

PREA AUDIT: AUDITOR'S SUMMARY REPORT

ADULT PRISONS & JAILS



Name of facility: Walsh County Jail			
Physical address: 638 Cooper Ave., Grafton ND 58237			
Date report submitted: May 4, 2015			
Auditor Information: Wendy J. Roal Warner			
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Date of facility visit: April 13 - 14, 2015			
Facility Information			
Facility mailing address: <i>(if different from above)</i>			
Telephone number: 701-352-2041			
The facility is:	<input type="checkbox"/> Military	<input checked="" type="checkbox"/> XX County	<input type="checkbox"/> Federal
	<input type="checkbox"/> Private for profit	<input type="checkbox"/> Municipal	<input type="checkbox"/> State
	<input type="checkbox"/> Private not for profit		
Facility Type:	<input checked="" type="checkbox"/> XX Jail	<input type="checkbox"/> Prison	
Name of PREA Compliance Manager: Tammie Vavrovsky		Title: Chief Correctional Officer	
Email address: tvavrovsky@nd.gov		Telephone number: (701) 352-2041	
Agency Information			
Name of agency: Walsh County Jail			
Governing authority or parent agency: Walsh Cty. Board of Comish.			
Physical address: 120 th Ave. NE, Lankin, ND 58250-9442, Jack Karas, Chairman			
Mailing address: <i>(if different from above)</i>			
Telephone number: (701) 352-2041			
Agency Chief Executive Officer			
Name: Ron Jurgens		Title: Sheriff	
Email address: rjurgens@nd.gov		Telephone number: (701) 352-2041	
Agency-Wide PREA Coordinator			
Name: N/A		Title: N/A	
Email address: N/A		Telephone number: N/A	

AUDIT FINDINGS

NARRATIVE:

The Walsh County Jail is under the authority of the Walsh County Board of Commissioners. The jail is required to follow the North Dakota Department of Corrections and Rehabilitation (DOCR) rules and policies. The mission of the Walsh County Sheriff's Department and Correctional Facility/Jail is to serve and protect the people and property in Walsh County, along with housing and supervision of incarcerated inmates. The jail houses minimum, medium and maximum custody male and female inmates for up to 90 days, or until an inmate's court case is completed. The average length of stay is 15 days and over 500 inmates were admitted to the jail in calendar year 2014. The jail has a capacity of 21; 14 male beds and 2 female beds, with additional portable beds added as needed. The jail had a count of 20 during the on-site audit. As explained below, only male inmates were housed at the jail during the audit.

The facility has 6 Correctional Officers, a Chief Correctional Officer, and the Jail Administrator/Sheriff for a total of 8 staff. There are no contract staff who have contact with the inmates.

In September 2014, the Director of the North Dakota DOCR issued an Order of Non-Compliance to Walsh County Jail resulting in the female inmates being moved to the Grand Forks County Jail until further notice. Part of the reasons for non-compliance involved female inmates being housed without female staff on duty; male staff pat searching female inmates when female staff were not on duty, and male staff body (strip) searching (leaving undergarments on) female inmates when female staff were not on duty. Additionally, a male staff member observed a female inmate providing a urinalysis sample. Other violations listed in the Non-Compliance Order are not specific to the Prison Rape Elimination Act (PREA). Walsh County Jail was required to undergo a PREA Audit and come into full compliance with PREA within eight months of the Order. The jail was not knowledgeable with PREA prior to the Non-Compliance Order being filed, therefore the development and implementation of PREA began shortly after receipt of the Order. As a result, documentation of compliance with several standards was minimal to none due to the recent implementation of PREA and the small number of inmates at the jail. Female inmates are not expected to be placed back in the Walsh County Jail until PREA Certification is complete. The jail's plan when female inmates return to the facility is to call a female staff member in whenever a female inmate requires a search, urinalysis, or other similar circumstance requiring the presence of a female staff member.

DESCRIPTION OF FACILITY CHARACTERISTICS:

The Walsh County Jail is a 21 bed facility located in Grafton, North Dakota, approximately 40 miles north of Grand Forks, North Dakota. The unit consists of 4 housing units; 3 with 2 beds and 1 with 10 beds. Portable cots are utilized when additional bed space is needed. The jail also has two areas, Recovery and Holding, for multi-purpose Special Housing such as medical observation, suicide watch, and segregation. The jail is contained in one building. All housing units have

toilets, and with the exception of Special Housing, day rooms and shower areas. Special Housing inmates are provided showers and day room activities as warranted by escorting the inmates to one of the housing units after those unit inmates are moved to a separate area.

The jail is considered a "Grade 2" facility by the North Dakota DOCR standards and therefore is not required to provide separate recreation areas, education or programs. Food is prepared by contract staff, delivered to the jail and taken to the housing units by the Correctional Officers.

SUMMARY OF AUDIT FINDINGS:

The audit of the Walsh County Jail was to determine compliance with the national PREA standards. As indicated previously, in September 2014, the jail was ordered to come into PREA compliance by the North Dakota DOCR within 8 months. While the audit results confirm compliance with many standards, it is noted there was minimal documentation or completed forms due to the recent implementation of PREA.

The audit consisted of a review of the Pre-Audit Questionnaire along with policy, procedures, forms, and training records from the jail. The Pre-Audit Questionnaire was initially received on March 17, 2015. The initial review revealed the need for clarification or more information on several standards. A teleconference was held between myself as Auditor, and Tammie Vavrovsky, Chief Correctional Officer and PREA Coordinator, to clarify the areas in question.

The notification of the on-site audit was posted March 3, 2015, 6 weeks prior to the on-site audit. The notices were posted in various locations throughout the facility.

The on-site audit was conducted April 13-14, 2015. After meeting with the PREA Coordinator and Sheriff a tour of the jail was conducted where I was able to observe the jail's physical plant. The tour included: booking; holding; recovery; visiting room; all housing units; kitchen; laundry, and garage. Cameras were visible throughout the jail with jail reporting 21 cameras total. No cameras appeared to capture inmates in the showers or using the toilets and no blind spots were noted. It was recommended an additional camera be added in the garage to more clearly view the side angle of a row of lockers, but adequate coverage is currently available. This area is used to strip search new admissions as well as work release returns.

The on-site audit included a review of secondary documentation and interviews. A total of 6 staff were interviewed as well as the County Nurse assigned to the facility. Correctional Officers on all shifts were interviewed. Additionally, I spoke to a SANE nurse from Altru Health Systems Hospital in Grand Forks, ND and the Executive Director of the Domestic Violence and Abuse Center (DVAC) in Grafton, ND. Staff interviews revealed staff have been trained on PREA standards and understand their responsibilities and duties to prevent, detect and respond to sexual abuse and sexual harassment.

A total of 5 inmates were interviewed. All inmates interviewed indicated they are aware of their right to be free from sexual abuse, sexual harassment and how to report sexual abuse and sexual harassment. No letters were received in advance of the audit.

Results of the Walsh County Jail PREA audit indicate the facility needs to implement corrective actions in order to achieve full compliance. A corrective action plan was jointly developed between the Sheriff, the PREA Coordinator, and myself to correct the standards not in compliance. The corrective action plan was provided to the jail April 20, 2015. Over the course of the following two weeks, the facility provided sufficient documentation of corrective action, changes to policy and procedures, and staff training to certify Walsh County Jail is now in full compliance with the national PREA standards and as such, this serves as the final report.

Number of standards Exceeded: **0**

Number of standards met: **41**

Number of standards not met: **0**

Number of standards not applicable: **2**

Standard 115.11 Zero Tolerance of Sexual Abuse and Sexual Harassment; PREA Coordinator

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

Auditor Comments:

The Walsh County Jail's PREA policy has clearly written language mandating a zero tolerance for all forms of sexual abuse and sexual harassment. The jail's approach to preventing, detecting and responding to such conduct is outlined throughout the policy.

The agency has a PREA Coordinator who oversees compliance efforts for the jail. She states she has sufficient time and authority to oversee PREA compliance. There are no Compliance Managers.

Standard 115.12 Contracting with Other Entities for the Confinement of Inmates

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

Auditor Comments:

Walsh County Jail has a Memorandum of Agreement with the Grand Forks County Jail to temporarily house their female inmates. Walsh County Jail has documentation stating the Grand Forks County Jail complies with PREA.

Standard 115.13 Supervision and Monitoring

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

Auditor Comments:

The Walsh County Jail has a basic staffing plan that includes a review of all elements of the standard. The yearly analysis had not been completed prior to the on-site visit. Since the on-site audit, documentation has been provided reflecting an analysis which concludes the jail has

adequate staffing, video monitoring equipment and resources to comply with PREA and keep inmates safe from sexual abuse and sexual harassment. The facility documents all instances of non-compliance with the staffing plan and justifies the action taken to ensure protection of the inmates from sexual assault, which is primarily done by hiring staff on overtime.

During the facility tour cameras were observed in sufficient number and location. Areas of possible blind spots were viewed from the control center, (the main area where the cameras are monitored), where I was able to determine adequate camera coverage exists for all areas. I did recommend future consideration be given to placing an additional camera in the garage to assist in viewing the side angle of a row of lockers.

Institution policy requires the Chief Correctional Officer, Sheriff, and Chief Deputy Sheriff to make rounds of the facility. However documentation of rounds began after the teleconference to discuss the Pre-Audit Questionnaire, and only documentation from the Chief Correctional Officer was available.

Standard 115.14 Youthful Offenders

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

Auditor Comments:

The Walsh County Jail does not house youthful offenders.

Standard 115.15 Limits to Cross-Gender Viewing and Searches

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

Auditor Comments:

The Walsh County Jail's PREA policy states males will not conduct cross-gender pat searches of female inmates and also prohibits cross-gender strip searches and cross-gender body cavity searches (meaning searches of the anal or genital opening), except in exigent circumstances and then the searches are to be documented. The jail currently has two female Correctional Officers and no vacancies to hire additional staff at this time. The jail's plan for when the female inmates

return is to call a female staff member in whenever there is a need to search, obtain a urinalysis, or other circumstance with a female inmate requiring the presence of a female staff member.

Interviews with staff reveal an understanding about the Order of Non-Compliance by the North Dakota DOCR, as well as PREA standards, and staff assure only female staff will pat and strip search female inmates upon their return. Both male and female staff pat search male inmates. The tour of the facility and interviews with inmates revealed they are able to shower, change clothing and perform other bodily functions without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia outside of incidental incidents due to routine cell checks. During the on-site audit, I observed staff of the opposite gender announcing their presence upon entering the housing units.

Facility policy prohibits searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status. At the time of the on-site audit, the lesson plans on searches did not specify how to search a transgender/intersex inmate and staff interviews confirmed uncertainty on how to conduct such a search beyond asking the inmate if they prefer to be searched by a male or female staff member. Corrective action has since been provided reflecting a revised lesson plan with specific instructions on searching transgender/intersex inmates. Documentation of all staff being trained on the new procedures has also been provided.

Standard 115.16 Inmates with Disabilities, Inmates who are Limited English Proficient
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor Comments:

The Walsh County Jail has a contract with Language Link to provide interpretative services to inmates. Interviews with staff reveal they are aware of the services and indicate the instructions for use are readily available. The policy does allow for inmate interpreters, in limited circumstances, along with documentation of such use. The jail has not had to use the Language Link and there were no non-English speaking inmates at the jail during the audit. Interviews with staff confirmed if an inmate has a disability rendering them unable to read or understand PREA material, the officer will read and explain the documents to the inmate.

Standard 115.17 Hiring and Promotion Decisions

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

Auditor Comments:

Walsh County Jail's PREA policy and procedures requires background checks on all prospective staff, contractors, and volunteers who may have contact with inmates. A review of staff and volunteer files verifies criminal background checks are conducted on every employee and volunteer prior to hiring or allowing entrance to the facility; there are no contract staff who have contact with inmates. The policy also requires background checks every 5 years for all staff. There are only 2 staff who have worked at the jail for 5 years or more and a review of documentation confirmed subsequent background checks have recently been completed.

The jail recently updated its employment application/promotion form to now ask all applicants for initial hire and promotion consideration about previous misconduct as stated in the standard. No new applications or promotion considerations have been conducted since implementation.

Standard 115.18 Upgrades to Facilities and Technologies

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

Auditor Comments:

While preparing for PREA compliance, the Walsh County Jail installed and upgraded cameras throughout the facility to fully comply with PREA. A review of the camera locations confirmed adequate coverage is in place to assist in protecting inmates from sexual abuse and/or harassment.

Standard 115.21 Evidence Protocol and Forensic Medical Examinations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

Auditor Comments:

The Walsh County Jail’s lead investigator is the Walsh County Chief Deputy Sheriff. The North Dakota Bureau of Criminal Investigation (BCI) conducts all investigations of a criminal nature. The BCI utilizes the North Dakota Sexual Assault Evidence Collection Protocol, which was adapted from the Department of Justice Sexual Assault Protocol.

Forensic medical examinations are conducted at Altru Health Systems Hospital in Grand Forks, ND. An interview with a SANE nurse at the Altru Hospital confirmed they have 10 Certified SAFE/SANE practitioners who provide forensic examinations for sexual assault victims and are available 24 hours, 7 days a week. There were no cases of sexual assault in the last 12 months and no forensic medical examinations conducted.

Walsh County Jail has a new Memorandum of Understanding (MOU) with the DVAC in Grafton, ND. Contact with the DVAC Executive Director reveals a very good working relationship with the jail. An interview with a SANE nurse from Altru Hospital reveals they contact the Community Violence Intervention Center (CVIC) in Grand Forks whenever they have a case of sexual abuse to provide victim advocacy and support services. The CVIC and DVAC work closely together in cases of sexual abuse. The DVAC Executive Director explained all services available to inmate victims including being present during the examination and investigative interviews, as well as emotional support, counseling services and referrals to inmates who have been sexually abused. The services are also provided to inmates with a history of sexual abuse. Phone numbers to the DVAC as well as the National Sexual Abuse Hotline are posted in each housing unit.

Standard 115.22 Policies to Ensure Referrals of Allegations for Investigations

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

Auditor Comments:

Walsh County Jail’s PREA policy requires all allegations of sexual abuse and/or harassment be investigated. Administrative investigations are conducted by the Chief Deputy Sheriff. All investigations potentially leading to criminal charges are referred to the State’s BCI. In the past year, the facility has had 2 allegations investigated. Of those, 1 was unsubstantiated and 1 was unfounded.

At the time of the on-site audit, the jail had not published or made public its sexual abuse investigative policy or procedures. Subsequently, the jail has posted the PREA policy on the Walsh

County Sheriff's public website.

Standard 115.31 Employee Training

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

Auditor Comments:

The Walsh County Jail has recently trained all staff on PREA definitions, policy and requirements. A review of lesson plans, training records and interviews with staff verify staff has received training on PREA. Documentation also exists verifying comprehension of PREA training material. The jail plans to provide training every two years with refresher training material being provided to staff in the off years.

Standard 115.32 Volunteer and Contractor Training

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

Auditor Comments:

The Walsh County Jail has 4 religious services volunteers. Two of them have recently received PREA training and documentation was reviewed verifying their comprehension of the material. The remaining volunteers will not be allowed access to the jail until such training has been completed. A review of the lesson plan verifies the training includes PREA definitions, policy and requirements for the volunteers. It was recommended a list be provided to the officers indicating which volunteers are cleared for access and the list be updated on a periodic basis.

Standard 115.33 Inmate Education

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

Auditor Comments:

Walsh County Jail’s PREA policy requires inmates to receive comprehensive information regarding PREA during orientation. At intake, inmates are shown the inmate handbook which thoroughly explains PREA; the facilities zero tolerance policy, how to report sexual misconduct, abuse or harassment, and what to expect in response to an allegation. The auditor verified a current copy of the handbook is available in each housing unit. Interpretative services are available through Language Link and staff interviews confirmed staff are familiar with how to use the services. If an inmate is unable to read or comprehend the material, staff interviews verify staff will read and explain the material to the inmates. Within 30 days of intake, the Chief Correctional Officer meets with the inmates and provides comprehensive information on PREA which includes viewing a PREA video. Signatures from the inmates are obtained verifying they have been trained and understand the material. Documentation of inmate signatures was checked, and random interviews with inmates confirmed they were educated on their right to be free from sexual abuse and sexual harassment and reporting procedures. During the tour of the facility, posters outlining the sexual misconduct/abuse, zero tolerance policy, and instructions for reporting were posted throughout the facility. Each housing unit has a telephone where inmates are able to call both the DAVC as well as the National Sexual Abuse Hotline. Both numbers were tested and working properly.

Standard 115.34 Specialized Training: Investigations

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

Auditor Comments:

Walsh County Jail’s PREA policy requires investigators receive specialized training in conducting investigations of sexual abuse investigations in confinement settings. At the time of the on-site audit, no staff at the jail had received specialized investigator training. Since that time, documentation has been provided of the Chief Deputy Sheriff completing the National Institution of Corrections PREA: Investigating Sexual Abuse in Confinement Settings course. The Sheriff has also provided assurance only staff who have received specialized training will conduct PREA investigations in the future.

Standard 115.35 Specialized Training: Medical and Mental Health Care

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

Auditor Comments:

The County Nurse assigned to the Walsh County Jail recently completed specialized training regarding sexual abuse in confinement settings. Additionally, she has complete basic PREA training. An interview with the nurse verifies her understanding of the training. It is recommended the nurse continue to seek specialized medical training for sexual abuse victims on an on-going basis.

Standard 115.41 Screening for risk of Victimization and Abusiveness

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

Auditor Comments:

The Walsh County Jail’s PREA policy requires all inmate be screened for risk of being sexually abused or sexually abusive within 24 hours of admission to the facility. Interviews with staff and inmates, along with a review of inmate intake forms, confirmed the screenings are being conducted and all areas required by the standard are considered. Further, interviews confirm controls are in place regarding the dissemination of information from responses to questions asked. An active reassessment of all inmates is conducted by the Chief Correctional Officer within 30 days of arrival, as well as if warranted by referral, request or incident.

Standard 115.42 Use of Screening Information

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

Auditor Comments:

The Walsh County Jail uses the screening information regarding an inmate’s risk of being sexually abused or sexually abusive in making housing decisions. The jail is considered a Grade 2 facility by North Dakota standards meaning its average length of stay for inmates is 90 days or less. As a Grade 2 facility, they are not required to provide programming or recreational facilities. The jail’s PREA policy requires transgender or intersex inmates be reassessed at least twice a year to review any threats to safety experienced by the inmate, however it is unlikely such an inmate would be at the facility long enough to warrant the reassessments. The policy also allows transgender/intersex inmates to shower separately if requested. Interviews with staff confirmed their knowledge of the use of screening information in making housing decisions.

Standard 115.43 Protective Custody

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

Auditor Comments:

The Walsh County Jail's PREA policy states inmates will not be placed in involuntary segregation for protective custody unless all other options have been assessed and no other options exist. No inmates have been involuntarily placed in segregation for protective custody due to PREA reasons. Policy requires inmates in involuntary segregation have access to programs afforded to all inmates including visiting, reading material and television viewing. Interviews with staff confirmed involuntary segregation will be used as a last resort and staff will ensure all privileges and programs are made available.

Standard 115.51 Inmate Reporting

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

Auditor Comments:

The Walsh County Jail has recently informed inmates of the definitions of sexual abuse and sexual harassment; their right to be free from sexual abuse and harassment, and the various ways to report incidents. The inmate handbook includes detailed PREA information, and PREA posters are posted in each housing unit as well as the visiting room. The posters include the toll free number to the DVAC as well as the National Sexual Abuse Hotline, as well as indicate the calls are unmonitored and available 24 hours a day 7 days a week. The handbook has the same information, however as the DVAC number has not yet been added to the handbook due to the recentness of the MOU. The written material also informs inmates how to write to Just Detention International. Interviews with inmates confirmed their knowledge of PREA and the various ways they can report incidents of sexual abuse or harassment.

Standard 115.52 Exhaustion of Administrative Remedies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

Auditor Comments:

The Walsh County Jail's PREA policy allows inmates to file grievances regarding sexual abuse incidents. The policy includes all information required in the standard including time frames, extensions, filing of emergency grievances, and the ability for others to file on behalf of an inmate. Interviews with inmates confirmed they are generally familiar with grievance procedures regarding sexual abuse. A review of secondary information confirmed no such grievances have been filed.

Standard 115.53 Inmate Access to Outside Confidential Support Services

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

Auditor Comments:

The Walsh County Jail has a MOU with the DVAC in Grafton, ND. A telephone interview with the Executive Director of the DVAC confirmed their relationship with the facility. The DVAC has received one phone call from an inmate. While this phone call was prior to the jail's implementation of PREA, jail staff were responsive to the inmate's concerns and conducted an investigation of the incident. The Executive Director confirmed the DVAC provides all services provided to individuals in the community, absent providing shelter. The agency is staffed with 4 full time advocates along with 3-4 volunteers. Besides providing victim advocacy services during an incident, they are available to provide counseling support services for inmates with prior incidents of sexual abuse. Interviews with inmates confirm phone numbers to the DVAC are posted along with a general knowledge of how to contact the DVAC. However, most inmates indicated they have not read the material regarding what services the DVAC provides.

Standard 115.54 Third-Party Reporting

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

Auditor Comments:

The Walsh County Jail has posted information in the visiting room regarding how individuals can report sexual abuse or sexual harassment on behalf of inmates. The information is posted on the visitor side of the visiting room.

Standard 115.61 Staff and Agency Reporting Duties

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

Auditor Comments:

All Walsh County Jail staff are informed of their duty to report any incidents or knowledge, suspicion or information regarding sexual abuse or harassment in a confinement setting, whether it is part of Walsh County or not. The policy lists various ways staff can report information including how to report privately. Volunteers are also made aware of the same information. Interviews with staff confirmed knowledge of their obligation to report such information.

Standard 115.62 Agency Protection Duties

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

Auditor Comments:

Walsh County Jail's PREA policy directs staff to take immediate action when they learn of an inmate being at substantial risk of imminent sexual abuse. Interviews with staff confirm their understanding of their need to take immediate action when an inmate is at imminent risk. A review of secondary documentation indicates there were zero incidents of inmates being at imminent risk of sexual abuse in the last year.

Standard 115.63 Reporting to Other Confinement Facilities

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

Auditor Comments:

The Walsh County Jail's PREA policy states upon receiving an allegation of sexual abuse at another facility, the Sheriff or Chief Correctional Officer will notify the head of the facility or agency in

which the alleged abuse occurred. It further specifies the notification is occur as soon as practical but no later than 72 hours after receiving the allegation. Further, the policy states upon receiving an allegation from another facility of an allegation of sexual abuse at Walsh County Jail, an investigation is to be conducted. A review of secondary information revealed Walsh County Jail received 1 allegation from another confinement facility and an investigation of the allegation was completed.

Standard 115.64 Staff First Responder Duties

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

Auditor Comments:

The Walsh County Jail's PREA policy lists steps first responders are to take upon learning of an allegation of sexual abuse. Interviews with staff confirmed their knowledge of the first responder steps to take in the event of an incident of sexual abuse.

Standard 115.65 Coordinated Response

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

Auditor Comments:

The Walsh County Jail's PREA policy has clear language on coordinated response to instances of sexual abuse. The fact the facility has only 7 staff with the Sheriff as the Jail Administrator lends to a clear chain of command since all duties fall on the Correctional Officers and their supervisor. Additionally, staff interviews confirm staff are clear as to first responder actions to take, notifying the correctional supervisor, preserving the evidence, and taking the victim to Altru Hospital for examination. Mock scenarios are recommended to further assist in the training of staff.

Standard 115.66 Preservation of Ability to Protect Inmates from Contact with Abusers

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

Auditor Comments:

North Dakota is a right to work state and therefore the institution does not have any collective bargaining agreements.

Standard 115.67 Agency Protection Against Retaliation

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

Auditor Comments:

The Walsh County Jail's PREA policy prohibits retaliation against staff or inmates who report information regarding sexual abuse or sexual harassment. The Chief Correctional Supervisor is the person designated to monitor retaliation of staff and inmates. The policy lists various ways to monitor for retaliation against both staff and inmates. Random interviews with staff confirmed their understanding of retaliation being prohibited, and an interview with the Chief Correctional Officer indicates these duties are taken seriously.

Standard 115.68 Post-Allegation Protective Custody

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

Auditor Comments:

The Walsh County Jail's PREA policy states inmates will not be placed in involuntary segregation for protective custody after instances of sexual abuse unless all other options have been assessed

and no other options exist. No inmates have been involuntarily placed in segregation for protective custody due to sexual assault. Policy requires inmates in involuntary segregation have access to programs afforded to all inmates including visiting, reading material and television viewing. Interviews with staff confirmed involuntary segregation will be used as a last resort and staff will ensure all privileges and programs are made available.

Standard 115.71 Criminal and Administrative Agency Investigations

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

Auditor Comments:

The Walsh County Jail's PREA policy requires administrative or criminal investigation be completed for all allegations of sexual abuse and sexual harassment. The Chief Deputy Sheriff is designated as the lead investigator, and other Deputies have assisted in investigation in the past. As PREA was recently implemented at the jail, the two previous investigations did not follow the criteria listed in the standard. Since the on-site audit, documentation has been provided verifying the Chief Deputy Sheriff has completed specialized training on conducting sexual abuse investigations in confinement settings. Additionally, the Sheriff has provided assurance supervisory oversight will be provided for future investigative reports to ensure they include documenting if staff actions/failure to act contributed to the abuse as well as include a description of the physical and testimonial evidence, reasoning behind credibility assessments, and investigate facts and findings.

Standard 115.72 Evidentiary Standard for Administrative Investigations

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

Auditor Comments:

The Walsh County Jail's PREA policy states the substantiation of allegations of sexual abuse or sexual harassment will be established by a preponderance of evidence. An interview with the Chief Deputy Sheriff indicates his understanding of the evidentiary standard.

Standard 115.73 Reporting to Inmates

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

Auditor Comments:

The Walsh County Jail's PREA policy states inmates are to be notified at the conclusion of each sexual abuse investigation. It also requires inmates be informed whenever an alleged staff abuser is no longer posted within the inmate's unit or is no longer employed at the facility. Policy requires inmate victims be informed whenever the alleged abuser, be it staff or another inmate, has been indicted and/or convicted of the incident. Documentation of these notifications is required.

During the on-site audit, a review of the two investigations completed revealed there was no documentation the inmates were notified of any of the above requirements. It is noted these investigations were completed prior to the jail's implementation of PREA. Since that time, the Chief Deputy Sheriff has received specialized training on conducting sexual abuse investigations in confinement settings and the Sheriff has provided assurance of supervisory oversight to future investigations to ensure all required notifications to inmates have been made and documented.

Standard 115.76 Disciplinary Sanctions for Staff

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

Auditor Comments:

The PREA policy for Walsh County Jail states termination should be the presumptive discipline for staff found to have sexually abused inmates in the custody of the jail. It further states disciplinary sanctions for staff incidents of sexual abuse or sexual harassment are to be commensurate with the nature and circumstances of other similarly conducted offenses. The policy also requires notification to law enforcement agencies as well as all relevant licensing bodies.

Standard 115.77 Corrective Action for Contractors and Volunteers

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

Auditor Comments:

The Walsh County Jail's PREA policy states any contractor or volunteer who engages in sexual abuse of an inmate will be prohibited from contact with inmates. It further states law enforcement will be notified, as well as licensing bodies.

Standard 115.78 Disciplinary Sanctions for Inmates

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

Auditor Comments:

The Walsh County Jail inmate handbook prohibits sexual activity between inmates. The PREA policy indicates disciplinary sanctions for inmates will be commensurate with the charge and consider prior disciplinary infractions as well as comparable cases. It further states an inmate will not be disciplined for reporting an incident that was unfounded if found to have done so in good faith.

Standard 115.81 Medical and Mental Health Screenings; History of Sexual Abuse

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

Auditor Comments:

Changes were made to the PREA policy, screening form and procedures after the teleconference to address concerns with the Pre-Audit Questionnaire. The policy and form now includes noting an inmate's past history of sexual victimization in the community, as well as in an institutional settings. The Correctional Officers are responsible for completing the screening form at intake and flagging the form for the Chief Correctional Officer if prior sexual victimization is noted. If there is

a history of sexual victimization, the Chief Correctional Officer informs the County Nurse a consult with a medical/mental health provider in the community is needed within 14 days. An interview with the County Nurse verified informed consents are obtained. The Nurse further noted there is a lack of mental health counseling services in the area resulting in appointments sometimes taking up to 90 days. It is recommended the jail consult with the DVAC to try to establish additional counseling services for inmates with histories of sexual victimization.

Standard 115.82 Access to Emergency Medical and Mental Health Services

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

Auditor Comments:

The PREA Policy for Walsh County Jail states inmate victims of sexual abuse will be given timely, unimpeded access to emergency medical treatment and intervention services. Subsequent to the teleconference to discuss the Pre-Audit Questionnaire, the jail learned Altru Hospital in Grand Forks, ND, has certified SANE nurses. An interview with a SANE nurse at Altru confirmed victims are provided forensic examination, access to emergency contraception and treatment for sexually transmitted infection. Additionally, Altru staff contact the CVIC in Grand Forks to provide advocacy and support services for the victim. The CVIC and DVAC work closely together to provide advocacy services, and Altru notes any medical follow-up care needed for the victim upon discharge.

Standard 115.83 Ongoing Medical/Mental Health Care for Sexual Abuse Victims/Abusers

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

Auditor Comments:

The Walsh County Jail's PREA policy indicates sexual abuse victims will be offered medical and behavioral health evaluation and treatment as appropriate. Interviews with the County Nurse and Altru Hospital SANE staff confirmed if pregnancy results, the victim is provided information about all pregnancy-related medical services. However, as was noted previously, as the County Nurse at assigned to the Walsh County Jail indicated resources for mental health services are extremely limited in the area. It is recommended the DVAC be contacted to assist in providing counseling

services for inmate victims.

Standard 115.86 Sexual Abuse Incident Reviews

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

Auditor Comments:

The Walsh County Jail's PREA policy requires Incident Reviews of all incidents of sexual abuse allegations, unless unfounded. The policy further states the reviews are to be conducted within 30 days of the conclusion of the investigation. Upon arrival for the on-site audit, the jail had two previous allegations of sexual misconduct; one was determined unfounded and the other unsubstantiated. The incident review for the unsubstantiated case had not been completed at the time of the on-site audit. Since then, while outside the 30 day time frame, the jail has provided documentation of the completion of the Incident Review. Further the Incident Review considered all areas required by the standard. It is noted the jail was proactive and immediately changed procedures at the conclusion of the investigation.

Standard 115.87 Data Collection

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

Auditor Comments:

The Walsh County Jail's PREA policy specifies collecting data regarding PREA and the length of time required for retention. The data was collected subsequent to the teleconference regarding the Pre-Audit Questionnaire.

Standard 115.88 Data Review for Corrective Action

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

Auditor Comments:

The Walsh County Jail’s PREA policy requires a review to assess and improve the effectiveness of the jail’s sexual abuse prevention, detection and response policies. The review and report were completed following the teleconference concerning the Pre-Audit Questionnaire; however, the report had not been made public at the time of the on-site audit. Since that time, documentation has been provided, and the website checked, verifying the report is now posted on the Walsh County Sheriff’s website.

Standard 115.89 Data Storage, Publication and Destruction


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

Auditor Comments:

Walsh County Jail’s policy specifics how to securely retain PREA data collected and requires redaction of all personal identifies prior to making data publicly available.

AUDITOR CERTIFICATION:

The auditor certifies that the contents of the report are accurate to the best of her knowledge and no conflict of interest exists with respect to her ability to conduct an audit of the agency under review.



Auditor Signature

May 4, 2015
Date