

NEBRASKA

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DEPT OF CORRECTIONAL SERVICES



Pete Ricketts, Governor

Nebraska Department of Correctional Services

Annual PREA Assessment

2019

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 44 standards for adult prison/jails and 40 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 staff are educated on the reporting, detecting and preventing of sexual assault and sexual abuse and 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 staff member, make a call to the PREA hotline, write a letter, submit an Inmate Interview Request form, call the ombudsman's office, 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. Staff 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 compliance managers. Information regarding PREA has been made available on the NDCS website.

NDCS continues to actively participate in the audit process. During 2019 NDCS was in contract with Truecore Behavioral Solutions from Florida. All 10 facilities completed the PREA audit for the 3 year cycle 2017-2019.

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 continues to work together to provide inmates with support after a Sexual Assault, Sexual Abuse and Sexual Harassment.

Goals for 2020

- Continue to Work with Dorothy Xanos from DX Consultants LLC new contract for the 3 year cycle 2019-2022. LCC, DEC, NCYF, CCCO are scheduled for a PREA audit in 2020.
- 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 victims policy 201.03
- Continue to work with the DOJ for technical assistance for standards 115.12 and 115.41
- Conduct at least 1 PREA investigator courses for 2020.
- Continue to work with the Nebraska Coalition to End Sexual and Domestic violence.
- Continue to work with the Nebraska Statewide Coordinated Response Team.
- Work with county jails to maintain PREA Compliance. Standard 115.12.
- Develop and implement a new screening tool with a how to guide and PowerPoint.

Facility Audit Cycle 2019-2020

Facility	Last completed Audit	Next Scheduled Audit
Work Ethic Camp	April 25-26 2017 In compliance	February 22-26, 2021
Nebraska Correctional Center for Women	December 18-20 2018 In compliance	March 28- April 1 2022
Diagnostic and Evaluation Center	July 12-13 2017 In compliance	May 19-22 2020
Lincoln Correctional Center	July 10-11 2017 In compliance	April 3-6 2020
Community Correctional Center – Lincoln	June 14 2016 In compliance	March 30-April 2, 2021
Nebraska State Penitentiary	November 26-30 2018 In compliance	April 26-30 2021
Omaha Correctional Center	October 16-18 2017 I compliance	February 7-11 2022
Nebraska Correctional Youth Facility	October 18- 19 2017 In compliance	June 22-24 2020
Community Correctional Center – Omaha	June 13-2016 In compliance	June 24-26 2020
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
Auditor: Dorothy Xanos

PREA INVESTIGATIONS

Total Investigations	Number
Substantiated	12
Unsubstantiated	43
Unfounded	43
Open/Active	5
Total number of investigations	103
Staff Perpetrated Sexual Assault	Number
Substantiated	1*
Unsubstantiated	1
Unfounded	5
Open/Active	0
Total	7
Comments: *Substantiated 201914WEC5061 referred for prosecution. Received plea bargain, sexual assault charges dropped.	
Staff Perpetrated Sexual Abuse	Number
Substantiated	3*
Unsubstantiated	6
Unfounded	8
Open/Active	0
Total	17
Comments: *Substantiated 201912NCW4932 due to the nature of the case it was not referred for prosecution, however the staff member did receive additional training. *Substantiated 201914DEC4924 referred to county attorney for illegal communication and for conducted a sexual act on an inmate. Pending district court hearing. *Substantiated 201914LCC4888 referred to county attorney for illegal communication and sexual acts of an inmate. Has been prosecuted and received probation for unlawful acts on an inmate in the 2 nd degree.	
Staff Perpetrated Exhibitionism	Number
Substantiated	0
Unsubstantiated	0
Unfounded	0
Open/Active	0
Total	0
Staff Perpetrated Voyeurism	Number
Substantiated	0
Unsubstantiated	1
Unfounded	3
Open/Active	0
Total	4
Staff Perpetrated Sexual Harassment	Number
Substantiated	1
Unsubstantiated	5
Unfounded	7
Open/Active	0
Total	13

Inmate Perpetrated Sexual Assault	Number
Substantiated	0
Unsubstantiated	11
Unfounded	6
Open/Active	5
Total	22
Inmate Perpetrated Sexual Abuse	Number
Substantiated	3
Unsubstantiated	12
Unfounded	9
Open/Active	0
Total	24

Comments:

*Substantiated **201914NCW5107** referred for prosecution for sexual assault of a confined person, 1st degree sexual assault, 3rd degree sexual assault- pending hearing.

*Substantiated **201912NCW5039** despite the substantiated findings it was determined that due to the nature of the case it was not referred for prosecution.

*Substantiated **201912NCW4996** despite the substantiated findings it was determined that due to the nature of the case it was not referred for prosecution.

Inmate Perpetrated Sexual Harassment	Number
Substantiated	4
Unsubstantiated	7
Unfounded	5
Open/Active	0
Total	16
County Attorney Referrals	Number
Referred to County Attorney for prosecution	4*
Staff perpetrated sexual assault/ abuse	3
Inmate perpetrated sexual assault/ abuse	1

Comments:

*Substantiated **201912NCW4932** due to the nature of the case it was not referred for prosecution, however the staff member did receive additional training.

*Substantiated **201914DEC4924** referred to county attorney for illegal communication and for conducted a sexual act on an inmate. Pending district court hearing.

*Substantiated **201914LCC4888** referred to county attorney for illegal communication and sexual acts of an inmate. Has been prosecuted and received probation for unlawful acts on an inmate in the 2nd degree

*Substantiated **201914NCW5107** referred for prosecution for sexual assault of a confined person, 1st degree sexual assault, 3rd degree sexual assault- pending hearing.

In the institutional year reports on page 5 under Disciplinary Misconduct reports it lists sexual assault charges filed and guilty sexual assault charges. These misconduct reports are for inmate perpetrated sexual assault of a staff member.

The following institutions had Misconduct reports for inmate perpetrated sexual assault of a staff member.

Lincoln Correctional Center

- Sexual assault charges filed-3
- Guilty Sexual Assault charges-2

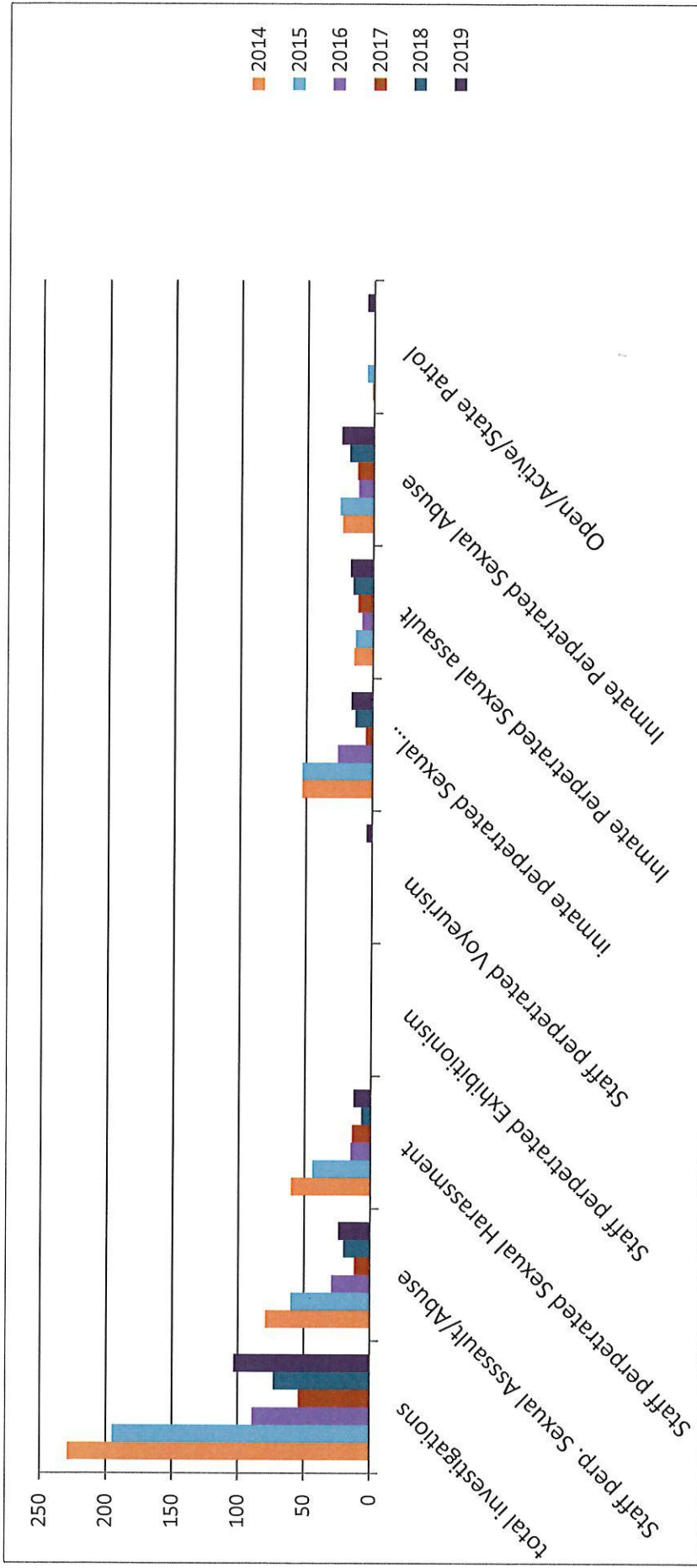
Nebraska State Penitentiary

- Sexual assault charges filed-18
- Guilty Sexual Assault charges-1

Tecumseh State Correctional Institution

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

All numbers are submitted to the U.S. Department of Justice in 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 also been providing support to those that have been sent out to hospitals for medical exams. Prior to the inmate being transported the advocate is contacted and arrangements are made to meet the inmate at the hospital. 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 2019	5	10	63
April-June 2019	5	7	24
July-Sept 2019	3	3	7
Oct-Dec 2019	7	3	16
Total	20	23	110

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, 2020

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."

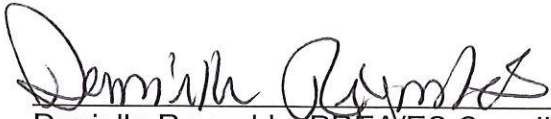
CRT members will consist of:

- 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:



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Additional information is located in the institutional specific 2019 PREA Assessment