

NEBRASKA

Good Life. Great Mission.

DEPT OF CORRECTIONAL SERVICES



Pete Ricketts, Governor

Nebraska Department of Correctional Services

Annual PREA Assessment

2021

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 within their initial 30 days of arrival. Team members, volunteers and contractors receive information and training on the department's 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 9 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 2021 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 were completed 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.

Goals for 2022

- Continue to Work with Dorothy Xanos from DX Consultants LLC for the 3-year cycle 2019-2022. OCC, NCCW and TSCI are scheduled for a PREA audit in 2022.
- 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 2022.
- 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
 - New screening tool to be implemented in 2022
- Teach the PREA Screening assessment at the Case Management Academy

Facility Audit schedule

Facility	Last completed Audit	Next Scheduled Audit
Work Ethic Camp	February 22-24, 2021 In compliance	Upon Contract renewal
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	March 15-17, 2021 In compliance	Upon Contract renewal
Nebraska State Penitentiary	June 21-24, 2021 In compliance	Upon Contract renewal
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:
Robert Manville

PREA INVESTIGATIONS

Total Investigations	Number
Substantiated	12
Unsubstantiated	31
Unfounded	17
Open/Active	2
Total number of investigations	62
Staff Perpetrated Sexual Assault	Number
Substantiated	*3
Unsubstantiated	1
Unfounded	1
Open/Active	1 with State Patrol
Total	6
Comments: *202114CCL6172 Investigation was referred for prosecution to Lancaster County Attorney's office. Waiting District court hearing. *202114LCC5980 Investigation was referred for prosecution to Lancaster County Attorney's office. Staff member was found guilty and sentenced to serve 7 years prison time. *202112NSP5811 Investigation referred for prosecution to Lancaster County Attorneys office. Staff member was found guilty and received 12-month probation and 40 hours community service.	
Staff Perpetrated Sexual Abuse	Number
Substantiated	*1
Unsubstantiated	7
Unfounded	0
Open/Active	0
Total	8
Comments: *202112DEC6324- staff member received disciplinary action.	
Staff Perpetrated Exhibitionism	Number
Substantiated	0
Unsubstantiated	0
Unfounded	0
Open/Active	0
Total	0
Staff Perpetrated Voyeurism	Number
Substantiated	0
Unsubstantiated	0
Unfounded	0
Open/Active	0
Total	0
Staff Perpetrated Sexual Harassment	Number
Substantiated	*1
Unsubstantiated	4
Unfounded	5
Open/Active	0
Total	10
Comments: * 202112NCW6128.- Staff received disciplinary action.	

Inmate Perpetrated Sexual Assault		Number
Substantiated		*1
Unsubstantiated		4
Unfounded		6
Open/Active		1
Total		12
Comments: *202114DEC5841- investigation was referred to Lancaster County attorney for prosecution in March 2021. March 2022 received DNA results and sent to Lancaster County Attorneys office.		
Inmate Perpetrated Sexual Abuse		Number
Substantiated		4
Unsubstantiated		7
Unfounded		5
Open/Active		0
Total		16
Comments:		
Inmate Perpetrated Sexual Harassment		Number
Substantiated		2
Unsubstantiated		8
Unfounded		0
Open/Active		0
Total		10
Comments:		
County Attorney Referrals		Number
Referred to County Attorney for prosecution		*4
Staff perpetrated sexual assault/ abuse		*3
Inmate perpetrated sexual assault/ abuse		*1
Comments: *202114CCL6172 Investigation was referred for prosecution to Lancaster County Attorney's office. Waiting District court hearing. *202114LCC5980 Investigation was referred for prosecution to Lancaster County Attorney's office. Staff member was found guilty and sentenced to serve 7 years prison time. *202112NSP5811 Investigation referred for persecution to Lancaster County Attorney's office. Staff member was found guilty and received 12-month probation and 40 hours community service. *202114DEC5841- investigation was referred to Lancaster County attorney for prosecution in March 2021. March 2022 received DNA results and sent to Lancaster County Attorney's office.		

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.

Lincoln Correctional Center

- Sexual assault charges filed- 10
- Guilty Sexual Assault charges- 5

Community Correctional Center Lincoln

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

Nebraska State Penitentiary

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

Omaha Correctional Center

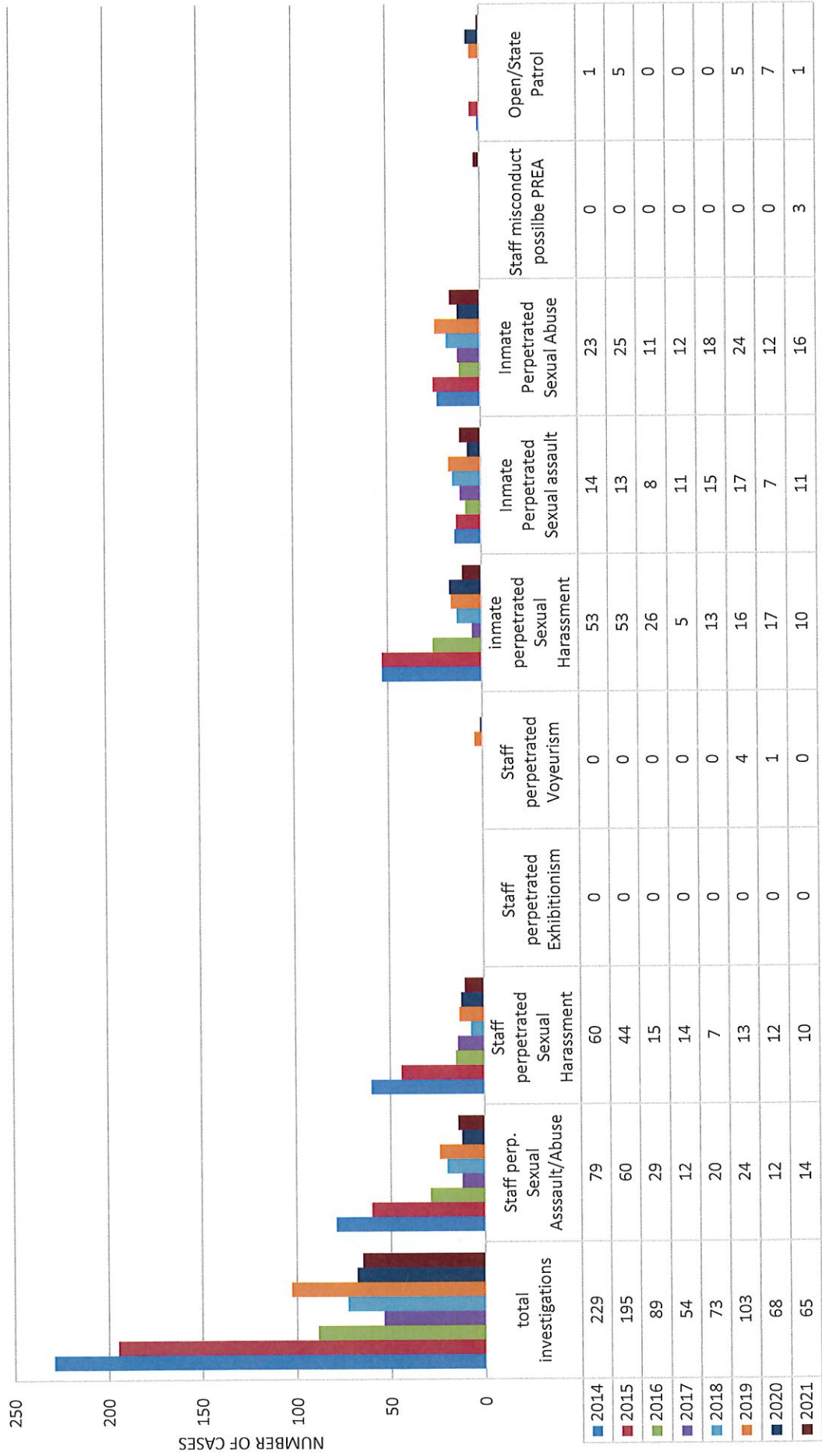
- Sexual assault charges filed- 2
- Guilty Sexual Assault charges- 0

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

INVESTIGATIONS



Victim Advocacy

PREA Standard 115.53 / 115.253

The agency shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

Purpose

To provide inmates with access to emotional support services from outside the facility to help inmates heal from trauma. Access to outside support is important because inmates may be reluctant to seek emotional support from within a facility, and some facilities may lack resources to provide counseling services. A victim will most benefit from a trained support person who can provide a safe environment for discussing issues related to abuse confidentially. Although external emotional support service providers are different than the external reporting entity required by 115.51(b), they can assist an inmate to decide how and whether to report abuse to a facility, and to understand what to expect in an investigation. These providers can also help an inmate to become emotionally ready to make a report, which can enhance safety overall in a facility. Note that the 115.53 external support provider is intended to deal exclusively with the inmate and should not be expected to forward abuse reports to a facility.

- NDCS entered into a MOU with the Nebraska Coalition to End Sexual and Domestic Violence in April 2016. The MOU ended in April 2021.
- NDCS entered into a MOU with the Women's Center for Advancement in July 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.

This document was prepared and submitted by:


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 7-6-22
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 07/06/2022
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 8/3/22
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 9/19/2022
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 9-19-22
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Additional information is located in the institutional specific 2020 PREA Assessment