

NEBRASKA

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DEPT OF CORRECTIONAL SERVICES



Pete Ricketts, Governor

Nebraska Department of Correctional Services

Annual PREA Assessment

2020

Scott R. Frakes, Director

Dept of Correctional Services

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Introduction of PREA

The Prison Rape Elimination Act was signed into law in 2003. PREA was the first law of its kind addressing prison sexual abuse. The final standards were signed in May 2012 and became effective in August 2012. There are 43 standards for adult prison/jails and 41 standards for the community confinement facilities. Every three years all facilities are required to be audited. The standards address such issues as prevention, detection and response.

NDCS has a zero-tolerance policy regarding sexual assault, sexual abuse and sexual harassment of inmates and staff within our 10 facilities. Inmates and team members are educated on the reporting, detecting and preventing of sexual assault, sexual abuse, and sexual harassment. NDCS team members have an obligation to report all incidents.

Inmates are offered several ways in which to report the allegations of sexual assault, sexual abuse or sexual harassment. They are able to report directly to any team member, make a call to the PREA hotline, write a letter, submit an Inmate Interview Request form, file a grievance, tell a trusted third party such as a family member or friend. Inmates are also able to have family members or friends report incidents on the NDCS website.

Nebraska Department of Correctional Services requires that all inmates who enter the system go through an orientation with in their initial 30 days of arrival. Team members, volunteers and contractors receive information and training on the departments zero tolerance policy and how to prevent, detect and respond to allegations of sexual assault, sexual abuse, sexual harassment or retaliation for reporting incidents during Pre-service training.

Each year all staff members are required to attend in-service training in which they receive refresher training and updates relative to PREA.

Assessment of NDCS's Progress

NDCS will continue to work towards remaining PREA compliant. The PREA Coordinator continues to meet quarterly with the 10 facility PREA Compliance Managers. Information regarding PREA has been made available on the NDCS website.

NDCS continues to actively participate in the audit process. During 2020 NDCS was in contract with DX Consultants LLC from Florida. The 3-year PREA audit cycle began August 20, 2019. 4 audits were completed in 2020. 3 audits are scheduled for 2021 and 3 audits are scheduled for 2022 completing the 3-year audit cycle.

NDCS continues to maintain a zero-tolerance standard for all forms of sexual assault, sexual abuse, sexual harassment and retaliation for reporting such incidents. The department continues to provide training and information to staff and inmates in an attempt to prevent, detect and respond to all allegations of sexual assault, sexual abuse, sexual harassment and retaliation.

Nebraska Department of Correctional Services and Nebraska Coalition to End Sexual and Domestic Violence work together to provide inmates with support after a Sexual Assault, Sexual Abuse and Sexual Harassment.

Goals for 2021

- Continue to Work with Dorothy Xanos from DX Consultants LLC for the 3-year cycle 2019-2022. WEC, CCC-L, NSP are scheduled for a PREA audit in 2021.
- Review and update inmate educational material.
- Review and update staff education material.
- Review and update Administrative regulations
 - Sexual assault and abuse Policy 203.11
 - Identification of Potential Aggressors and victim's policy 201.03
- Conduct at least 1 PREA investigator courses for 2021.
- Continue to work with the Nebraska Statewide Coordinated Response Team.
- Work with county jails to maintain PREA Compliance with standard 115.12.
- Work with OCIO to build the new PREA Screening assessment in NICAMS.
- Teach the PREA Screening assessment at the Case Management Academy
- Start developing PREA Compliance Manager training.

Facility Audit schedule

Facility	Last completed Audit	Next Scheduled Audit
Work Ethic Camp	April 25-26, 2017 In compliance	February 22-24 2021
Nebraska Correctional Center for Women	December 18-20, 2018 In compliance	March 28- April 1 2022
Diagnostic and Evaluation Center	June 22-24, 2020 In compliance	Upon contract renewal
Lincoln Correctional Center	March 3-6, 2020 In compliance	Upon contract renewal
Community Correctional Center – Lincoln	June 14, 2016 In compliance	March 15-17, 2021
Nebraska State Penitentiary	November 26-30, 2018 In compliance	June 21-24, 2021
Omaha Correctional Center	October 16-18, 2017 In compliance	February 7-11 2022
Nebraska Correctional Youth Facility	July 6-8, 2020 In compliance	Upon Contract renewal
Community Correctional Center – Omaha	August 10-11, 2020 In compliance	Upon contract renewal
Tecumseh State Correctional Institution	October 23-26, 2018 in compliance	June 27-July 1 2022

DX Consultants LLC
dxconsultants@gmail.com

Point of Contact: Dorothy Xanos

Auditors:

Dorothy Xanos
Chris Sweeney
Robert Manville

PREA INVESTIGATIONS

Total Investigations	Number
Substantiated	13
Unsubstantiated	32
Unfounded	16
Open/Active	7
Total number of investigations	68
Staff Perpetrated Sexual Assault	Number
Substantiated	*1
Unsubstantiated	0
Unfounded	3
Open/Active	1 with State Patrol
Total	5

Comments:

*202023LCC5306 investigation referred for prosecution to Lancaster County Attorney's office staff member was prosecuted for unlawful acts by any person on an inmate received 1-year probation.

Staff Perpetrated Sexual Abuse	Number
Substantiated	0
Unsubstantiated	6
Unfounded	2
Open/Active	0
Total	8

Staff Perpetrated Exhibitionism	Number
Substantiated	0
Unsubstantiated	0
Unfounded	0
Open/Active	0
Total	0

Staff Perpetrated Voyeurism	Number
Substantiated	0
Unsubstantiated	1
Unfounded	0
Open/Active	0
Total	1

Staff Perpetrated Sexual Harassment	Number
Substantiated	*1
Unsubstantiated	4
Unfounded	7
Open/Active	0
Total	12

Comments:

* 202012CCL5284 staff member received and signed a Corrective Counseling Log requiring the staff member to read policy 112.31 and 203.11 and sign that he understood policy.

Inmate Perpetrated Sexual Assault	Number
Substantiated	0
Unsubstantiated	6
Unfounded	1
Open/Active	5 with State Patrol
Total	12
Inmate Perpetrated Sexual Abuse	Number
Substantiated	*2
Unsubstantiated	7
Unfounded	3
Open/Active	0
Total	12
Comments: * 202014DEC5705 investigation was initiated in December 2020 and referred to Lancaster County Attorney's office for prosecution in February 2021. * 202012NCW5438 there was not enough evidence to refer for prosecution, however central monitoring was initiated, and the victim and aggressor were separated.	
Inmate Perpetrated Sexual Harassment	Number
Substantiated	8
Unsubstantiated	8
Unfounded	1
Open/Active	1-facility level
Total	18
County Attorney Referrals	Number
Referred to County Attorney for prosecution	*2
Staff perpetrated sexual assault/ abuse	1
Inmate perpetrated sexual assault/ abuse	1
Comments: * 202023LCC5306 investigation referred for prosecution to Lancaster County Attorney's office staff member was prosecuted for unlawful acts by any person on an inmate received 1-year probation. * 202014DEC5705 investigation was initiated in December 2020 and referred to Lancaster County Attorney's office for prosecution in February 2021.	

In the institutional year reports on page 5 under Disciplinary Misconduct reports it lists sexual assault rule violations and of those Misconduct reports that were guilty of the sexual assault rule violation.

Below are the institutions who issued Misconduct reports for sexual assault rule violations.

Diagnostic and Evaluation Center

- Sexual assault charges filed-1
- Guilty Sexual Assault charges- 0

Lincoln Correctional Center

- Sexual assault charges filed- 4
- Guilty Sexual Assault charges- 0

Community Correctional Center Lincoln

- Sexual assault charges filed- 1
- Guilty Sexual Assault charges- 0

Nebraska State Penitentiary

- Sexual assault charges filed- 5
- Guilty Sexual Assault charges- 0

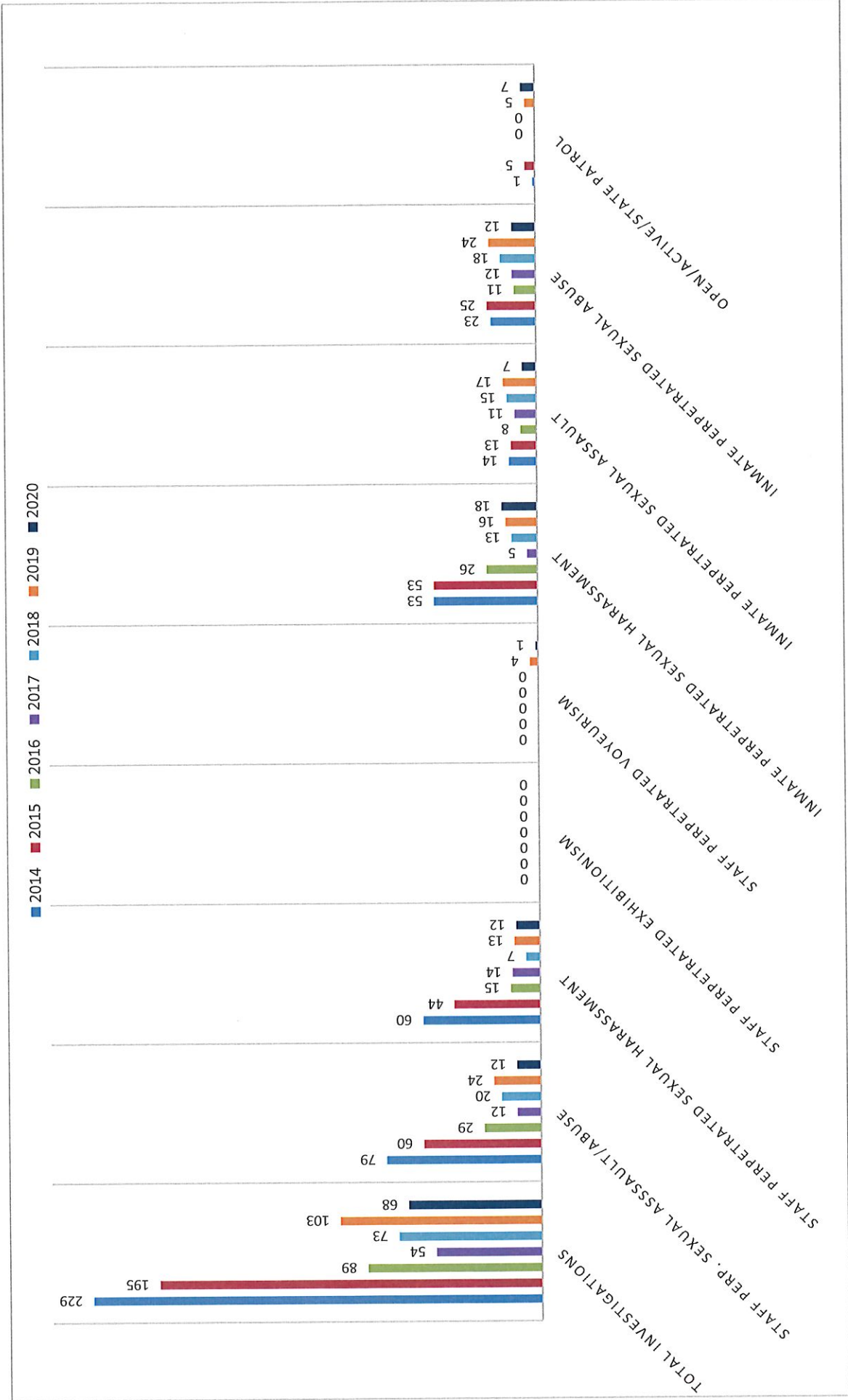
Omaha Correctional Center

- Sexual assault charges filed- 2
- Guilty Sexual Assault charges- 0

Tecumseh State Correctional Center

- Sexual assault charges filed- 1
- Guilty Sexual Assault charges- 0

All data is submitted to the U.S. Department of Justice through the Survey for Sexual Victimization



Nebraska Coalition to End Sexual and Domestic Violence

NDCS has partnered with Nebraska Coalition to End Sexual and Domestic Violence (Coalition) to provide our inmates a resource that will allow them to discuss any victimization they may have encountered. On April 11, 2016, a toll-free telephone line was launched providing NDCS inmate's access to a victim advocate. Calls are confidential and provide the inmate with options available after an assault. The advocate is available to provide safety planning, talk about feelings and discuss different ways to cope.

The Coalition has an agreement with the local hospitals to be contacted in the event an advocate is requested by the NDCS. The Local community Hospital will be notified when an advocate is requested at the Hospital during the SANE examination. The Hospital will then contact a victim advocate to be present during the SANE examination. The advocate will then remain with the inmate during the process and will continue to follow up as long as the inmate accepts.

Quarter	Victims Served	Crisis line Calls	Contacts Made
Jan-March 2020	9	15	15
April-June 2020	12	16	16
July-Sept 2020	9	22	22
Oct-Dec 2020	14	18	18
Total	44	71	71

Some victims request services every month. The Numbers in the victim served column may be duplicate victims.

The Memorandum of Understanding was reviewed and in affect till June 30, 2021.

Nebraska Statewide Coordinated Response Team (CRT)

The Nebraska CRT is a group of professionals representing both state agency and provider organizations committed to achieving the group's vision and mission.

Vision

"We envision coordinated and collaborative responses to domestic and sexual violence throughout the state, focused on victim safety and offender accountability"

Mission

"The mission of the Nebraska State CRT is to foster the development and sustainability of effective local and statewide responses to domestic and sexual violence. This will be accomplished by offering guidance and resources based on model standards and practices, while recognizing each community's accomplishments, expertise, and needs."

CRT members will consist of:

- State agencies.
- Statewide organizations that work with the local level groups
- A quorum will be represented by a simple majority.

The Nebraska Department of Correctional Services PREA Coordinator represents the department with the Nebraska CRT. Meetings are held in odd months throughout the year.

The Memorandum of understanding was reviewed and signed on January 16, 2020

This document was prepared and submitted by:

 3-31-2021
Danielle Reynolds, PREVES Coordinator

Position Currently Vacant
Mark Rumery, Agency Security Administrator

 04/01/2021
Robert Madsen, Deputy Director of Prisons

 4/1/21
Dawn Renee Smith, Deputy Director of Programs

 4/13/2021
Diane Sabatka-Rine, Chief of Operations

 4/13/21
Scott Frakes, Director

Additional information is located in the institutional specific 2020 PREA Assessment