ generally houses inmates up to 30 days, a reassessment will be completed based upon any additional relevant information received by the facility since the intake screening.
- G.** The TCJ will reassess an inmate's risk level due to a referral, request, incident of sexual abuse, or receipt of additional information. An interview with staff verified an inmate would be reassessed.
- H.** The TCJ PREA Policy page 12 prohibits disciplining inmates for refusing to answer sensitive questions during the risk screening. A staff interview confirmed that inmates haven't and would not be disciplined.
- I.** The PREA Screening Form is securely stored in each inmate's file.

At the time of the onsite audit, there was 1 inmate in custody for less than 24 hours.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 11-12
- Completed Pre-Audit Questionnaire submitted by TCJ
- Review of assessment forms
- Interview with staff
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)

Standard 115.42: Use of screening information

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.42 (a)

- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments? ☒ Yes ☐ No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments? ☒ Yes ☐ No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments? ☐ Yes ☒ No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments? ☐ Yes ☒ No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments? ☐ Yes ☒ No

115.42 (b)

- Does the agency make individualized determinations about how to ensure the safety of each inmate? ☒ Yes ☐ No

115.42 (c)

- When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)? ☒ Yes ☐ No
- When making housing or other program assignments for transgender or intersex inmates, does the agency consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems? ☒ Yes ☐ No

115.42 (d)

- Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate?
☐ Yes ☒ No

115.42 (e)

- Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments? ☒ Yes ☐ No

115.42 (f)

- Are transgender and intersex inmates given the opportunity to shower separately from other inmates? ☒ Yes ☐ No

115.42 (g)

- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? ☐ Yes ☒ No
- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? ☐ Yes ☒ No
- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? ☐ Yes ☒ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ PREA Policy page 12-13 requires that all information gathered by means of intake and the assessment process be used to ensure appropriate classification of inmates as well as any

necessary security or protective precautions required to ensure an inmate's sexual safety. The TCJ consists of one general population 5 double banded housing area which limits their ability to keep separate inmates who are likely victims or abusers. The Sheriff and PREA Coordinator reported that a hard to manage inmate would be transferred to the Grand Forks County Correctional Facility.

- B.** The policy requires staff to make individualized determinations about how to ensure the safety of each inmate by utilizing the PREA Screening Form. If it is determined that an inmate is a likely predator consideration to transfer the inmate to the Grand Forks County Correctional Facility based on if and the type of inmate population being held at the TCJ.
- C.** The TCJ prohibits placing lesbian, gay, bi-sexual, transgender, or intersex inmates in a particular housing/bed assignment based solely on such an identifier. Housing considerations are considered on a case-by-case basis to ensure the inmate's health and safety and whether the placement would present management or security problems. Consideration to transfer the inmate to the Grand Forks County Correctional Facility based on if and the type of inmate population being held at the TCJ.
- D.** This paragraph is not applicable to the TCJ. The TCJ does not have a structured program department. The TCJ has 1 church volunteer who the TCJ would contact at the request of the inmate.
- E.** A transgender or intersex inmates own views regarding his or her own safety shall be given serious consideration. Consideration to transfer the inmate to the Grand Forks County Correctional Facility based on if and the type of inmate population being held at the TCJ.
- F.** The TCJ PREA Policy page 12 allows for transgender or intersex inmates to be given the opportunity to shower separately from other inmates. During the intake screening inmates who identify themselves as transgender or intersex will be advised they can request the opportunity to shower separately from other inmates.
- G.** The TCJ is not under a consent decree, legal settlement, or legal judgment to place lesbian, gay, bi-sexual, transgender, or intersex inmates in a dedicated unit. The facility has 1 general population area which would prohibit the agency to place inmates in a dedicated unit.

At the time of the onsite PREA Audit, there were zero transgender or intersex inmates in custody.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)

Standard 115.43: Protective Custody

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.43 (a)

- Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been

made, and a determination has been made that there is no available alternative means of separation from likely abusers? ☒ Yes ☐ No

- If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment?
☒ Yes ☐ No

115.43 (b)

- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible? ☐ Yes ☒ No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible? ☒ Yes ☐ No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible? ☐ Yes ☒ No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible? ☐ Yes ☒ No
- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The opportunities that have been limited? ☐ Yes ☒ No
- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The duration of the limitation? ☐ Yes ☒ No
- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The reasons for such limitations? ☐ Yes ☒ No

115.43 (c)

- Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged?
☒ Yes ☐ No
- Does such an assignment not ordinarily exceed a period of 30 days? ☒ Yes ☐ No

115.43 (d)

- If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety? ☐ Yes ☒ No
- If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged? ☐ Yes ☒ No

115.43 (e)

- In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS? ☒ Yes ☒ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ PREA Policy page 13 prohibits placement of inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made. An inmate may be held in involuntary segregated housing for less than 24 hours if an assessment can't be completed immediately. The TCJ consists of one general population 5 double bunked housing area and one detox cell. Consideration to transfer the inmate to the Grand Forks County Correctional Facility based on if and the type of inmate population being held at the TCJ. The Sheriff confirmed that a hard to manage inmate would be transferred to the Grand Forks County Correctional Facility.

B. This paragraph is not applicable to the TCJ. The TCJ does not have a structured program department. The TCJ has 1 church volunteer who the TCJ would contact at the request of the inmate.

C. If an inmate is placed in involuntary segregated housing until an alternative means of likely abusers can be arranged and would not exceed thirty days. If it is determined that an inmate is not able to be held in the general population cell based on the classification of the inmates being held at the TCJ, consideration to transfer an inmate(s) to the Grand Forks County Correctional Facility would be discussed.

D. If an inmate is placed in involuntary segregated housing, the TCJ will document the reason for any safety concerns and why there are no alternative means of separation.

E. The TCJ generally does not house inmates over 30 days.

The TCJ reports that there have been zero inmates placed in involuntary segregated housing for 1 to 24 hours and zero inmates placed in involuntary segregated housing longer than 30 days waiting for alternative placement.

At the time of the onsite PREA Audit, there were zero inmates at risk of sexual victimization or allege to have suffered sexual abuse being housed in segregated housing.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)

REPORTING

Standard 115.51: Inmate reporting

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.51 (a)

- Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment? ☒ Yes ☐ No
- Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment? ☒ Yes ☐ No
- Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents? ☒ Yes ☐ No

115.51 (b)

- Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency? ☒ Yes ☐ No
- Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials? ☒ Yes ☐ No
- Does that private entity or office allow the inmate to remain anonymous upon request? ☒ Yes ☐ No
- Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? ☐ Yes ☒ No

115.51 (c)

- Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties? ☒ Yes ☐ No
- Does staff promptly document any verbal reports of sexual abuse and sexual harassment? ☒ Yes ☐ No

115.51 (d)

- Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ provide inmates multiple internal ways to report sexual abuse and sexual harassment, retaliation, and staff neglect. Inmates receive education about reporting at intake, inmate handbook, and through visible and available information posted in the jail. The reporting methods include verbally, inmate request forms, anonymously, and from third a third party.

B. The TCJ has an agreement with Steele County, North Dakota to provide a way for inmates to report sexual abuse or harassment to an outside agency. The jail is equipped with a telephone that inmates can use to contact Steele County or the Rape and Abuse Crisis Center privately and free of charge. The inmate handbook and posters in the jail provide the telephone numbers to inmates in a very visible way. The TCJ has a policy prohibiting the housing of inmates detained solely for civil immigration purposes.

C. The TCJ PREA Policy page 13-14 states that staff shall accept reports of sexual abuse or harassment made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.

D. Staff can privately report sexual abuse and harassment of inmates by contacting Steele County or the local BCI agent.

Interviews with random staff and inmate demonstrated the inmate knew how to report and staff would accept any report of sexual abuse or harassment from an inmate.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 13-14
- Completed Pre-Audit Questionnaire submitted by the TCJ
- Interviews with random staff and inmate
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)
- PREA posters
- Inmate Handbook

Standard 115.52: Exhaustion of administrative remedies

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.52 (a)

- Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse. ☐ Yes ☒ No ☐ NA

115.52 (b)

- Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
- Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

115.52 (c)

- Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
- Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

115.52 (d)

- Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
- If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
- At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an

inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.) ☐ Yes ☐ No ☐ NA

115.52 (e)

- Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)
☒ Yes ☐ No ☐ NA
- Are those third parties also permitted to file such requests on behalf of inmates? (If a third-party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
- If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)
☒ Yes ☐ No ☐ NA

115.52 (f)

- Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
- After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)
☒ Yes ☐ No ☐ NA
- After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
- After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)
☒ Yes ☐ No ☐ NA
- Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
- Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
- Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

115.52 (g)

- If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ reports that there have been zero grievances or emergency grievances filed alleging sexual abuse or sexual harassment in the past 12 months.

B. The TCJ has a formalized grievance process which is outlined in the PREA Policy page 14. The inmate handbook informs inmates of the grievance process. There is no time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse or sexual harassment. Inmates are not required to use an informal grievance process or to otherwise attempt to resolve with staff an alleged incident of sexual abuse.

C. The TCJ policy allows an inmate to submit a grievance alleging sexual abuse without submitting it to the staff member who is the subject of the complaint or be referred to the staff member who is the subject of the complaint.

D. The TCJ PREA Policy page states the decision on the merits of any grievance or portion of a grievance alleging sexual abuse be made within 90 days of the filing of the grievances. The agency may claim an extension of time to respond, up to 70 days, if the normal time period for response is insufficient to make an appropriate decision.

E. The TCJ PREA Policy page allows for third parties (inmates, staff members, family members, attorneys, and outside advocates) to assist inmates in filing requests related to allegations of sexual abuse and file such request on behalf of inmates. If a third party files a request for administrative remedies on behalf of an inmate, the alleged victim must agree to have the request filed on the victim's behalf and requires the alleged victim to agree to personally pursue any subsequent steps in the administrative remedy process.

F. The TCJ policy provides for emergency grievances alleging an inmate is subject to substantial risk of imminent sexual abuse. The Administrator, or designee, will provide an initial response within 48 hours.

G. TCJ policy allows for an inmate to be disciplined for filing a grievance related to sexual abuse only where the inmate can demonstrate the grievance was filed in bad faith.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 1-15
- Completed Pre-Audit Questionnaire submitted by the TCJ
- Inmate Handbook
- Conversation with Chief Deputy Anthony Ernst (PREA Coordinator)

Standard 115.53: Inmate access to outside confidential support services

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.53 (a)

- Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations? ☒ Yes ☐ No
- Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? ☐ Yes ☒ No
- Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible? ☒ Yes ☐ No

115.53 (b)

- Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws? ☒ Yes ☐ No

115.53 (c)

- Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse? ☒ Yes ☐ No
- Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ has the telephone number and address for an inmate to contact the Rape and Abuse Crisis Center posted in the jail and in the inmate handbook. Communication between an inmate and the Rape and Abuse Crisis Center is private and set up as a free call for inmates. The TCJ does not house inmates that are being detained solely for civil immigration purposes.

B. Inmates are informed to call to the Rape and Abuse Crisis Center which are private free calls.

C. The TCJ does not have a Memorandum of Understanding (MOU) with the Rape and Abuse Crisis Center. It is noted on the Rape and Abuse Crisis Center they provide support to Traill County sexual abuse victims.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 15
- Completed Pre-Audit Questionnaire submitted by TCJ
- Inmate handbook and posters
- Rape and Abuse Crisis Center <https://www.raccfm.com/services>
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)
- Interview with a random inmate

Standard 115.54: Third-party reporting

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.54 (a)

- Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment? ☐ Yes ☒ No
- Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)

☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The TCJ has entered into an ongoing agreement with Steele County, North Dakota to receive any third-party reports of sexual abuse and harassment. The contact information is listed on posters and the inmate handbook.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 15
- Completed Pre-Audit Questionnaire submitted by TCJ
- Inmate handbook and posters

Corrective Action Required:

1. The agency has not publicly distributed information on how to report inmate sexual abuse and harassment on behalf of inmates. For compliance with this standard, the agency will have to publish third-party reporting information on their website or other means.

Verification of Correction Action since the Audit:

On August 23, 2018, the auditor was provided a copy of the information posted on how to report inmate sexual abuse and harassment on behalf of inmates. The information is posted in the public lobby of the jail. The agency reported they are unable to publish this policy on their website due to technical problems with the website.

OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT**Standard 115.61: Staff and agency reporting duties****All Yes/No Questions Must Be Answered by the Auditor to Complete the Report****115.61 (a)**

- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency? ☒ Yes ☐ No
- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment? ☒ Yes ☐ No
- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation? ☒ Yes ☐ No

115.61 (b)

- Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions? ☒ Yes ☐ No

115.61 (c)

- Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section?
☒ Yes ☐ No
- Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services? ☐ Yes ☒ No

115.61 (d)

- If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons' statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws? ☒ Yes ☐ No

115.61 (e)

- Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ PREA Policy page 15 outlines the procedure and expectations for staff who become aware of an incident of sexual abuse or sexual harassment to report immediately. Interviews with staff confirmed their duty to immediately report the information to the Sheriff or PREA Coordinator.

B. Apart from reporting to those that have a legitimate need to know, the TCJ PREA Policy page 15-16 prohibits staff from revealing any information related to a sexual abuse report other than to the extent necessary to make treatment, investigation, and other management decisions. Interviews with random staff verified the information would be reported to the PREA Coordinator.

C. The TCJ does not contract with a medical or mental health provider. Inmates would be taken to a community medical provider for medical services. A public health nurse is used to complete 14-day assessments, Mantoux shots, and general sick call. The public health nurse has been trained on her duty to report sexual abuse or harassment that occurred in a confinement setting and duty to report.

D. The TCJ would report the allegation of an alleged victim if the victim is under 18 or considered a vulnerable adult under State or local vulnerable persons' statute.

E. The PREA Coordinator, Administrator, or designee, would assign an investigator for all allegations of sexual abuse or harassment including third-party and anonymous reports.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 15-16
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)
- Interview with randomly selected staff

Standard 115.62: Agency protection duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.62 (a)

- When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

The Traill County Jail reports that there have been zero incidents in the past 12 months where the facility determined an inmate was subject to a substantial risk of imminent sexual abuse. Review of the policy and interviews with the Sheriff, Chief Deputy/PREA Coordinator, and randomly selected staff confirmed that the facility would take immediate action to protect the inmate.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 16
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)
- Interviews with randomly selected staff

Standard 115.63: Reporting to other confinement facilities

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.63 (a)

- Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred? ☒ Yes ☐ No

115.63 (b)

- Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation? ☒ Yes ☐ No

115.63 (c)

- Does the agency document that it has provided such notification? ☒ Yes ☐ No

115.63 (d)

- Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ PREA Policy page 16 requires the Administrator to report any abuse allegations received by an inmate while he/she was confined at another facility.

B. PREA Policy page 16 states the notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.

C. The notification will be documented in a call for service.

D. If the TCJ receives a report of an allegation that happened in the TCJ from another agency, Traill County will be investigated.

The TCJ reports that in the past 12 months, there have been zero allegations that an inmate was sexually abused reported received from another confinement facility. Therefore, there were zero victims available to interview during the onsite audit.

The TCJ reports that in the past 12 months, there have been zero allegations that an inmate was sexually abused at another facility.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 16
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)

Standard 115.64: Staff first responder duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.64 (a)

- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser? ☒ Yes ☐ No
- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence? ☒ Yes ☐ No
- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? ☒ Yes ☐ No
- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? ☒ Yes ☐ No

115.64 (b)

- If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ reports that in the past 12 months there have been zero allegations that an inmate was sexually abused. The TCJ PREA Policy page 16-17 outlines the responsibilities of the first responder.

A security staff first responder is required to:

- Separate the alleged victim and abuser;
- Preserve and protect the crime scene;

- If appropriate, request the alleged victim not destroy evidence (as described in this standard);
- If appropriate, ensure the alleged abuser not destroy evidence (as described in this standard.)

B. If a non-security staff member is acting as the first responder, TCJ PREA policy page 17 requires to request the victim not destroy evidence (as detailed in this standard) and then notify security staff.

Interviews with randomly selected staff indicate understanding of their duties as a first responder. The TCJ currently does not have non-security staff working at the jail.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 16-17
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with randomly selected staff

Standard 115.65: Coordinated response

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.65 (a)

- Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

The TCJ has developed a written institutional plan to coordinate actions taken in response to an incident of sexual abuse. The coordinated response is outlined in the PREA Policy page 16-19. The plan includes responsibilities among staff first responders, medical practitioners, investigators, and facility leadership.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 16-19
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt

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

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.66 (a)

- Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? ☒ Yes ☐ No

115.66 (b)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

North Dakota is a right to work State, therefore, the TCJ does not have any collective bargaining agreements.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 21
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt

Standard 115.67: Agency protection against retaliation

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.67 (a)

- Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff? ☒ Yes ☐ No
- Has the agency designated which staff members or departments are charged with monitoring retaliation? ☒ Yes ☐ No

115.67 (b)

- Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations? ☒ Yes ☐ No

115.67 (c)

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? ☒ Yes ☐ No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? ☒ Yes ☐ No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation? ☒ Yes ☐ No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports? ☒ Yes ☐ No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes? ☒ Yes ☐ No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes? ☐ Yes ☒ No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff? ☒ Yes ☐ No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff? ☒ Yes ☐ No
- Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need? ☒ Yes ☐ No

115.67 (d)

- In the case of inmates, does such monitoring also include periodic status checks?
☒ Yes ☐ No

115.67 (e)

- If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?
☒ Yes ☐ No

115.67 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ reports in the past 12 months there have been zero incidents of retaliation reported, known, or suspected. The TCJ PREA Policy page 21 clearly states the PREA Coordinator shall ensure the protection of all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff. The agency reports that the designated staff members charged with monitoring retaliation are the Sheriff and Chief Deputy/PREA Coordinator.

B. The TCJ shall ensure multiple protective measures, including housing changes, transfers to the Grand Forks County Correctional Facility, removal of the alleged abuser, and support services for inmates or staff who fear retaliation. Interviews with the Sheriff and Chief Deputy/PREA Coordinator confirmed that TCJ would take all reports or suspicions of retaliation seriously and immediate action would be taken to ensure the safety of the inmate or staff member.

C. PREA Policy outlines the requirements for monitoring for retaliation (as detailed in this standard.)

D. The Chief Deputy confirmed face to face status checks would be conducted weekly or more frequently as deemed necessary.

E. The TCJ would protect all individuals that expressed fear of retaliation.

On the date of the onsite audit, there were zero inmates who reported sexual abuse and zero inmates in segregated housing.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 21
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)

Standard 115.68: Post-allegation protective custody

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.68 (a)

- Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ PREA Policy page 13 prohibits placement of inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made. An inmate may be held in involuntary segregated housing for less than 24 hours if an assessment can't be completed immediately. The TCJ consists of one general population 5 double bunked housing area and one detox cell. Consideration to transfer the inmate to the Grand Forks County Correctional Facility based on if and the type of inmate population being held at the TCJ. The Sheriff confirmed that a hard to manage inmate would be transferred to the Grand Forks County Correctional Facility.

B. This paragraph is not applicable to the TCJ. The TCJ does not have a structured program department. The TCJ has 1 church volunteer who the TCJ would contact at the request of the inmate.

C. If an inmate is placed in involuntary segregated housing until an alternative means of likely abusers can be arranged and would not exceed thirty days. If it is determined that an inmate is not able to be held in the general population cell based on the classification of the inmates being held at the TCJ, consideration to transfer an inmate(s) to the Grand Forks County Correctional Facility would be discussed.

D. If an inmate is placed in involuntary segregated housing, the TCJ will document the reason for any safety concerns and why there are no alternative means of separation.

E. The TCJ does not generally house inmates over 30 days.

The TCJ reports that there have been zero inmates placed in involuntary segregated housing for 1 to 24 hours and zero inmates placed in involuntary segregated housing longer than 30 days waiting for alternative placement.

At the time of the onsite PREA Audit, there were zero inmates at risk of sexual victimization or allege to have suffered sexual abuse being housed in segregated housing.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)

INVESTIGATIONS

Standard 115.71: Criminal and administrative agency investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.71 (a)

- When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] ☒ Yes ☐ No ☐ NA
- Does the agency conduct such investigations for all allegations, including third party and anonymous reports? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] ☒ Yes ☐ No ☐ NA

115.71 (b)

- Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34? ☒ Yes ☐ No

115.71 (c)

- Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data? ☒ Yes ☐ No
- Do investigators interview alleged victims, suspected perpetrators, and witnesses?
☒ Yes ☐ No
- Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator? ☒ Yes ☐ No

115.71 (d)

- When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution? ☒ Yes ☐ No

115.71 (e)

- Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff? ☒ Yes ☐ No
- Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding? ☒ Yes ☐ No

115.71 (f)

- Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse? ☒ Yes ☐ No
- Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings? ☒ Yes ☐ No

115.71 (g)

- Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible? ☒ Yes ☐ No

115.71 (h)

- Are all substantiated allegations of conduct that appears to be criminal referred for prosecution? ☒ Yes ☐ No

115.71 (i)

- Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years? ☒ Yes ☐ No

115.71 (j)

- Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation? ☒ Yes ☐ No

115.71 (k)

- Auditor is not required to audit this provision.

115.71 (l)

- When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

- A.** The TCJ conducts administrative investigations but does not conduct criminal investigations. Criminal investigations are conducted by the North Dakota Bureau of Criminal Investigations (NDCBI.) The agency reports that since August 20, 2012, there have been zero allegations of conduct that appeared to be criminal therefore zero allegations were referred to the NDCBI for a criminal investigation to be initiated. The TCJ PREA Policy page 22 states when TCJ conducts its own investigations into allegations of sexual abuse and sexual harassment shall be prompt, thorough, an objective for all allegations, including third-party and anonymous reports. The investigator interviewed confirmed an investigation would be started immediately after receiving the report.
- B.** The TCJ Investigator who has received specialized training in sexual abuse investigations (pursuant to standard 115.34) will conduct administrative investigations. Criminal investigations are conducted by the NDCBI. The investigator interviewed confirmed specialized training (pursuant to standard 115.34) and experience as the Sheriff's Department investigator.
- C.** The policy requires an investigator to gather and preserve direct and circumstantial evidence, including available physical, DNA evidence, and available electronic monitoring data. Conduct interviews of the alleged victim, suspected perpetrators, and witnesses and review prior complaints and reports of sexual abuse involving the suspected perpetrator. The investigator interviewed went over in detail the investigative steps that would be followed which included a collection of evidence, interviews, and available technology.
- D.** When the quality of evidence appears to support criminal prosecution, the TCJ investigator will stop the administrative investigation while the criminal investigation is being conducted. TCJ will conduct compelled interviews only after consulting with prosecutors.

- E.** The investigator interviewed stated that the credibility of an alleged victim, suspect, or witness is assessed on an individual basis based on what the evidence supports during the investigation. Polygraphs would not be used in a sexual abuse or harassment investigation.
- F.** TCJ PREA Policy page 22 outlines the requirements of this standard. There were zero administrative investigations conducted in the past 12 months.
- G.** Criminal investigations will be conducted by the NDCBI.
- H.** Criminal investigations will be conducted by the NDCBI. The TCJ Policy states substantiated allegations of conduct that appear to be criminal shall be referred for prosecution.
- I.** TCJ PREA Policy page 22 states that the agency will retain all administrative and criminal written reports for as long as the alleged abuser is incarcerated or employed by the agency, plus 5 years.
- J.** Interviews with the Sheriff, Chief Deputy/PREA Coordinator, and investigator confirmed an investigation would be completed even if the staff member was no longer employed by the agency.
- L.** If the NDCBI is investigating a sexual abuse allegation, the Sheriff or Chief Deputy/PREA Coordinator would be the liaison between the two agencies and provide updates on the progress of the investigation and gather evidence for the NDCBI.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 22
- Completed Pre-Audit Questionnaire submitted by TCJ
- Training records – specialized training for conducting sexual abuse investigations in confinement
- Interview with Sheriff Steve Hunt
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)
- Interview with investigative staff

Standard 115.72: Evidentiary standard for administrative investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.72 (a)

- Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

The TCJ reports that they do not impose a standard higher than a preponderance (more than 50 percent) of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 22
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with investigative staff

Standard 115.73: Reporting to inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.73 (a)

- Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded? ☒ Yes ☐ No

115.73 (b)

- If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.) ☒ Yes ☐ No ☐ NA

115.73 (c)

- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The staff member is no longer posted within the inmate's unit? ☒ Yes ☐ No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The staff member is no longer employed at the facility? ☒ Yes ☐ No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility? ☒ Yes ☐ No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility? ☒ Yes ☐ No

115.73 (d)

- Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?
☒ Yes ☐ No
- Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?
☒ Yes ☐ No

115.73 (e)

- Does the agency document all such notifications or attempted notifications? ☒ Yes ☐ No

115.73 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

- A.** The TCJ PREA Policy page 23 outlines the procedures for notifying inmates verbally and in writing the final disposition of the investigation into the inmate's allegation that he/she suffered sexual abuse in the TCJ which is consistent with this paragraph of this standard. The TCJ reports that there were zero administrative investigations conducted in the past 12 months.
- B.** If the NDBCI conducts a criminal investigation, the TCJ will request the relevant information in order to inform the inmate of the outcome of the investigation. The TCJ reports that there were zero criminal investigations conducted in the past 12 months by an outside agency.
- C.** The TCJ PREA Policy page 23 outlines the information that would be provided to an inmate on the status of the accused staff member. (as detailed in this standard)
- D.** The TCJ PREA Policy page 23 outlines the information that would be provided to an inmate on the status of the alleged abuser if another inmate is the accused. (as detailed in this standard)
- E.** Interviews with the Sheriff and investigator confirmed the notifications or attempted notifications would be documented. The TCJ reports that there were zero notifications provided to inmates in the past 12 months.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 23
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt
- Interview with investigative staff

DISCIPLINE

Standard 115.76: Disciplinary sanctions for staff

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.76 (a)

- Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies? ☒ Yes ☐ No

115.76 (b)

- Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse? ☒ Yes ☐ No

115.76 (c)

- Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories? ☒ Yes ☐ No

115.76 (d)

- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies (unless the activity was clearly not criminal)? ☒ Yes ☐ No
- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ reports that in the past 12 months, there has been zero staff from the facility that has been disciplined, terminated, or resigned prior to termination for violating sexual abuse or sexual harassment policies. Additionally, in the past 12 months, there has been zero staff that has been reported to law enforcement or licensing boards for violating agency policies. The TCJ PREA Policy page 23 explains the disciplinary sanctions up to and including termination for violating agency sexual abuse or harassment policies.

B. Termination is the presumptive disciplinary sanction for staff who engage in sexual abuse. The Sheriff and Chief Deputy verified a staff member would be terminated if he/she was involved in sexual abuse of inmates.

C. TCJ PREA Policy page 23 outlines the progressive disciplinary sanctions imposed on staff for violations of agency policies relating to sexual abuse or harassment (other than actually engaging in sexual abuse)

D. All terminations or resignations for violating TCJ sexual abuse or harassment policies shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 23
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)

Standard 115.77: Corrective action for contractors and volunteers

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.77 (a)

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates? ☒ Yes ☐ No
- Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)? ☒ Yes ☐ No
- Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies? ☒ Yes ☐ No

115.77 (b)

- In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ reports that there has been zero contractors or volunteers reported to law enforcement and relevant licensing bodies for engaging in sexual abuse of inmates.

B. During the interview with the Sheriff and Chief Deputy, it was made clear that any contractor or volunteer who engaged in sexual abuse of an inmate would not be tolerated and immediate action would be taken.

The TCJ currently does not have any contractors who have direct contact with inmates and has 1 volunteer who meets with inmates in the jail occasionally.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 24
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)

Standard 115.78: Disciplinary sanctions for inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.78 (a)

- Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process? ☒ Yes ☐ No

115.78 (b)

- Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories? ☒ Yes ☐ No

115.78 (c)

- When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior? ☒ Yes ☐ No

115.78 (d)

- If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits? ☐ Yes ☒ No

115.78 (e)

- Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact? ☒ Yes ☐ No

115.78 (f)

- For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation? ☒ Yes ☐ No

115.78 (g)

- Does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)
☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

The TCJ reports that in the past 12 months there have been zero administrative findings of inmate-on-inmate sexual abuse that occurred in the facility. Additionally, there has been zero criminal findings of guilt for inmate-on-inmate sexual abuse that occurred in the facility.

A. The TCJ has a formalized discipline plan applicable to inmates that are followed as outlined in policy and the inmate handbook.

B. Disciplinary decisions are based on the preponderance of evidence presented at the disciplinary review.

C. The TCJ disciplinary process considers whether an inmate's mental disabilities or mental illness contributed to the inmate's behavior when determining the type of discipline.

- D.** The TCJ does not offer therapy, counseling or other interventions designed to address and correct underlying reasons or motivations for abuse. The TCJ does not have a structured program department and would not prohibit an inmate from speaking with the church volunteer upon request.
- E.** The policy states that an inmate may be disciplined for sexual contact with staff only upon finding that the staff member did not consent to such contact.
- F.** The TCJ will not discipline an inmate for reporting sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred.
- G.** The TCJ prohibits all sexual activity between inmates. Inmates engaging in sexual activity are subject to administrative discipline.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 24
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt
- Inmate Handbook

MEDICAL AND MENTAL CARE

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

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.81 (a)

- If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)
☐ Yes ☐ No ☒ NA

115.81 (b)

- If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.) ☐ Yes ☐ No ☒ NA

115.81 (c)

- If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure

that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? ☒ Yes ☐ No

115.81 (d)

- Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law? ☒ Yes ☐ No

115.81 (e)

- Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18? ☐ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **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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- C. The TCJ reports that inmates who disclose any prior sexual victimization during the risk screening are offered a follow-up meeting with a medical or mental health practitioner. The TCJ does not contract with a medical or mental health provider in their facility. If a follow-up meeting is requested by the inmate, the facility would send the inmate to a community medical or mental health provider.
- D. The TCJ does not contract with a medical or mental health provider in their facility. Information related to sexual victimization would be limited to staff responsible for making security management decisions.
- E. Medical or mental health treatment would be administered by community providers who would be obligated to follow Federal, State or local laws for obtaining informed consent.

In the past 12 months, there have been zero inmates who disclosed prior victimization during screening.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 24
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)

Standard 115.82: Access to emergency medical and mental health services

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.82 (a)

- Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?
☒ Yes ☐ No

115.82 (b)

- If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62? ☒ Yes ☐ No
- Do security staff first responders immediately notify the appropriate medical and mental health practitioners? ☒ Yes ☐ No

115.82 (c)

- Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate? ☒ Yes ☐ No

115.82 (d)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?
☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ reported zero allegations of sexual abuse made since August 20, 2012. TCJ PREA Policy page 24 states that inmate victims of sexual abuse will receive immediate access to emergency medical treatment.

B. The TCJ does not contract with a medical or mental health provider in their facility. Staff first responders would take steps to protect the victim, notify the Sheriff or designee who would contact

the Sanford Hospital emergency department to initiate the Red River Sexual Assault Response Team (RRSART) which includes a SANE Nurse and advocate.

C. The advocate would speak with the inmate victim at the emergency department who would explain the roles of the professionals involved and options for evidence, medical, and reporting. The SANE Nurse would offer the inmate victim materials that contained pertinent information about medical services and timely access to emergency contraception and sexually transmitted infections prophylaxis.

D. The policy states that treatment services will be provided to every victim at no cost which was verified through the interview with the PREA Coordinator.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 24-25
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)

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

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.83 (a)

- Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility? ☒ Yes ☐ No

115.83 (b)

- Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody? ☒ Yes ☐ No

115.83 (c)

- Does the facility provide such victims with medical and mental health services consistent with the community level of care? ☒ Yes ☐ No

115.83 (d)

- Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if all-male facility.) ☐ Yes ☐ No ☒ NA

115.83 (e)

- If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if all-male facility.) ☐ Yes ☐ No ☒ NA

115.83 (f)

- Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate? ☒ Yes ☐ No

115.83 (g)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident? ☒ Yes ☐ No

115.83 (h)

- If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.) ☐ Yes ☐ No ☒ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ does not contract with medical or mental health practitioners in the jail. Inmates would be offered medical or mental health services from community medical and mental health practitioners.

B. Follow-up services, treatment plans, and referrals for continued care are provided to all inmates which include inmate victims of sexual abuse.

C. The TCJ does not contract with medical or mental health practitioners in the jail. All inmates are referred to a community medical and/or mental health practitioner.

D. This paragraph of this standard is not applicable. The TCJ only houses male inmates.

E. This paragraph of this standard is not applicable. The TCJ only houses male inmates.

F. Inmates will be referred to outside medical practitioners for testing for sexually transmitted infections and recommended by medical professionals.

- G.** Policy dictates that treatment services will be provided to every inmate victim of sexual abuse at no cost regardless of whether the victim names the abuser or cooperates with the investigation which was verified by the PREA Coordinator.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 25
- Completed Pre-Audit Questionnaire submitted by TCJ
- Information provided during an interview with Chief Deputy Anthony Ernst (PREA Coordinator)

DATA COLLECTION AND REVIEW

Standard 115.86: Sexual abuse incident reviews

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.86 (a)

- Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded? ☒ Yes ☐ No

115.86 (b)

- Does such review ordinarily occur within 30 days of the conclusion of the investigation? ☒ Yes ☐ No

115.86 (c)

- Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners? ☒ Yes ☐ No

115.86 (d)

- Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse? ☒ Yes ☐ No
- Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility? ☒ Yes ☐ No
- Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse? ☒ Yes ☐ No
- Does the review team: Assess the adequacy of staffing levels in that area during different shifts? ☒ Yes ☐ No

- Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff? ☒ Yes ☐ No
- Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager? ☒ Yes ☐ No

115.86 (e)

- Does the facility implement the recommendations for improvement, or document its reasons for not doing so? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ reports zero substantiated or unsubstantiated allegations of sexual abuse in the past 12 months. The policy states an incident review will be completed at the conclusion of every sexual abuse investigation unless the allegation is unfounded.

B. The TCJ PREA Policy page 25 states that a review will be conducted within 30 days after the conclusion of every sexual abuse investigation.

C. The TCJ review team consists of the Sheriff, Chief Deputy with input from jail staff as needed.

D. Interviews with the Sheriff and Chief Deputy verified there would be a sexual abuse incident review conducted on substantiated or unsubstantiated allegations of sexual abuse. All review considerations listed in this paragraph of this standard will be considered.

E. The Sheriff and Chief Deputy will discuss recommendations made during the incident review. A determination will be made to implement the recommendations or document the reason for not doing so.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 25-26
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)

Standard 115.87: Data collection

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.87 (a)

- Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions? ☒ Yes ☐ No

115.87 (b)

- Does the agency aggregate the incident-based sexual abuse data at least annually? ☒ Yes ☐ No

115.87 (c)

- Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice? ☒ Yes ☐ No

115.87 (d)

- Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews? ☒ Yes ☐ No

115.87 (e)

- Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.) ☐ Yes ☐ No ☒ NA

115.87 (f)

- Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.) ☐ Yes ☐ No ☒ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

The TCJ started collecting PREA data in 2018. The policy requires accurate, uniform data for every allegation of sexual abuse and sexual harassment at their facility and uses a standardized instrument and set of definitions.

- A.** TCJ collects data for every allegation of sexual abuse.
- B.** The data is reviewed annually by the PREA Coordinator

- C.** Upon request, the agency is prepared to complete the Survey of Sexual Violence conducted by the Department of Justice
- D.** The PREA Coordinator collects, maintains, and reviews all incident-based documents.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 26
- Completed Pre-Audit Questionnaire submitted by TCJ
- Conversation with Chief Deputy Anthony Ernst (PREA Coordinator)

Standard 115.88: Data review for corrective action

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.88 (a)

- Does the agency 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: Identifying problem areas? ☒ Yes ☐ No
- Does the agency 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: Taking corrective action on an ongoing basis? ☒ Yes ☐ No
- Does the agency 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: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole? ☒ Yes ☐ No

115.88 (b)

- Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse? ☒ Yes ☐ No

115.88 (c)

- Is the agency's annual report 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? ☒ Yes ☐ No

115.88 (d)

- Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ began reviewing data in 2018 and will use future data for ongoing improvement and corrective action at the facility.

B. The annual report will not start showing a comparison between the current year's data and previous years' data until 2020. The annual report will include efforts made to continue to address sexual abuse and harassment.

C. The annual report will be approved by the Sheriff and publicly made available at the Traill County Sheriff's Department. The technology used for the website does not allow for the report to be added.

D. The TCJ will provide an explanation of redacted information in the annual report.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 26
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Sheriff Steve Hunt
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)

Standard 115.89: Data storage, publication, and destruction

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.89 (a)

- Does the agency ensure that data collected pursuant to § 115.87 are securely retained?
☒ Yes ☐ No

115.89 (b)

- Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means? ☒ Yes ☐ No

115.89 (c)

- Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available? ☒ Yes ☐ No

115.89 (d)

- Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

A. The TCJ maintains documentation collected from standard 115.87 on a secured server.

B. The first annual report will be produced in 2019. The report will be publicly made available at the Traill County Sheriff's Department. The technology used for the website does not allow for the report to be added

C. The policy requires the agency redacts all personal identifiers before making the information public.

D. The policy states that sexual abuse data is maintained for a minimum of 10 years after the date of the initial collection.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- TCJ PREA Policy page 26-27
- Completed Pre-Audit Questionnaire submitted by TCJ
- Interview with Chief Deputy Anthony Ernst (PREA Coordinator)

AUDITING AND CORRECTIVE ACTION

Standard 115.401: Frequency and scope of audits

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.401 (a)

- During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (*Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.*) ☐ Yes ☒ No

115.401 (b)

- Is this the first year of the current audit cycle? (*Note: a “no” response does not impact overall compliance with this standard.*) ☐ Yes ☒ No
- If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is **not** the *second* year of the current audit cycle.) ☐ Yes ☐ No ☒ NA
- If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is **not** the *third* year of the current audit cycle.) ☐ Yes ☒ No ☐ NA

115.401 (h)

- Did the auditor have access to, and the ability to observe, all areas of the audited facility?
☒ Yes ☐ No

115.401 (i)

- Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)? ☒ Yes ☐ No

115.401 (m)

- Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?
☒ Yes ☐ No

115.401 (n)

- Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

As of February 1, 2018, the Traill County Jail started its compliance with PREA. The staff were friendly and accommodating. The PREA Coordinator supplied all documentation requested and gave full access to the facility. This auditor was able to meet privately with staff and inmates without interference. The PREA Audit Posters were hanging in the jail with the auditor's name and address visible to all inmates.

Standard 115.403: Audit contents and findings

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.403 (f)

- The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports within 90 days of issuance by auditor. The review period is for prior audits completed during the past three years PRECEDING THIS AGENCY AUDIT. In the case of single facility agencies, the auditor shall ensure that the facility's last audit report was published. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or in the case of single facility agencies that there has never been a Final Audit Report issued.) ☐ Yes ☐ No ☒ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

This standard is not applicable. This is the Traill County Jail's first PREA Audit.

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 Instructions:

Type your full name in the text box below for Auditor Signature. This will function as your official electronic signature. Auditors must deliver their final report to the PREA Resource Center as a searchable PDF format to ensure accessibility to people with disabilities. Save this report document into a PDF format prior to submission.¹ Auditors are not permitted to submit audit reports that have been scanned.² See the PREA Auditor Handbook for a full discussion of audit report formatting requirements.

Darnel Carlson

March 10, 2019

Auditor Signature

Date

¹ See additional instructions here: <https://support.office.com/en-us/article/Save-or-convert-to-PDF-d85416c5-7d77-4fd6-a216-6f4bf7c7c110>.

² See *PREA Auditor Handbook*, Version 1.0, August 2017; Pages 68-69.