

Mercer County Jail PREA ANNUAL REPORT 2023

The Mercer County Jail is committed to meeting the requirements of the Prison Rape Elimination Act of 2003 (PREA) and enhancing the safety and security for those incarcerated at the Mercer County Jail. This report is a summary of the facility's efforts in PREA compliance. By examining the collection and aggregation of facility data the Mercer County Jail is dedicated to improving the effectiveness of sexual abuse detection, prevention, and response.

PRISON RAPE ELIMINATION ACT (PREA)

In September of 2003, President Bush signed the Prison Rape Elimination. In August 2012, the PREA standards promulgated by the United States Department of Justice went into effect. The standards were established to address the problem of sexual abuse and sexual harassment of persons in the custody of U.S. correctional agencies. Major provisions of PREA include the development of standards for detection, prevention, reduction and punishment of prison/jail rapes. We continue to enforce zero tolerance on all issues pertaining to sexual abuse and sexual harassment involving inmates and are working continuously to implement new policies, training requirements for staff and inmates, and developing standards for detection, prevention, reduction and punishment of rape.

PREA COORDINATOR

We have assigned a senior staff person in the responsibility for overseeing PREA activities. The PREA Coordinator has been appointed to lead our efforts in achieving compliance with PREA standards.

During this past year the PREA Coordinator has worked with Administration and staff, to develop new and revise existing policies and procedures to support compliance with PREA standards and protect inmates and staff from sexual assault and harassment.

PREA INVESTIGATIONS

It is our policy to thoroughly investigate all complaints of sexual abuse or sexual harassment no matter whether inmate-on-inmate misconduct or employee misconduct, to properly determine whether the allegations are valid or invalid, and to take appropriate follow-up action.

Facility investigators have been properly trained in sexual harassment and sexual abuse investigations. Whenever an allegation has been in violation of a criminal offense, the matter will be investigated by the Mercer County Sheriff's Office.

TRAINING

Throughout the year staff utilized online resources offered by the PREA Resource Center.

In addition, all new inmates were provided training on their rights to be free from sexual abuse and harassment and how to report any incidents of sexual abuse and harassment.

All new staff attended in-depth training on the facilities policies and procedures relating to PREA and all existing staff received in-service training.

A PREA Brochure was designed and is now available in the Mercer County Jail lobby area as well as in the Jail available to the inmates.

POLICIES

Operation of our facility consistent with PREA requirements is guided by policy. Policies relating to PREA requirements are as follows:

Mercer County Sheriff's Office General Order C-270, which is available on the Mercer County Sheriff's Office website <http://www.mercercountynd.com/government/sheriffs-office/mercer-county-prea-policy/>

VICTIM ADVOCACY SERVICES

We entered into an agreement with Women's Action Resource Center to provide advocacy services to our inmates. They can be contacted at 701-873-2274.

Rape crisis and sexual assault centers provide all or some of the following services for victims of rape and child sexual abuse and their families:

- 24-hour crisis hotline
- 24-hour medical accompaniment
- Accompaniment to police interviews
- Legal advocacy
- Courtroom accompaniment
- Professional counseling for survivors, family, and friends
- Referrals to counseling and other services
- Community education and prevention programs

If you would rather contact a crisis center, information is listed below.

RAINN (Rape, Abuse & Incest National Network) is the nation's largest anti-sexual violence organization. RAINN created and operates the National Sexual Assault Hotline (800.656.HOPE and online.rainn.org) in partnership with more than 1,100 local rape crisis centers across the country and operates the [DoD Safe Helpline](#) for the Department of Defense. RAINN also carries out programs to prevent sexual violence, help victims and ensure that rapists are brought to justice. RAINN has links to many other state sexual assault organizations.

<https://www.rainn.org/get-help/local-counseling-centers/state-sexual-assault-resources>

PREA AUDIT

A PREA Audit was performed by a Department of Justice certified PREA Auditor, Candy Snyder, on June 3rd, 2021.

DATA COLLECTION

In compliance with *Section 115.88* of the PREA Standards, senior staff have reviewed data collected and aggregated pursuant to *Section 115.87* and incident specific data in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:

Identifying problem areas;
Taking corrective action on an ongoing basis; and
Preparing an annual report of its findings and corrective actions.

Also, in compliance with *Section 115.89* of the PREA Standards we will make all aggregated sexual abuse data readily available to the public at least annually by publishing data in a report and posting the report on our website.

General Definitions

Sexual Contact includes –

Physical contact for the purpose of sexual gratification of one or more of the parties involved.

Sexual abuse includes—

(1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer, includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- b. Contact between the mouth and the penis, vulva, or anus;
- c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;

(7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and (8) Voyeurism by a staff member, contractor, or volunteer.

Sexual harassment includes—

(1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and

(2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures

Voyeurism -- An invasion of privacy of a inmate by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring a inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a inmate's naked body or of a inmate performing bodily functions.

Substantiated allegation -- An allegation that was investigated and a preponderance of the evidence determined the allegation to have occurred.

Unfounded allegation -- An allegation that was investigated and determined not to have occurred.

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

Informational—An allegation or report of sexual activity, while a possible institutional rule violation, the incident was determined not to involve sexual abuse or sexual harassment.

PREA STATISTICAL DATA FOR 2023

§115.89 Data Storage, publication and destruction

Inmate-on-Inmate Sexual Harassment Allegations

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

Inmate -on-Inmate Sexual Abuse Allegations

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

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

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

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

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

§115.63 Reporting to other confinement facilities

- (a) Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
- (b) Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
- (c) The agency shall document that it has provided such notification.

Reported Allegations pursuant to §115.63 (a)	McLean County Jail	0
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DATA COMPARISON

Mercer County Sheriff's Office will participate in their third PREA Audit in 2024. MCSO continues to strive to meet the requirements set forth by the PREA standards. MCSO staff is dedicated to maintaining a safe environment for those confined here.

In 2023 we had an increase in allegations investigated. A Staff -on-Inmate Sexual Abuse Allegation that was reported after the inmate was transferred to NDDOCR and was investigated. The allegation was found to be unfounded.

The Mercer County Jail has a "zero tolerance" policy towards all forms of sexual abuse and harassment. Every substantiated incident indicates an "area of concern" and warrants continued due diligence towards "zero tolerance".

We continue to provide training for our staff to ensure they remain current and informed with PREA standards and any new guidance that may be recommended.

PREVENTION PLANNING

The Mercer County Jail strives to implement best practices and the requirements of the PREA standards to address allegations of sexual abuse and sexual harassment of inmates.

The following areas of improvement or continued improvement by the facility:

1. Continue to review and update facility PREA policy and training.
2. Continue to train staff, inmates, contractors, and volunteers with up-to-date information.
3. Continue to provide specialized training required of investigating staff.

4. Work with Mercer County assigned deputies in investigating PREA allegations.
5. Continue to review the Jail and address possible areas of concern.

CONCLUSION

It is the goal of the Mercer County Jail that every inmate in our care understands and exercises their right to be free from sexual abuse and sexual harassment from other inmates, contractors, volunteers, and staff.

REPORTING A PREA INCIDENT

If you or someone who you know have experienced sexual assault in our facility, please report the incident to the PREA Coordinator for Mercer County Jail (701-745-3333). You can report information anonymously by mail to:

Mercer County PREA Coordinator
P.O. Box 39
Stanton, ND 58571

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