

# Nebraska Department of Correctional Services Annual PREA Assessment



**2013**

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## **SECTION I DOCUMENT PURPOSE**

### **DOCUMENT PURPOSE**

To review data in order to assess and improve the effectiveness of the Nebraska Department of Correctional Service's sexual abuse prevention, detection and response policies, practices and training

To identify problem areas

To track corrective action taken

To compare the current year's data and corrective actions with those from prior years, providing an assessment of the department's progress in addressing sexual abuse

### **DOCUMENT USE**

This document relies upon the honest, subjective, but educated decisions of the Department's PREA Coordinator and other staff, along with data collected during the previous calendar year. It should promote thought-provoking discussion and perhaps generate additional factors, which warrant review and consideration.

This assessment tool is meant to be a dynamic document, which is reflective of the Nebraska Department of Correctional Services. If discussion provides additional factors worthy of consideration include them on this form. This form should become a historical reference in order to document each year's activities and progress.

This exercise and the completed document will assist the department to take prevention, detection and response to inmate sexual abuse and harassment to the next level. The results will provide direction for long term planning.

This process will be completed annually and is due March 1<sup>st</sup>. A copy of this document shall be retained by the PREA Coordinator.

**SECTION II  
INMATE POPULATION OVERVIEW**

Capacity	Number
Average daily inmate facility count	4769.46
Inmate count on 3-1-2013	4835
Inmate count on 6-1-2013	4925
Inmate count on 9-1-2013	4882
Inmate count on 12-1-2013	4963
Breakdown of Department by Race	Percent
Asian	0.7%
Black	26.5%
Caucasian	56.0%
Hispanic	12.2%
Native American	4.2%
Other	0.4%
Disciplinary Misconduct Reports	Number
Extortion charges filed	15
Guilty Extortion charges	2
Sexual Assault charges filed	7
Guilty Sexual Assault charges	0
Sexual Activities charges filed	193
Guilty Sexual Activities charges	106
Total number of charges filed	215
Total number of guilty charges	108
Inmate Education	Yes or No
Inmates receive sexual assault/abuse information upon intake	Yes
Inmates are provided comprehensive education within 30 days of arrival	Yes*
Education is provided in formats accessible to all inmates	No*
Information is continuously available to inmates	No*
Documentation of inmate participation is maintained	Yes
<b>Comments: Comprehensive education was implemented in intake facilities in late 2013/early 2014; a Spanish version of the education video needs to be developed; informational posters will be implemented spring 2014, however staff have extra pamphlets available if needed</b>	

**SECTION III  
PREA INVESTIGATIONS**

Total Investigations	Number
Substantiated	10
Unsubstantiated	58
Unfounded	70
Ongoing	17
Total number of investigations	155
Sexual Abuse Perpetrated by Staff	Number
Substantiated	3
Unsubstantiated	17
Unfounded	31
Ongoing	7
Number of staff-perpetrated sexual abuse investigations	58
Sexual Abuse Perpetrated by Inmates	Number
Substantiated	2
Unsubstantiated	14
Unfounded	8
Ongoing	8
Number of inmate-perpetrated sexual abuse investigations	32
Sexual Harassment Perpetrated by Staff	Number
Substantiated	4
Unsubstantiated	10
Unfounded	21
Ongoing	0
Number of staff-perpetrated sexual harassment investigations	35
Sexual Harassment Perpetrated by Inmates	Number
Substantiated	1
Unsubstantiated	16
Unfounded	8
Ongoing	0
Number of inmate-perpetrated sexual harassment investigations	25
County Attorney Referral	Number
Referred to Douglas County Attorney for prosecution	1
Douglas County Attorney pursued prosecution	
Staff perpetrated sexual abuse	
Inmate perpetrated sexual abuse	
Staff guilty of sexual abuse of an inmate or parolee in the first degree	
Staff guilty of sexual abuse of an inmate or parolee in the second degree	
Inmate guilty of sexual abuse	
<b>Comments: Referral is pending</b>	
Referred to Johnson County Attorney for prosecution	0
Johnson County Attorney pursued prosecution	
Staff perpetrated sexual abuse	
Inmate perpetrated sexual abuse	
Staff guilty of sexual abuse of an inmate or parolee in the first degree	
Staff guilty of sexual abuse of an inmate or parolee in the second degree	
Inmate guilty of sexual abuse	
Comments:	
Referred to Lancaster County Attorney for prosecution	2
Lancaster County Attorney pursued prosecution	

Staff perpetrated sexual abuse	
Inmate perpetrated sexual abuse	
Staff guilty of sexual abuse of an inmate or parolee in the first degree	
Staff guilty of sexual abuse of an inmate or parolee in the second degree	
Inmate guilty of sexual abuse	
Comments: <b>Referral is pending</b>	
Referred to Red Willow County Attorney for prosecution	<b>0</b>
Red Willow County Attorney pursued prosecution	
Staff perpetrated sexual abuse	
Inmate perpetrated sexual abuse	
Staff guilty of sexual abuse of an inmate or parolee in the first degree	
Staff guilty of sexual abuse of an inmate or parolee in the second degree	
Inmate guilty of sexual abuse	
Comments:	
Referred to York County Attorney for prosecution	<b>0</b>
York County Attorney pursued prosecution	
Staff perpetrated sexual abuse	
Inmate perpetrated sexual abuse	
Staff guilty of sexual abuse of an inmate or parolee in the first degree	
Staff guilty of sexual abuse of an inmate or parolee in the second degree	
Inmate guilty of sexual abuse	
Comments:	
Referred to Other County Attorney for prosecution (please specify)	<b>0</b>
Other County Attorney pursued prosecution (please specify)	
Staff perpetrated sexual abuse	
Inmate perpetrated sexual abuse	
Staff guilty of sexual abuse of an inmate or parolee in the first degree	
Staff guilty of sexual abuse of an inmate or parolee in the second degree	
Inmate guilty of sexual abuse	
Comments:	
Total referred to County Attorney for prosecution	<b>3</b>
County Attorney pursued prosecution	
Staff perpetrated sexual abuse	
Inmate perpetrated sexual abuse	
Staff guilty of sexual abuse of an inmate or parolee in the first degree	
Staff guilty of sexual abuse of an inmate or parolee in the second degree	
Inmate guilty of sexual abuse	
Comments:	

**SECTION IV  
ASSESSMENT OF STAFF**

<b>Facility Staff</b>	<b>Allocated Staffing</b>	<b>Vacant Positions as of 12-31</b>
Administrative	151	4
Activities & Recreation	30	1
Canteen	1.5	0
Custody	1051	74
Education	27	0
Emergency Preparedness	6	0
Industry	45	1
Interpreter	1	0
Food Service	66	4
Maintenance	89	5
Medical	122.5	4
Mental Health	85	4
Mental Health Security Specialist	2	0
Religious Coordinator	7.5	0
Safety/Sanitation	15	0
Social Workers	2	0
Substance Abuse	1	0
Unit Management	344.5	24.5

**Explanation of Vacant Positions:**

Staff vacancies were the result of promotions, transfers, resignations and terminations. NDCS participates in recruiting and advertises positions as they become available and are approved to be posted. Positions are filled as quickly as possible.

<b>Staff Training</b>	<b>Yes or No</b>
Met department needs	Yes
Included PREA training	Yes
Included PREA refresher materials	Yes
Additional training that should be provided: <b>PREA Investigation training</b>	
<b>Comments: Required PREA curriculum was conducted FY 2012-2013; PREA refresher information was made available as a mandatory EDC class FY 2013-2014; medical and mental health staff participated in PREA specific training</b>	

SECTION IV  
ASSESSMENT OF VIDEO MONITORING/TECHNOLOGY

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information**



## SECTION VI ASSESSMENT OF PROBLEM AREAS

Use the information contained in Sections II-V to identify and list in order of priority the most critical problem areas that affect the safety of the inmate population and the safe and orderly operation of the institutions.

Provide a candid assessment of each problem area, identifying things done well, things needing improvement and a plan of action to correct the problem.

### 1. Training

**Assessment:** *NDCS has been providing PREA training prior to the standards being finalized. PREA material has been added in various areas for both staff and inmates.*

#### Things Being Done Well:

- a. All Pre-service students receive Sexual/Assault Abuse Awareness and other training required by PREA standards.
- b. In-service training is conducted every other year, with refresher information provided as a mandatory on-line class during the off years.
- c. Medical and mental health staff receive specialized PREA training.
- d. Comprehensive education for inmates was implemented at intake facilities in late 2013/early 2014.

#### Things That Could be Done Better:

- a. Investigative training specific to PREA incidents needs to be developed and implemented.
- b. Information regarding PREA needs to be continuously available in the form of posters.

#### Plan of Action to Correct the Problem:

- a. Investigative training curriculum specific to PREA will be developed and appropriate staff will receive the training.
- b. Continue to stress the importance of reporting all allegations or suspicions of any incident that might meet PREA criteria in Pre-service and In-service.
- c. Informational posters were created and will be distributed to all facilities and the Staff Training Academy.

### 2. Reporting Methods

**Assessment:** *Inmates have multiple methods in which to report an allegation of sexual assault/abuse and receive information during orientation on what these methods are. Staff have options regarding whom and how to report an allegation.*

#### Things Being Done Well:

- a. Inmates receive information regarding their reporting options during orientation.
- b. Inmates have the option of telling any staff member, submitting a written Inmate Interview Request or Grievance, reporting the allegation to the Ombudsman's office or utilizing the anonymous reporting hotline (implemented February 2014).
- c. Staff have received training regarding their reporting obligations.
- d. Staff have several options of whom to report allegations to, including their supervisor, Warden, Department Investigators, the PREA Coordinator or privately via the reporting hotline.

**Things That Could be Done Better:**

- a. Staff need to be reminded of their responsibility to report not only allegations, but any knowledge or suspicion that sexual assault/abuse may be occurring. Staff need to understand it is not within their discretion whether or not an incident meets PREA criteria, therefore they must report the matter immediately.
- b. The reporting hotline needs to be advertised in order to make members of the community and all staff aware they can utilize the hotline to report any allegation of sexual assault/abuse.

**Plan of Action to Correct the Problem:**

- a. Information posters with the hotline number will be posted in staff areas, front entrances and visiting areas in the facilities in order to make people aware of this option.
- b. Information regarding the hotline will be made available on the NDCS website.

**SECTION VII  
DATA COMPARISON**

<b>Total Investigations</b>	<b>Number</b>	
	<b>Previous Yr</b>	<b>Current Yr</b>
Substantiated		10
Unsubstantiated		58
Unfounded		70
Ongoing		16
Total number of investigations		154
<b>Sexual Abuse Perpetrated by Staff</b>	<b>Number</b>	
	<b>Previous Yr</b>	<b>Current Yr</b>
Substantiated		3
Unsubstantiated		17
Unfounded		31
Ongoing		6
Number of staff-perpetrated sexual abuse investigations		57
<b>Sexual Abuse Perpetrated by Inmates</b>	<b>Number</b>	
	<b>Previous Yr</b>	<b>Current Yr</b>
Substantiated		2
Unsubstantiated		14
Unfounded		8
Ongoing		8
Number of inmate-perpetrated sexual abuse investigations		32
<b>Sexual Harassment Perpetrated by Staff</b>	<b>Number</b>	
	<b>Previous Yr</b>	<b>Current Yr</b>
Substantiated		4
Unsubstantiated		10
Unfounded		21
Ongoing		0
Number of staff-perpetrated sexual harassment investigations		35
<b>Sexual Harassment Perpetrated by Inmates</b>	<b>Number</b>	
	<b>Previous Yr</b>	<b>Current Yr</b>
Substantiated		1
Unsubstantiated		16
Unfounded		8
Ongoing		0
Number of inmate-perpetrated sexual harassment investigations		25
<b>County Attorney Referral</b>	<b>Number</b>	
	<b>Previous Yr</b>	<b>Current Yr</b>
Referred to Douglas County Attorney for prosecution		1
Douglas County Attorney pursued prosecution		
Staff perpetrated sexual abuse		
Inmate perpetrated sexual abuse		
Staff guilty of sexual abuse of an inmate or parolee in the first degree		
Staff guilty of sexual abuse of an inmate or parolee in the second degree		
Inmate guilty of sexual abuse		
Comments:		
Referred to Johnson County Attorney for prosecution		0
Johnson County Attorney pursued prosecution		
Staff perpetrated sexual abuse		
Inmate perpetrated sexual abuse		
Staff guilty of sexual abuse of an inmate or parolee in the first degree		

Staff guilty of sexual abuse of an inmate or parolee in the second degree		
Inmate guilty of sexual abuse		
Comments:		
Referred to Lancaster County Attorney for prosecution		2
Lancaster County Attorney pursued prosecution		
Staff perpetrated sexual abuse		
Inmate perpetrated sexual abuse		
Staff guilty of sexual abuse of an inmate or parolee in the first degree		
Staff guilty of sexual abuse of an inmate or parolee in the second degree		
Inmate guilty of sexual abuse		
Comments:		
Referred to Red Willow County Attorney for prosecution		0
Red Willow County Attorney pursued prosecution		
Staff perpetrated sexual abuse		
Inmate perpetrated sexual abuse		
Staff guilty of sexual abuse of an inmate or parolee in the first degree		
Staff guilty of sexual abuse of an inmate or parolee in the second degree		
Inmate guilty of sexual abuse		
Comments:		
Referred to York County Attorney for prosecution		0
York County Attorney pursued prosecution		
Staff perpetrated sexual abuse		
Inmate perpetrated sexual abuse		
Staff guilty of sexual abuse of an inmate or parolee in the first degree		
Staff guilty of sexual abuse of an inmate or parolee in the second degree		
Inmate guilty of sexual abuse		
Comments:		
Referred to Other County Attorney for prosecution (please specify)		0
Other County Attorney pursued prosecution (please specify)		
Staff perpetrated sexual abuse		
Inmate perpetrated sexual abuse		
Staff guilty of sexual abuse of an inmate or parolee in the first degree		
Staff guilty of sexual abuse of an inmate or parolee in the second degree		
Inmate guilty of sexual abuse		
Comments:		
Total referred to County Attorney for prosecution		3
County Attorney pursued prosecution		
Staff perpetrated sexual abuse		
Inmate perpetrated sexual abuse		
Staff guilty of sexual abuse of an inmate or parolee in the first degree		
Staff guilty of sexual abuse of an inmate or parolee in the second degree		
Inmate guilty of sexual abuse		
Comments: <b>2012 data is not shown due to changes in tracking procedures during that time frame which were implemented to meet criteria set forth in PREA standards.</b>		

## **Assessment of Department's Progress:**

NDCS hired a full-time PREA Coordinator, who started December 31, 2012. Each facility has a PREA Compliance Manager, an additional role that is fulfilled along with other job duties. The PREA Coordinator and PREA Compliance Managers meet on a quarterly basis, at a minimum, to discuss progress and any issues in the facilities. The PREA Coordinator is certified as a PREA Auditor through the Department of Justice. Two other staff, one whom is a PREA Compliance Manager, have attended the training and are awaiting official certification at the time this report was prepared. The PREA Coordinator also works closely with other correctional agencies and PREA Coordinators.

PREA standards were added to existing policy. Forms were created to document retaliation monitoring and reporting investigation outcomes to inmates. A Sexual Abuse Incident Review packet was developed and is being used at the facility each time there is a substantiated or unsubstantiated allegation. A Sexual Assault-Abuse checklist was developed to assist facilities in responding to such incidents. Each facility completed an individual PREA Assessment based on data and information from 2013.

All staff are being trained in Pre-service and required training is being conducted every other year in In-service. During FY 2012-2013 all staff members completed In-service training that met the training elements as outlined by the PREA standards. During FY 2013-2014, refresher information was made available through the on-line EDC system; all staff were required to take this class. The Director of Nursing developed curriculum for medical staff and presented the information in two separate classes. Behavioral health staff were required to complete the on-line NIC training class. Staff have become more aware of PREA standards, reporting and response to allegations of sexual assault and abuse, however, continued training is necessary in order to facilitate culture change.

Enhanced education material was developed for the inmate population. The inmates receive comprehensive education in the form of a power point and video presentation at the three intake facilities. A staff member is present to answer any questions that may arise. Inmates are aware of the many reporting options they have in regards to PREA allegations. Preparations for an anonymous reporting hotline were developed and were completed in February 2014.

Assistance from outside advocacy agencies for inmate victims is being sought; the PREA Coordinator has met with representatives from the Nebraska Sexual Assault Coalition and other advocacy organizations throughout the year. Advocacy agencies are willing to partner with NDCS to provide assistance. Future meetings will focus on the development of a Memorandum of Understanding to provide guidance on procedures for assisting inmate victims. The PREA Coordinator attends Lancaster County Sexual Assault Response Team (SART) meetings and is also a member of the Coordinated Response Team.

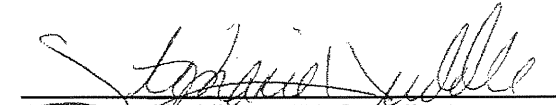
While NDCS is not audit ready at the time this report was prepared, efforts to achieve compliance are being conducted at both the facility and department level. NDCS is committed to the zero-tolerance policy and strives to maintain environments that are safe and secure for inmates, staff and others, as well as the community.

**SECTION VIII  
GOALS FOR 2014**

1. Develop PREA Investigation training curriculum and train staff at each facility
2. Prepare PREA Audit files for each facility
3. Audit three secure facilities and one community corrections center
4. Develop a Memorandum of Understanding with the Nebraska Sexual Assault Coalition and other outside advocacy organizations to assist inmate victims

Date Assessment was Conducted:  
**February 2014**

This Document was Prepared and Submitted By:

  
Stephanie Huddle, PREA Coordinator

2-28-2014  
Date

**Reviewed:**

  
Brad Hansen, Staff and Partnership Development Coordinator

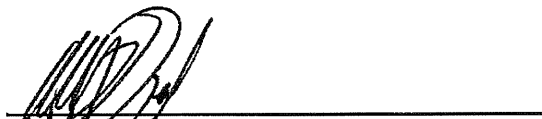
3-3-14  
Date

  
Frank Hopkins, Deputy Director

3-4-14  
Date

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Larry Wayne, Deputy Director

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Date

  
Michael Kenney, Director

3-4-14  
Date