

Nebraska Department of Correctional Services Annual PREA Assessment



2014

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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

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

DOCUMENT USE

This document relies upon the honest, subjective, but educated decisions of the NDCS PREA Coordinator, 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 the 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 This form should become a historical reference in order to document each year's activities and progress.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 each facility 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 1st. A copy of this document shall be retained by the PREA Coordinator.

**SECTION II
INMATE POPULATION OVERVIEW**

Capacity	Number	
Average daily inmate count	5142	
Inmate count on 3-1-2014	5152	
Inmate count on 6-1-2014	5225	
Inmate count on 9-1-2014	5134	
Inmate count on 12-1-2014	5239	
Inmate Programs	Yes or No	
Education	Yes	
Inmate Clubs	Yes	
Furloughs	Yes	
Formal recreation	Yes	
Informal recreation	Yes	
Religious activities	Yes	
Self-help groups	Yes	
Substance abuse	Yes	
Therapeutic	Yes	
Inmate Jobs	Yes or No	
Correctional industries	Yes	
Farm	Yes	
Inside labor detail	Yes	
Maintenance	Yes	
Outside labor detail	Yes	
Special Projects	Yes	
Other: Off-site detail, garden, health porter, nursery	Yes	
Breakdown of Facility by Race	Percent	
	Male	Female
Asian	0.7	0.2
Black	27.4	17.7
Caucasian	54.9	65.3
Hispanic	12.5	8.6
Native American	3.9	5.4
Other	0.4	2.7
Inmate Population Comprised of	Yes or No	
Male inmates	Yes	
Female inmates	Yes	
Youthful offenders	Yes	
Reception/intake	Yes	
Maximum custody	Yes	
Medium custody	Yes	
Minimum custody	Yes	
Community custody	Yes	
Protective custody	Yes	
Restrictive housing	Yes	
Death row	Yes	

Inmates Group by	Yes or No
Age	Yes
Racial lines (based on meals, card playing, inmate self-selection)	Yes
Street/prison gangs (inmate self-selection)	Yes
Gang activity is documented	Yes
Gang activity is suspected	Yes
Disciplinary Misconduct Reports	Number
Extortion charges filed	7
Guilty Extortion charges	0
Sexual Assault charges filed	15
Guilty Sexual Assault charges	3
Sexual Activities charges filed	273
Guilty Sexual Activities charges	145
Total number of sexually motivated charges filed	295
Total number of guilty sexually motivated charges	148
Inmate PREA 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	Yes
Information is continuously available to inmates	Yes
Documentation of inmate participation is maintained	Yes
Comments: Comprehensive education is done at DEC, NCCW and NCYF; a Spanish version and/or interpreters are utilized when needed; pamphlets are distributed during intake/orientation; informational posters were distributed to all facilities for placement in housing units and common areas	

**SECTION III
ASSESSMENT OF STAFF**

Staff	Allocated Staffing	Vacant Positions as of 12-31
Administrative	179.50	4
Activities & Recreation	30	2
Custody	1049	58
Education	26	1
Emergency Preparedness	6 – some facilities share staff	0
Industry	32	2
Food Service	67	8
Maintenance	90	5
Medical	119 – some facilities share staff	10
Mental Health	98 – some facilities share staff	10
Mental Health Security Specialist	3	0
Religious Coordinator	7.50	0
Safety/Sanitation	6	0
Social Worker	2	0
Substance Abuse	9	2
Unit Management	335.50	19.50
Staff Training		Yes or No
Met facility needs		Yes
Staff training increased from last year		Yes
Staff training decreased from last year		No
Included PREA training		Yes
Included PREA refresher materials		Yes
Additional training that should be provided:		
Comments: Refresher information was made available as a mandatory EDC class FY 2013-2014; required PREA curriculum is being conducted FY 2014-2015; PREA Investigation training was conducted four times during 2014		

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intentionally left blank
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facility security
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**SECTION V
INTERNAL/EXTERNAL OVERSIGHT**

Community Corrections Center-Lincoln

External PREA Audit:

CCC-L has not had a PREA Audit to date.

ACA Audit:

The second year internal ACA Audit is scheduled for March 2015.

Potentially damaging litigation

None

Community Corrections Center-Omaha

External PREA Audit:

CCC-O has not had a PREA Audit to date.

ACA Audit:

CCC-O's last internal ACA was conducted in July 2014. The facility was found in compliance with 100% of its mandatory standards and 99.06% of its non-mandatory standards. The next internal audit is scheduled for July 2016 and the next external audit is scheduled for October 2016.

Potentially damaging litigation

None

Diagnostic and Evaluation Center

External PREA Audit:

DEC is tentatively scheduled to have a PREA Audit in April 2015.

ACA Audit:

DEC is scheduled to be audited in April 2015.

Potentially damaging litigation

None

Lincoln Correctional Center

External PREA Audit:

LCC had a PREA Audit November 18-20, 2014 and met 42 standards. Standard 115.41 required corrective action due to inmates not being screened for risk of being sexually abusive or victimized upon arrival at the facility, nor a second time within 30 days. Standard 115.65 required corrective action due to there being no facility-specific policy regarding coordinated response.

ACA Audit:

LCC had an external audit May 3-5, 2014 and was found to be 100% compliant with mandatory standards and 98.6% compliant with non-mandatory standards. An internal audit was conducted March 5-7, 2014; LCC was found to be 100% compliant with mandatory standards and 98.63% compliant with non-mandatory standards.

Potentially damaging litigation

None

Nebraska Correctional Center for Women

External PREA Audit:

NCCW has not had a PREA Audit to date.

ACA Audit:

NCCW had an internal audit in August 2014. An external audit was conducted in October 2014; NCCW was found to be 100% compliant with mandatory standards and 98% compliant with non-mandatory standards, which were due to physical plant limitations.

Potentially damaging litigation

None

Nebraska Correctional Youth Facility

External PREA Audit:

NCYF is scheduled to have a PREA Audit in March 2015.

ACA Audit:

NCYF had an external audit in 2012 and were found to be 100% compliant with mandatory standards and 99.1% compliant with non-mandatory standards. An internal audit was conducted July 24-25, 2014; NCYF was found to be 100% compliant with mandatory standards and two non-mandatory standards were not in compliance due to physical plant standards.

Potentially damaging litigation

None

Nebraska State Penitentiary

External PREA Audit:

NSP is tentatively scheduled to have a PREA Audit in July 2015.

ACA Audit:

NSP had an internal audit in February 2014 and were found to be 100% compliant with mandatory standards.

Potentially damaging litigation

None

Omaha Correctional Center

External PREA Audit:

OCC is scheduled to have a PREA Audit in March 2015.

ACA Audit:

OCC had an external audit October 21-23, 2013 and were found to be 100% compliant with mandatory standards and 98.8% compliant with non-mandatory standards. An internal audit was conducted June 4-5, 2014. OCC was found to be 100% compliant with mandatory standards and 98.8% compliant with non-mandatory standards.

Potentially damaging litigation

None

Tecumseh State Correctional Institution

External PREA Audit:

TSCI has not had a PREA Audit to date.

ACA Audit:

TSCI had an external audit September 17-19, 2012 and were found to be 100% compliant with mandatory standards and 99.54% compliant with non-mandatory standards. An internal audit was conducted July 30-31, 2014; TSCI was found to be 100% compliant with mandatory standards and 99.6% compliant with non-mandatory standards.

Potentially damaging litigation

None

Work Ethic Camp

External PREA Audit:

WEC had a PREA Audit September 16-17, 2014 and met 42 standards. Standard 115.34 was found to exceed due to the thorough investigative training curriculum and number of investigators trained at WEC. Standard 115.65 required corrective action due to there being no facility-specific policy regarding coordinated response. The corrective action was completed and WEC was determined to meet/exceed all PREA standards on January 5, 2015.

ACA Audit:

WEC had an external audit October 3-4, 2012 and were found to be 100% compliant with mandatory standards. An internal audit was conducted May 14-15, 2014; WEC was found to be 100% compliant with mandatory standards.

Potentially damaging litigation

None

**SECTION VI
PREA INVESTIGATIONS**

Total Investigations	Number
Substantiated	16
Unsubstantiated	87
Unfounded	119
Total number of investigations	229
Staff Perpetrated Sexual Assault (Attempted)	Number
Substantiated	0
Unsubstantiated	1
Unfounded	2
Total	3
Staff Perpetrated Sexual Assault (Completed)	Number
Substantiated	1
Unsubstantiated	1
Unfounded	7
Total	11
Staff Perpetrated Sexual Abuse (Attempted)	Number
Substantiated	0
Unsubstantiated	4
Unfounded	2
Total	6
Staff Perpetrated Sexual Abuse (Completed)	Number
Substantiated	0
Unsubstantiated	13
Unfounded	28
Total	41
Staff Perpetrated Exhibitionism	Number
Substantiated	0
Unsubstantiated	1
Unfounded	1
Total	2
Staff Perpetrated Voyeurism	Number
Substantiated	0
Unsubstantiated	4
Unfounded	12
Total	16
Staff Perpetrated Sexual Harassment	Number
Substantiated	1
Unsubstantiated	19
Unfounded	38
Total	60
Inmate Perpetrated Sexual Assault (Attempted)	Number
Substantiated	0
Unsubstantiated	1
Unfounded	1
Total	2
Inmate Perpetrated Sexual Assault (Completed)	Number
Substantiated	0
Unsubstantiated	5
Unfounded	5
Total	12

Inmate Perpetrated Sexual Abuse	Number
Substantiated	7
Unsubstantiated	9
Unfounded	6
Total	23
Inmate Perpetrated Sexual Harassment	Number
Substantiated	7
Unsubstantiated	29
Unfounded	17
Total	53
County Attorney Referrals	Number
Referred to Douglas County for prosecution	0
Douglas County Attorney pursued prosecution	
Staff perpetrated sexual assault/abuse	
Inmate perpetrated sexual assault/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 for prosecution	0
Johnson County Attorney pursued prosecution	
Staff perpetrated sexual assault/abuse	
Inmate perpetrated sexual assault/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 for prosecution	0
Lancaster County Attorney pursued prosecution	
Staff perpetrated sexual assault/abuse	
Inmate perpetrated sexual assault/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 for prosecution	0
Red Willow County Attorney pursued prosecution	
Staff perpetrated sexual assault/abuse	
Inmate perpetrated sexual assault/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 for prosecution	1
York County Attorney pursued prosecution	1
Staff perpetrated sexual assault/abuse	1
Inmate perpetrated sexual assault/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: Case is currently pending	
Referred to Other County for prosecution (please specify)	0
Other County Attorney pursued prosecution	
Staff perpetrated sexual assault/abuse	
Inmate perpetrated sexual assault/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 for prosecution	1
County Attorney pursued prosecution	1
Staff perpetrated sexual assault/abuse	1
Inmate perpetrated sexual assault/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:	

***Investigation numbers may not match total numbers due to ongoing investigations**

SECTION VII ASSESSMENT OF PROBLEM AREAS

Use the information developed as a result of the discussion contained in Sections II-VI to identify and list in order of priority the most critical problem areas that affect the sexual safety of the inmate population and the safe and orderly operation of the institution.

Provide a candid assessment of each problem area, identifying things done well, things needing improvement, corrective action implemented (if applicable) and a plan of action to correct the problem.

1. Investigations

Assessment: *NDCS continues to investigate allegations according to policy and procedure.*

Things Being Done Well:

- a. All facility staff conducting PREA investigations have attended the PREA Investigation class
- b. NDCS investigates every allegation meeting PREA criteria
- c. Facility staff complete investigations in a timely manner
- d. The appropriate Deputy Director reviews and makes findings regarding investigation outcomes

Things That Could be Done Better:

- a. Investigators need to include the PREA investigation history of alleged victims and aggressors
- b. Some reports could be more thorough
- c. Conclusions need to be based on facts obtained during the investigative process

Plan of Action to Correct the Problem:

- a. Continue to provide guidance to investigators as questions arise
- b. Communicate information through facility PREA Compliance Managers

**SECTION VIII
DATA COMPARISON**

Total Investigations	Number	
	Previous Yr	Current Yr
Substantiated	9	16
Unsubstantiated	60	87
Unfounded	77	119
Total number of investigations	151	229
Staff Perpetrated Sexual Assault (Attempted)	Number	
	Previous Yr	Current Yr
Substantiated	0	0
Unsubstantiated	1	1
Unfounded	1	2
Total	2	3
Staff Perpetrated Sexual Assault (Completed)	Number	
	Previous Yr	Current Yr
Substantiated	1	1
Unsubstantiated	1	1
Unfounded	11	7
Total	13	11
Staff Perpetrated Sexual Abuse (Attempted)	Number	
	Previous Yr	Current Yr
Substantiated	0	0
Unsubstantiated	1	4
Unfounded	0	2
Total	1	6
Staff Perpetrated Sexual Abuse (Completed)	Number	
	Previous Yr	Current Yr
Substantiated	1	0
Unsubstantiated	13	13
Unfounded	19	28
Total	33	41
Staff Perpetrated Exhibitionism	Number	
	Previous Yr	Current Yr
Substantiated	0	0
Unsubstantiated	0	1
Unfounded	1	1
Total	1	2
Staff Perpetrated Voyeurism	Number	
	Previous Yr	Current Yr
Substantiated	0	0
Unsubstantiated	2	4
Unfounded	5	12
Total	7	16
Staff Perpetrated Sexual Harassment	Number	
	Previous Yr	Current Yr
Substantiated	4	1
Unsubstantiated	10	19
Unfounded	19	38
Total	33	60

Inmate Perpetrated Sexual Assault (Attempted)	Number	
	Previous Yr	Current Yr
Substantiated	0	0
Unsubstantiated	2	1
Unfounded	1	1
Total	3	2
Inmate Perpetrated Sexual Assault (Completed)	Number	
	Previous Yr	Current Yr
Substantiated		
Unsubstantiated	2	5
Unfounded	8	5
Total	13	12
Inmate Perpetrated Sexual Abuse	Number	
	Previous Yr	Current Yr
Substantiated	2	7
Unsubstantiated	8	9
Unfounded	2	6
Total	13	23
Inmate Perpetrated Sexual Harassment	Number	
	Previous Yr	Current Yr
Substantiated	1	7
Unsubstantiated	21	29
Unfounded	11	17
Total	33	53
County Attorney Referrals	Number	
	Previous Yr	Current Yr
Referred to Douglas County for prosecution	0	0
Douglas County Attorney pursued prosecution		
Staff perpetrated sexual assault/abuse		
Inmate perpetrated sexual assault/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 for prosecution	0	0
Johnson County Attorney pursued prosecution		
Staff perpetrated sexual assault/abuse		
Inmate perpetrated sexual assault/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 for prosecution	2	0
Lancaster County Attorney pursued prosecution	2	
Staff perpetrated sexual assault/abuse	2	
Inmate perpetrated sexual assault/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: In one case, former staff was charged with unlawful acts by a corrections employee, a Class IV felony, and sentenced to 18 months' probation		
Referred to Red Willow County for prosecution	0	0
Red Willow County Attorney pursued prosecution		

Staff perpetrated sexual assault/abuse		
Inmate perpetrated sexual assault/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 for prosecution	0	1
York County Attorney pursued prosecution		1
Staff perpetrated sexual assault/abuse		1
Inmate perpetrated sexual assault/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: Case is currently pending		
Referred to Other County for prosecution (please specify)	0	0
Other County Attorney pursued prosecution		
Staff perpetrated sexual assault/abuse		
Inmate perpetrated sexual assault/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 for prosecution	2	1
County Attorney pursued prosecution	2	1
Staff perpetrated sexual assault/abuse	2	1
Inmate perpetrated sexual assault/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:		

***Investigation numbers may not match total numbers due to ongoing investigations**

Assessment of NDCS's Progress:

NDCS has continued in its efforts to become fully PREA compliant. The PREA Coordinator continues to meet quarterly with facility PREA Compliance Managers and PREA Auditors. The PREA Coordinator maintains working relationships with other state correctional agencies and outside entities. Information regarding the PREA program has been made available on the NDCS website.

NDCS is actively participating in the PREA Audit process. An auditing Consortium was developed between NDCS and six other state correctional departments, which included a Memorandum of Understanding (MOU). The PREA Coordinator is responsible for the updates, revisions and renewal of this document. NDCS has 10 certified auditors, who audit facilities for the Kentucky Department of Corrections. The Louisiana Department of Corrections conducted two PREA audits at NDCS facilities in 2014. Both facilities required corrective action, however, one facility has since completed this action and was found to be fully compliant; the second facility continues to work towards completion of the corrective action. Four additional PREA Audits are scheduled for 2015.

The PREA Coordinator and the Nebraska Coalition to End Sexual and Domestic Violence (Coalition) have worked closely together over the past year in an effort to develop a program to provide outside advocacy assistance to incarcerated victims of sexual assault and sexual abuse. Through the use of grant funding, the Coalition will hire a full-time Prison Advocacy Coordinator to oversee the provision of such services. This person will work closely with the NDCS PREA Coordinator and be responsible for creating and distributing information and materials; overseeing a crisis line available for inmate victims; contracting with advocates to assist in answering the crisis line; and providing training to NDCS staff, program staff and crisis line advocates. NDCS and the Coalition officially entered into this agreement and signed an MOU in 2015.

Reporting methods for staff, inmates and the public have been enhanced. In February 2014 the PREA reporting hotline became effective. This is a toll-free number for staff and the public and is automatically entered into every inmate's Inmate Calling System as a speed-dial function with a generic PIN to protect anonymity. An additional reporting option was established on the NDCS website, which enables users to fill out a report that is sent to the PREA Coordinator via email.

Curriculum was developed and implemented for the PREA Investigation training class. Four classes were held in 2014 at three different locations – Lincoln, Omaha and McCook. All PREA investigations are assigned to a staff member who has received the training. NDCS currently has 81 trained PREA investigators and future classes are scheduled.

PREA information has been made readily available through the use of enhanced education material at DEC, NCCW and NCYF, which the inmates receive within 30 days of their arrival. Informational posters were developed and distributed to all facilities for placement in housing units and other common areas.

NDCS continues to maintain a zero tolerance standard for all forms of sexual abuse, sexual harassment and retaliation for reporting such incidents. Much progress has been made over the past year to enhance sexual safety in all facilities and training continues to be implemented to facilitate culture change.

**SECTION IX
GOALS FOR 2015**

1. Develop Internal PREA Audit procedure
2. Revise inmate education material
3. Continue scheduling facilities for external PREA audits
4. Revise and update Sexual Assault/Abuse policy
5. Maintain Consortium to provide timely PREA audits
6. Continue to provide expertise and proper review of internal PREA investigations

Date Risk Assessment was Conducted:
February 17, 2015

This Document was Prepared and Submitted By:



PREA Coordinator

2-19-2015
Date

Reviewed:



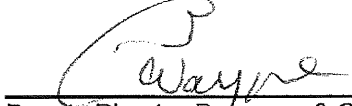
Staff Partnership and Development Coordinator

2-19-15
Date



Deputy Director-Institutions

2-20-15
Date



Deputy Director-Programs & Community Services

2/23/15
Date



Director

2-23-15
Date