

Prison Rape Elimination Act (PREA) Audit Report

Adult Prisons & Jails

Interim Final

Date of Interim Audit Report: Click or tap here to enter text. N/A

If no Interim Audit Report, select N/A

Date of Final Audit Report: 07/07/2021

Auditor Information

Name: Robert Manville **Email:** robertmanville9@gmail.com

Company Name: DX Consultants, LLC

Mailing Address: P.O. Box 55372 **City, State, Zip:** St. Petersburg, FL 33732

Telephone: 912-486-0004 **Date of Facility Visit:** 6 /21-25/2021

Agency Information

Name of Agency: Nebraska Department of Corrections

Governing Authority or Parent Agency (If Applicable): Nebraska

Physical Address: Folsom & W Prospector Place Bldg. 1 **City, State, Zip:** Lincoln, NE 68522

Mailing Address: P O Box 94661 **City, State, Zip:** Lincoln, NE 68522

The Agency Is: Military Private for Profit Private not for Profit

Municipal County State Federal

Agency Website with PREA Information: corrections.nebraska.gov

Agency Chief Executive Officer

Name: Scott Frakes

Email: scott.frakes@nebraska.gov **Telephone:** 402-479-5623

Agency-Wide PREA Coordinator

Name: Danielle Reynolds

Email: danielle.reynolds@nebraska.gov **Telephone:** 402-479-5660

PREA Coordinator Reports to: Doug Diltz, Agency Security Administrator **Number of Compliance Managers who report to the PREA Coordinator:** 9

Click or tap here to enter text.

Click or tap here to enter text.

Facility Information

Name of Facility: Nebraska State Penitentiary			
Physical Address: 4201 So. 14th Street		City, State, Zip: Lincoln, Nebraska 68542	
Mailing Address (if different from above): Click or tap here to enter text.		City, State, Zip:	
The Facility Is:	<input type="checkbox"/> Military	<input type="checkbox"/> Private for Profit	<input type="checkbox"/> Private not for Profit
<input type="checkbox"/> Municipal	<input type="checkbox"/> County	<input checked="" type="checkbox"/> State	<input type="checkbox"/> Federal
Facility Type:	<input checked="" type="checkbox"/> Prison	<input type="checkbox"/> Jail	
Facility Website with PREA Information: corrections.nebraska.gov			
Has the facility been accredited within the past 3 years? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If the facility has been accredited within the past 3 years, select the accrediting organization(s) – select all that apply (N/A if the facility has not been accredited within the past 3 years):			
<input checked="" type="checkbox"/> ACA			
<input type="checkbox"/> NCCHC			
<input type="checkbox"/> CALEA			
<input type="checkbox"/> Other (please name or describe: Click or tap here to enter text.)			
<input type="checkbox"/> N/A			
If the facility has completed any internal or external audits other than those that resulted in accreditation, please describe: Internal Security Audits			
Warden/Jail Administrator/Sheriff/Director			
Name: Michele Wilhelm			
Email: Michele.Wilhelm@nebraska.gov		Telephone: 402-471-3161	
Facility PREA Compliance Manager			
Name: Ron Bailey			
Email: Ronald.Bailey@nebraska.gov		Telephone: 402-479-3455	
Facility Health Service Administrator <input type="checkbox"/> N/A			
Name: Timothy Chamberlain			
Email: Timothy.Chamberlain.nebraska.gov		Telephone: 402-471-3161	
Facility Characteristics			
Designated Facility Capacity:	736		
Current Population of Facility:	1243		
Average daily population for the past 12 months:	1310		
Has the facility been over capacity at any point in the past 12 months?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

Which population(s) does the facility hold?	<input type="checkbox"/> Females <input checked="" type="checkbox"/> Males <input type="checkbox"/> Both Females and Males
Age range of population:	19 up
Average length of stay or time under supervision:	574 month 29 days
Facility security levels/inmate custody levels:	Maximum/Medium/Minimum
Number of inmates admitted to facility during the past 12 months:	1562
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for <i>72 hours or more</i> :	964
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for <i>30 days or more</i> :	1211
Does the facility hold youthful inmates?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Number of youthful inmates held in the facility during the past 12 months: (N/A if the facility never holds youthful inmates)	Click or tap here to enter text. <input checked="" type="checkbox"/> N/A
Does the audited facility hold inmates for one or more other agencies (e.g. a State correctional agency, U.S. Marshals Service, Bureau of Prisons, U.S. Immigration and Customs Enforcement)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Select all other agencies for which the audited facility holds inmates: Select all that apply (N/A if the audited facility does not hold inmates for any other agency or agencies):	<input type="checkbox"/> Federal Bureau of Prisons <input type="checkbox"/> U.S. Marshals Service <input type="checkbox"/> U.S. Immigration and Customs Enforcement <input type="checkbox"/> Bureau of Indian Affairs <input type="checkbox"/> U.S. Military branch <input checked="" type="checkbox"/> State or Territorial correctional agency <input type="checkbox"/> County correctional or detention agency <input type="checkbox"/> Judicial district correctional or detention facility <input type="checkbox"/> City or municipal correctional or detention facility (e.g. police lockup or city jail) <input type="checkbox"/> Private corrections or detention provider <input type="checkbox"/> Other - please name or describe: Click or tap here to enter text. <input type="checkbox"/> N/A
Number of staff currently employed by the facility who may have contact with inmates:	433
Number of staff hired by the facility during the past 12 months who may have contact with inmates:	98
Number of contracts in the past 12 months for services with contractors who may have contact with inmates:	31
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	31
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	27
Physical Plant	

<p>Number of buildings:</p> <p>Auditors should count all buildings that are part of the facility, whether inmates are formally allowed to enter them or not. In situations where temporary structures have been erected (e.g., tents) the auditor should use their discretion to determine whether to include the structure in the overall count of buildings. As a general rule, if a temporary structure is regularly or routinely used to hold or house inmates, or if the temporary structure is used to house or support operational functions for more than a short period of time (e.g., an emergency situation), it should be included in the overall count of buildings.</p>	30
<p>Number of inmate housing units:</p> <p>Enter 0 if the facility does not have discrete housing units. DOJ PREA Working Group FAQ on the definition of a housing unit: How is a "housing unit" defined for the purposes of the PREA Standards? The question has been raised in particular as it relates to facilities that have adjacent or interconnected units. The most common concept of a housing unit is architectural. The generally agreed-upon definition is a space that is enclosed by physical barriers accessed through one or more doors of various types, including commercial-grade swing doors, steel sliding doors, interlocking sally port doors, etc. In addition to the primary entrance and exit, additional doors are often included to meet life safety codes. The unit contains sleeping space, sanitary facilities (including toilets, lavatories, and showers), and a dayroom or leisure space in differing configurations. Many facilities are designed with modules or pods clustered around a control room. This multiple-pod design provides the facility with certain staff efficiencies and economies of scale. At the same time, the design affords the flexibility to separately house inmates of differing security levels, or who are grouped by some other operational or service scheme. Generally, the control room is enclosed by security glass, and in some cases, this allows inmates to see into neighboring pods. However, observation from one unit to another is usually limited by angled site lines. In some cases, the facility has prevented this entirely by installing one-way glass. Both the architectural design and functional use of these multiple pods indicate that they are managed as distinct housing units.</p>	9
<p>Number of single cell housing units:</p>	0
<p>Number of multiple occupancy cell housing units:</p>	5
<p>Number of open bay/dorm housing units:</p>	4
<p>Number of segregation cells (for example, administrative, disciplinary, protective custody, etc.):</p>	80
<p>In housing units, does the facility maintain sight and sound separation between youthful inmates and adult inmates? (N/A if the facility never holds youthful inmates)</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<p>Does the facility have a video monitoring system, electronic surveillance system, or other monitoring technology (e.g. cameras, etc.)?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Has the facility installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology in the past 12 months?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Medical and Mental Health Services and Forensic Medical Exams</p>	
<p>Are medical services provided on-site?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Are mental health services provided on-site?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<p>Where are sexual assault forensic medical exams provided? Select all that apply.</p>	<input type="checkbox"/> On-site <input checked="" type="checkbox"/> Local hospital/clinic <input type="checkbox"/> Rape Crisis Center <input type="checkbox"/> Other (please name or describe: Click or tap here to enter text.)
Investigations	
Criminal Investigations	
<p>Number of investigators employed by the agency and/or facility who are responsible for conducting CRIMINAL investigations into allegations of sexual abuse or sexual harassment:</p>	<p>2NDCS Investigators</p>
<p>When the facility received allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), CRIMINAL INVESTIGATIONS are conducted by: Select all that apply.</p>	<input type="checkbox"/> Facility investigators <input checked="" type="checkbox"/> Agency investigators <input checked="" type="checkbox"/> An external investigative entity
<p>Select all external entities responsible for CRIMINAL INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for criminal investigations)</p>	<input type="checkbox"/> Local police department <input type="checkbox"/> Local sheriff's department <input checked="" type="checkbox"/> State police <input type="checkbox"/> A U.S. Department of Justice component <input type="checkbox"/> Other (please name or describe: Click or tap here to enter text.) <input type="checkbox"/> N/A
Administrative Investigations	
<p>Number of investigators employed by the agency and/or facility who are responsible for conducting ADMINISTRATIVE investigations into allegations of sexual abuse or sexual harassment?</p>	<p>13 Facility;</p>
<p>When the facility receives allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), ADMINISTRATIVE INVESTIGATIONS are conducted by: Select all that apply</p>	<input checked="" type="checkbox"/> Facility investigators <input checked="" type="checkbox"/> Agency investigators <input type="checkbox"/> An external investigative entity
<p>Select all external entities responsible for ADMINISTRATIVE INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for administrative investigations)</p>	<input type="checkbox"/> Local police department <input type="checkbox"/> Local sheriff's department <input type="checkbox"/> State police <input type="checkbox"/> A U.S. Department of Justice component <input type="checkbox"/> Other (please name or describe: Click or tap here to enter text.) <input type="checkbox"/> N/A

Audit Findings

Audit Narrative (including Audit Methodology)

The auditor's description of the audit methodology should include a detailed description of the following processes during the pre-onsite audit, onsite audit, and post-audit phases: documents and files reviewed, discussions and types of interviews conducted, number of days spent on-site, observations made during the site-review, and a detailed description of any follow-up work conducted during the post-audit phase. The narrative should describe the techniques the auditor used to sample documentation and select interviewees, and the auditor's process for the site review.

The Nebraska Department of Corrections entered contract for the Prison Rape Elimination Act (PREA) auditing services with the DX Consultants, LLC. The primary sole auditor is Robert Manville, and no conflict of interest exists between the two parties. The contract explained the efforts toward transparency, the role of third parties and support staff, compliance considerations regarding the PREA Standards, Department of Justice certification requirements, enough time to conduct the audit, and planning for any corrective action phases. Robert Manville is a party of the contract. The onsite audit was conducted from June 21 through June 25, 2021. Prior to the on-site visit, the agency PREA coordinator and the facility PREA Compliance Manager forwarded to the auditor all policy and supporting documentation, including the completed Pre-Audit Questionnaire, administrative reports, contracts, incident reports, memorandums, policies, brochures, staff rosters, PREA audit notices, staffing plans, training information, and other reference materials for examination prior to the on-site visit. Notice of the audit was posted throughout the facility and updated several times during the pandemic. The final posting was on February 22, 2021. NSP is accredited with the American Correctional Association and was awarded the Lucy Hayes Award by the American Correctional Association.

Nebraska Department of Correctional Services has revised policies, directives, contracts, and operational programs to encompass the Prison Rape Elimination Act into the day to day operations and long-term planning of all correction facilities.

The auditor reviewed the agency website for PREA reports and updated policies. The auditor reviewed the December 2016 PREA Audit Report posted on the Agency website and notated all previously recommended corrective action responses. The website included data collection reports from 2015 through 2019 and the auditor noted all statistical data throughout the review. A search of any litigations, facility information was also reviewed on a Google Search. There were no litigations or negative posting found in the Google Posting.

The facility population on the day of the audit was 1311 inmates. There is a total of 464 staff that have direct contact with the inmate population. There are 27 volunteers that are available for services to the offender population. At the present time, the services are being discontinued due to coronavirus.

Sexual Assault Forensic Examinations are conducted at Bryan West Medical Center at no financial cost to the victim. The facility utilizes the Nebraska Coalition to End Sexual & Domestic Violence to provide confidential emotional support to inmates who are victims of sexual abuse

At the entrance of each building, and sleeping areas there is a PREA bulletin board with the following signs posted (in English and Spanish); Victim support services, Audit notice postings with the PREA auditors contact information, PREA Ways for Reporting, and Zero tolerance to sexual abuse or harassment. This same information is in all areas of the facility that inmates were present during the facility tour.

Both medical and mental health staff are available at the facility and are available as requested. Correctional officers and support staff were noted interacting with inmates in all areas that inmates were located. intake processing areas, all housing units, the health services department, recreation, food service, facility support areas, education, visiting rooms, and programming areas.

During the tours, it was noted that there was sufficient staffing to ensure a safe environment for inmates and staff. Signs were posted (in English and Spanish) that indicated employees of the opposite gender were present in the housing units. Postings regarding PREA violation reporting and the agency’s zero-tolerance policy toward sexual abuse and sexual harassment were prominently displayed in all housing units, meeting areas and throughout the facility. Audit notice postings with the PREA auditor’s contact information were in the same areas. Inmates can shower, dress, and use the toilet without exposing themselves to employees of the opposite gender.

Staff Interviews

Twenty four (24) correctional staff members were interviewed. Correctional officers and Lieutenants from all shifts were included in the interview process. These correctional staff also included staff assigned to supervise housing units, utility staff, escort staff and crisis response team members. A total of four (4) random staff including maintenance, administrative support, and administrative staff were also interviewed. All were aware of the agency’s zero-tolerance could explain their new employee and annual PREA training and their duties as first responders as part of a coordinated response. The Agency Director, Agency PREA Coordinator and Agency Contract Administrator had been previously interviewed (the auditor is in receipt of the completed interview questionnaires). Specialized staff members were also interviewed. This included the Warden, PCM, Investigator, Human Resource Specialist, Retaliation Monitor, Medical Administrator, Mental Health Director, 3 Case Managers, and staff at Bryan West Medical Center (SANE certified) and staff at Nebraska Coalition to End Sexual & Domestic Violence. All interviewed staff and contractors demonstrated an understanding of the PREA and their responsibilities under this program, relative to their position or roles with the organization and employment status.

Inmate Interviews

The facility provided a master roster of all offenders and documentations for the target population the verify that the housed target offenders during the audit.

Populations	Targeted population	Total Available on date of audit	Total Interviewed
Transgender	0	0	0
Allegation of Sexual Abuse	1	1	1
Allegation of Sexual Harassment	0	0	0
Victimization	3	3	3

Gay	1	1	1
Segregation for PREA	0	0	0
Disabled	1	1	1
Cognitive	3	3	3
LEP	6	6	3
Living Units	9	1311	9
Total Random Inmates	1296	1296	19
Total Population	1311	1300	40

New arrival inmates receive printed information regarding the facility's PREA program and watch a video that provides additional information about the program. The facility offers medical, dental, mental health and social services. The design of the prison permits inmates to shower, change clothes and use toilet facilities with an adequate degree of privacy and avoid cross-gender viewing. Inmates requiring health care beyond the scope of services provided in the facility are transported to providers or a hospital in the community. Following allegations of sexual abuse/assault, examinations and forensic evidence collection are conducted by certified SANE/SAFE providers at Bryan West Medical Center.

Personnel Files Reviewed

The Auditor reviewed fifteen (15) personnel staff files. These files represented five (5) recently hire staff, five (5) staff that had been promoted and five (5) staff that have worked at the facility more than five years. All files had background checks completed within the time frame required by PREA standards.

Inmate Files Reviewed

Fifteen (15) inmate records were reviewed. These records included the following information.

- Identification Number
- Identification Number Date of Birth
- Date of Arrival
- Date of Screening
- Date of Follow-up Screening
- Date of Initial PREA notification
- Date of PREA orientation

Staff Training Files Reviewed

Fifteen (15) employee training records were reviewed. Included in the employee training records included random officers, medical staff, mental health staff and lieutenants that conducts PREA harassment investigations. Each file included documentation of annual PREA

training and specialized training for Medical, mental health and Lieutenants that completed investigations.

Investigative Files Reviewed

There were 11 investigative files and investigative review team findings reviewed. These investigations included investigations during the audit period. The investigations were thorough and included all requirements for an investigation. There were six (6) unfounded, two (2) unsubstantiated, two (2) substantiated and one (1) ongoing investigation of allegation of sexual abuse. Two investigations were conducted by agency law enforcement and Nebraska State Police. were (2) was referred for prosecution.

Facility Characteristics

The auditor's description of the audited facility should include details about the facility type, demographics and size of the inmate, resident or detainee population, numbers and type of staff positions, configuration and layout of the facility, numbers of housing units, description of housing units including any special housing units, a description of programs and services, including food service and recreation. The auditor should describe how these details are relevant to PREA implementation and compliance.

During 1980-1981, the existing cellblocks constructed during the second half of the 19th century were replaced by four (later five) modular housing units. A new administrative complex and an EPA approved multi-fuel power plant were also completed at the same time. An existing dormitory building constructed in the 1950's was retained as a medium security facility and two new 100 bed dormitory units were opened in 1998. A 36- bed control unit built in the 1950's was previously used as a high security segregation facility. In 2020, steps were finalized to transform that space to Minimum custody general population housing for men who work in the facility's shops. In addition to housing, a dayroom, gaming room and library/study were added. The Industries Plant, Laundry, Religious Center, and other support buildings were retained from the older facility as well.

The prison's physical plant is comprised of thirty (30) buildings surrounded by a perimeter security fence. The facility had a check point where everyone entering the facility undergoes security clearance. The administrative building is comprised of administration offices, visitation areas for contact and non-contact visits, dental and medical area, inmate intake/release area, sally port area, gymnasium, human resources office and execution area. The other buildings consisted of kitchen and dining areas, training offices and classroom, library and law library, chaplain office, education and vocational area, property room, classrooms, canteen, Cornhusker State Industries (laundry), woodshop, braille, metal and paint shop, furniture areas, sign shop, barber shop, outdoor weight area, eight (8) housing units and one (1) Restrictive Housing building, nine (9) guard towers and canine kennels.

When entering the check point to the secure area of the campus staff and visitors go through a sally port area that review credential of all persons coming or going into the facility secure area. Once leaving the secure area there are 6 building with 4 or 5 wings in each building. These building are managed by a control room and houses maximum security offenders. The facility also has an eighty bed (80) segregation unit located in this area of the campus. During the tour, inmates were observed to be under constant supervision of the staff while involved in various activities. Notification of the PREA audit was posted in all locations throughout the

facility as well as postings informing inmates of the telephone numbers to call and report sexual abuse and harassment and to call the victim advocate for emotional support. This auditor reviewed the log books that contained PREA related documentation (unannounced rounds) and observed cameras and the video surveillance system which enhances their capabilities to assist in monitoring blind spots and the review of incidents. Each of the living wings in the building had bathroom, toilets, showers, and dressing areas that provided privacy for inmate to not be seen by person of the other gender. There were no cameras installed in the shower/toileting area so inmates are not seen on the surveillance system while showering or toileting but can be viewed by male staff as they supervise the shower area.

When leaving the maximum security area of the facility there is a pass gate that led to two large buildings that maintain 2 dormitories in each building. These dormitories have a control area for a staff person to enter and document their presences. The dormitories house offenders that are involved in the vocational and prison program. The dormitories have cameras located throughout the living unit and have added cameras in the last 12 months. There were no cameras installed in the shower/toileting area, so inmates are not seen on the surveillance system while showering or toileting. The same Posters notifying the agency policy of zero tolerance, how to report, victim advocacy services and audit notifications were found in each dormitory. Each dorm includes a day room with bulletin boards and telephones, tables/chairs, open bay area with bunk beds and shower/bathroom area. All living

The mental health building includes offices, conference room and waiting areas. . There were PREA Information in the mental health building. Mental Health department is comprised of Psychology Director, (9) Psychologist, (2) Mental Health Practitioner Supervisor, and (6) Mental Health Practitioners. A contract Psychiatrist makes regular visits to the facility to assess inmates that may be in need of psychotropic medications. There is a licensed mental health staff on call 24 hours a day, 7 days a week to deal with any crisis that may arise. The mental health staff is available for crisis intervention and mental health programming. There are three (3) categories of inmates to receive programming from the mental health staff: Inmates with a major mental illness, inmates with a history of or convicted of sexual offenses/offenses with a sexual component and inmates convicted of/have a history of violent behavior. Treatment recommendations are based on clinically assessed risk and need. Other general population inmates may access services on an as needed basis.

The Food Service Department has a dining room with a food service preparation area attached. Except for the staff dining room, all areas of food service are under constant surveillance with cameras, mirrors, or staff supervision. There are zero-tolerance posters in all food service areas.

The Receiving/Discharge area has an intake area for orientation and initial intake. Upon arriving at the facility inmates are individually taken to an office for shake down and to be issued clothing. There is a partition for inmate's privacy during the shakedown. Only residents of the same gender conduct these searches. There are other offices located this area which allow private interviews to be conducted. There were zero-tolerance posters displayed in the intake area.

There are recreation areas located on this compound. These recreational areas include a gymnasium, activity center, exercise equipment, hobby craft rooms, music rooms and an outside recreation area. Zero-tolerance posters are located throughout the recreation area.

The bathroom areas in each of the recreational areas include partitions and doors to provide privacy. There were PREA information boards in each of the recreational areas.

The Religious Services Department consists of a chapel area, group rooms, music area and offices. There were PREA posters located in the religious services hallway and in the front entrance area. There were no blind spots noted in this area.

The Laundry is supervised by correctional staff and employs inmate workers. The laundry is under continuous supervision and is monitored by cameras and mirrors. There were no blind spots noted in the laundry. The laundry area had a bulletin board with PREA information including zero-tolerance and PREA audit notices.

The Health Services Department contains treatment rooms, offices, infirmary area, long term care area and hospice beds. There is a dialysis room providing dialysis treatment for inmates six (6) days a week. Emergency services and forensic examinations are conducted at Byran West Community Hospital. There is a bulletin board that contains PREA information located in the waiting area. There are correctional officers assigned to the health care area, whenever inmates are in this area. The health unit is operational 24 hours a day with specialized staff on call staff on duty. While there are cameras located in the health services department, none of the cameras provided a view of the examination rooms.

The medical staff both full-time and part-time providing services at the facility consisted of: Nurse Director, Nurse Supervisor (RN), Nurse Practitioner, (5) Registered Nurses (RN), Licensed Practical Nurses (LPN), Optometric Aide and Physician. The licensed nurses provide nursing services on-site twenty-four (24) hours a day, seven (7) days a week and an on-call Physician 24/7. A physician is at the facility five (5) days a week on a rotating basis to provide medical services for the inmates. All inmates are seen by a physician upon arrival to the facility. Additionally, all nurses are supervised by an on-site registered nurse supervisor who is responsible for coordination of the medical services. The medical staff provides medical care to include: completing the initial intake assessment, routine and additional lab work as ordered, STD testing and treatment as indicated, updating immunization records, seasonal flu vaccinations, routine eye exams (optical lab), dietary services and referrals, administration of medications/treatments as prescribed, assessments of inmate injuries and treatment as required, medical assessments and monitoring with any restraint or segregation, assessments of somatic health complaints with treatment as indicated, develop treatment plans and provide medical discharge plans. Dental services are provided five (5) days a week at the facility consisting of dental care, cleaning, education, and treatment fillings to extractions. The contracted dental staff consists of (2) dentists, dental assistant, and a hygienist. All inmates are seen by the dental staff at least annually for a wellness check. Also, an optometrist and a physical therapist provide services at the facility twice a week.

Nebraska State Prison (NSP) is staffed with four hundred and seventy-three (473) full-time, part-time, and contracted employees including medical, mental health staff and various groups of volunteers providing religious services to inmates.

The agency is fully ACA accredited and has been name recipient of the Lucy Webb Hayes Award for 2021.

Summary of Audit Findings

The summary should include the number and list of standards exceeded, number of standards met, and number and list of standards not met.

Auditor Note: No standard should be found to be “Not Applicable” or “NA”. A compliance determination must be made for each standard.

Standards Exceeded

Number of Standards Exceeded: 6

List of Standards Exceeded:

Standard 115.11: Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
Standard 115.12: Contracting with other entities for the confinement of inmates
Standard 115.16: Inmates with disabilities and inmates who are limited English proficient
Standard 115.34: Specialized training: Standard 115.67: Agency protection against retaliation: Investigations
Standard 115.71: Criminal and administrative agency investigations

Standards Met

Number of Standards Met: 39

Standards Not Met

Number of Standards Not Met: 0

List of Standards Not Met: [Click or tap here to enter text.](#)

Exceed Documentation

Standard 115.11: Zero tolerance of sexual abuse and sexual harassment exceeded due to the support system that Nebraska Department of Correctional Services as developed and the emphasis that has been placed on PREA from the agency commissioner to each Warden that has been interviewed.

Standard 115.12: Contracting with other entities for the confinement of inmates exceed due to the agency mandating that all contracting facility undergo PREA audits every three years. Each jail utilized to housed inmates underwent jail audit evening during the pandemic.

Standard 115.16: Inmates with disabilities and inmates who are limited English proficient exceeded expectations due to the facility having a full time interpreter on staff, a network of providers for deaf offenders, and the aide that was provided by interviewing several inmates that are cognitive disabled.

Standard 115.34: Specialized training: Investigations exceed expectation by the wealth of training staff that are chosen to be investigator have undergone in the last several years. Not only did the training include investigative techniques that it also included sensitivity training, trauma

training and how to be cognitive of the offender allegations regardless of how outlandish the allegation may seem.

Standard 115.67: Agency protection against retaliation exceeds expectation due to review of the weekly, and monthly documentation provided on each offender monitoring. However, exceeds also is in interviewing an offender that was involved in an allegation of sexual abuse that the monitor provided monitoring and met with the offender. When the allegation was unfounded, he continued to meet with the offender. When the agency refiled an allegation of sexual abuse (exploitation) by staff member toward the offender he continued to monitor and still is monitoring the offender. Interviews with the offender confirmed compliance.

Standard 115.71: Criminal and administrative agency investigations exceeds expectation due to the amount of energy staff, including Nebraska State Police exert to determine the facts of all allegations.

PREVENTION PLANNING

Standard 115.11: Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

All Yes/3No Questions Must Be Answered by The Auditor to Complete the Report

115.11 (a)

- Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment? Yes No
- Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment? Yes No

115.11 (b)

- Has the agency employed or designated an agency-wide PREA Coordinator? Yes No
- Is the PREA Coordinator position in the upper-level of the agency hierarchy? Yes No
- Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities? Yes No

115.11 (c)

- If this agency operates more than one facility, has each facility designated a PREA compliance

manager? (N/A if agency operates only one facility.) Yes No NA

- Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)
 Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENT REVIEWED:

Nebraska Department of Correctional Services (NDCS) Policy 203.11 Sexual Assault/Abuse Revised July 31, 2020
Nebraska State Prison (NSP) 203.011.101 Sexual Assault/Abuse Revised July 31, 2020
NDCS Policy 200 .02 Agency Organizational and Management
NDCP Organization Chart
Nebraska State Prison Organization Chart

Nebraska Department of Correctional Services (NDCS) published Policy 203.11 Sexual Assault/Abuse which addresses this standard. The policy mandates a zero tolerance toward all forms of sexual abuse and sexual harassment. The policy outlines procedures and expectations related to agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment. It is developed in compliance with the PREA standards for adult prisons and jails and includes definitions of prohibited behaviors regarding sexual assault and sexual harassment for staff and inmates.

The policy also included sanctions for staff and inmates found to have participated in prohibited behaviors. Staff members who are found to have perpetrated sexual abuse or sexual harassment are disciplined in accordance with Employee Discipline policy and Facility Rule of Conduct and subject to employment termination. Employees are subject to criminal prosecution.

The policy includes a description of the agency strategies and responses to reduce and prevent sexual abuse and sexual harassment of inmates.

Inmates who are found to have perpetrated sexual abuse or sexual harassment are disciplined in accordance with sanctions outlined in the facility's inmate handbook.

The agency and Prison organizational chart meets the requirements of this standard. The agency's zero tolerance against sexual abuse is clearly established and the policy outlines the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment allegations. The agency policy and organization chart establishes an upper-level PREA coordinator for the company who has sufficient time and authority to develop, implement, and oversee NDCS efforts to comply with the PREA standards in all facilities. NSP policy mandates that a relief Lt. will be responsible to oversee efforts to comply with PREA standards at NSP.

NDCS policies outline a zero-tolerance policy for all forms of sexual abuse and sexual harassment. Inmates are informed orally about the zero-tolerance policy and the PREA program during in-processing and additional admission and orientation presentations. The orientation is offered in English and in Spanish. Additional program information is contained in the A&O Handbook, and postings distributed throughout the facility (observed during the tour). All written documents are available in English and Spanish. Additional interpretive services are available for inmates who do not speak or read English. Both institution staff and inmates are provided with a wealth of opportunities to become aware of PREA policies and procedures. All employees receive initial training and annual training, as well as updates throughout the year. The institution meets the standards with all the programs they have implemented to ensure the inmates and staff understand its position on zero-tolerance and how to prevent and intervene in sexual abuse, sexual assaults, or sexual harassment. Compliance was determined by review of policies, memorandums, orientation power point presentations, posters, A&O handbook and interviews with staff, contractors, volunteer coordinator and inmates.

Standard 115.12: Contracting with other entities for the confinement of inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.12 (a)

- If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.) Yes No NA

115.12 (b)

- Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENT REVIEWED:

County Jail Contract for Services
 Scottsbluff full contract
 Platte county full contract
 Hall Full contract
 Dawson Full contract
 Buffalo Full contract

Nebraska Department of Correctional Services contracts for the confinement of its inmates with private agencies or other entities including other government agencies. Presently there are 6 contracts for confinement of inmates. Any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards. NDCS publishes website which clearly states all new contracts, amended contracts, or contracts renewals shall include an obligation to adopt and comply with the PREA standards. Contracted providers will be subject to PREA audits and contract monitoring to ensure compliance with PREA standards.

Compliance was verified through review of contracts, review of Nebraska Department of Correctional Services website, copies of Jail's PREA audits and interview with DOC PREA coordinator.

Standard 115.13: Supervision and monitoring

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.13 (a)

- Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?

- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift? Yes No NA
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors? Yes No

115.13 (b)

- In circumstances where the staffing plan is not complied with, does the facility document, and justify all deviations from the plan? (N/A if no deviations from staffing plan.) Yes No NA

115.13 (c)

- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section? Yes No

- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies? Yes No
- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan? Yes No

115.13 (d)

- Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment? Yes No
- Is this policy and practice implemented for night shifts as well as day shifts? Yes No
- Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring unless such announcement is related to the legitimate operational functions of the facility? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENT REVIEWED:

Nebraska Department of Correctional Services Policy 203.11 Sexual Assault/
Abuse Unit Logs showing Rounds
NDCS Policy 112.05 Personnel Review
Sample Rounds
NSP FY19 Staffing Plan
Unannounced Rounds Log March-June

Nebraska Department of Correctional Services requires the facility to review the staffing plans on an annual basis. The annual staffing plan included:

- Generally accepted detention and correctional practices.
- Judicial findings of inadequacy.

- Findings of inadequacy from Federal investigative agencies.
- Findings of inadequacy from internal or external oversight bodies.
- All components of the facility's physical plant.
- The composition of the inmate population.
- The number and placement of supervisory staff.
- Institution programs occurring on a particular shift.
- Applicable State or local laws, regulations, or standards.
- The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- Other relevant factors.

Interviews with the Warden and executive staff revealed compliance with the PREA, and that other safety and security issues are always a primary focus when they consider and reviewing their respective staffing plans. The facility has a Staffing Report that is developed for each pay period. The Warden meets weekly with his executive staff, including to address staffing issues as they relate to the PREA.

The institution has been provided with all necessary resources to support the programs and procedures to ensure compliance with the PREA standards. The audit included an examination of all video monitoring systems; staff interviews; and rosters. Supervisory and Administrative staff members routinely make unannounced rounds covering all shifts and these rounds are documented. PREA rounds are documented in PREA logs at the officer's stations logs for housing units.

Nebraska Department of Correctional Services (NDCS) Policy 203.11 Sexual Assault/Abuse Security Rounds mandates that each facility shall implement a policy and practice of intermediate-level and higher-level supervisory conduct and document unannounced rounds, on all shifts, to identify and deter team member sexual abuse/assault and sexual harassment. Specific policy is detailed in facility procedures. Staff are strictly prohibited from alerting other staff that these supervisory rounds are occurring unless such announcement is related to the legitimate operational functions of the facility. The agency provided the center with PREA logbook to document compliance. The auditor reviewed logbooks during the tour of the facility and while visiting living units and medical area.

There have been no judicial findings of inadequacy from federal investigative agencies or findings of inadequacy from internal or external oversight bodies relevant to this standard. All essential posts are filled each shift and no essential posts are kept open for salary savings. When programs are offered, staffing is increased to provide additional supervision. The review of unannounced rounds logs confirmed that intermediate-level or higher-level supervisors, including shift supervisors and department heads, conduct and document visits throughout the institution, during the day, at night and on weekends. Staff members are prohibited from alerting other employees regarding unannounced rounds. Interviews with inmates and housing unit officers also confirmed that random, unannounced rounds are conducted by Institution Duty Officers daily, including nights and weekends. Compliance was also determined by staff interviews conducted during the tour of all areas of the facility, including human resource manager and correctional staff; reviews of documented staffing rosters, daily supervisory checks, and facility workforce quarterly meeting records; pay period staffing reports and the examination of the video monitoring system. A staffing plan review was conducted by NSP in December 2020. A comprehensive tour of the facility was conducted during the audit that included looking for blind spots, reviewing cameras coverage and available staff in areas that

inmates are assigned. Subsequently, tours of each area of the facility was also reviewed while going throughout the facility to meet with staff and to interview inmates.

Standard 115.14: Youthful inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.14 (a)

- Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA

115.14 (b)

- In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA
- In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA

115.14 (c)

- Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA
- Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA
- Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's

conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENT REVIEWED:

Nebraska Department of Correctional Services Policy 203.11 Sexual Assault/
Abuse Statement of Fact
Agency daily census

The facility does not house persons under the age of 18.

As provided in State Statute 83-905, the Nebraska Department of Correctional Services has oversight and control of the Nebraska Correctional Youth Facility (NCYF). NCYF is a physically secure facility designed to provide confinement, education, and treatment for youthful inmates who have been committed to the NDCS. The NSP does not house youthful inmates. Youthful male inmates are housed in separated living locations at the Nebraska Youth Facility in Omaha, NE.

Standard 115.15: Limits to cross-gender viewing and searches

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.15 (a)

- Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?
 Yes No

115.15 (b)

- Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)
 Yes No NA
- Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.) Yes No NA

115.15 (c)

- Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches? Yes No
- Does the facility document all cross-gender pat-down searches of female inmates? (N/A if the facility does not have female inmates.) Yes No NA

115.15 (d)

- Does the facility have policies that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? Yes No
- Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? Yes No
- Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit? Yes No

115.15 (e)

- Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status? Yes No
- If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner? Yes No

115.15 (f)

- Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? Yes No
- Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENT REVIEWED:

Nebraska Department of Correctional Services Policy 203.11 Sexual Assault/Abuse
Nebraska State Penitentiary Policy 203.II.00I Sexual Assault/Abuse
Staff Training Curriculum
Memo searches of female inmates
Memo cross gender searches
In-service training
Pre-service Training
Training Logs In-service
Training Logs Pre-service

Nebraska Department of Correctional Services (NDCS) Policy 203.11 Sexual Assault/Abuse and Nebraska State Penitentiary Policy 203.II.00I Sexual Assault/Abuse mandates that Cross-gender strip or cross-gender body cavity searches are prohibited, except in emergency situations or when performed and documented by a medical practitioner. Officers are required to document all cross-gender strip searches and cross-gender visual body cavity searches. Interviews with staff confirmed that they were aware of the prohibition of visual body cavity or strip searches of the inmates of the opposite sex except in exigent circumstances and never for the purpose of examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. Staff interviews also confirmed that all officers have been trained to conduct cross-gender pat searches. Staff interviews indicated they received cross-gender pat search training during initial and annual training. The facility has implemented a policy on searches that requires that all opposite gender staff working the units will announce themselves prior to walking the range to allow inmates the opportunity to prepare themselves from a privacy perspective. Inmates interviewed acknowledged they were allowed to shower, dress, and use the toilet without being viewed by staff of the opposite gender.

Staff and inmates interviewed indicated employees of the opposite gender announce their presence before entering a housing unit. Unit staff also announce the possibility of opposite gender staff entering the housing units at the beginning of each shift. Additionally, the auditor observed written notifications which clearly stated the possibility of opposite gender staff routinely entering the units posted in the unit common areas. The postings were written in both English and Spanish. Staff members were aware of the policy prohibiting the search of a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. During the past 12 months, there were no exigent circumstances that required cross-gender viewing of an inmate by a staff member. The living areas have showers with partitions that provides for inmate privacy while showering. Some toilet areas have partitions with door to allow inmates to use the restroom without being viewed by staff. Based on the review of policies, training, and notices regarding the presence of female staff in the units, observation of the showering/dressing areas and interviews with staff and inmates, it has been determined that the facility meets the expectation of this standard.

Standard 115.16: Inmates with disabilities and inmates who are limited English proficient

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.16 (a)

- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing? Yes No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision? Yes No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities? Yes No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities? Yes No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities? Yes No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes)? Yes No
- Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing? Yes No
- Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Are blind or have low vision? Yes No

115.16 (b)

- Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient? Yes No
- Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? Yes No

115.16 (c)

- Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENT REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
 NDCS Policy 004.01 ADA- Inmates and the Public
 ADA Training
 Power point training
 Statement of Fact

Through policy and practice, the facility ensures that inmates with all disabilities listed in §115.16 (a) have an equal opportunity to participate in and benefit from all aspects of the agency's efforts to prevent, detect and respond to sexual abuse and sexual harassment.

The agency's training curriculum address implementation of Agency Mandates. All PREA related information, including postings, brochures and handouts are available in English and Spanish languages. Staff also may read information to inmates when necessary. Translation services for Spanish Offenders is provided by a full time staff member that is utilized to provided interpretive and translation services. A contracted language services available for inmates who are not English or Spanish proficient for any other language. All training

documents and video are provided in English and Spanish versions. The PREA coordinator utilizes the PREA Resource Center to provide much of the information that is utilized at the facility for inmate training.

Communication services are available for inmates who use sign language. The facility does not rely on inmate interpreters, inmate readers or other types of inmate assistants in the performance of first responder duties or during the investigation of an inmate's allegations. Interviews with first responders, medical, mental health and investigative staff confirmed their awareness of the prohibition of using inmate interpreters for PREA compliance functions. The facility translator was provided for interviews of Spanish speaking offenders by the PREA auditor. Compliance was determined by reviewing inmate training, and interviews with PREA coordinator, facility translator and facility PREA compliance manager.

Standard 115.17: Hiring and promotion decisions

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.17 (a)

- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? Yes No
- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? Yes No
- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? Yes No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? Yes No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? Yes No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? Yes No

115.17 (b)

- Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates? Yes No
- Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates? Yes No

115.17 (c)

- Before hiring new employees, who may have contact with inmates, does the agency perform a criminal background records check? Yes No
- Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse? Yes No

115.17 (d)

- Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates? Yes No

115.17 (e)

- Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees? Yes No

115.17 (f)

- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions? Yes No
- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees? Yes No
- Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct? Yes No

115.17 (g)

- Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination? Yes No

115.17 (h)

- Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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POLICY AND DOCUMENT REVIEWED:

Background Checks for Applicants and Current Employees
 Nebraska Department of Correctional Services Policy 203.11 Sexual Assault/
 Abuse NDCS Policy 112.03 Selection of Team Members
 NDCS Policy 112.31 Code of Ethics and Conduct
 PREA Questionnaires for new hires and promotions.

The agency provided a number of documents that validate policy for all areas of this standard. These include New Hiring Prohibitions, Promotion Prohibitions, New Employee Hiring Policy, Hiring Process Manual, and External Web Employee. NDCS Policy 112.31 Code of Ethics and Conduct and NDCS Policy 112.03 Selection of Team Members codifies the requirements for this standard. Each of these documents require Pre-employment background checks, a minimum of background checks within five (5) years of initial employment and background checks for all promotions prior to being offered a promotion. Policy mandates upon employees a continuing affirmative duty to disclose any misconduct involving engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution, or anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above. Additionally NDCS requires staff to report any criminal or civil activities. Nebraska Department of Correctional Services central personnel office completes all background checks. Fifteen (15) local personnel files were examined by the Auditor to ensure compliance with all aspects of this standard. This included five new hires, five promotions, and five staff with over 5 years tenure with the agency. All backgrounds had been conducted. All employees who have contact with inmates have had a full field background.

Contractors and volunteers who have regular contact with inmates also have criminal background checks completed prior to having contact with inmates. Volunteer and contractor background checks are repeated yearly. A review of the visitors file provided update background checks. The facility does not hire or promote anyone who may have contact with inmates and does not enlist the services of any contractor who may have contact with inmates who has engaged in any type of sexual abuse or sexual harassment (no exceptions). Employees have a duty to disclose such misconduct and material omissions regarding such misconduct may be grounds for termination.

Submission of false information by any applicant is grounds for not hiring the applicant. The Human Resource Manager was interviewed and confirmed that the agency attempts to contact prior employers for information on substantiated allegations of sexual abuse or resignations which occurred during a pending investigation of sexual abuse. The Human Resource Manager also confirmed the agency provides information on substantiated allegations of sexual abuse or sexual harassment involving a former employee, upon receiving a request from an institutional employer for whom such employee has applied to work. Policy provides that the facility notify appropriate licensing/certifying agencies when professional staff members are terminated for substantiated allegations of sexual abuse or sexual harassment. A review of personnel and volunteer files and relevant supporting documentation, including interview with personnel manager and volunteer coordinator confirm compliance with this standard.

The human resources director maintains a spread sheet with all staff, dates they were hired, dates background check were completed, when five year reviews are scheduled, date five year background were completed, dates promotions were announced, date promotion backgrounds were requested, date backgrounds were completed, and date staff were offered the promotion. A review of background checks, policy and interviews with Human Resources staff determined the agency exceeds the expectation of this standard.

Standard 115.18: Upgrades to facilities and technologies

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.18 (a)

- If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)
 Yes No NA

115.18 (b)

- If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)
 Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)

- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENT REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
Documentation of Upgrades to surveillance systems
Observation of Camera upgrades

NDCS Policy 203.11 Sexual Assault/Abuse requires that when designing or acquiring any new facility and in planning and substantial expansion or modification of existing facilities, the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse.

Interviews with the PREA Compliance Manager and Warden indicated there were some major expansions during the past four years. One living unit is being upgraded and a security check point is being constructed between the maximum and minimum housing units. The facility Management Team indicated when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the plan will consider how the technology may enhance the facility's ability to protect inmates from sexual abuse. The facility has made additional enhancement to the cameras in living areas, food service areas and blind areas identified during the last PREA audit. The warden indicated that preventive maintenance is completed on cameras on a continuous basis. A review of the cameras found all cameras working appropriately and no cameras provided a view of in showers, bathrooms shakedown or dressing areas. Compliance was determined by review of the camera system, interviews with Warden and reviewing yearly staffing and camera upgrades.

RESPONSIVE PLANNING

Standard 115.21: Evidence protocol and forensic medical examinations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.21 (a)

- If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not

responsible for conducting any form of criminal OR administrative sexual abuse investigations.)
 Yes No NA

115.21 (b)

- Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) Yes No NA

- Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) Yes No NA

115.21 (c)

- Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate? Yes No

- Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible? Yes No

- If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)? Yes No

- Has the agency documented its efforts to provide SAFEs or SANEs? Yes No

115.21 (d)

- Does the agency attempt to make available to the victim a victim advocate from a rape crisis center? Yes No

- If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency *always* makes a victim advocate from a rape crisis center available to victims.) Yes No NA

- Has the agency documented its efforts to secure services from rape crisis centers? Yes No

115.21 (e)

- As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews? Yes No

- As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals? Yes No

115.21 (f)

- If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.) Yes No NA

115.21 (g)

- Auditor is not required to audit this provision.

115.21 (h)

- If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency *always* makes a victim advocate from a rape crisis center available to victims.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENT REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
MOU with Nebraska Department of Correctional Services (NDCS) and the Nebraska Coalition to End Sexual and Domestic Violence. (Coalition)
Facility Checklist for Incidents of Sexual Assault/Abuse
Memo for MOU with Hospitals
Memo for SANE examinations
Statement of Fact

Nebraska Department of Correctional Services has two trained law enforcement investigators to conduct allegations of felony level criminal activity by offenders and assists law enforcement agencies with conducting criminal investigations involving employees, volunteers, contractors, and visitors within the department. NDCS works with Nebraska State Patrol to assist or co

investigate as required by NDCS management team and the trained investigators. Completed investigations are forwarded to the appropriate Deputy Director for referral to the appropriate county attorney's office for criminal prosecution. Any investigative data revealing criminal activity outside of the department is referred to the appropriate law enforcement agency. This was confirmed in an interview with the assigned facility investigator. Criminal Investigation policy mandates that persons conducting investigations must be aware of PREA standards and follow appropriate Sex Abuse investigations protocol.

Investigators are trained and follow appropriate curriculum for a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecution. NDCS investigations utilizes Department of Justice "National Protocol for Sexual Assault Medical Forensic Examination, Adults / Adolescents for all investigations.

The facility has developed and trained staff on a Coordinated Response Plan. The facility also has trained all PREA Support Person roles and responsibilities to assist in coordinated responses of sexual abuse. The facility uses the services at Bryan Medical Center (SANE certified) that maintains a Sexual Assault Nurse Examiner on call. During the last 12 months there have been no inmate referred to hospital of SANE forensic evaluation.

The agency has a MOU with Nebraska Coalition to End Sexual and Domestic Violence. Per agreement the Coalition will contract with Rape/Domestic Abuse Program (RDAP), a member program within their network, to provide the Prison Sexual Assault Hotline services. The hotline will be available 7 days a week from 10:00am-7:00pm. The Hotline services include emotional support, crisis intervention, assessment of needs, PREA standards information, and referral to additional resources. The hotline is confidential however the hotline is not a reporting method for the inmate population. In the event that an inmate discloses that he or she has been sexually abused, the Coalition will offer to assist inmate in reporting. If the inmate requests assistance in reporting, the Coalition will first obtain written permission to disclose information. If a disclosure form has been completed, the Coalition will notify the NDCS PREA Coordinator of the allegation. The community victims' advocacy service and telephone number are available to the inmates located throughout the facility. There is evidence of NDCS Director obtaining a Memorandum of Understanding with the Nebraska Coalition to End Sexual & Domestic Violence dated 7/23/20 to provide free confidential crisis intervention and emotional support related to sexual abuse or sexual assault inmates and any inmate seeking services calling the toll-free telephone number and forensic medical examinations at no financial cost to the victim. Also, Bryan West Medical Center (SANE certified) provides emergency services and forensic medical examinations at no financial cost to the victim. The director of the advocacy service indicated there have been no calls from inmates in the past twelve (12) months requesting emotional support services related to sexual abuse or sexual assault at this facility.

Nebraska Department of Correctional Services has two trained law enforcement investigators to conduct allegations of felony level criminal activity by offenders and assists law enforcement agencies with conducting criminal investigations involving employees, volunteers, contractors, and visitors within the department. NDCS works with Nebraska State Patrol to assist or co investigate as required by NDCS management team and the trained investigators. Completed

investigations are forwarded to the appropriate assistant or deputy commissioner for referral to the appropriate county attorney's office for criminal prosecution. Any investigative data revealing criminal activity outside of the department is referred to the appropriate law enforcement agency. This was confirmed in an interview with the assigned facility investigator. Criminal Investigation policy mandates that persons conducting investigations must be aware of PREA standards and follow appropriate Sex Abuse investigations protocol.

Investigators are trained and follow appropriate curriculum for a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecution. NDCS investigations utilizes Department of Justice "National Protocol for Sexual Assault Medical Forensic Examination, Adults / Adolescents for all investigations.

The facility has developed and trained staff on a Coordinated Response Plan. The facility also has trained all PREA Support Person roles and responsibilities to assist in coordinated responses of sexual abuse. The facility uses the services at Bryan West Medical Center that maintains a Sexual Assault Nurse Examiner on call at all times. During the last 12 months there have been no inmate referred to hospital of SANE forensic evaluation. There were no findings during this investigation.

The agency has a MOU with Nebraska Coalition to End Sexual and Domestic Violence. Per agreement the Coalition will contract with Rape/Domestic Abuse Program (RDAP), a member program within their network, to provide the Prison Sexual Assault Hotline services. The hotline will be available 7 days a week from 10:00am-7:00pm. The Hotline services include emotional support, crisis intervention, assessment of needs, PREA standards information, and referral to additional resources. The hotline is confidential however the hotline is not a reporting method for the inmate population. In the event that an inmate discloses that he or she has been sexually abused, the Coalition will offer to assist inmate in reporting. If the inmate requests assistance in reporting, the Coalition will first obtain written permission to disclose information. If a disclosure form has been completed, the Coalition will notify the NDCS PREA Coordinator of the allegation.

The Coalition will make a sexual assault advocate available for a medical forensic examination upon request from an inmate who has been the victim of sexual abuse while incarcerated. The Forensic examination can occur within 120 hours of the incident. The sexual assault advocate will provide emotional support and information on the exam process-during the forensic examination.

The agency has a Facility Check List for coordinated responses to sexual abuse that includes notification to the victim advocates.

Compliance was confirmed by review of policies, documents including investigative files, interviews with investigator, PREA compliance manager, PREA Coordinator, Bryan West Medical Center, and interview with Victim advocate.

Standard 115.22: Policies to ensure referrals of allegations for investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.22 (a)

- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse? Yes No
- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment? Yes No

115.22 (b)

- Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations unless the allegation does not involve potentially criminal behavior? Yes No
- Has the agency published such policy on its website or, if it does not have one, made the policy available through other means? Yes No
- Does the agency document all such referrals? Yes No

115.22 (c)

- If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).) Yes No NA

115.22 (d)

- Auditor is not required to audit this provision.

115.22 (e)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENT REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse

The facility has thirteen (13) investigators that have completed investigator training offered by Nebraska Department of Correctional Services. The agency has two investigators that are law enforcement officers that are trained on investigating sexual abuse. The agency also utilizes the Nebraska State Patrol to conduct criminal investigations.

NDCS Policy 203.11 Sexual Assault/Abuse requires an investigation when any allegation may meet the level of a PREA violation and an investigation for all PREA allegations. Facility staff are trained to conduct investigations of sexual harassment and forward the preliminary investigation to the PREA compliance manager. The PREA compliance manager reviews the report and notifies the Agency PREA coordinators office of PREA Allegation of Sexual Harassment. When the information is learned from other agencies or third party reporting the facility will begin an investigation within 24 hours. There were 43 allegations of sexual abuse or sexual harassment that were received the last 12 months. Of the 43 allegations there were 11 allegations that were considered a PREA violation in the past 12 months. Ten of the investigations were investigated by the facility investigator or NDCS Criminal investigators, and two investigations were referred for criminal investigations. A review of the investigation verified that the allegations that were PREA related were investigated. Compliance was determining through review of NDCS website and interview with a facility investigator, and review of PREA Investigations.

TRAINING AND EDUCATION

Standard 115.31: Employee training

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.31 (a)

- Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment? Yes No
- Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures? Yes No
- Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment Yes No
- Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment? Yes No
- Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement? Yes No
- Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims? Yes No

- Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse? Yes No
- Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates? Yes No
- Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates? Yes No
- Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities? Yes No

115.31 (b)

- Is such training tailored to the gender of the inmates at the employee's facility? Yes No
- Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa? Yes No

115.31 (c)

- Have all current employees who may have contact with inmates received such training? Yes No
- Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures? Yes No
- In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies? Yes No

115.31 (d)

- Does the agency document, through employee signature or electronic verification, that employees understand the training they have received? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does

not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENT REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
Pre-service PREA 2020
NSP PREA Completion 19-20
Training Curriculum
Pat Search with Cross Gender Considerations
PREA Signature of Understanding
PREA Staff Training Records
PREA Training Requirements
PREA Orientation

The Nebraska Department of Correctional Services Policy 203.11 states that offenders, staff, contractors, volunteers, and others deemed necessary by administration must receive training on sexual abuse/harassment/staff sexual misconduct prevention, detection, and the agency response plan. This training curriculum includes all elements of PREA training noted above. Related education is provided annually during refresher training. The review of lesson plans, training logs and PREA power point presentations confirmed that the provided training also addresses all elements identified in the standard.

Employees have PREA information noted on posters available to them and located throughout the facility. They are provided a PREA Brochure developed by the PREA office and all carry a PREA reference card. Staff annual training files were reviewed and contained documentation supporting compliance with this standard. All staff interviewed indicated they received the required PREA training initially and annually.

The agency maintains a Learning Management System for employees, and it maintains all staff records. In order to show completion of the training, staff must first receive the training and pass a test. Staff members are required to use their personal information to enter the course and indicate they have received and meet the minimum test requirements. The extensive training provided and staff knowledge of PREA requirements confirmed that the facility is compliant with this standard. All staff members interviewed were aware of all aspects of the training and each interviewed indicated they had received training in the previous year. Compliance was confirmed by reviewing policies, fifteen (15) training records and interviews with facility staff. Included in the training records were the warden, PREA compliance manager, mental health director, medical administrator, and shift lieutenants.

Standard 115.32: Volunteer and contractor training

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.32 (a)

- Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures? Yes No

115.32 (b)

- Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)? Yes No

115.32 (c)

- Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENT REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
Volunteer training Handbook 2018
PP Volunteer Refresher Training 2019
PP Volunteer Orientation

The facility has a person assigned to provide the management of volunteers. Volunteers are managed in accordance with agency Volunteer Services Program. Part of this policy and new volunteer program orientation includes training on PREA. All volunteers participate in yearly PREA training and document this information on their Volunteer files.

Policy requires contracting staff must attend facility orientation and training prior to working independently in any assignment involving direct and on-going contact with offenders/residents. The facility employs 31 contracting staff and has 27 volunteers authorized to enter the facility. Presently, the volunteer program is discontinued due to Pandemic.

A contracting medical staff was interviewed. Each received PREA training and undergoes a yearly background check prior to being allowed into the facility or supervises inmates. The volunteer coordinator provided the documentation provided to volunteers. No volunteer was interviewed due to the facility not allowing volunteers to enter the facility.

A review of the PREA training rosters signed by contract staff, a review of the volunteer and training files confirmed all information required to document training. All background checks are maintained in the administrative offices and were reviewed and found up to date. All volunteer or contract staff receives copies of a PREA updates. These updates were noted in the file and were verified through an interview with volunteer coordinator and PREA compliance manager. Compliance was determined by review of the training files or contractors and review of the volunteer files. Further compliance was determined by review of the volunteer training program and interviews with PCM.

Standard 115.33: Inmate education

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.33 (a)

- During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment? Yes No
- During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment? Yes No

115.33 (b)

- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment? Yes No
- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents? Yes No
- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents? Yes No

115.33 (c)

- Have all inmates received the comprehensive education referenced in 115.33(b)? Yes No
- Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility? Yes No

115.33 (d)

- Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who are deaf? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills? Yes No

115.33 (e)

- Does the agency maintain documentation of inmate participation in these education sessions? Yes No

115.33 (f)

- In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENT REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
 Inmate education
 English-Spanish No means No Posters
 English-Spanish Orientation
 Education-Spanish verification

Prior to being assigned to this facility each inmate goes through a diagnostic program or processing center. Offenders receive written and verbal information in a language easily understood by the offender, regarding:

- a) The DOC zero-tolerance policy on sexual abuse/harassment.
- b) How to avoid sexual contact in prison.
- c) The risks and potential consequences of engaging in any type of sexual activity while incarcerated, which may include criminal sanctions and/or offender discipline.
- d) How to identify and report an incident of sexual abuse/harassment or staff sexual misconduct.
- e) What defines a false accusation and the consequences for making a false accusation; and
- f) How to obtain counseling services and/or medical assistance if victimized.

During in-processing procedures at NSP, a staff member conducts an education program regarding PREA and each inmate is provided a pamphlet describing the agency's PREA compliance program. The information identifies the key elements of the program and informs them of the zero-tolerance policy regarding sexual abuse and sexual harassment and multiple ways to report sexual abuse or sexual harassment. The information also informs the inmates they will be free from retaliation for reporting an incident and that both male and female staff members routinely work in and monitor the housing units. The information is available in English and Spanish languages. Within thirty days of arrival of the facility all offenders must attend a formal PREA training class that includes an in depth discussion of PREA.

The comprehensive education provided to the inmates upon transfer to the Nebraska State Penitentiary, is a power point that has a voice over element for the visually impaired and those limited in their reading skills. It has an on-screen written portion for the hearing impaired and the Power Point is also in Spanish format to accommodate the limited English proficient population. The Spanish-speaking interpreter or the language line is utilized when necessary.

Inmate interviews confirmed that they received PREA information, and they were aware of numerous reporting methods to include anonymous and third-party reporting, the zero tolerance policy, and their right to be free from retaliation. The tour of the Facility confirmed that several PREA education posters were prominently displayed in all housing units, the visiting rooms, and common/program areas. Each time an Inmate receives training it is documented in his institutional record. Interviews with staff and inmates; visual observations of posters/notices; examination of policy and other documentation; review of institutional files; and observation of intake procedures confirmed the facility is in compliance with this standard. The facility provided inmate orientation prior to coming to the facility, during the first several hours at the facility and then in a formal education program during the first 30 days at the facility. Often time the facility will provide this training on the same day of the offenders' arrival. A review of the offender files was conducted. A review found that all offender received orientation on the day of arrival and had the formal education within thirty day of arrival. Inmate interviewed also said they are provided additional training during case manager meetings and almost daily by staff. Staff confirmed there is an emphasis on PREA compliance and training.

Standard 115.34: Specialized training: Investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.34 (a)

- In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

115.34 (b)

- Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA
- Does this specialized training include proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA
- Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA
- Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

115.34 (c)

- Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

115.34 (d)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

Does Not Meet Standard (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENT REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
Training Record
Certificate of Training
Investigator Training-First Responder
PREA Instructor Outline updates
PREA Investigation Training

NDCS Policy 203.11 Sexual Assault/Abuse addresses this standard. All investigators have received training relevant to PREA. The investigator was interviewed, and they were able to explain in detail the process and procedures required during a PREA-related investigation.

A review of the training curriculum included techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. The local investigators were extremely knowledgeable of sexual abuse or sexual harassment. The agency continues to conduct the online investigators training, however has added training developed by the NDCS that includes but not limited to:

- §115.21/155.221
- §115.22/155.222
- §115.34/155.234
- §115.71/155.271
- §115.72/155.272
- Investigation Basics
- Assignment of Investigations
- Criminal v administrative
- Basic Investigation Steps
- Determination of Findings
- Prosecutorial referral
- Investigative reports

A review of the training records interviews with investigator and lieutenants confirmed completion of required specialized training in conducting sexual abuse investigations and additional training on investigating sexual harassment interviews in confinement settings.

Standard 115.35: Specialized training: Medical and mental health care

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.35 (a)

- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA

115.35 (b)

- If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.) Yes No NA

115.35 (c)

- Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA

115.35 (d)

- Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.) Yes No NA
- Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENT REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
Training Curriculum
Medical PREA Training Records
Mental Health Training Records

The facility has full-time medical care staff and full time mental health staff on site. All mental health and medical staff have received the required specialized training on how to detect and assess signs of sexual abuse and sexual harassment, how to preserve physical evidence of sexual abuse, how to respond effectively and professionally to victims of sexual abuse and sexual harassment, and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment, victim identification, interviewing, reporting and clinical interventions. Medical and mental health care staff acknowledged, in writing, that they both received and understood the training, as it relates to the PREA. Interviews with medical and mental health staff confirmed awareness of their responsibilities regarding the PREA specialized training medical and mental health staff have attended during the last 12 months. Contracting mental health and medical staff must complete the medical and or mental health training prior to working with offenders. Staff interviewed were extremely knowledgeable of sexual abuse and sexual harassment and responses to reporting and identifying sexual abuse or sexual harassment. Compliance was determined by review of training curriculum, interviews with nurse, mental health staff, contract nurse and reviewing computerized training files for medical and mental health staff.

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

Standard 115.41: Screening for risk of victimization and abusiveness

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.41 (a)

- Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? Yes No
- Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? Yes No

115.41 (b)

- Do intake screenings ordinarily take place within 72 hours of arrival at the facility?
 Yes No

115.41 (c)

- Are all PREA screening assessments conducted using an objective screening instrument?
 Yes No

115.41 (d)

- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?
 Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?
 Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization? Yes No

- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes? Yes No

115.41 (e)

- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency, prior acts of sexual abuse? Yes No
- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency, prior convictions for violent offenses? Yes No
- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency, history of prior institutional violence or sexual abuse? Yes No

115.41 (f)

- Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening? Yes No

115.41 (g)

- Does the facility reassess an inmate's risk level when warranted due to a referral? Yes No
- Does the facility reassess an inmate's risk level when warranted due to a request? Yes No
- Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse? Yes No
- Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness? Yes No

115.41 (h)

- Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section? Yes No

115.41 (i)

- Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENT REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
NDCS Policy 201.13 Identification of Potential Aggressors and
Victims PREA Screening Tools

In April 2021, the PREA Coordinator conducted a review of the facility compliance with this standard. Based on review of the standard, the PREA coordinator determine to complete a corrective action plan and move the date of the proposed audit. This also provided time for the facility to provide vaccination and further testing for the pandemic. The review of the corrective action plan was to train a specific staff member(s) to conduct the initial training and update the agency data base to notify staff of need to conduct the rescreening 25 days from the date of the initial screening. Interviews with the two staff that are now conducting all screening verified that they have received training on conducting the screening in a private setting utilizing interviews that includes all areas of the screening instrument. All new arrivals are seen by a screener within first two to 72 hours of arriving at the center and an initial screening is conducted utilizing the agency screening instruments. Case mangers conduct further screening within 30 days of arriving at the facility. NDCS Policy 203.11 Sexual Assault/Abuse addresses all components of this standard for screening new and transferring inmates. The medical staff also provides for a medical screening that includes components of the agency screening tool. Staff reviews daily offender files for follows up 30-day reviews and behavior or additional information that would mandate further follow up. All follow-up responses are documented in Medical or Mental Health file. Offenders must not be disciplined for refusing to answer, or for not disclosing complete information, when screened by staff. The staff psychologist reviews and conducts additional screening on inmates. A review of the screening instrument contains all requirements identified in the standard. The system is password protected for need to know staff. The review of screening documents by the Auditor confirmed that inmates identified as high risk for sexual victimization or at risk of sexually abusing other inmates were referred to a mental health professional and all received further assessment. Fifteen (15) intake files were examined by the Auditor. Since these were random files 2 of the screening did not include the initial screening but all files included the 25 days of the arrival rescreening. The two (2) files that did not include the screening arrived at the facility in September 2020 to February 2021. Each file contained documentation of a re screening within

25 to 30 days of arrival.

Staff and inmate interviews, a review of policy/documentation (including screening documents and inmate tracking system) and observations of the intake process confirmed compliance with this standard. In interviews with the facility management team it was clear that all administrators are aware of the need to review and update screening instruments and utilize this screening instrument in managing the offender population.

Staff and inmate interviews, a review of policy/documentation (including screening documents and inmate tracking system) and observations of the intake process confirmed the agency exceeds the expectation with this standard.

Standard 115.42: Use of screening information

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.42 (a)

- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments? Yes No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments? Yes No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments? Yes No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments? Yes No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments? Yes No

115.42 (b)

- Does the agency make individualized determinations about how to ensure the safety of each inmate? Yes No

115.42 (c)

- When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the **agency** consider, on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to

a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)? Yes No

- When making housing or other program assignments for transgender or intersex inmates, does the agency consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems? Yes No

115.42 (d)

- Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate? Yes No

115.42 (e)

- Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments? Yes No

115.42 (f)

- Are transgender and intersex inmates given the opportunity to shower separately from other inmates? Yes No

115.42 (g)

- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) Yes No NA
- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) Yes No NA
- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) Yes No NA

Auditor Overall Compliance Determination

Exceeds Standard (*Substantially exceeds requirement of standards*)

- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENT REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
NDCS Policy 201.13 Identification of Potential Aggressors and
Victims Room Assignments Report

NDCS Policy 203.11 Sexual Assault/Abuse requires risk screening information is used to determine housing, bed, work, education, and program assignments, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. Determinations for these assignments are made on a case-by-case basis. Staff members assigned to conduct intake screening have been provided additional training and resource materials. In deciding whether to assign a transgender or intersex offender to a facility for male or female offenders, and in making other housing and programming assignments, the agency considers on a case-by-case basis whether a placement would ensure the offender's health and safety, and whether the placement would present management or security problems. The DCS does not place lesbian, bisexual, transgender, and gender variant, or intersex offenders in dedicated facilities, units, or wings solely on the basis of such identification or status. The DCS evaluates and places offenders who claim to be undergoing transgender or transsexual-related treatment, offenders who appear to be gender-variant, or offenders having other clinical conditions in which the gender assignment is unclear in a similar manner. The offender's own views regarding his or her own safety are considered in placements and job assignments. Policy mandates placement and programming assignments for each transgender or intersex inmate are reassessed at least once every six months.

The facility shower areas are modified to establish privacy from staff of the other gender. Inmates are also allowed to dress and complete bodily functions without being in view of person of the other gender.

Overall compliance of the standard was verified through review of policies, interviews with PREA Compliance Manager, Case Managers, Warden, and Psychologist, other correctional staff, inmates, and tour of the facility. There were no transgender inmates interviewed. The PREA coordinator provides and updated list to all facilities of victims, predators, and transgender offenders housing assignment. This memo is staff sensitive and only goes to the facility administrator that is housing offenders in this category. The information is not shared with other facilities or staff.

Standard 115.43: Protective Custody

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.43 (a)

- Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers? Yes No
- If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment? Yes No

115.43 (b)

- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible? Yes No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible? Yes No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible? Yes No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible? Yes No
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.) Yes No NA
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.) Yes No NA
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.) Yes No NA

115.43 (c)

- Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged? Yes No
- Does such an assignment not ordinarily exceed a period of 30 days? Yes No

115.43 (d)

- If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document the basis for the facility's concern for the inmate's safety? Yes No
- If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document the reason why no alternative means of separation can be arranged? Yes No

115.43 (e)

- In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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POLICY AND DOCUMENT REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
Memo of Fact

NDCS Policy 203.11 Sexual Assault/Abuse mandates inmates at high risk for sexual victimization and those alleged to have suffered sexual abuse/assault shall not be placed in involuntary restrictive housing unless an assessment of all available alternatives has been conducted and a determination has been made there is no available alternative means of separation from likely abusers. If unable to conduct this assessment immediately, the inmate may be held in involuntary restrictive housing (immediate segregation) for less than 24 hours while the assessment is completed.

Inmates who remain in restrictive housing for this purpose shall:

Have access to programs, privileges, education and work opportunities to the extent possible. If this access is restricted the facility shall document:

1. The opportunities that have been limited.
2. The duration of the limitations.

3. The reasons for such limitations.

Assigned to involuntary restrictive housing only until an alternative means of separation from likely abusers can be arranged. Such an assignment shall not ordinarily exceed 30 days.

Staff shall document the basis of the facility's concern for the inmate, s safety and the reason why no alternative means of separation can be arranged if the involuntary restrictive housing assignment is made following a determination that no alternative means of separation exists. Every 30 days, the facility shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

During the previous 12 months, the NSP has not placed any inmates on involuntary restrictive housing due to the risk of sexual victimization. Compliance was determined by review of policies, interviews with PREA Compliance Manager and Warden.

REPORTING

Standard 115.51: Inmate reporting

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.51 (a)

- Does the agency provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment? Yes No
- Does the agency provide multiple internal ways for inmates to privately report retaliation by other inmates or staff for reporting sexual abuse and sexual harassment? Yes No
- Does the agency provide multiple internal ways for inmates to privately report staff neglect or violation of responsibilities that may have contributed to such incidents? Yes No

115.51 (b)

- Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency? Yes No
- Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials? Yes No
- Does that private entity or office allow the inmate to remain anonymous upon request? Yes No
- Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility *never* houses inmates detained solely for civil immigration purposes) Yes No NA

115.51 (c)

- Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties? Yes No
- Does staff promptly document any verbal reports of sexual abuse and sexual harassment? Yes No

115.51 (d)

- Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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POLICY AND DOCUMENTS REVIEWED:

Pamphlet
 Posters
 Slides from yearly In-Service
 Orientation Material and Posters
 Phone posters
 Victim Advocate Services Info
 NSP Rule Book PREA
 NDCS Policy 203.11 Sexual Assault/Abuse - Verbal Report by Inmate
 NDCS Policy 203.11 Sexual Assault/Abuse - Staff Private Reporting
 Slides from yearly In-Service
 Memo of Fact

NDCS Policy 203.11 Sexual Assault/Abuse affords offenders multiple ways to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for making a report, and staff neglect or violation of responsibilities that may have contributed to such incidents.

Ways to Report Included:

Telling any staff member
 Writing an inmate interview
 request form
 utilizing the PREA
 Reporting Hotline
 a trusted third party

Inmates are provided training on reporting during their initial PREA orientation and are provided a form documenting they are aware of ways to report. All staff interviewed clearly understood that they can privately report sexual abuse and sexual harassment of offenders without fear of agency disciplinary action.

Inmates have unimpeded access to telephones and can call the Nebraska PREA Hotline or any law enforcement agency of their choosing. They can also report to a third party, who can make the report for them.

The Nebraska Department of Correctional Services does not house or detain inmates solely for the purpose of civil immigration. All inmates are sentenced before placement in NDCS custody. NDCS does house county safe keepers that come from county jails they are placed in intake/reception due to the needs of a 90 day mental health evaluation or behavior concerns while in county custody. Staff members are trained to immediately report and document any sexual abuse or sexual harassment allegation. There are posters and other documents on display throughout the facility that also explain reporting methods. The facility provides a posting explaining at least two way for inmates to report sexual abuse or sexual harassment to

There are phone numbers posted on all PREA posting areas and next to telephones for inmates to contact PREA Hotline and a Victim Advocate services. Nebraska provides staff with a brochure that provides multiple ways for staff to report allegations of sexual abuse or sexual harassment. Interviews with staff and inmates; observations of posters addressing reporting methods; and an examination of policies, dialing the hotline, and the MOU for third party reporting confirm compliance with this standard.

Standard 115.52: Exhaustion of administrative remedies

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.52 (a)

- Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse. Yes No

115.52 (b)

- Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.) Yes No NA

- Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (c)

- Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) Yes No NA
- Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (d)

- Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.) Yes No NA
- If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)
 Yes No NA
- At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (e)

- Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)
 Yes No NA
- Are those third parties also permitted to file such requests on behalf of inmates? (If a third-party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.) Yes No NA
- If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)
 Yes No NA

115.52 (f)

- Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA

- After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)
 Yes No NA
- After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.) Yes No NA
- After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)
 Yes No NA
- Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA
- Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) Yes No NA
- Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (g)

- If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
 Memo of Fact
 NSP Policy 217.02.001 Inmate Grievance Procedures

Advocacy MOU 2020-2021

Nebraska Statutes, Sections 83-4, 111, 83-4,1 ·12, 83-4, 135, 83-4, 136, 83-4, 137, 83-4, 138 to 83-4, 139 and the NDCS Chapter 2 establish policy and procedures for the resolution of offender grievances. This Procedure expands upon those statutes and Chapter 2 specifically for the Nebraska State Penitentiary (NSP).

NSP Policy 217.02.001 Inmate Grievance Procedures and NDCS Policy 203.11 Sexual Assault/Abuse addresses the mandates of this standard. All allegations of sexual abuse/sexual harassment, when received by staff, will immediately be referred for investigation. Inmates are not required to use an informal grievance process and procedures also allow an inmate to submit a grievance alleging sexual abuse/sexual harassment without submitting it to the staff member who is the subject of the complaint. Additionally, policy also prohibits the investigation of the allegation by either staff alleged to be involved in the incident or any staff who may be under their supervision. Policy states that there is no time frame for filing a grievance relating to sexual abuse/sexual harassment. Policy also addresses the filing of emergency administrative remedy requests. If an inmate files the emergency grievance with the institution and believes he is under a substantial risk of imminent sexual abuse, an expedited response. These grievances will be responded to within 48 hours. There is no prohibition that limits third parties, including fellow inmates, staff members, family members, attorneys, and outside victim advocates in assisting inmates in filing requests for grievances relating to allegations of sexual abuse or filing such requests on behalf of inmates. There were no grievances filed involving Sexual abuse during the past 12 months. There were no grievances alleging sexual abuse that involved an extension due to the final decision not being reached within 90 days. Additionally, there were no grievances alleging sexual abuse filed by inmates in which the inmate declined third-party assistance. Inmates are held accountable for manipulative behavior and false allegations. Compliance was determined by review of the grievance policy, interview with Grievance coordinator, staff, and inmates.

Standard 115.53: Inmate access to outside confidential support services

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.53 (a)

- Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations? Yes No
- Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility *never* has persons detained solely for civil immigration purposes.) Yes No NA
- Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible? Yes No

115.53 (b)

- Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws? Yes No

115.53 (c)

- Does the agency 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? Yes No
- Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
 Advocate pamphlet
 Advocacy MOU 2020-2021
 Website PREA
 Bryan West Medical Center
 Advocate direct calling phone number

NDCS Policy 203.11 Sexual Assault/Abuse Criminal Investigations requires prior to the investigation of an alleged sexual assault, the special investigator must offer the victim the right to have a victim advocate present during any stage of the investigation. The victim advocate MOU establishes Victim Emotional Support. Interviews with the Nebraska Coalition to End Sexual & Domestic Violence provided and in depth program that is provided to NSP. Prior to the pandemic the support system had conducted seminars for offenders and staff. The MOU establishes that the Coalition will make a sexual assault advocate available at the request of an inmate for investigative interviews of sexual abuse. The sexual assault advocate will provide information on standards and emotional support during the process. The Coalition will provide in-person advocacy services to inmates experiencing past or current sexual assault by another inmate, detainee, resident, staff member, contractor, or volunteer. These

visits shall be as confidential as possible. Correctional staff will not be permitted to be present during the advocacy meeting. When an inmate requests in-person sexual assault advocacy, the Coalition or sexual assault advocate will coordinate the visit with PREA Compliance Manager of the facility these visits will occur during business hours. NDCS will provide information to the inmate population regarding the Coalition and how to contact the coalition for advocacy services. The hotline number will be posted in each housing unit in a location where it is easily visible. Inmate may utilize the coalition phone number to report an allegation of sexual abuse, however, they must first agree to allow the coalition of contact the PREA coordinator as a third party reporter. The PREA Compliance Manager will test the hotline once per quarter to identify any technical issues. When a PREA report has been made to the PREA Coordinator, information regarding advocacy services will be provided to the inmate. NDCS will provide the inmate with visits with a sexual assault advocate in as confidential a manner as possible and confidential mail from a sexual assault advocate where it is appropriate. Inmates interviewed were aware of the program and how to get in contact with advocacy programs by confidential phone calls. Compliance was confirmed by review of MOU, interviews with Victim Advocate, staff and residents and observation of Posters throughout the facility.

Standard 115.54: Third-party reporting

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.54 (a)

- Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment? Yes No
- Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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POLICY AND DOCUMENT REVIEWED

NDCS Policy 203.11 Sexual Assault/Abuse
Links for Website
PREA Helpline-English-Spanish

Third Party includes fellow inmates, team members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse/assault and sexual harassment and shall also be permitted to file such requests on behalf of the inmate. Options include, but are not limited to

- a. Hotline number (855)623-7360
- b. Submitting an online reporting form.
- c. PREA Hotline on the inmate calling system 08# 0-111-111-111

Procedures for third party reporting can be found on the NDCS website.

<https://www.corrections.nebraska.gov>

Compliance was determined by contacting the PREA hotline at 855-623-7360 and interviews with PREA coordinator and PREA compliance manager.

OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT

Standard 115.61: Staff and agency reporting duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.61 (a)

- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency? Yes No
- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment? Yes No
- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation? Yes No

115.61 (b)

- Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions? Yes No

115.61 (c)

- Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section? Yes No
- Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services? Yes No

115.61 (d)

- If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws? Yes No

115.61 (e)

- Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
Staff, Volunteer and Contractor Training

All NDCS staff are required to report immediately and according to policy any knowledge, suspicion, or information regardless of third party including other inmates regarding:

1. An incident of sexual abuse/assault or sexual harassment that occurred in a facility, whether it is part of the agency.
2. Retaliation against inmates or staff who reported such an incident.
- 3 Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

Medical and mental health staff are obligated to report sexual abuse/assault and inform inmates of their duty to report and the limitations of confidentiality at the initiation of services. If the alleged victim is under 18 years old or considered a vulnerable adult, the allegations will be reported to the Department of Health and Human Services under applicable mandatory reporting laws

Staff shall not reveal any information related to a sexual abuse/assault report to anyone other than to the extent necessary as specified in NDCS policy, to make treatment, investigations, and other security decisions. NSP will immediately begin an investigation of all allegations of

sexual abuse or sexual harassment regardless of the avenue that was used to report to the facility staff.

Staff, volunteers, and contractors receive yearly training on the requirements to report. Staff and volunteers receive an employee handbook that includes this same information as training provides yearly.

Compliance was determined by review of the policies, training curriculum, and interviews with correctional, treatment and administrative staff.

Standard 115.62: Agency protection duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.62 (a)

- When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse

Policies and operating procedures addresses all mandate of this standard. When NDCS learns that an inmate is subject to a substantial risk of imminent sexual abuse/assault, it shall take immediate action to protect them, to assess and implement appropriate protective measures without unreasonable delay. Prior to placing a victim in the restrictive housing unit, the security needs of the individual persons shall be reviewed by the warden or facility duty officers. If an inmate is place in involuntary self-protection, accommodations and essential services shall be comparable to those provided for the general population. Interviewed staff members were aware of their duties and

responsibilities when they become aware or suspect an inmate is being or has been sexually abused or sexually harassed. All staff indicated they would act immediately to protect the victim, to include separating the victim/predator, securing the scene to protect possible evidence, preventing the destruction of potential evidence, and contacting the shift and medical staff. In the past 12 months there were no instances in which institution staff members determined that an inmate was subject to a substantial risk of imminent sexual abuse.

Standard 115.63: Reporting to other confinement facilities

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.63 (a)

- Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred? Yes No

115.63 (b)

- Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation? Yes No

115.63 (c)

- Does the agency document that it has provided such notification? Yes No

115.63 (d)

- Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse

Statement of Fact

NDCS Policy 203.11 Sexual Assault/Abuse states that upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Superintendent will notify the head of the facility or appropriate office of the agency or facility where the sexual abuse allegedly occurred. Policy requires such notification will occur as soon as possible and no later than 72 hours of receiving the allegation. Documentation is required of any such notification.

There has been no allegation of an inmate being sexually abused provided in the while confined at another facility . Compliance with this standard was verified by reviewing Policy, memos, and interview with Intake staff, PREA compliance manager and Warden.

Standard 115.64: Staff first responder duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.64 (a)

- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?
 Yes No
- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence? Yes No
- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? Yes No
- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? Yes No

115.64 (b)

- If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

Does Not Meet Standard (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
NDCS Training Curriculum
First Responder Cards.

NDCS Policy 203.11 Sexual Assault/Abuse establishes mandates for staff, volunteer, and contractor's role for inmate allegation of sexual abuse. Policy and several documents (such as the PREA card provided to all staff-interviewed on how to respond to allegations of sexual assaults) provide initial guidance to employees regarding the expected coordinated actions to take place in response to an incident of sexual abuse/sexual harassment. The policies and information provide direction to security staff, medical/mental health practitioners, investigators, staff and community victim advocates, the forensic examination service providers (SANE) and facility leadership. Upon learning of an allegation of sexual assault first responders will immediately notify the nearest correctional staff member. Security staff and non-security staff that respond to an incident will request the alleged victim and ensure the alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing/showering, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating if the abuse occurred within a time period that allows for evidence collection (120 hours); and notify the Shift Supervisor. The facility will separate the victim and abuser; preserves and protects the crime scene; and if the incident occurred within the appropriate period for the collection of physical evidence, they would request that the alleged victim not take actions that could destroy physical evidence, to include washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. First Responder correctional staff should attempt to make notifications to shift supervisor or appropriate staff with as much confidentiality as possible. An examination of policy/documentation, interview with all staff interviewed by auditor including education instructors, and support staff confirms compliance with this standard.

Standard 115.65: Coordinated response

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.65 (a)

- Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse

The facility operates under the NDCS Policy 203.11 Sexual Assault/Abuse. The Policy outlines duties, procedures, and actions for first responders to an allegation of sexual abuse. The PREA training lesson plan outlines the duties and responsibilities for first responders and medical staff in the event an inmate is sexually abused. Inmates may report acts of sexual assault abuse, or harassment to any employee, contract employee, or volunteer.

The shift supervisor will implement a coordinated response plan. The plan includes:

- Ensure the duties of first responder are completed. All occurrences or allegations of sexual assault/abuse, threat of sexual assault/abuse, team member relationships with inmates, sexual harassment of inmates, or any actions that may meet PREA criteria, including third party and anonymous reports will be reported immediately to the NSP PREA Compliance Manager/designee (ACA 5-ACI-3D-11).
- Notify a Mental Health team member or Mental Health Officer of the Day (OD), inform them of the alleged incident, and request they immediately assess the victim to counsel and provide support. The Mental Health team member may sit in on any interviews with the victim, if requested to do so by the victim or by a law enforcement officer.
- Notify Medical and have alleged victim escorted to the medical department.
- Respond to secure and maintain the scene of the alleged incident. The area will remain secured as a crime scene until released by the NDCS Investigators.
- Ensure notifications of sexual assault have been made to the NSP PREA Compliance Manager/designee, NDCS PREA Coordinator; NDCS Investigators (If NDCS investigators cannot be reached staff shall notify the Staff and Partnership Development Coordinator. NDCS investigators shall notify the Nebraska State Patrol.), and Warden. Only sexual assaults are to be reported to those listed above.
- The Shift Supervisor/designee shall make available or attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the facility shall make available a qualified staff member from a community-based organization or qualified agency staff member. Efforts to secure services from rape crisis centers will be documented on the Sexual Assault/Abuse Incident Review Checklist.

- The Mental Health OD will be contacted, and the inmate will be placed on 15minute checks until seen by a Mental Health team member for an evaluation for all alleged incidents of sexual assault that occurred within the past 96 hours. Mental Health shall assess the need for crisis intervention counseling and long-term follow-up.
- In the past 12 months, there been one allegation that an inmate was sexually abused: This allegation did rise to the level of requiring a coordinated response plan.
- Of the allegations that an inmate was sexually abused made in the past 12 at no time was a non-security staff member the first responder.

Met expectations was verified through review of policy, training plan, investigative files, and interviews with correctional and non-correctional staff. Staff carry first responder and coordinated response plan cards. The Shift supervisors on all shifts were interview and provided a Coordinated Response Plan Checklist located in the Shift Supervisor's office.

Standard 115.66: Preservation of ability to protect inmates from contact with abusers

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.66 (a)

- Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? Yes No

115.66 (b)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

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POLICY AND DOCUMENTS REVIEWED:

Bargaining Agreement
Links to Bargaining Units

The agency's master labor contracts contains a provision allowing the agency to reassign any staff or place staff on administrative leave for up to twelve months pending the outcome of an investigation. Compliance was confirmed by review of updated Commissioner's labor plan.

Standard 115.67: Agency protection against retaliation

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.67 (a)

- Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff? Yes No
- Has the agency designated which staff members or departments are charged with monitoring retaliation? Yes No

115.67 (b)

- Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services, for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations? Yes No

115.67 (c)

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes? Yes No

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff? Yes No
- Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need? Yes No

115.67 (d)

- In the case of inmates, does such monitoring also include periodic status checks?
 Yes No

115.67 (e)

- If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?
 Yes No

115.67 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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- Does Not Meet Standard** (*Requires Corrective Action*)

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POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse - Retaliation Monitoring
Retaliation Forms

NDCS Policy 203.11 Sexual Assault/Abuse mandates that retaliation by staff or inmates against any staff or inmate for reporting an alleged sexual abuse or sexual harassment case is strictly prohibited. The facility's recreation supervisor and PREA compliance managers monitors all reported cases of sexual abuse for at least 90 days following any such report to ensure retaliation does not occur. In the case of inmates, this monitoring will include periodic status checks by Retaliation Monitor. The retaliation monitor indicated and provided documentation that he interviews the offenders as soon as notified of an investigation and meets with the offender during the initial investigation. He continues to monitor the offenders and continues to meet with him usually every other week, however he sees the offender on a regular basis and advises the offender he is monitoring and available if he needs to contact him. The facility has several protection and reporting measures for inmates. Policy outlines the protection measures available and requires the prompt re-mediation of any type of retaliation, any use of involuntary segregated housing for the inmate who alleged suffering sexual abuse shall only be used after an assessment determines there is no other avenues for protecting the offender. A review of the retaliation monitoring confirmed that inmate that made allegation of sexual abuse were provided retaliation monitoring. Exceed compliance was determined by review of policy, retaliation monitoring form, and interview with PREA coordinator, PREA compliance manager, offenders and Retaliation Monitor.

Standard 115.68: Post-allegation protective custody

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.68 (a)

- Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
Memo of Fact

Nebraska Department of Correctional Services mandates that the use of protective custody

only if no other alternative means of protection is available, or if inmates request this level of protection. Inmates who remain in restrictive housing for this purpose shall:

Have access to programs, privileges, education, and work opportunities to the extent possible. If this access is restricted the facility shall document:

1. The opportunities that have been limited.
2. The duration of the limitations.
3. The reasons for such limitations.

Assigned to involuntary restrictive housing only until an alternative means of separation from likely abusers can be arranged. Such an assignment shall not ordinarily exceed 30 days.

Staff shall document the basis of the facility's concern for the inmate, s safety and the reason why no alternative means of separation can be arranged if the involuntary restrictive housing assignment is made following a determination that no alternative means of separation exists. Every 30 days, the facility shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

During the previous 12 months, the NSP has not placed any inmates on involuntary restrictive housing due to the risk of sexual victimization. Compliance was determined by review of policies, interviews with staff that supervises the Restrictive Housing Unit, PREA Compliance Manager and Warden.

INVESTIGATIONS

Standard 115.71: Criminal and administrative agency investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.71 (a)

- When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] Yes No NA
- Does the agency conduct such investigations for all allegations, including third party and anonymous reports? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] Yes No NA

115.71 (b)

- Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34? Yes No

115.71 (c)

- Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data? Yes No

- Do investigators interview alleged victims, suspected perpetrators, and witnesses?
 Yes No
- Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator? Yes No

115.71 (d)

- When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution? Yes No

115.71 (e)

- Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff? Yes No
- Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding? Yes No

115.71 (f)

- Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse? Yes No
- Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings? Yes No

115.71 (g)

- Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible? Yes No

115.71 (h)

- Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?
 Yes No

115.71 (i)

- Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years? Yes No

115.71 (j)

- Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?
 Yes No

115.71 (k)

- Auditor is not required to audit this provision.

115.71 (l)

- When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
Memo of Fact

Nebraska Department of Correctional Services investigates all allegations of sexual abuse/assault and sexual harassment, including third party and anonymous reports, in a prompt, thorough and objective manner. Any outside entities responsible for conducting administrative or criminal investigations of sexual abuse/assault shall have in place a policy governing the conduct of such investigations that complies with PREA standards and shall provide training pertaining to the investigation of sexual abuse/assault in confinement settings to the agents and investigators who conduct such investigations. When outside agencies investigate sexual abuse/assault, NDCS shall cooperate with outside investigators and endeavor to remain informed about the progress of the investigation.

Upon receipt of an allegation, the PREA Coordinator and the Investigation Coordinator will be immediately notified. The PREA Coordinator will review the report(s) of the complaint and determine if institutional staff may conduct the investigation. If the allegation appears to be criminal in nature the PREA Coordinator will consult with the Investigation Coordinator for assignment to NDCS Criminal investigators and or the Nebraska State Patrol. Where sexual abuse/assault is alleged, investigators who have received special training in sexual abuse/assault investigations will be utilized. If referred back to the facility to investigate, the PREA Coordinator will notify the facility PREA Compliance Manager and assign the

investigation a case number in the Investigator's Case Management Data Base. The case number will be given to the facility PREA Compliance Manager so he or she can keep track of the investigation. Once completed, the investigation will be sent to the PREA Coordinator for review and appropriate action. If during the institutional investigation it is determined a crime has been committed, the investigation will stop and the PREA Coordinator and Division of Investigation will be immediately notified.

In cases where it is probable a crime has been committed the Division of Investigation shall immediately be notified. Potential crime scenes shall be secured. An NDCS Criminal Investigator will be assigned, and he or she shall notify the Nebraska State Patrol, who will then determine their involvement in the subsequent investigation. Facility staff shall not collect evidence unless instructed to do so by the Criminal Investigator. If directed to do so by the Nebraska State Patrol, the NDCS Criminal Investigator will secure and process all evidence according to established procedures.

Administrative investigations address staff actions, credibility and a review of fact and findings of the criminal investigation (if applicable).

Substantiated allegations of conduct that appear to be criminal are referred for prosecution. The credibility of an alleged victim, suspect or witness is assessed on an individual basis and is not determined by the person's status as inmate or staff. The agency does not require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth assessment device as a condition for proceeding with the investigation of such an allegation.

All administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse. Administrative investigations are documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. Criminal investigations are documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence. The agency retains all written reports pertaining to the administrative or criminal investigation of alleged sexual assault or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

The agency does ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation. When an outside entity investigates sexual abuse, the facility cooperates with outside investigators and endeavors to remain informed about the progress of the investigation. Eleven allegation of sexual abuse file was reviewed. The investigations were prompt, professionally conducted. Compliance with this standard was determined by a review of policy, documentation, investigation, and interviews with investigator.

Standard 115.72: Evidentiary standard for administrative investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.72 (a)

- Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse

The agency mandates in accordance with PREA standards, during the course of investigations, the facility shall impose no standard higher than a preponderance of the evidence when determining whether allegations of sexual abuse or harassment are substantiated. NSP investigative staff have attended online training and NDCS training in which they were provide a wealth of knowledge on imposing no standard higher than a preponderance of evidence.

Investigator training programs provide in-depth clarification of this standard. When interviewed, the investigators were aware of the evidence standard. Compliance was determined by review of policy, investigator training curriculum, interview with investigator and PCM.

Standard 115.73: Reporting to inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.73 (a)

- Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded? Yes No

115.73 (b)

- If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.) Yes No NA

115.73 (c)

- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The staff member is no longer posted within the inmate's unit? Yes No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The staff member is no longer employed at the facility? Yes No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility? Yes No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility? Yes No

115.73 (d)

- Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility? Yes No
- Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility? Yes No

115.73 (e)

- Does the agency document all such notifications or attempted notifications? Yes No

115.73 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

Does Not Meet Standard (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
Memo of Fact
Memo re Notification
Notification of Outcome
NSP5266 notification
NSP5266
NSP5478 notification
NSP5478
NSP5509 notification
NSP5509

NDCS Policy 203.11 Sexual Assault/Abuse requires the facility must notify the alleged victim of the outcome (once it has been determined), whether the allegations are substantiated, unsubstantiated, or unfounded.

Following an inmate's allegation that a staff member has committed sexual abuse against him, unless the agency has determined that the allegation is unfounded or unless the inmate has been released from custody, the agency subsequently informs the inmate whenever the staff member is no longer posted within the inmate's unit or the agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility. Following an inmate's allegation that a staff member has committed sexual abuse, unless the agency has determined that the allegation is unfounded or unless the inmate has been released from custody, the agency subsequently informs the inmate whenever the agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

Following an inmate's allegation of sexual abuse by another inmate, the agency will subsequently inform the alleged victim whenever: the agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility. The facility documents all such notifications.

There were 11 PREA-related allegations investigations during the previous 12 months, which were reviewed by the auditor. The investigations were very thorough and detailed.

The inmates was provided information of the investigation outcomes. Some of the offender refused to sign for receipt of the outcome, however, they were advised in writing of the outcome of the investigation.

Compliance with this standard was verified through the review of Policy, completed forms and interviews PREA compliance manager and offender. A review of the Investigative files included

notifications that were signed by inmate advising they had been informed the outcome of the criminal investigations and have been updated on the prosecution of the founded allegation of sexual abuse or exploration.

DISCIPLINE

Standard 115.76: Disciplinary sanctions for staff

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.76 (a)

- Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies? Yes No

115.76 (b)

- Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse? Yes No

115.76 (c)

- Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories? Yes No

115.76 (d)

- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies (unless the activity was clearly not criminal)? Yes No
- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
Incident Report
Memo of Fact

Nebraska Department of Correctional Services website provides all employees, contractors, and volunteers are expected to have a clear understanding that the department strictly prohibits any type of sexual relationship with an individual under the department's supervision and considers such a relationship a breach of the employee code of conduct. These relationships will not be tolerated. Mandatory staff training and offender education is provided.

NDCS Policy 203.11 Sexual Assault/Abuse mandate that staff or any other individuals who have business with the DOC are subject to disciplinary action and/or criminal sanctions, including dismissal or termination of contracted services, if determined to have engaged in sexual abuse/harassment/staff sexual misconduct of an offender. A violation of this policy may result in termination from the DOC.

Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than engaging in sexual abuse) is commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, will be reported to law enforcement agencies (unless the activity was clearly not criminal) and to relevant licensing bodies.

There have been one substantiated case of staff engaging in sexual abuse, (exportation), in the last twelve months. Staff resigned in lieu of termination. Investigation continued and prosecution is being pursued. Compliance with this standard was determined by a review of policy, incident report, investigation and staff interviews including correctional staff, human resources director, contractors, and volunteers.

Standard 115.77: Corrective action for contractors and volunteers

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.77 (a)

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates? Yes No
- Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)? Yes No

- Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies? Yes No

115.77 (b)

- In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
Memo of Fact
Volunteer Handbook

NDCS Policy 203.11 Sexual Assault/Abuse mandate that any contractor, or volunteer who engages in sexual abuse must be prohibited from contact with offenders/residents. The individual must also be reported to law enforcement agencies and relevant licensing bodies unless the activity was clearly not criminal. Designated facility staff must also take appropriate remedial measures and consider whether to prohibit an individual from further contact with offenders/residents, in the case of any other violation of agency sexual abuse or sexual harassment policies. Further, this information is provided to volunteers and contractors through the Volunteer and Contractor Training modules.

Contractors and volunteers sign a directive entitled Prison Rape Elimination Act of 2003 Acknowledgement Form. Compliance of this standard was confirmed through review of the Policy, training records of volunteers and contractors, review of volunteer files containing acknowledgement statements, and interviews with volunteer and contractors.

Standard 115.78: Disciplinary sanctions for inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.78 (a)

- Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process? Yes No

115.78 (b)

- Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories? Yes No

115.78 (c)

- When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior? Yes No

115.78 (d)

- If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits? Yes No

115.78 (e)

- Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact? Yes No

115.78 (f)

- For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation? Yes No

115.78 (g)

- If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
Memo of Fact

NDCS Policy 203.11 Sexual Assault/Abuse address offender disciplinary. Nebraska Department of Correctional Services published an Inmate Disciplinary Procedures that address the standard for compliance with PREA disciplinary sanctions for offenders. Information on inmate disciplinary sanctions is provided as part of the orientation process upon entry into the facility. Disciplinary handbook states that No offender shall request, solicit, or engage in consensual sexual behavior or consensual sexual contact, or be in a situation that gives evidence of such action. Sexual behavior includes, but is not limited to, kissing, embracing, hand holding, touching the intimate parts of another person, exposing one's intimate parts to another, and inappropriate masturbation. "Intimate part" means breast, penis, anus, buttocks, scrotum, or vaginal area, whether clothed or unclothed. No offender shall have nonconsensual sexual contact with another offender. This rule prohibits sexual contact if the victim does not consent, is coerced into such act by overt or implied threatening behavior or is unable to consent or refuse. Inmates may be disciplined for sexual contact with staff only upon a finding that the staff member did not consent to such contact. The facility does not discipline inmates who make an allegation in good faith, even if an investigation does not establish evidence sufficient to substantiate the allegation. When determining sanctions for violation of sexual abuse or sexual harassment the facility sanctions are commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history and the sanctions imposed for comparable offenses by other inmates with similar histories. When determining what types of sanction, if any, should be imposed, the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior. The facility mental health staff does offer the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse. There have been no inmate that have been disciplined for allegation of a sexual abuse or sexual harassment in the late 12 months. Interviews with PREA Compliance Manager, disciplinary staff and warden confirmed compliance with this standard.

MEDICAL AND MENTAL CARE

Standard 115.81: Medical and mental health screenings; history of sexual abuse

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.81 (a)

- If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)
 Yes No NA

115.81 (b)

- If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.) Yes No NA

115.81 (c)

- If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? Yes No

115.81 (d)

- Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?
 Yes No

115.81 (e)

- Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting unless the inmate is under the age of 18? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENTS REVIEWED:

Intake Screening and Follow-up
Intake Screening
Mental Health Informed Consent
PREA Screening Including Historical Follow Up -Redacted
NDCS Policy 203.11 Sexual Assault/Abuse
NDCS Policy 115.23 Mental Health Services

NDCS Policy 203.11 states that if through the screening process or a subsequent disclosure, staff learns information that indicates that an offender has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff must ensure that the offender is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.

The policy also states that any information related to prior sexual victimization or abuse that occurred in an institutional setting must be limited to medical and mental health practitioners, and other staff, as necessary, to inform treatment plans, security, and management decisions, including such examples as housing, bed, work, education, and program assignments. The evaluation and treatment of a victim of prior sexual abuse/harassment or sexual misconduct includes follow-up services, a treatment plan, and referral for continued care following transfer to/placement in another facility. Referrals may also be provided when the offender is released from custody. When appropriate, staff refers the offender to appropriate community services such as a crisis center, support groups, mental health treatment, victim advocate services, and area law enforcement.

Interviews with Mental Health and Medical administrator provided a seamless system for the treatment of inmates with history of victimization. Both medical and mental health information is shared from the time inmates enter the Nebraska Department of Correctional Services, during screening upon arrival. The Mental Health staff provide follow-up meeting and develop a treatment plan as needed. Nebraska Department of Correctional Services has implemented an information memo that includes notification of Mental Health informed consent.

Compliance was confirmed through review of Mental Health referral documents, interviews with mental health and medical staff and facility staff.

Standard 115.82: Access to emergency medical and mental health services

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.82 (a)

- Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?
 Yes No

115.82 (b)

- If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62? Yes No
- Do security staff first responders immediately notify the appropriate medical and mental health practitioners? Yes No

115.82 (c)

- Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate? Yes No

115.82 (d)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

Policy 300.045 Contractors

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
Statement of Fact

Where medically appropriate the facility will ensure victims are offered timely medical care in accordance with professionally accepted standards of care. If medical and mental health staff are on duty, the offender would be immediately escorted to medical for emergency care. The Offender would be transported to Bryan West Medical Center for further treatment and forensic examination by a SAFE or SANE staff. Payment for Health Services provides all treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Bryan West Medical Center indicated that part of the emergency care and as part of the forensic examination, inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in

accordance with professionally accepted standards of care, where medically appropriate. Verification was confirmed by review of Policy, interviews with medical and mental health staff, and telephone conversations with the representative from the Victim advocate director and Bryan West Medical Center.

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.83 (a)

- Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility? Yes No

115.83 (b)

- Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody? Yes No

115.83 (c)

- Does the facility provide such victims with medical and mental health services consistent with the community level of care? Yes No

115.83 (d)

- Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if “all-male” facility. *Note: in “all-male” facilities, there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.*) Yes No NA

115.83 (e)

- If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if “all-male” facility. *Note: in “all-male” facilities, there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.*) Yes No NA

115.83 (f)

- Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate? Yes No

115.83 (g)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident? Yes No

115.83 (h)

- If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)
 Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse

NSP Policy 201.03.00 Identification of Potential Aggressors and Victims

When facility staff are made aware of any inmate-on-inmate abuse incidents, a referral must be made to mental health staff upon learning of such abuse history. Treatment will be provided as deemed necessary by mental health staff. NSP has a mental health program and provides services for offenders that have been determined to be potential predators.

If an inmate's behavior indicates that he or she should no longer be classified as a potential Aggressor/ Victim, unit staff and mental health staff should make recommendations during the annual screenings and forward to the institutional Classification Committee. The Warden shall be the final authority, as outlined in the override provisions.

The agency has appropriate controls on the dissemination within the facility of responses to questions asked during screening and mental health evaluations to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates. (PREA standard Secured facilities 115.41 Community facility 115.241)

Per NSP policy, which was collaborated by review of offender files and interviews with medical and mental health staff NSP Policy 201.03.00 Identification of Potential Aggressors and Victims. Victims of a sexual assault would receive victim advocacy services and would be provided with information on the victim confidential emotional support program. The mental health and medical staff would continue to provide services that are appropriate within

community standards.

Compliance was confirmed through review of Mental Health referral documents, interviews with mental health and medical staff and facility staff.

DATA COLLECTION AND REVIEW

Standard 115.86: Sexual abuse incident reviews

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.86 (a)

- Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded? Yes No

115.86 (b)

- Does such review ordinarily occur within 30 days of the conclusion of the investigation? Yes No

115.86 (c)

- Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners? Yes No

115.86 (d)

- Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse? Yes No
- Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility? Yes No
- Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse? Yes No
- Does the review team: Assess the adequacy of staffing levels in that area during different shifts? Yes No
- Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff? Yes No
- Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager? Yes No

115.86 (e)

- Does the facility implement the recommendations for improvement, or document its reasons for not doing so? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
NSP Policy 203.11.001 Sexual Assault/Abuse
Sexual Abuse Incident Review Case # NSP 5558
Sexual Abuse Incident Review

NDCS Policy 203.11 Sexual Assault/Abuse requires the following:

- (a) Within 30 days of the conclusion of the investigation, unless the allegation was determined to be unfounded, a review team, designated by the Chief Administrative Officer, shall review the case and:
- (b) Determine what may have been the motivation for the incident or allegation such as, but not be limited to, race, ethnicity, gender, gender identity, sexual orientation, transgenderism, intersex identification, gang affiliation, etc.
- (c) Determine if there is a need for changes to policy or procedure; or if factors such as physical barriers or staffing may have enabled the abuse.
- (d) Assess whether monitoring technology should be deployed to supplement staff supervision.
- (e) The review team shall prepare and submit to the Chief Administrative Officer and facility PREA Compliance Manager a written report of their findings and any recommendations for improvement.
- (f) Documentation for any recommendation not implemented shall be maintained.

A review of the Incident Review team meeting found there were incident review team meeting for the sexual abuse that were founded or unsubstantiated. Compliance was determined by review of incident review team meetings, interviews with several incident review team member and facility warden.

Standard 115.87: Data collection

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.87 (a)

- Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions? Yes No

115.87 (b)

- Does the agency aggregate the incident-based sexual abuse data at least annually? Yes No

115.87 (c)

- Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice? Yes No

115.87 (d)

- Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews? Yes No

115.87 (e)

- Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.) Yes No NA

115.87 (f)

- Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does

not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
Documentation
Annual Reports

NDCS Policy 203.11 Sexual Assault/Abuse provides requirement that the PREA Office collects accurate, uniform data for every allegation of sexual abuse at facilities under the agency's direct control using a standardized instrument and set of definitions. The PREA Office aggregates the incident-based sexual abuse data annually. The incident-based data includes the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

The PREA Office maintains, reviews, and collects data as needed from all available incident based documents, including reports, investigation files, and sexual abuse incident reviews. The PREA Office aggregated data from every other facility with which it contracts for the confinement of inmates. Upon request, the agency provides all such data from the previous calendar year to the Department of Justice no later than June 30. Compliance with this standard was determined by a review of policy/documentation and staff interviews.

Standard 115.88: Data review for corrective action

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.88 (a)

- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas? Yes No
- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis? Yes No
- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole? Yes No

115.88 (b)

- Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse Yes No

115.88 (c)

- Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means? Yes No

115.88 (d)

- Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
Department Website www.corrections.nebraska.gov

Nebraska Department of Correctional Services policy address all requirement of data collection and use of data. The PREA Office reviews data collected and aggregated in order to assess and improve the effectiveness of sexual abuse prevention, detection, policies, practices, and training. The review of data encompasses identifying problem areas and taking corrective action on an ongoing basis. The agency has an annual report, including corrective actions for the facilities.

The agency's annual report includes a comparison of the current year's data and corrective actions with those from prior years and provides an assessment of the agency's progress in addressing sexual abuse. The agency's annual report is approved by the agency head and made readily available to the public through the agency's website. The agency identifies the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility. The PREA coordinator provided a copy of PREA Audit Report for 2020. Compliance with this standard was also determined by a review of policy/documentation and staff interviews.

Standard 115.89: Data storage, publication, and destruction

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.89 (a)

- Does the agency ensure that data collected pursuant to § 115.87 are securely retained?
 Yes No

115.89 (b)

- Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means? Yes No

115.89 (c)

- Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available? Yes No

115.89 (d)

- Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENTS REVIEWED:

NDCS Policy 203.11 Sexual Assault/Abuse
Record Retention

The approved annual report is retained by the DOC central office communications unit. The PREA Office is responsible for collecting this data. The agency makes all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website. The agency removes all

personal identifiers before making aggregated sexual abuse data publicly available. The agency maintains sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise.

AUDITING AND CORRECTIVE ACTION

Standard 115.401: Frequency and scope of audits

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.401 (a)

- During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (*Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.*) Yes No

115.401 (b)

- Is this the first year of the current audit cycle? (*Note: a "no" response does not impact overall compliance with this standard.*) Yes No
- If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is **not** the *second* year of the current audit cycle.) Yes No NA
- If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is **not** the *third* year of the current audit cycle.) Yes No NA

115.401 (h)

- Did the auditor have access to, and the ability to observe, all areas of the audited facility? Yes No

115.401 (i)

- Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)? Yes No

115.401 (m)

- Was the auditor permitted to conduct private interviews with inmates, residents, and detainees? Yes No

115.401 (n)

- Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

All Nebraska Correctional Services facilities have received at least one PREA audit since August 20, 2012. At least one-third of all facilities were audited during the one year period after August 20, 2012. During the course of the facility audit, the Auditor toured the entire facility, was allowed to interview inmates and staff privately and was provided supporting documentation before and during the audit. Notifications of the audit were posted throughout the facility permitting inmates to send confidential letters to the Auditor prior to the audit. Notice of the audit was posted throughout the facility on February 22, 2021. During the tour posting were noted throughout the facility. The PREA compliance manager advised that he reviewed the facility monthly and reposted any that were missing.

Standard 115.403: Audit contents and findings

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.403 (f)

- The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or in the case of single facility agencies that there has never been a Final Audit Report issued.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

POLICY AND DOCUMENTS REVIEWED:

All PREA Audit Reports are maintained on the Agency's website. This was verified through reviewing the website. The website can be reviewed through <https://www.corrections.nebraska.gov>

AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

Auditor Instructions:

Type your full name in the text box below for Auditor Signature. This will function as your official electronic signature. Auditors must deliver their final report to the PREA Resource Center as a searchable PDF format to ensure accessibility to people with disabilities. Save this report document into a PDF format prior to submission.¹ Auditors are not permitted to submit audit reports that have been scanned.² See the PREA Auditor Handbook for a full discussion of audit report formatting requirements.

Robert Manville

July 7, 2021

¹ See additional instructions here: <https://support.office.com/en-us/article/Save-or-convert-to-PDF-d85416c5-7d77-4fd6-a216-6f4bf7c7c110>.

² See *PREA Auditor Handbook*, Version 1.0, August 2017; Pages 68-69.

Auditor Signature

Date