

PREA Facility Audit Report: Final

Name of Facility: Reception and Treatment Center

Facility Type: Prison / Jail

Date Interim Report Submitted: 02/19/2023

Date Final Report Submitted: 07/31/2023

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input type="checkbox"/>
Auditor Full Name as Signed: Karen d. Murray	Date of Signature: 07/31/ 2023

AUDITOR INFORMATION	
Auditor name:	Murray, Karen
Email:	kdmconsults1@gmail.com
Start Date of On-Site Audit:	01/10/2023
End Date of On-Site Audit:	01/13/2023

FACILITY INFORMATION	
Facility name:	Reception and Treatment Center
Facility physical address:	3218 West Van Dorn Street, Lincoln, Nebraska - 68522
Facility mailing address:	3218 West Van Dorn Street, Lincoln, Nebraska - 68522

Primary Contact	
Name:	Brian Sherwood
Email Address:	brian.sherwood.nebraska.gov
Telephone Number:	402-479-6243

Warden/Jail Administrator/Sheriff/Director	
Name:	Taggart Boyd
Email Address:	taggart.boyd@nebraska.gov
Telephone Number:	402-479-6165

Facility PREA Compliance Manager	
Name:	Brian Sherwood
Email Address:	brian.sherwood@nebraska.gov
Telephone Number:	O: 402-479-6243

Facility Health Service Administrator On-site	
Name:	Teresa Royer
Email Address:	teresa.royer@nebraska.gov
Telephone Number:	402-479-6331

Facility Characteristics	
Designed facility capacity:	500
Current population of facility:	1116
Average daily population for the past 12 months:	1112
Has the facility been over capacity at any point in the past 12 months?	Yes

Which population(s) does the facility hold?	Males
Age range of population:	18 - 84
Facility security levels/inmate custody levels:	Maximum; Medium
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	423
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	82
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	198

AGENCY INFORMATION

Name of agency:	Nebraska Department of Correctional Services
Governing authority or parent agency (if applicable):	
Physical Address:	801 West Prospector Place, PO Box 94661, Lincoln, Nebraska - 68522
Mailing Address:	PO Box 94661, Lincoln, Nebraska - 68509
Telephone number:	4024712654

Agency Chief Executive Officer Information:

Name:	
Email Address:	
Telephone Number:	

Agency-Wide PREA Coordinator Information

Name:	Danielle Reynolds	Email Address:	danielle.reynolds@nebraska.gov
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Facility AUDIT FINDINGS

Summary of Audit Findings

The OAS automatically populates the number and list of Standards exceeded, the number of Standards met, and the number and list of Standards not met.

Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.

Number of standards exceeded:

1

- 115.13 - Supervision and monitoring

Number of standards met:

44

Number of standards not met:

0

POST-AUDIT REPORTING INFORMATION

GENERAL AUDIT INFORMATION

On-site Audit Dates

1. Start date of the onsite portion of the audit:	2023-01-10
2. End date of the onsite portion of the audit:	2023-01-13

Outreach

10. Did you attempt to communicate with community-based organization(s) or victim advocates who provide services to this facility and/or who may have insight into relevant conditions in the facility?	<input type="radio"/> Yes <input checked="" type="radio"/> No
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AUDITED FACILITY INFORMATION

14. Designated facility capacity:	884
15. Average daily population for the past 12 months:	1105
16. Number of inmate/resident/detainee housing units:	13
17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)

Audited Facility Population Characteristics on Day One of the Onsite Portion of the Audit

Inmates/Residents/Detainees Population Characteristics on Day One of the Onsite Portion of the Audit

36. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:	1271
38. Enter the total number of inmates/residents/detainees with a physical disability in the facility as of the first day of the onsite portion of the audit:	0
39. Enter the total number of inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) in the facility as of the first day of the onsite portion of the audit:	0
40. Enter the total number of inmates/residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit:	0
41. Enter the total number of inmates/residents/detainees who are Deaf or hard-of-hearing in the facility as of the first day of the onsite portion of the audit:	0
42. Enter the total number of inmates/residents/detainees who are Limited English Proficient (LEP) in the facility as of the first day of the onsite portion of the audit:	0
43. Enter the total number of inmates/residents/detainees who identify as lesbian, gay, or bisexual in the facility as of the first day of the onsite portion of the audit:	0

<p>44. Enter the total number of inmates/residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>
<p>45. Enter the total number of inmates/residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>
<p>46. Enter the total number of inmates/residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>
<p>47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>
<p>48. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):</p>	<p>The PREA Compliance Manager was unable to provide an accurate count of the targeted number of inmates in the facility during the onsite review.</p>
<p>Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit</p>	
<p>49. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit:</p>	<p>426</p>
<p>50. Enter the total number of VOLUNTEERS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</p>	<p>198</p>

<p>51. Enter the total number of CONTRACTORS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</p>	<p>82</p>
<p>52. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit:</p>	<p>No text provided.</p>
<p>INTERVIEWS</p>	
<p>Inmate/Resident/Detainee Interviews</p>	
<p>Random Inmate/Resident/Detainee Interviews</p>	
<p>53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:</p>	<p>20</p>
<p>54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)</p>	<p> <input type="checkbox"/> Age <input checked="" type="checkbox"/> Race <input type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic) <input type="checkbox"/> Length of time in the facility <input checked="" type="checkbox"/> Housing assignment <input type="checkbox"/> Gender <input type="checkbox"/> Other <input type="checkbox"/> None </p>
<p>55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?</p>	<p>The facility provided a resident roster by housing unit and targeted status upon arrival to the facility. The Auditor randomly chose inmates by race and each housing unit, once targeted inmates were randomly chosen.</p>

56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?	<input checked="" type="radio"/> Yes <input type="radio"/> No
57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):	No text provided.
Targeted Inmate/Resident/Detainee Interviews	
58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:	20
<p>As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".</p>	
60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:	2
61. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:	2

<p>62. Enter the total number of interviews conducted with inmates/residents/detainees who are Blind or have low vision (i.e., visually impaired) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>After a tour of the facility, formal and informal interviews with staff and inmates and inmate file review, this targeted category of inmates did not appear to be in the facility during the onsite review.</p>
<p>63. Enter the total number of interviews conducted with inmates/residents/detainees who are Deaf or hard-of-hearing using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>1</p>
<p>64. Enter the total number of interviews conducted with inmates/residents/detainees who are Limited English Proficient (LEP) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>2</p>
<p>65. Enter the total number of interviews conducted with inmates/residents/detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>3</p>

<p>66. Enter the total number of interviews conducted with inmates/residents/detainees who identify as transgender or intersex using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>2</p>
<p>67. Enter the total number of interviews conducted with inmates/residents/detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:</p>	<p>4</p>
<p>68. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:</p>	<p>2</p>
<p>69. Enter the total number of interviews conducted with inmates/residents/detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:</p>	<p>2</p>
<p>70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</p>	<p>No text provided.</p>
<p>Staff, Volunteer, and Contractor Interviews</p>	
<p>Random Staff Interviews</p>	
<p>71. Enter the total number of RANDOM STAFF who were interviewed:</p>	<p>12</p>

<p>72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)</p>	<p><input type="checkbox"/> Length of tenure in the facility</p> <p><input checked="" type="checkbox"/> Shift assignment</p> <p><input checked="" type="checkbox"/> Work assignment</p> <p><input type="checkbox"/> Rank (or equivalent)</p> <p><input type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken)</p> <p><input type="checkbox"/> None</p>
<p>73. Were you able to conduct the minimum number of RANDOM STAFF interviews?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>74. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</p>	<p>No text provided.</p>
<p>Specialized Staff, Volunteers, and Contractor Interviews</p>	
<p>Staff in some facilities may be responsible for more than one of the specialized staff duties. Therefore, more than one interview protocol may apply to an interview with a single staff member and that information would satisfy multiple specialized staff interview requirements.</p>	
<p>75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):</p>	<p>17</p>
<p>76. Were you able to interview the Agency Head?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>

78. Were you able to interview the PREA Coordinator?	<input checked="" type="radio"/> Yes <input type="radio"/> No
79. Were you able to interview the PREA Compliance Manager?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards)

80. Select which SPECIALIZED STAFF roles were interviewed as part of this audit from the list below: (select all that apply)

- Agency contract administrator
- Intermediate or higher-level facility staff responsible for conducting and documenting unannounced rounds to identify and deter staff sexual abuse and sexual harassment
- Line staff who supervise youthful inmates (if applicable)
- Education and program staff who work with youthful inmates (if applicable)
- Medical staff
- Mental health staff
- Non-medical staff involved in cross-gender strip or visual searches
- Administrative (human resources) staff
- Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) staff
- Investigative staff responsible for conducting administrative investigations
- Investigative staff responsible for conducting criminal investigations
- Staff who perform screening for risk of victimization and abusiveness
- Staff who supervise inmates in segregated housing/residents in isolation
- Staff on the sexual abuse incident review team
- Designated staff member charged with monitoring retaliation
- First responders, both security and non-security staff
- Intake staff

	<input type="checkbox"/> Other
81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Enter the total number of VOLUNTEERS who were interviewed:	3
b. Select which specialized VOLUNTEER role(s) were interviewed as part of this audit from the list below: (select all that apply)	<input type="checkbox"/> Education/programming <input type="checkbox"/> Medical/dental <input type="checkbox"/> Mental health/counseling <input type="checkbox"/> Religious <input checked="" type="checkbox"/> Other
82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Enter the total number of CONTRACTORS who were interviewed:	1
b. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply)	<input type="checkbox"/> Security/detention <input type="checkbox"/> Education/programming <input checked="" type="checkbox"/> Medical/dental <input type="checkbox"/> Food service <input type="checkbox"/> Maintenance/construction <input type="checkbox"/> Other
83. Provide any additional comments regarding selecting or interviewing specialized staff.	No text provided.

SITE REVIEW AND DOCUMENTATION SAMPLING

Site Review

PREA Standard 115.401 (h) states, "The auditor shall have access to, and shall observe, all areas of the audited facilities." In order to meet the requirements in this Standard, the site review portion of the onsite audit must include a thorough examination of the entire facility. The site review is not a casual tour of the facility. It is an active, inquiring process that includes talking with staff and inmates to determine whether, and the extent to which, the audited facility's practices demonstrate compliance with the Standards. Note: As you are conducting the site review, you must document your tests of critical functions, important information gathered through observations, and any issues identified with facility practices. The information you collect through the site review is a crucial part of the evidence you will analyze as part of your compliance determinations and will be needed to complete your audit report, including the Post-Audit Reporting Information.

84. Did you have access to all areas of the facility?

Yes

No

Was the site review an active, inquiring process that included the following:

85. Observations of all facility practices in accordance with the site review component of the audit instrument (e.g., signage, supervision practices, cross-gender viewing and searches)?

Yes

No

86. Tests of all critical functions in the facility in accordance with the site review component of the audit instrument (e.g., risk screening process, access to outside emotional support services, interpretation services)?

Yes

No

87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?

Yes

No

88. Informal conversations with staff during the site review (encouraged, not required)?

Yes

No

<p>89. Provide any additional comments regarding the site review (e.g., access to areas in the facility, observations, tests of critical functions, or informal conversations).</p>	<p>No text provided.</p>
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Documentation Sampling

Where there is a collection of records to review-such as staff, contractor, and volunteer training records; background check records; supervisory rounds logs; risk screening and intake processing records; inmate education records; medical files; and investigative files-auditors must self-select for review a representative sample of each type of record.

<p>90. In addition to the proof documentation selected by the agency or facility and provided to you, did you also conduct an auditor-selected sampling of documentation?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p>
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<p>91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).</p>	<p>No text provided.</p>
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SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY

Sexual Abuse and Sexual Harassment Allegations and Investigations Overview

Remember the number of allegations should be based on a review of all sources of allegations (e.g., hotline, third-party, grievances) and should not be based solely on the number of investigations conducted. Note: For question brevity, we use the term “inmate” in the following questions. Auditors should provide information on inmate, resident, or detainee sexual abuse allegations and investigations, as applicable to the facility type being audited.

92. Total number of SEXUAL ABUSE allegations and investigations overview during the 12 months preceding the audit, by incident type:

	# of sexual abuse allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual abuse	3	0	3	0
Staff-on-inmate sexual abuse	3	1	3	3
Total	6	1	6	3

93. Total number of SEXUAL HARASSMENT allegations and investigations overview during the 12 months preceding the audit, by incident type:

	# of sexual harassment allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual harassment	9	0	9	0
Staff-on-inmate sexual harassment	0	0	0	0
Total	9	0	9	0

Sexual Abuse and Sexual Harassment Investigation Outcomes

Sexual Abuse Investigation Outcomes

Note: these counts should reflect where the investigation is currently (i.e., if a criminal investigation was referred for prosecution and resulted in a conviction, that investigation outcome should only appear in the count for “convicted.”) Do not double count. Additionally, for question brevity, we use the term “inmate” in the following questions. Auditors should provide information on inmate, resident, and detainee sexual abuse investigation files, as applicable to the facility type being audited.

94. Criminal SEXUAL ABUSE investigation outcomes during the 12 months preceding the audit:

	Ongoing	Referred for Prosecution	Indicted/ Court Case Filed	Convicted/ Adjudicated	Acquitted
Inmate-on-inmate sexual abuse	3	0	0	0	0
Staff-on-inmate sexual abuse	0	0	0	0	0
Total	3	0	0	0	0

95. Administrative SEXUAL ABUSE investigation outcomes during the 12 months preceding the audit:

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual abuse	3	3	2	2
Staff-on-inmate sexual abuse	0	0	2	1
Total	3	3	4	3

Sexual Harassment Investigation Outcomes

Note: these counts should reflect where the investigation is currently. Do not double count. Additionally, for question brevity, we use the term “inmate” in the following questions. Auditors should provide information on inmate, resident, and detainee sexual harassment investigation files, as applicable to the facility type being audited.

96. Criminal SEXUAL HARASSMENT investigation outcomes during the 12 months preceding the audit:

	Ongoing	Referred for Prosecution	Indicted/ Court Case Filed	Convicted/ Adjudicated	Acquitted
Inmate-on-inmate sexual harassment	0	0	0	0	0
Staff-on-inmate sexual harassment	0	0	0	0	0
Total	0	0	0	0	0

97. Administrative SEXUAL HARASSMENT investigation outcomes during the 12 months preceding the audit:

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual harassment	0	3	2	4
Staff-on-inmate sexual harassment	0	0	0	0
Total	0	3	2	4

Sexual Abuse and Sexual Harassment Investigation Files Selected for Review

Sexual Abuse Investigation Files Selected for Review

98. Enter the total number of SEXUAL ABUSE investigation files reviewed/ sampled:

5

<p>99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files)</p>
<p>Inmate-on-inmate sexual abuse investigation files</p>	
<p>100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>3</p>
<p>101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p>102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p>Staff-on-inmate sexual abuse investigation files</p>	
<p>103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>4</p>
<p>104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>

<p>105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>
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Sexual Harassment Investigation Files Selected for Review

<p>106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>4</p>
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<p>107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)</p>
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Inmate-on-inmate sexual harassment investigation files

<p>108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>4</p>
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<p>109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
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<p>110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
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Staff-on-inmate sexual harassment investigation files	
111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:	0
112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.	No text provided.
SUPPORT STAFF INFORMATION	
DOJ-certified PREA Auditors Support Staff	
115. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.	<input type="radio"/> Yes <input checked="" type="radio"/> No

Non-certified Support Staff

116. Did you receive assistance from any NON-CERTIFIED SUPPORT STAFF at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.

Yes

No

AUDITING ARRANGEMENTS AND COMPENSATION

121. Who paid you to conduct this audit?

The audited facility or its parent agency

My state/territory or county government employer (if you audit as part of a consortium or circular auditing arrangement, select this option)

A third-party auditing entity (e.g., accreditation body, consulting firm)

Other

Standards	
Auditor Overall Determination Definitions	
<ul style="list-style-type: none"> • Exceeds Standard (Substantially exceeds requirement of standard) • Meets Standard (substantial compliance; complies in all material ways with the stand for the relevant review period) • Does Not Meet Standard (requires corrective actions) 	
Auditor Discussion Instructions	
<p>Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.</p>	

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Nebraska Department of Correctional Services Organizational Chart, dated 8.2021 4. Post Audit: Nebraska Dept. of Correctional Services Memorandum, RE: Institutional Organizational Chart, dated 1.4.2023 5. Post Audit: Example Agency Administration, Organization and Management, not dated

Interviews:

1. Random Inmates
2. Targeted Inmates
3. Random staff
4. Supervisory staff
5. PREA Compliance Manager
6. Captain / PREA Coordinator

Through interviews with inmates and staff and review of inmate and staff files, it is evident that this facility interweaves requirements for this standard in their daily protocols. Both inmates and staff could speak to facility PREA practices and protocols being used as is described in the agency's Sexual Assault/Abuse policy. Inmates reported PREA information is available to them through Zero Tolerance postings, instructions to call PREA above inmate phones, through inmate tablets and or by speaking with facility staff.

Site Review Observation:

During the tour of the facility the Auditor conducted 19 informal, 20 formal, and 20 targeted interviews with inmates and 11 informal and 12 formal interviews with random staff. All interviews were randomly chosen from inmate and staff rosters provided from the facility. Inmates from each housing unit and length of stay were considered when choosing inmates to be interviewed.

During the tour the Auditor witnessed cameras throughout the facility and reviewed those cameras in main Control. All cameras were reported as being in working order and maintenance staff articulated electronic work orders would be completed if a camera was reported to not be working.

During the tour of the facility, the Auditor witnessed audit postings on green paper throughout the facility and uniform PREA flyers posted in each living unit, in hallways, classrooms, library and industry areas. On day one of the onsite phase the Auditor did notice PREA flyers in English were outdated and requested posting be updated throughout the facility. Day three and four of the onsite revised postings were being reposted.

During the tour the Auditor witnessed areas where supervision and or resident

privacy could be enhanced. The following recommendations were provided.

1. Toilets in holding area to be blocked to allow for privacy (Toilets were squared off for camera view during the onsite review.)
2. Shower/Toilet curtains to be added in Housing Units 1-9 - The facility provided pictures of each housing unit demonstrating a shower curtain with a see through net on the top portion and grey on the bottom portion of the curtain have been hung in living units.
3. Lower stacks in kitchen dry storage to alleviate blind spots. On 2.13.2023 this Auditor revisited the Reception and Treatment Center and witnessed the kitchen stacks had been reorganized and no longer blocked the camera view or created blind spots.
4. Place film on windows in toileting areas in holding, kitchen inmate restroom, and metal shower doors to allow for privacy. On 2.13.2023 this Auditor revisited the Reception and Treatment Center and witnessed wood had been placed on the holding area windows, allowing for privacy in holding areas with toilets. Shower curtains had been placed over metal shower doors to allow for privacy. The facility provided photographs demonstrating a black substance has been placed on bathrooms on the kitchen windows to allow for privacy during use. The facility uploaded photos of inmate restroom doors demonstrating black film had been placed on windows to allow for privacy during toileting.
5. Zero Tolerance flyers to be updated to remove past advocate information - Dialing instructions in Spanish to match English versions posted. The facility provided photos of Zero Tolerance postings, posted, in both English and Spanish, both providing accurate information and removing past advocate information.
6. Place "Keep locked when not in use" on doors in Library and Protective Custody/ Mental Health left of staff desk. The Auditor was advised this has been taken under consideration and will continue to rely on staff supervision.
7. Add mirror to back room in legal library - Mirror installed 1.11.2023, verified during the onsite review.

8. Laundry area, many blind spots, perhaps organize to alleviate blind spots. The facility provided photographs of mirrors installed in the laundry area demonstrating goods stacked were no longer creating blind spots.

9. Zero Tolerance flyers with reporting information to be posted by phones in Charlie 1. On 2.13.2023 this Auditor revisited the Reception and Treatment Center and witnessed the Zero Tolerance signage had been posted.

10. Black out Advocate information on inmate handbooks. On 2.13.2023 this Auditor revisited the Reception and Treatment Center and witnessed facility continues to provide intakes and transfers with old and newly revised inmate handbooks. Since, the facility has uploaded revised inmate handbooks to the online audit system, demonstrating advocate information has been removed.

Post audit the facility provided a Post Audit: Nebraska Dept. of Correctional Services Memorandum, RE: Institutional Organizational Chart, dated 1.4.2023, from the facility APO II, to PREA Auditors, stating, "Be advised that the most recent facility organizational chart is part of procedure 200.02.01 and was completed in December of 2022. This chart did not include the PREA Compliance Manger. This error will be corrected at the next review in December of 2023. I have provided an example of how the chart will represent the PREA Compliance Manager going forward.

Post audit the facility provided an Agency Administration, Organization and Management organizational chart. The organizational chart demonstrates the PREA Compliance Manager who will report directly to the Unit Administrator (2).

(a) Reception and Treatment Center PAQ states the agency policy mandates zero-tolerance toward all forms of sexual abuse and sexual harassment in the facility it operates and those directly under contract.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 2, section GENERAL, states, "NDCS expressly prohibits sexual contact or sexual acts between inmates and between inmates and team members, volunteers, official visitors or contractors. NDCS will cooperate with the Bureau of Justice Statistics (BJS) in providing required access to team members and inmates, statistical information and data collection with regard to sexual assault, sexual abuse and sexual harassment of inmates. In order to ensure compliance with PREA standards, NDCS

shall conduct audits pursuant to the process outlined by the Department of Justice (DOJ). This policy applies to all persons, Central Office, Programs and institutions within the jurisdiction of NDCS. (ACI-3D-14).”

(b) Reception and Treatment Center PAQ states the agency employs or designates an upper-level, agency-wide PREA Coordinator. The PREA Coordinator has sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities. The position of the PREA Coordinator in the agency's organizational structure.

The facility provided a Nebraska Department of Correctional Services Organizational Chart. The organizational chart demonstrates the PREA/ES Coordinator report directly to the Agency Security Administrator who reports directly to the Chief of Operations.

(c) Reception and Treatment Center PAQ states the facility has designated a PREA Compliance manager. The PREA Compliance Manager has sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards. The position of the PREA Compliance Manager in the agency's organizational structure. The PAQ states the PREA Compliance Manager functions as a Unit Manager and PREA Compliance is an added duty.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 5, section 1., A. 3., states, “Each facility has designated a PREA Compliance Manager with sufficient time and authority to coordinate the facility’s efforts to comply with PREA standards.”

Through such reviews, the facility meets the standard requirements.

115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. State of Nebraska Service Contract Aware, Scotts Bluff County, dated 7.1.2022

3. State of Nebraska Service Contract Award, Hall County Corrections, dated 7.1.2021
4. State of Nebraska Service Contract Award, Lincoln County Sheriff, dated 7.1.2021
5. State of Nebraska Service Contract Award, Phelps County Sheriff, dated 7.1.2021
6. State of Nebraska Service Contract Award, Platte County Sheriff's Department, dated 7.1.2021
7. State of Nebraska Service Contract Award, Buffalo County Sheriff, dated 7.1.2021
8. State of Nebraska Service Contract Award, Dawson County Sheriff, dated 7.1.2021
9. State of Nebraska Service Contract Award, Cherry County, County Sheriff, dated 11.29.2021

Interviews:

1. Captain / PREA Coordinator

During the pre-audit phase, the Captain / PREA Coordinator conveyed the agency has privatized contracts.

(a-b) The Reception and Treatment Center PAQ states the facility has seven contracts with private agencies for confinement services of their inmates.

The agency provided eight individual contracts for services. Each contract, page 12, section 3. a. Conditions of confinement, I, states, "The County will adopt and comply with all standards under the Prison Rape Elimination Act (PREA) for adult Prisons/ Jails."

Through such reviews, the facility meets the standard requirements.

115.13	Supervision and monitoring
	Auditor Overall Determination: Exceeds Standard

Auditor Discussion

Document Review:

1. Reception and Treatment Center PAQ
2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022
3. Reception and Treatment Center Staffing Annual Review of Staffing Assignment and Video Monitoring, dated January 2023
4. Supervisor Incident Report, dated 1.4.2022
5. Log book round entries, dated 10.29.2022 - 10.30.2022

Interviews:

1. Random Inmates
2. Targeted Inmates
3. Random staff
4. Sergeant
5. Captain (Operations)
6. PREA Compliance Manager
7. Warden
8. Deputy Director of Prisons

Interviews with inmates demonstrated supervisory staff of all levels were available to them in their living units, when making rounds, through inmate tablets, kites or inmate interview requests.

Interviews with staff demonstrated supervisory staff conduct unannounced rounds, each day, often occurring multiple times per day and each documented those rounds in red ink in unit log books.

Interviews with a shift Captain during first shift and a Sergeant during second shift demonstrated rounds are completed randomly throughout their shifts; entering buildings through different routes at different times and ensuring each completed rounds in each facility area at least weekly, if not more often. Staff attested to documenting rounds in red ink and again on daily shift reports.

Interviews with the PREA Compliance Manager, Captain / PREA Coordinator, Warden and Deputy Director of Programs demonstrated the staffing plan is completed, in total, annually. Facility staff were open to ensuring all current construction efforts in regard to ensuring sexually safety are documented on an updated staffing plan as those efforts are implemented.

Site review observation:

Unannounced rounds were witnessed as being completed multiple times per week, in red ink, in log books on each unit. Log book entries were noted to have started months before the onsite review, demonstrating unannounced round documentation have been an ongoing system at the facility.

(a) The Reception and Treatment Center PAQ states the agency requires the facility to develop, document and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against abuse. The daily number of inmates, based on the facility website on August 20, 2021 is 1112 with the capacity of 1378 and the staffing plan was predicated on the same number of inmates as is shown on the facility website.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 6, section C. PREA Standard Secure Facility 115.13 a-d Community Facility 115.213 Supervision and Monitoring, 1. a-j, states. "Each facility shall comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse/assault. Each facility shall, in conjunction with the PREA Coordinator, calculate adequate staffing levels and determine the need for video monitoring by taking the following into consideration: Generally accepted detention and correctional practices.

- a. Generally accepted detention and correctional practices.
- b. Any judicial findings of inadequacy.
- c. Any findings of inadequacy from federal investigative agencies.
- d. Any findings of inadequacy from internal or external oversight bodies.
- e. All components of the facility's physical plant, including blind spots or areas where team members or inmates may be isolated.
- f. The composition of the inmate population.

- g. The number and placement of supervisory team member.
- h. Institutional programs occurring on shifts.
- i. Any applicable state or local laws, regulations or standards.
- j. The prevalence of substantiated and unsubstantiated incidents of sexual abuse/ assault and sexual harassment
- k. Any other relevant factors. In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations.

In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations.”

The facility provided a Reception and Treatment Center Annual Review of Staffing Assignment and Video Monitoring Plan. The review and plan include the following components:

1. Generally accepted adult correctional institution practice.
2. Any judicial findings of inadequacy
3. Any finding of inadequacy from federal investigative bodies.
4. Any findings of inadequacy from internal or external oversight bodies.
5. All components of the program’s physical plant (including “blind spots” or areas where members or inmates may be isolated). Included in this component are grids of camera placement throughout the facility.
6. The composition of resident population. (i.e. – gender ratios, risk/need of residents, physical size, sexual aggressive behaviors (SAB), vulnerability to victimization (VV).
7. The number and placement of supervisory staff of the incarcerated population with minimum staffing levels.
8. Programs occurring on a particular shift.
9. Any applicable State or local laws, regulations or standards.
10. The prevalence of substantiated and unsubstantiated incidents of sexual abuse.
11. Any other relevant factors.

The staffing plan is signed by the Warden the RTC PREA Compliance Manager and the

agency PREA Coordinator on 12.5.2022.

(b) The Reception and Treatment Center PAQ states each time the staffing plan is not complied with, the facility does document and or justifies deviations. The PAQ states, "Staffing Emergency- Staffing levels at Critical lows." Policy compliance can be found in provision (a) of this standard.

The facility provided a Supervisor Incident Report. This report is documenting staffing deviations that occurred on a particular shift and the facilities coverage plan from 2300 to 0500 the following day. The report also includes staff positions and or reasons staff were not at the facility due to personal and or facility purposes.

(c) The Reception and Treatment Center PAQ states at least once every year the facility/agency, in collaboration with the PREA coordinator, does review the staffing plan to whether adjustments are needed in (a) the staffing, (b) the deployment of monitoring technology, or (c) the allocation of agency/facility resources to commit to the staffing plan to ensure compliance with the staffing plan.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 7-8, section 3 states, "Each facility shall implement a policy and practice of having intermediate-level and higher-level supervisors conduct and document unannounced rounds, on all shifts, to identify and deter team members from sexual abuse/assault and sexual harassment. Specific expectations are detailed in facility written procedures.

Team members are strictly prohibited from alerting other team members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.

On an annual basis each facility compliance manager will complete an annual PREA assessment based on data from the previous calendar year. This assessment will be submitted to the PREA Coordinator on or before February 1st each year."

The facility complete a new staffing plan each year, in the same format as is described in provision (a) of this standard.

	<p>(d) The Reception and Treatment Center PAQ states facility requires that intermediate level or higher-level staff conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Policy compliance can be found in provision (c) of this standard.</p> <p>Through such reviews of an in-depth annual staffing plan and multiple unannounced round documentation throughout all areas of the facility, the facility exceeds the standard requirements.</p>
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115.14	Youthful inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Nebraska Department of Correctional Services Memorandum, RE: Standard 115.14 Youthful Offenders, dated 12.12.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Youthful inmates 2. Captain / PREA Coordinator <p>Although the facility does not house inmates under 18, the Auditor did request to speak to young inmates. Each of these inmates stated feeling safe, having proper searches conducted, staff being respectable, and having an understanding of reporting protocols.</p> <p>Site Observation:</p> <p>The facility tour and formal and informal interviews with inmates and staff demonstrated youthful inmates were not housed at the facility.</p> <p>(a-c) The Reception and Treatment Center PAQ states the facility does not house</p>

youthful inmates.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 8, section D. 1-3., states, “

1. A youthful inmate shall not be placed in a housing unit in which he or she will have sight, sound or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area or sleeping quarters

a. In areas outside of housing units, agencies shall either:

1) Maintain sight and sound separation between youthful inmates and adult inmates, or

2) Provide direct team member supervision when youthful inmates and adult inmates have sight, sound or physical contact.

1. All best efforts must be made and documented to avoid placing youthful inmates in restrictive housing to comply with the standard

2. Absent exigent circumstances, youthful inmates shall not be denied daily large muscle exercise, any legally required special education services, programs and work opportunities.”

The facility provided a Nebraska Department of Correctional Services Memorandum, RE: Standard 115.14 Youthful Offenders, from the agency PREA Coordinator to the PREA Auditor, stating, “The Reception and Treatment Center does not house youthful inmates. During the previous 12 months, there have been no youthful inmates housed at the Reception and Treatment Center under the age of 18.

Youthful male inmates are housed in separated living locations at the Nebraska Youth Facility in Omaha, NE. 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.”

Through such reviews, the facility meets the standard requirements.

115.15 Limits to cross-gender viewing and searches

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Reception and Treatment Center PAQ
2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022
3. Nebraska Department of Correctional Services, Searches Pre-Service Study Guide, dated 01.2019
4. Sexual Assault Abuse PowerPoint, dated 01.2020
5. Nebraska Department of Correctional Services, Staff Training Academy Course Outline, 'Sexual Assault/Abuse, dated 01.2020
6. Nebraska Department of Correctional Services Field Training Officer Module Performance Checklist, dated 2.2021
7. Post Audit: NDCS Memorandum, RE: PREA Audit 115.15(d), dated 3.26.2023
8. Post Audit: NDCS RTC Monthly PREA Report, dated 3.8.2023
9. Post Audit: NDCS Memorandum, RE: PREA Announcement, dated 4.3.2023

Interviews:

1. Random Inmates
2. Targeted Inmates
3. Random staff
4. Intake Corporal
5. PREA Compliance Manager

Inmate interviews demonstrated female staff are not consistently announcing their presence when entering the galleries. Of the 40 inmates interviewed, 39 were asked if they believed search protocols were done respectfully and if they felt safe in the

program, 38 inmates stated searches were respectable and they felt sexually safe in the program. Of those two inmates, one reported searches being conducted respectfully and feeling unsafe due to other inmate advances and such complaints were documented and investigated. The second inmate reporting feeling safe and a past search being disrespectful by one employee at one time of which he reported to facility staff and an investigation was completed. When asking inmates if female staff consistently announced their presence when entering living units which resulted in a low percentage of compliance.

Interviews with the Intake Corporal and random staff interviewed demonstrated each had received training on searches, cross gender searches (no female residents at this facility) and transgender searches. Staff stated each has been trained to use a non-gender search technique by using the side of their hands on all inmate searches. Both male and female staff attested to announcing their presence at the beginning of their shift as opposed to each time they entered the living unit.

Site Review Observation:

1. Admission area
2. Visit search area

During the tour of the facility the Auditor observed the admission and visit search area. The admission area has three cameras at the entrance from the hall, Zero Tolerance postings, staff offices and holding cells. (Recommendation to partially cover holding cell windows to allow for privacy; however, camera review demonstrated toilets are covered with a black square.) The shower/search area in the Admission area had a full door and a PREA curtain allowing for inmate privacy. One staff to one inmate are present during the search. During the tour of the search area outside of the visitation room the Auditor witnessed a waiting room for inmates with an adjoining area with two separate dress areas with three walls each, one staff stands at the back of the adjoining area giving him view of the two inmates being searched and the inmate waiting room. There was not a camera present in the dressing/search room areas. Inmate housing units 1-9 have toilets and showers in full view of other inmates and any staff entering or monitoring control areas in the housing units. The facility was asked to provide privacy in these areas.

Post audit the facility provided NDCS Memorandum, RE: PREA Audit 115.15(d), from the facility Warden stating, "Action Taken: Provided education of expectations to facility staff by making roll-call announcements. Sustained by: Periodic rounds by supervisors to check with staff working units and engaging staff to ensure they are aware of the announcement expectations. To be completed at a minimum of once per month, and documented in a report to the Warden/Designee."

Post audit the facility provided a NDCS RTC Monthly PREA Report. Page 1, section V. speaks to review of random staff engagement regarding PREA announcements and demonstrates 10 random staff were interviewed and educated on cross gender announcement requirements.

Post audit the facility provided a NDCS Memorandum, RE: PREA Announcement from the RTC Captain, addressed to RTC Staff Members, stating, "Staff must announce their presence when entering a housing unit that housed residents of the opposite gender. Information is documented demonstrating this information was read at roll call on 4.13.2023 PM, 4.13.2023 AM, 4.15.2023 AM, 4.16.2023 AM, and 4.17.2023 AM shifts.

(a) The Reception and Treatment Center PAQ states the facility does not conduct cross-gender strip or cross-gender visual body cavity searches of their Inmates. In the past 12 months the facility has conducted zero cross-gender strip or cross-gender visual body cavity searches of Inmates.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 8, section E. 1., states, "Team members shall not conduct cross-gender safety searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners. All cross-gender safety searches and cross-gender visual body cavity searches will be documented in an Incident Report. The report shall be maintained by the facility PREA Compliance Manager. (ACRS-2C-06)."

(b) Reception and Treatment Center PAQ states the facility does not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. The number of pat-down searches of female inmates that were conducted by male staff has been zero. The number of pat-down searches of female inmates conducted by male staff that did not involve exigent circumstance(s) has been zero.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 8, section E. 2., states, "Team members shall not conduct cross-gender pat searches of female inmates, absent exigent circumstances. All cross-gender pat searches of female inmates will be documented in an Incident Report. The report shall be maintained by the facility PREA Compliance Manager."

(c) Reception and Treatment Center PAQ states the facility policy requires that all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches be documented and justified. The facility does not house female inmates. Policy compliance can be found in provision (a) of this standard.

(d) Reception and Treatment Center PAQ states the facility has implemented policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without non-medical 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 (this includes viewing via video camera).

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 8, section E. 3., states, "In order to enable inmates to shower, perform bodily functions and change clothing without nonmedical team members of the opposite gender viewing their breasts, buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks, all team members of the opposite gender will announce their presence when entering an inmate housing unit. Written notice to inmates shall be posted prominently in all units indicating team members of the opposite gender may be present at any time.

It is also necessary to make a verbal announcement when a staff member of the opposite gender is assigned to work on an inmate housing unit or when a staff member of the opposite gender enters an inmate housing unit where inmate sleeping/showering quarters are located. For example, if a female staff member is assigned to a male housing unit for the duration of a shift, an announcement at the beginning of the shift is required in regard to that person's presence. When the female leaves the unit and returns an announcement of a female present must be made upon return to the unit. In addition, any time an opposite gender team member who are not assigned to that unit enters an area of the housing unit where inmate sleeping/showering quarters are located, a verbal announcement of his or her presence must be made. The announcement shall be made in such a manner that is most likely to be heard, such as the intercom system, and shall make it clear that a staff member of the opposite gender has entered the unit (appropriate language includes but is not limited to "A male/female staff member is on the floor/unit."). In the event of exigent circumstances (i.e., a medical emergency, inmate altercation, inmate/team member assault, etc.) the announcement of cross gender team members is not necessary."

(e) The Reception and Treatment Center PAQ states the facility has a policy prohibiting staff from searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. Such searches

did not occur in the past 12 months.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 9, section E. 4., states, "NDCS shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If an inmate's genital status is unknown, it may be determined 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."

(f) The Reception and Treatment Center PAQ states 100% of security staff receive training on conducting cross-gender pat-down searches and searches of transgender and intersex Inmates in a professional and respectful manner.

The facility provided a Nebraska Department of Correctional Services, Searches Pre-Service Study Guide. The study guide outlines the following:

1. Defining contraband
2. Explain the purpose of searches
3. List the five (5) most common types of searches
4. Describe professional conduct during searches
5. Explain the importance of professional conduct during searches
6. Identify four (4) ways to minimize the possibility of transmission of infectious disease when doing searches
7. List in order the six (6) elements of a search
8. Explain the limitations for cross-gender pat searches
9. Explain the procedure for searching Official Visitors to correctional facilities
10. Demonstrate a Pat Search within 45 seconds
11. Describe when you would modify a Pat Search
12. Define a safety Search and list the three (3) additional elements of a safety search

The facility provided a Nebraska Department of Correctional Services, Policy 203.11 Sexual Assault/Abuse PowerPoint. This PowerPoint Course Overview includes:

- Zero Tolerance
- Prohibited Behaviors
- Prevention, detection and response
- Investigations criminal and administrative
- Reporting methods for staff and Inmates
- Victim Advocate
- Prevention Planning
- Responsive Planning
- Training and Education
- Screening for risk of sexual victimization and abusiveness
- Official response following an inmate report
- Investigations
- Discipline
- Medical and Mental Health Care
- Data Collection and review
- Audits

Nebraska Department of Correctional Services, Staff Training Academy Course Outline, 'Sexual Assault/Abuse includes the following:

- Identify PREA Standards.
- Explain the NDCS zero-tolerance policy and prohibited behaviors.
- Explain how to fulfill staff responsibilities, regarding prevention, detection, reporting and responding to incidents of sexual assault, sexual abuse and sexual harassment.
- Explain the investigation process and discipline.
- Discuss fears of inmate reporting.
- Discuss how to avoid inappropriate relationships with inmates.

Pages 2-5 speak to search procedures

	<p>The facility provided a Nebraska Department of Correctional Services Field Training Officer Module Performance Checklist. Once complete, the employee and Field Training Officer attest to the following: "I certify that proficiency was demonstrated by the above trained concerning this task on ____."</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.16	Inmates with disabilities and inmates who are limited English proficient
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Nebraska Department of Correctional Services, ADA - Inmates and the Public Policy 004.01, dated 10.31.2021 4. Nebraska Department of Correctional Services, Sexual Assault Awareness Brochure, dated 2.1.2022 (English and Spanish) 5. State of Nebraska Service Contract Amendment, Language Line Services Inc., dated 11.4.2022 - 11.4.2023 6. Zero Tolerance for Sexual Abuse and Sexual Harassment flyer, English and Spanish, not dated 7. Post Audit: NDCS Memorandum, RE: 115.33 D, dated 3.27.2023 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Targeted Inmates 2. Interpreter 3. Intake Sergeant 4. Unit Case Manager <p>Interviews with targeted inmates included those who were hard of hearing, disabled,</p>

cognitively deficient, and those who were Spanish speaking with an interpreter present. Interviews demonstrated many were not properly educated on PREA as agency brochures and PowerPoint documentation was handed to inmates in a packet of facility information upon intake. PREA education areas unknown by inmates interviewed were explained to them by the Auditor.

The informal interview with the interpreter demonstrated he is hired solely for the purpose of providing services to inmates who do not speak English. The interpreter stated he provides Administration a listing of all non-English speaking inmates, each month.

The interview with the Intake Sergeant demonstrated he was not aware of the PREA education information he provided to intakes nor was the reading level or cognitive awareness considered when inmates were provided PREA education.

The interview with Unit Case Manager demonstrated that in the past, comprehensive PREA education through PowerPoint presentation was provided to inmates and such classes had resumed in the past two weeks, before the onsite review.

Post audit the facility provided a NDCS Memorandum, RE: 115.33 D, from the facility Warden to the NDCS PREA Coordinator, stating, 'PREA orientation is available to all inmates, including those who are limited English proficient, deaf, visually impaired, and incarcerated individuals who have limited reading skills.' This action plan is sustained by maintaining weekly completed rosters, and regular review by the PREA Compliance manager.

(a) The Reception and Treatment Center PAQ states the agency has established procedures to provide disabled Inmates equal opportunities to be provided with and learn about the agency's efforts to prevent, detect and respond to sexual abuse and sexual harassment. The PAQ states, "NDCS has interpreters and has Spanish poster and brochures. and NDCS utilizes the language line."

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 10, section F. 1-2., state,

1. "Information will be provided in formats accessible to all inmates, including those who are deaf or hard of hearing, visually impaired or otherwise disabled; those who have intellectual, psychiatric or speech disabilities; as well as to inmates who have limited reading skills and who are limited English proficient. (This provision is

also listed in PREA Standard secure facility 115.33 / community facility 115.233 Inmate Education.) (ACI-3D-09).

2. Reasonable steps will be taken to ensure meaningful access to information is provided to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Reliance will not be placed on inmate interpreters, inmate readers or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety. (ACI-3D09)"

Nebraska Department of Correctional Services, ADA - Inmates and the Public Policy 004.01, page, 1, section PURPOSE, states, "To provide the Nebraska Department of Correctional Services (NDCS) with policies that support and implement the provisions of Title II of the Americans with Disabilities Act (ADA) as Amended in 2008 and the Rehabilitation Act of 1973. To define those policies and establish the process for requesting reasonable modifications, team member's responsibilities, and request procedures as they apply to the incarcerated population and members of the public. (ACI-1C-07)

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 10, section F. PREA Standards Secure Facility 115.16 a-c/Community Confinement 115.216 a-c Inmates with Disabilities and Inmates who are Limited English Proficient, 1., states, "Information will be provided in formats accessible to all inmates, including those who are deaf or hard of hearing, visually impaired or otherwise disabled; those who have intellectual, psychiatric or speech disabilities; as well as to inmates who have limited reading skills and who are limited English proficient. (This provision is also listed in PREA Standard secure facility 115.33 / community facility 115.233 Inmate Education.) (ACI-3D-09)."

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 13, section M. PREA Standard Secure Facility 115.33 a-f / Community Facility 115.233 a-f Inmate Education, 3., states, "information will be provided in format accessible to all inmates, including those who are deaf or hard of hearing, visually impaired or otherwise disabled: those who have intellectual, psychiatric or speech disabilities as well as to inmates who have limited reading skills and who are limited English proficient. (ACI-3D-09)."

The facility provided a Zero Tolerance for Sexual Abuse and Sexual Harassment flyer, in English and Spanish. The flyer includes information on how to report, contact and

phone number information and dialing instructions from incarcerated individual phones.

The facility provided Nebraska Department of Correctional Services, Sexual Assault Awareness Brochures in both English and Spanish. Brochures include the following:

- The Department's Policy on Sexual Activity
- Staff-On-Inmate Sexual Behavior
- Inmate-On-Inmate or Inmate-On-Staff Sexual Behavior
- If you are sexually assaulted
- Self Protection
- Nebraska State Statute
- PREA Hotline - PIN 0-111-111-111 / speed dial 08#

(b) The Reception and Treatment Center PAQ states the agency has established procedures to provide inmates with limited English 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. Policy compliance can be found in provision (a) of this standard.

(c) The Reception and Treatment Center PAQ states the agency prohibits the use of inmate interpreters. In the last 12 months the facility has had zero instances where inmates were used for interpreters.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 10, section F. PREA Standards Secure Facility 115.16 a-c/Community Confinement 115.216 a-c Inmates with Disabilities and Inmates who are Limited English Proficient, 2., states, "Reasonable steps will be taken to ensure meaningful access to information is provided to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Reliance will not be placed on inmate interpreters, inmate readers or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety. (ACI-3D09)"

	<p>The facility provided a State of Nebraska Service Contract Amendment, Language Line Services Inc. Page 1 of the contract states, "Contract to supply and deliver On-Demand Remote Interpreting (OPI and VRI) through the NASPO ValuePoint, a cooperative purchasing program, a division of the National Association of State Procurement Officials, to State of Nebraska agencies for the period November 4, 2022 and November 3, 2023."</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.17	Hiring and promotion decisions
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p>
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Nebraska Department of Correctional Services, Team Member Selection Policy 112.03, dated 8.31.2022 4. Nebraska Department of Correctional Services, Teletype Operations Policy 010.06, dated 11.30.2021 5. Reference Check form, dated 11.2013 6. Employment Reference Check (by other agency), dated 1.26.2022 7. Post Audit: Nebraska Criminal History Index Query Responses for Five Employees 8. NDCS Memorandum, RE: PREA Action Plan – Background Checks, dated 3.31.2023 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Human Resource Manager <p>Interviews with the Human Resource Manager demonstrated initial criminal history checks are completed before hire, every five years through the Central Office and administrative adjudication questions are asked during the application, hiring process, and promotion. Institutional reference checks are completed for all applicable</p>

employees and when an employee is promoted and from another agency facility and or when past employment from an institution.

Site Review Observation:

Personnel files were reviewed by utilizing the PREA Audit Adult Prison & Jails Documentation Review Employee Files/Records Template. Review of 32 personnel files demonstrated institutional references were completed for all applicable staff and adjudication questions were completed during employment application and at promotion. Of the files reviewed four employees did not have a criminal history of record. The Auditor requested criminal history checks be completed swiftly following the onsite review and uploading those checks to the supplemental files with a memorandum from the Central Office Human Resource Office providing a sustainable action plan explaining how the agency will ensure current criminal history checks are completed for staff who have access to inmates.

Post audit the facility provided five completed employee criminal history index query responses for employees who did not have a current background record on file during the onsite review.

Post audit the facility provided a memorandum from the Human Talent Director, stating, "to ensure the timely completion of five-year background checks, NDCS will assign primary and secondary Central Office Human Resources personnel to accomplish the reviews on a monthly basis. Central Office HR will ensure background checks are completed for personnel who are appointed/assigned to a position by management."

(a) The Reception and Treatment Center PAQ states the agency policy prohibits hiring or promoting anyone who may have contact with inmates and prohibits enlisting the services of any contractor who may have contact with inmates who has engaged in or been convicted in or administratively adjudicated in sexual activity described in paragraph (a)(2) of this standard.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 10, section G. PREA Standard Secured Facility 115.17 a-g / Community Facility 115.217 a-g Hiring and Promotion Decisions, states, " NDCS shall not hire, promote or enlist the services of any contractor who may have contact with inmates who has engaged in sexual/assault in a prison, jail, lockup, community confinement facility, juvenile facility or other institution; 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, coercion or if the victim did not consent or was unable to consent; and/or who has been civilly or administratively adjudicated to have engaged in such activity. Any incidents of sexual harassment will be taken into consideration. Refer to Policy 112.03, Team Member Selection Policy, for additional details regarding the hiring and promoting processes.”

(b) The Reception and Treatment Center PAQ states agency policy requires the consideration of any incidents of sexual harassment when determining to hire and or promote anyone, or to enlist services of any contractor, who may have contact with inmates. Policy compliance can be found in provision (a) of this standard.

(c) The Reception and Treatment Center PAQ states Agency policy requires background checks are conducted with all new hires who have contact with inmates and makes 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. In the past 12 months 244 persons hired may have contact with an inmate who have had criminal background checks.

Nebraska Department of Correctional Services, Team Member Selection Policy 112.03, page 6, section 6. Ex-team member Application/Criminal Histories b. second paragraph, states, “The site HR contact will initiate the criminal history review through the established centralized security check process after interviews are conducted. Central Office Human Resources will make decisions if the individual should be considered for employment. If approval is given for consideration, the applicant shall go through the established selection process. Hiring decisions regarding people who served a sentence of conviction in the Nebraska Department of Correctional Services will be reviewed with the Director/designee.”

Page 12, section F. Employment Reference Checks and Security Checks, 1., states, “The hiring manager or designee will conduct work reference checks on the top candidates being considered for the position. Reference checks will be conducted from the most recent work experience(s). Recent is defined as within the last five years.

Regardless of employment record, if the candidate has worked for a Nebraska State Agency, current or previous, a reference check will be conducted with the State Agency.

Regardless of employment record, if the candidate has worked for an institutional employer (county jail, prison, school, hospital, military, etc.), current or previous, a reference check will be conducted with the institutional employer.

All attempts to contact an employment reference shall be documented in writing for the hiring packet.”

The facility provided a Nebraska Department of Correctional Services, Reference Check Form. Page 2 of the form includes the following questions:

1. Has the candidate engaged in sexual abuse in prison, jail, lockup, community confinement facility, juvenile facility or other institutions?
2. Has the candidate ever been convicted of engaging or attempting to engage in sexual activity in the community facility by force, overt, or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?
3. Has the candidate ever been civilly or administratively adjudicated to have engaged in the activity described in question 14 or 15?
4. Has the candidate ever had substantiated allegations of sexual harassment made against him/her in a prison, jail, lockup, community confinement facility, juvenile facility or other institution?
5. Has the candidate ever had substantiated allegations of sexual harassment made against him/her in the community?

(d) The Reception and Treatment Center PAQ states the agency policy requires that a criminal background records check be completed before enlisting the services of any contractor who may have contact with inmates. In the past 12 months there were 50 contracts for services where criminal background record checks were conducted on all contractors covered in the contract who might have contact with inmates.

Nebraska Department of Correctional Services, Teletype Operations Policy, page 7, section XX Background Checks, states, “All persons entering NDCS facilities, including any employee/volunteer/contractor or visitor are subject to a background investigation including but not limited to criminal history (Attachment D), driving record, and wanted person files. In addition, inquiries may include checking intelligence files, NCJIS, inmate telephone and visiting records, and conducting follow-up interviews.”

(e) The Reception and Treatment Center PAQ states the agency requires background checks to be completed every five years.

Nebraska Department of Correctional Services, Team Member Selection Policy 112.03, page 14, section 4., states, "NDCS will conduct security checks of current team members every five years."

(f) Nebraska Department of Correctional Services, Team Member Selection Policy 112.03, page 13-14, section 3. a.-d., states, "NDCS shall not hire or promote anyone who:

- a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;
- b. 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; or
- c. Has been civilly or administratively adjudicated to have engaged in the activity described in F. 3. A. or b. above;
- d. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

(g) The Reception and Treatment Center PAQ states that agency policy states that material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

Nebraska Department of Correctional Services, Team Member Selection Policy 112.03, page 14, section 3. d., states, "Material omissions regarding such misconduct, or the provision of materially false information, shall be ground for termination."

(h) The facility provided an Employment Reference Check (by other agency). The document demonstrates the facility answers Administrative Adjudication questions for other institutional employers.

Through such reviews, the facility meets the standard requirements.

115.18 Upgrades to facilities and technologies

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Reception and Treatment Center PAQ
2. Post Audit: NDCS Reception and Treatment Center – Phase 1 Bid Package 3 – Bldg. Addition, Remodel & Site Improvements

Interviews:

1. PREA Compliance Manager
2. Maintenance Supervisor (informal)
3. Captain / PREA Coordinator
4. Warden
5. Deputy Director of Prisons

Interviews with all the Captain / PREA Coordinator and PREA Manager demonstrated cameras and staff supervision is used throughout the campus. The facility documents all facility cameras in the staffing plan. During the pre-audit phase the facility was asked to provide consideration of sexual safety narrative regarding facility areas expanded upon and new building construction since the last audit.

The informal interview with the maintenance supervisor demonstrated electronic work orders have been implemented and camera work orders were addressed the same day and or as soon as possible depending on equipment needed to complete repairs.

The interviews with the Captain / PREA Coordinator, Warden and the Deputy Director of Prisons demonstrated sexual safety consideration began during the preliminary design stages. The design team focused on large living units with natural lighting, programming areas, operational line of sight, population control, staff posts, camera placement and writing and implementation of policy and procedures around the population in those areas.

Site Review Observation:

	<p>Multiple cameras were witnessed throughout the facility. Cameras were reviewed in the main Control Room. All cameras were reported as operable. Design, natural lighting, open large population areas and multiple cameras were witnessed in newly constructed buildings.</p> <p>Post audit the facility provided a NDCS Reception and Treatment Center – Phase 1 Bid Package 3 – Bldg. Addition, Remodel & Site Improvements document providing 36 pages of information for facility expansion and modifications having to occurred or scheduled to occur since the last PREA audit.</p> <p>(a) The Reception and Treatment Center PAQ states the facility has not acquired a new facility or made substantial expansions or modifications to existing facilities since the last PREA audit.</p> <p>(b) The Reception and Treatment Center PAQ states the facility has 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.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.21	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Nebraska Medical Sexual Assault Protocol, Nebraska Attorney General’s Office, dated 7.2019 4. Facility Checklist for Incidents of Sexual Assault Sexual Abuse and Sexual Harassment, not dated 5. Nebraska Department of Correctional Services Memorandum, RE: Community

Hospital MOU 115.21, dated 12.12.2022

6. Nebraska Department of Correctional Services Memorandum, RD: Standard 115.53 C-4 Advocacy Attempts, dated 11.22.2022

7. Nebraska Revised Statute 81-2005

Interviews:

1. Contract Registered Nurse
2. Nurse Supervisor / Supervisor of Contract Medical Personnel

Interview with the Registered Nurse and Nurse Supervisor demonstrated forensic exams are conducted at the Bryan Health CHI in Lincoln Nebraska.

Site Review Observation:

There were zero forensic exams in the past 12 months.

(a) The Reception and Treatment Center PAQ states the facility is responsible for conducting Administrative Investigations and the Nebraska State Patrol is responsible for conducting criminal sexual abuse investigations (including inmate-on-inmate sexual abuse or staff sexual misconduct.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 10-11, section I. PREA Standard Secured Facility 115.21 a-h / Community Facility 115.221 a-h Evidence Protocol and Forensic Medical Examinations, states, "A forensic examination shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. This person shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general. The facility will document efforts to provide SAFEs or SANEs on the Facility Checklist for Incidents of Sexual Assault/ Abuse (Attachment E).

In the event that an inmate is sent to the community hospital for a SANE examination, the facility Shift Supervisor will ask the inmate if they would like a victim advocate present at the hospital for support through the SANE examination. If the inmate indicates that they would like a victim advocate present, the facility Shift

Supervisor will notify the hospital that a victim advocate was requested and will document on the Facility Checklist for Incidents of Sexual Assault/Abuse (Attachment E). The hospital will contact an advocate from a rape crisis center to be present. If an advocate is not available to provide victim advocate services, the facility shall make available a qualified individual from a community based organization or qualified agency team member. This person shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual abuse/assault and forensic examination issues in general.

As requested by the victim, the victim advocate, qualified agency team member or qualified community-based organization staff member shall accompany and support the victim through the forensic examination process and investigatory interviews and shall provide emotional support, crisis intervention information and referrals.

If requested by the victim, he or she will be allowed to contact his or her emergency contact or an immediate family member via a team member assisted telephone call. The team member assisted call shall be no longer than 15 minutes in duration. Team members will document the call, or attempted call, on an Incident Report.”

(b) The Reception and Treatment Center PAQ states the protocol being developmentally is not appropriate for youth.

The facility provided the Nebraska Medical Sexual Assault Protocol, Nebraska Attorney General’s Office. This protocol demonstrates the Nebraska Revised Statute 84-218 requires the Attorney General to develop and distribute a statewide model anonymous reporting protocol for use by health care providers as provided in Neb. Rev. Stat. 28-902.

(c) The Reception and Treatment Center PAQ states the facility offers all inmates who experience sexual abuse access to forensic medical examinations. Forensic examinations are offered at no cost to the victim. Where possible, all examinations are conducted by SAFE or SANE examiners. There have been zero medical exams, SAFE/SANE exams performed in the last 12 months.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 20-21, section Z., PREA Standard 115.64 / Community Facility 115.264 Staff First Responder Duties, 1., b., states, “Inmate victims of sexual assault or inmates alleging they are victims of sexual assault which occurred within the past 120 hours

advocate present the facility Shift Supervisor will notify the hospital that a victim advocate was requested and will document on the Facility checklist for incidents of Sexual Assault, Sexual Abuse and Sexual Harassment. The hospital will contact an advocate from a rape crisis center to be present. If an advocate is not available to provide victim advocate services, the facility shall make available a qualified individual from a community-based organization or qualified agency team member. This person shall be an individual who has been screened for appropriateness to serves in this role and has received education concerning sexual abuse/assault and forensic examination issues in general.”

The facility provided a Nebraska Department of Correctional Services Memorandum, RD: Standard 115.53 C-4 Advocacy Attempts from the agency PREA Coordinator to the PREA Auditor, stating, “On July 8th, 2022, NDCS signed a Memorandum of understanding with the Women’s Center for Advancement. ON February 10, 2022, NDCS received a letter from the Women’s Center for Advancement. Stating WCA is terminating the MOU effective March 22, 2022.

- On March 29, 2022, The NDCS Captain / PREA Coordinator reached out to bridge from violence to attempt to enter into an MOU for advocacy care.
- On July 16, 2022, The NDCS Captain / PREA Coordinator reached out to YWCA to attempt to enter into an MOU for advocacy care.
- On September 28, 2022, The NDCS Captain / PREA Coordinator reached out to The Trevor Project to attempt to enter into an MOU for advocacy care.
- On September 28, 2022, The NDCS Captain / PREA Coordinator reached out to encourage advocacy to attempt to enter into an MOU for advocacy care.
 - o Encourage was interested had a zoom meeting on October 28, 2022
 - o Sent MOU example on 11-8-2022”

(e) The Reception and Treatment Center PAQ states a qualified community member accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information and referrals. Policy compliance can be found in provision (a) of this standard.

(f, g) The Reception and Treatment Center PAQ states the agency is responsible for administrative investigations.

The agency provided Nebraska Revised Statute 81-2005. This statute demonstrates

	<p>the Nebraska State Patrol’s commitment to investigating sexual abuse allegations within their confinement facilities. Section (3) states the following, “To make arrests upon view and without warrant for any violation committed in their presence of any provision of the laws of the state relating to misdemeanors or felonies, if and when designated or called upon to do as provided by law.”</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.22	Policies to ensure referrals of allegations for investigations
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Targeted Inmates 2. Random staff 3. Unit Case Manager / Administrative Investigator 4. Criminal Investigator <p>Inmate and staff interviews demonstrated each can report incidents of sexual abuse and sexual harassment can be accepted through a third party, anonymously, the grievance process, Inmate Interview Requests, verbally reporting to staff, inmate phones, inmate tablets or reporting to a trusted adult in the community.</p> <p>The interviews with the Unit Case Manager and the Criminal Investigators demonstrated allegations received through any source of an allegation would be investigated. Inmate Interview Request form,</p> <p>Site Review Observation:</p>

There were 18 investigations reported in the last 12 months. Of those investigations, each applicable investigation was reported timely with the victim and perpetrator immediately separated following the allegation, where appropriate, as some incidents were reported after the fact. Of the 10 investigations reviewed, the source of allegation was received through verbal inmate reports, grievance, hotline call to the PREA Coordinator, Intel discovery, staff observation and the inmate reporting to mental health staff.

(a) The Reception and Treatment Center PAQ states the agency ensures that an administrative or criminal investigations are completed for all allegations of sexual abuse and sexual harassment. In the past 12 months the facility has had 22 allegations of sexual abuse and sexual harassment that were received. In the past 12 months 21 allegations resulted in an Administrative Investigation. In the past 12 months one investigations resulted in a Criminal Investigation. The PAQ states, "At this time there are currently 3 open investigations pending investigator within the last 30 days."

(b-c) The Reception and Treatment Center PAQ states the agency has policy that requires allegations of sexual abuse or harassment to be referred for investigation to an agency with the legal authority to conduct criminal investigations. The agency policy can be found at Search | NDCS - Nebraska Department of Correctional Services

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 11, section J. PREA Standard Secure Facility 115.22 a-e / Community Facility 115.222 a-e Policies to Ensure Referrals of Allegations for Investigations, states, "NDCS shall ensure that an administrative or criminal investigation is completed for 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 and sexual harassment 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 and sexual harassment in confinement settings to the agents and investigators who conduct such investigations. When outside agencies investigate sexual abuse/assault and sexual harassment, NDCS shall cooperate with outside investigators and endeavor to remain informed about the progress of the investigation."

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 24, section EE. PREA Standard Secure Facility 115.71 a-1 / Community Facility 115.271 a-1 Criminal and Administrative Agency Investigations, 2. states, "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 assault or sexual abuse is alleged by a Team Member refer to policy 215.01. If referred back to the facility to investigate, investigators who have received special training in sexual assault and abuse investigations will be utilized. 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. The PREA Compliance manager will meet with the victim and inform them of the open investigation and if the staff member or inmate has been reassigned to a different unit. 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 the investigation and contact the PREA Coordinator and the Investigation Coordinator will be immediately notified."

(d) This standard is not applicable as the facility completes Administrative Investigations and the Nebraska State Patrol is responsible for conducting Criminal Investigations.

Through such reviews, the facility meets the standard requirements.

115.31	Employee training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Nebraska Department of Correctional Services, Searches Pre-Service Study Guide, dated 01.2019 4. Sexual Assault Abuse PowerPoint, dated 01.2020 5. Nebraska Department of Correctional Services, Staff Training Academy Course Outline, 'Sexual Assault/Abuse, dated 01.2020 6. Nebraska Department of Correctional Services Prison Rape Elimination Act (PREA) of 2003: Information for Those with Direct and Indirect Contact with Inmates,

Training Acknowledgment, not dated

7. Post Audit: Email Correspondence, to: Agency PREA Compliance Managers, RE: January PREA Refresher Information, dated 1.25.2023

8. Post Audit: Nebraska Dept. of Correctional Services, PREA Refresher: Prisons and Jails PREA Basics Curriculum, dated 5.2013

Interviews:

1. Random Staff
2. Specialized Staff
3. Training Coordinator (informal)
4. Captain / PREA Compliance Manager

Interviews with random and specialized staff demonstrated each were aware of and received initial and ongoing PREA training. When prompted, staff could speak to various information regarding separating inmates, preserving inmate's persons, posting a staff in the alleged area until investigators could arrive to collect evidence and notifying ranking staff, medical and the PREA Compliance Manager. Staff attested to training taking place in person or through the agency training database.

Interviews with the Captain / PREA Coordinator and the Training Coordinator demonstrated training dates were revised to be completed every 18 months due to less in person contact due to COVID and emergency staffing issues, agency wide.

Site Observation:

Training files were reviewed by utilizing the PREA Audit Adult Prison & Jails Documentation Review Employee Files/Records Template. Review of 32 personnel files demonstrated staff had received PREA training initially and refresher training within 18 months of the initial or annual training. Staff had signed a training acknowledgment through the online training database. The agency was asked to complete an action plan to ensure annual and/or refresher training is completed annually.

Post audit, the facility provided a PREA Refresher: Prisons and Jails PREA Basics. The refresher was emailed to all Department of Correctional employees and covers the following topics. Zero Tolerance Policy, Dynamics of Sexual Abuse in Detention and Detecting Signs of Sexual Abuse. Refresher training will be read to all employees in

roll call in the month of February.

(a) The Reception and Treatment Center PAQ states the agency trains all employees who may have contact with Inmates in all required provisions of this standard.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 11-12, section K. PREA Standard Secure Facility 115.31 a-d / Community Facility 115.231 a-d Employee Training, 1-2, state, “

1. Staff Training and Development will offer training (both pre-service and in-service classes) for all team members who may have contact with inmates based on the contents of this Policy and its attachments. Lesson plans will be based on this policy and its attachments and the federal PREA standards and any subsequent revisions thereof.

2. Pre-service and In-service team member training will consist of the following and will include gender specific approaches to working with male and female inmates:

- a. Zero-tolerance for sexual abuse/assault and sexual harassment.
- b. Fulfilling responsibilities with regard to prevention, detection, reporting and response policies and procedures for sexual abuse/assault and sexual harassment.
- c. Inmates' right to be free from sexual abuse/assault and sexual harassment.
- d. Inmates' and staffs' rights to be free from retaliation for reporting sexual abuse/assault and sexual harassment.
- e. Dynamics of sexual abuse/assault and sexual harassment in confinement.
- f. Common reactions of sexual abuse/assault and sexual harassment victims.
- g. Detecting and responding to signs of threatened and actual sexual abuse/assault and sexual harassment.
- h. Avoiding inappropriate relationships with inmates including sexual abuse/assault and sexual harassment.
- i. Communicating effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, and gender nonconforming inmates about sexual abuse/assault and sexual harassment.
- j. Complying with relevant laws related to mandatory reporting of sexual abuse/assault to outside authorities.

k. Conducting cross-gender pat searches (male staff will only pat search female inmates in exigent circumstances) and searches of transgender and intersex inmates in a professional and respectful manner, and in the possible, consistent with security needs (Preservice and as needed).”

The facility provided a Nebraska Department of Correctional Services, Sexual Assault/ Abuse PREA Training PowerPoint. The fifth slide states, “The Nebraska Department of Correctional Services has a Zero Tolerance policy regarding sexual assault, sexual abuse, sexual harassment and retaliation for reporting such incidents. Inmates have the right to be free from Sexual Abuse, Sexual Assault and Sexual Harassment. Inmates and Staff have the right to be free from retaliation for reporting Sexual Abuse, Sexual Assault and Sexual Harassment.”

In total, the PowerPoint Course Overview includes the following:

- PREA Standards
- Zero Tolerance
- Prohibited Behaviors
- Prevention, detection, reporting and response
- Reporting methods for staff and Inmates
- Avoiding inappropriate relationships with inmates
- Prevention Planning
- Responsive Planning
- Training and Education
- Screening for risk of sexual victimization and abusiveness
- Reporting methods
- Official response following an inmate report
- Investigations
- Discipline
- Medical and Mental Health Care
- Data collection and review
- Audits

The facility provided a Nebraska Department of Correctional Services, Sexual Assault/ Abuse Pre-Service – Study Guide. The Study Guide includes the following topics:

- Zero Tolerance
- Prohibited Behaviors
- Prevention
- Detection
- Reporting methods for staff
- Investigations
- Fears of Reporting
- Reporting methods for inmates
- Advocacy
- All staff have a duty to prevent and report incidents of sexual assault/abuse or retaliation

(b) The Reception and Treatment Center PAQ states training is tailored to the unique needs and attributes and gender of inmates at the facility. Policy compliance can be found in provision (a) of this standard.

(c) The Reception and Treatment Center PAQ states between trainings the agency provides employees who may have contact with inmates with refresher information about current policies regarding sexual abuse and sexual harassment. The frequency with which employees who may have contact with inmates receive refresher training on PREA requirements, yearly.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 12, section 3, states, “NDCS will provide In-service training every year to ensure all team members know the current sexual abuse/assault and sexual harassment policies and procedures. Refresher information on current sexual abuse/assault and sexual harassment policies will be provided as needed.”

The facility provided a Nebraska Department of Correctional Services, Sexual Assault/ Abuse PREA Online In-Service Staff Training Academy Course Outline. Objectives:

Upon completion of this course, participants will be able to:

- Identify the focus of PREA Standards.
- Discuss Nebraska Statutes definitions.
- Explain the NDCS zero-tolerance policy and prohibited behaviors.
- Explain how to fulfill staff responsibilities, regarding prevention, detection, reporting and responding to incidents of sexual assault, sexual abuse and sexual harassment.
- Explain the investigation process and discipline.
- Discuss sexual abuse in confinement settings, including common reactions of victims and inmate reporting.
- Discuss how to avoid inappropriate relationships with inmates.
- Discuss the responsibilities of the Nebraska Coalition to End Sexual Assault and Domestic Violence.
- Explain the Nebraska Statewide Coordination Response Team's mission.

The facility provided an Email Correspondence, to: Agency PREA Compliance Managers, RE: January PREA Refresher Information. The email the January 2023 PREA Refresher - PREA Basics training for the agency. The email states, "Please take a moment to review the attached information. This information is to help team members be more aware of sexual assault, sexual abuse and sexual harassment with in the population we serve. If you have any questions you can contact your facility PREA Compliance Manager or the Agency PREA Coordinator. Below is a list of the facility compliance Managers." The Community Corrections Center Omaha facility PREA Compliance Manager is included in the list of PREA Compliance Managers.

The facility provided Nebraska Dept. of Correctional Services, PREA Refresher: Prisons and Jails PREA Basics Curriculum. The curriculum consists of the following:

- Zero Tolerance Policy
- Dynamics of Sexual Abuse in Detention
- Detecting Signs of Sexual Abuse

(d) The Reception and Treatment Center PAQ states the agency documents that employees who may have contact with inmates, understand the training they have received through employee signature or electronic verification.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 13, section 4, states, "Pre-Service and In-Service training shall be documented, with the team member's signature indicating understanding of the training received.

The facility provided a sample Nebraska Department of Correctional Services Prison Rape Elimination Act (PREA) of 2003: Information for Those with Direct and Indirect Contact with Inmates, training acknowledgment, dated by employee on 11.8.2021. The first paragraph of this acknowledgment states, "The Nebraska Department of Correctional Service has a ZERO TOLERANCE standard for sexual abuse, sexual harassment and retaliation for reporting such incidents in its prisons, community corrections facilities and parole. The intent of PREA is to ensure a safe, humane and appropriately secure environment, free from all forms of sexual abuse for all inmates. You have an obligation to maintain clear boundaries with inmates and to establish a relations of authority, objectivity and professionalism, you must not allow the development of personal, unduly familiar, emotional or sexual relationships to occur with inmates. Please remember that any sexual contact between an inmate and staff, volunteers or contractors, including kissing, is considered a form of sexual abuse."

Nebraska Department of Correctional Services Prison Rape Elimination Act (PREA) of 2003: Information for Those with Direct and Indirect Contact with Inmates, training acknowledgment, third paragraph, states, "YOU HAVE A DUTY TO REPORT. Reporting methods include but are not limited to:

- Supervisor
- Facility PREA Compliance Manager
- Warden
- PREA Coordinator (402.479.5660)
- Department Investigator
- Privately via PREA Hotline (855.623.7360)"

The last paragraph of the acknowledgment states, "I acknowledge that I have been trained on and understand the Prison Rape Elimination Act, NDCS policy and procedures and the Department's zero tolerance standard for all forms of sexual abuse. I also acknowledge that I will report any findings of sexual abuse immediately."

Through such reviews, the facility meets the standard requirements.

115.32	Volunteer and contractor training
	<p data-bbox="256 188 959 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 266 544 300">Auditor Discussion</p> <p data-bbox="256 344 523 378">Document Review:</p> <ol data-bbox="256 412 1474 1016" style="list-style-type: none"> <li data-bbox="256 412 852 445">1. Reception and Treatment Center PAQ <li data-bbox="256 479 1474 557">2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 <li data-bbox="256 591 1321 624">3. Medical Contractor Specialized Training Completion Date Spreadsheet <li data-bbox="256 658 1449 736">4. Nebraska Department of Correctional Services, Community Partner Orientation PowerPoint, dated 2.2021 <li data-bbox="256 770 1474 848">5. Nebraska Department of Correctional Services, Volunteer Orientation Handbook, dated 2.2018 <li data-bbox="256 882 1458 1016">6. Nebraska Department of Correctional Services Prison Rape Elimination Act (PREA) of 2003: Information for Those with Direct and Indirect Contact with Inmates, Training Acknowledgment, not dated <p data-bbox="256 1128 416 1162">Interviews:</p> <ol data-bbox="256 1196 1246 1308" style="list-style-type: none"> <li data-bbox="256 1196 740 1229">1. Contracted Registered Nurse <li data-bbox="256 1263 1246 1296">2. Volunteers (three volunteers from the Center for People in Need) <p data-bbox="256 1330 1458 1498">The interview with the contracted registered nurse and the volunteers demonstrated each completed initial PREA training. Each could attest to completing training on the agency zero tolerance policy, reporting to staff, to include having a facility representative/supervisor to speak with, no consent, and being respectable.</p> <p data-bbox="256 1599 504 1632">Site Observation:</p> <p data-bbox="256 1666 1474 1834">Training files for contractors and volunteers were reviewed by utilizing the PREA Audit Adult Prison & Jails Documentation Review Employee Files/Records Template. File review demonstrated each had completed PREA Education before having access to residents.</p> <p data-bbox="256 1935 1474 2069">(a) The Reception and Treatment Center PAQ states all volunteers and contractors who have contact with Inmates have been trained on their responsibilities under the agency's policies and procedures regarding sexual abuse and harassment prevention,</p>

detection, and response. 113, 24 contracted for 16 medical services and 198 volunteers, who have contact with Inmates, have completed the required training.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 13, section L. PREA Standard Secure Facility 115.32 a-c / Community Facility 115.232 a-c Volunteer and Contractor Training, state,

1. "NDCS shall ensure all volunteers and contractors who have contact with inmates have been trained on their responsibilities regarding policies and procedures on sexual abuse/assault and sexual harassment prevention, detection and response.
2. All volunteers and contractors who have contact with inmates shall be notified of NDCS's zero tolerance policy regarding sexual abuse/assault and sexual harassment and informed how to report such incidents. The level and type of training provided shall be based on the services they provide and level of contact they have with inmates.
3. NDCS shall maintain documentation confirming volunteers and contractors understand the training they have received."

The facility provided a Nebraska Department of Correctional Services, Community Partner Orientation PowerPoint. The purpose of the training is to prepare volunteers and contractors to be successful in the correctional environment. Topics include:

- The eight points of Volunteer Pledge
- The three points of the Volunteer Waiver
- The PREA Agreement
- The 17 topics from the Volunteer Training Record

The facility provided a Medical Contractor Specialized Training Completion Date Spreadsheet. The spreadsheet documents the following information for 16 medical contractors.

- Report Title
- Report Generated By
- Report Generated Date/Time
- Record Count

	<ul style="list-style-type: none"> · Record Count Limit · Report Source: Nebraska.cscd.com · User Full Name · Training Title · Transcript Completed Date <p>(b) The Reception and Treatment Center PAQ states all volunteers and contractors who have contact with Inmates have been notified of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. Curriculum compliance can be found in provision (a) of this standard.</p> <p>(b) The Reception and Treatment Center PAQ states the agency maintains documentation confirming that the volunteers and contractors understand the training they have received.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 14, section L. 3., states, “NDCS shall maintain documentation confirming volunteers and contractors understand the training they have received.”</p> <p>The facility provided a Nebraska Department of Correctional Services Prison Rape Elimination Act (PREA) of 2003: Information for Those with Direct and Indirect Contact with Inmates, Training Acknowledgment. This document is used for staff and contractors and is explained in detail in § 115.31.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.33	Inmate education
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ

2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022
3. Nebraska Department of Corrections, Sexual Assault Awareness Flyer, English and Spanish, dated 4.2021
4. Nebraska Department of Correctional Services Sexual Assault Orientation, not dated
5. Documentation of Inmate Tablet PREA Information, dated 11.22.2022
6. Post Audit: NDCS Memorandum, RE: RTC Admissions Action Plan, dated 4.27.2023
7. Post Audit: Prison Rape Elimination Act Inmate Orientation Form, not dated

Interviews:

1. Random Inmates
2. Targeted Inmates
3. Intake Sergeant
4. Unit Case Manager

Interviews with inmates demonstrated many were not properly educated on PREA as agency brochures and PowerPoint documentation was handed to inmates in a packet of facility information upon intake. PREA education areas unknown by inmates interviewed were explained to them by the Auditor.

The interview with the Intake Sergeant demonstrated he was not aware of the PREA education information he provided to intakes nor was the reading level or cognitive awareness considered when inmates were provided PREA education.

The interview with Unit Case Manager demonstrated that in the past, comprehensive PREA education through PowerPoint presentation was provided to inmates and such classes had resumed in the past two weeks, before the onsite review.

Site Observation:

Training files were reviewed by utilizing the PREA Audit Adult Prison & Jails Documentation Review Inmate Files/Records Template. Review of 16 inmate files demonstrated an action plan was necessary to re-educate inmates currently in the

facility and implement an action plan to ensure all intakes are trained in PREA Education to ensure each understands the information each has received. Although IC's are handed packets of information, not only are staff not educating on education materials, materials are not explained to IC's. Staff do not ascertain if inmates are able to read, write or understand material provided to them. LEP ICs educate themselves on PREA via the tablet. Tablets received by IC's after the required 72-hour time frame.

Post audit the facility provided a NDCS Memorandum from the facility Captain to the PREA Auditor, RE: RTC Admissions Action Plan providing specific instruction to for Reception and Treatment Center lieutenants and sergeant to conduct intake screenings of incarcerated individuals. Individual instruction to each position has been trained and acknowledged by their signature.

Post audit the facility provided completed Prison Rape Elimination Act Inmate Orientation forms. Orientation provided to inmates includes the following information.

- Nebraska Department of Correctional Services zero-tolerance policy introduction.
- Federal Law known as the Prison Rape Elimination Act
- How to report incidents of sexual assault, sexual abuse and sexual harassment
- Inmate Acknowledgement
- Inmate signature / number / date
- Team member conducting orientation name / title / date

(a) The Reception and Treatment Center PAQ states inmates receive information at time of intake about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment. 1751 inmates admitted in the past 12 months were given information at intake.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 13, section M. PREA Standard Secure Facility 1115.33 a-f / Community Confinement 1115.233 a-f Inmate Education, 1., states, "During the intake process at all NDCS facilities, inmates shall receive information explaining NDCS' zero tolerance policy regarding sexual abuse/assault and sexual harassment, and retaliation for reporting such incidents and how to report incidents or suspicions of sexual abuse/ assault or sexual harassment."

(b) The Reception and Treatment Center PAQ states within the past 12 months, 1751 inmates received age appropriate PREA education within 30 days of intake. Policy compliance can be found in provision (a) of this standard.

(c) The Reception and Treatment Center PAQ states of those who were not educated during 30 days of intake, all inmates have been educated subsequently.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 13, section M. PREA Standard Secure Facility 115.33 a-f / Community Confinement 115.233 a-f Inmate Education, 2., states, "Within 30 days of intake, inmates newly assigned to NDCS shall receive comprehensive education through use of a power point/video presentation, with staff available to answer questions, regarding their right to be free from sexual abuse/assault and sexual harassment, their right to be free from retaliation for reporting such incidents and agency policies and procedures for responding to such incidents. This comprehensive education will be conducted at reception intake facilities only."

The facility provided the Nebraska Department of Correctional Services Sexual Assault Orientation curriculum. The curriculum consists of the following:

- Your Rights
- Prohibited behaviors
- Ways to keep yourself safe
- How to Report
- Medical and Mental Health Care
- Investigation Process
- False Reporting

(d) The Reception and Treatment Center PAQ states Inmate PREA education is available in accessible formats for all inmates including those who are limited English proficient, deaf, visually impaired, otherwise disabled or have limited reading skills.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 13, section M. PREA Standard Secure Facility 115.33 a-f / Community

Confinement 115.233 a-f Inmate Education, 3., states, "Information will be provided in formats accessible to all inmates, including those who are deaf or hard of hearing, visually impaired or otherwise disabled; those who have intellectual, psychiatric or speech disabilities; as well as to inmates who have limited reading skills and who are limited English proficient."

The facility provided a Nebraska Department of Corrections, Sexual Assault Awareness flyers in English and Spanish. These flyers educate inmates on the following:

- PREA Hotline PIN 0-111-11-1111, Speed dial 08#
- Agency Zero Tolerance Policy
- Staff on Inmate Sexual Behavior
- Inmate on Inmate or Inmate on Staff Sexual Behavior
- If You Are Sexually Assaulted preservation, reporting protocols, advocacy services
- Self-Protection
- Nebraska State Statutes

(e) The Reception and Treatment Center PAQ states the facility maintains documentation of inmate participation in PREA education sessions.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 14, section M. 5., states, "Receipt of information at intake, within 30 days and upon transfer to any facility, shall be documented through inmate signature and maintained in the inmate file." Receipt compliance can be found in provision (b) of this standard.

(f) The Reception and Treatment Center PAQ states the agency ensures that key information about the agency's PREA policies is continuously and readily available or visible through posters, inmate handbooks, or other written formats.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 14, section M. 5., states, "In addition to providing such education, NDCS shall ensure key information is continuously and readily available or visible to inmates through posters, inmate handbooks or other written formats."

	<p>In addition to PREA postings, the facility provided sample documentation of PREA information received on inmate tablets. Documentation demonstrates PREA Orientation uploaded in both English and Spanish.</p> <p>Through such reviews the facility meets the standard requirements.</p>
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115.34	Specialized training: Investigations
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Specialized Investigative Training: PREA, not dated 4. Specialized Investigative Training: PREA Investigating Sexual Abuse in a Confinement Setting Instructor Outline, not dated 5. NDCS - PREA Investigator Training Spreadsheet <p>Interviews and on site file review:</p> <ol style="list-style-type: none"> 1. Unit Case Manager / Administrative Investigator 2. Criminal Investigator <p>The interviews with the Administrative and Criminal Investigator demonstrate both have completed investigator training through the Nebraska Department of Correctional Services curriculum, taught by the agency PREA Coordinator.</p> <p>Pre-Audit Observation:</p> <p>During the pre-audit phase, the agency uploaded a Specialized Investigative Training spreadsheet demonstrating investigators interviewed and those completing investigations at the facility have received specialized investigator training.</p>

(a-b) The Reception and Treatment Center PAQ states the agency policy requires that investigators are trained in conducting sexual abuse investigations in confinement settings.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 14, section N. PREA Standard Secure Facility 115.34 a-d / Community Facility 115.234 a-d Specialized Training: Investigations 1. states, "In addition to the general training provided to all team members, investigators will receive training in conducting investigations in confinement settings, to include: a. Techniques for interviewing victims of sexual abuse/assault. b. Proper use of Miranda and Garrity warnings. c. Sexual abuse/assault evidence collection in confinement settings. d. Criteria and evidence required to substantiate a case for administrative action or prosecution referral."

The facility provided Specialized Investigative Training: PREA Investigating Sexual Abuse in a Confinement Setting PowerPoint. Training curriculum includes:

- Background of PREA
- Investigation basics
- Working with victims
- Trauma informed approach
- Interviewing
- False reports
- Culture
- Practical exercise

The facility provided PREA Instructor Outline for Specialized Investigative Training: PREA Investigating Sexual Abuse in a Confinement Setting Instructor Outline. This course overview includes:

- PREA Standard 115.21/115.221
- PREA Standard 115.34/115.234
- PREA Standard 115.71/115.271
- PREA Standard 115.72/115.272

- Investigation Basics
- Assignment of Investigation
- Criminal V Administrative
- Basic Investigation Steps
- Initial Response
- Investigation
- Determination of Findings
- Prosecutorial Referral
- Investigative Report Packet
- Working with Victims
- Understanding Victim's Background
- Biological Impact of Trauma
- Trauma's Effect on Brain
- Immediate Reaction
- Being Very Impressive
- Remaining Controlled, Numb
- Associated Problems
- Short-Term Aftermath
- Long-Term Aftermath
- Confinement Setting Aftermath Issues
- Additional Male Aftermath Issues
- Additional Female Aftermath Issues
- PTSD
- Trauma Informed Approach
- Avoid Additional Harm
- Avoid Secondary Harm
- Delayed Reporting
- Delayed Reporting in Youth

- Hesitant Victims
- Staff Aggressors
- Interviewing
- Personal Biases
- Managing Biases
- Initial Interviewing
- Soft Interviewing
- Hard Interviewing
- Communication: Female Inmates/Male Inmates/Minority Populations
- Hostile or Uncooperative Victims
- When to Interview Victim
- Negative Effects of Repeated Interviews
- Handling False Reports
- False Reports
- Sexualized Work Environment
- Signs of Sexual Abuse Perpetrated by Inmates
- Staff Sexual Misconduct
- Red Flags of Sexual Abuse Perpetrated by Staff
- Red Flags Exhibited by Staff
- Influences of Reporting Culture
- Reporting
- Inmate Code of Silence
- Staff Code of Silence
- Strategies for Changing Culture
- Investigators Influence

(c) The Reception and Treatment Center PAQ states the agency maintains documentation showing that investigators have completed the required training. The

	<p>number of investigators currently employed who have completed the required training is eight.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 14, section N. PREA Standard Secure Facility 115.34 a-d / Community Facility 115.234 a-d Specialized Training: Investigations, 2., states, "NDCS shall maintain documentation confirming investigators have received specialized training in conducting sexual abuse/assault investigations."</p> <p>The agency provided a NDCS – PREA Investigator Training Spreadsheet demonstrating the agency has 128 employees who have completed specialized training for investigators.</p> <p>Through such reviews the facility meets the standard requirements.</p>
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115.35	Specialized training: Medical and mental health care
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Prison Rape Elimination Act NDCS Director of Nursing Medical Training Curriculum, not dated 4. Medical PREA Completion Record 5. Post Audit: Medical and Mental Health Training Documentation <p>Interviews:</p> <ol style="list-style-type: none"> 1. Contracted Registered Nurse 2. Nurse Supervisor / Supervisor of Contracted Medical Personnel 3. Agency Chief of Psychology Mental Health Services

4. Captain / PREA Coordinator

The interview with the contracted registered nurse demonstrated she had completed training in regard to the agency zero tolerance policy. The interview also demonstrated the contracted registered nurse had not completed specialized training for medical and mental health staff; however, she believes she was currently scheduled to complete the training.

Interviews with facility and agency medical and mental health staff demonstrated each completed specialized training to include reporting responsibilities, reactions to abuse and what happens after an allegation is reported, providing emergent and follow up services. Both staff reported completing annual and refresher training regarding the agency zero tolerance policy.

Site Observation:

File review of the mental health staff training records demonstrated 66% of medical and mental health staff have completed specialized training for medical and mental health personnel. The facility requires an action plan to complete specialized training required by medical and mental health staff.

Post audit the facility provided specialized medical and mental health training records and certificates for six medical and mental health staff.

(a) The Reception and Treatment Center PAQ states the agency has a policy related to the training of medical and mental health practitioners who work regularly in its facilities. The facility has 82 (66%) contractors who work at the facility have received training required by agency policy.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy, page 14, section O PREA Standard Secure Facility 115.35 a-d / Community Facility 115.235 a-d Specialized Training: Medical and Mental Health 1., states, "All full and part-time medical and mental health care practitioners will receive training in the following:

- a. Detecting and assessing signs of sexual abuse/assault and sexual harassment.
- b. Preserving physical evidence of sexual abuse/assault.
- c. Responding effectively and professionally to victims of sexual abuse/assault and sexual harassment.

d. Reporting allegations or suspicions of sexual abuse/assault or sexual harassment.”

The facility provided a Prison Rape Elimination Act NDCS Director of Nursing Medical Training Curriculum. The curriculum goals are to:

- Detect and assess signs of sexual abuse and sexual harassment
- Preserving physical evidence of sexual abuse
- Responding effectively and professionally to victims of sexual abuse and sexual harassment
- Reporting allegations or suspicions of sexual abuse or sexual harassment

(b) The Reception and Treatment Center PAQ states their medical staff do not conduct forensic medical exams.

(c) The Reception and Treatment Center PAQ states the agency maintains documentation showing that medical and mental health practitioners have completed the required training.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy, page 14, section O PREA Standard Secure Facility 115.35 a-d / Community Facility 115.235 a-d Specialized Training: Medical and Mental Health 3., state,

1. “Medical and mental health practitioners shall receive the applicable training mandated for team members or contractors and volunteers depending upon the practitioner’s status at NDCS.
2. Medical and mental health practitioners shall receive the applicable training mandated for team members or contractors and volunteers depending upon the practitioner’s status at NDCS.”

The facility provided a Medical PREA Completion Record. The record documents 40 of the facility’s 82 staff have completed the required specialized training.

- Employee Name
- Agency
- Training Title
- Registration Number

	<ul style="list-style-type: none"> · Latest Registration Number · Transcript Status · Transcript Assigned Date · Transcript Completed Date <p>Through such reviews the facility meets the standard requirements.</p>
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115.41	Screening for risk of victimization and abusiveness
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims Policy 201.03, dated 7.31.2022 4. PREA Screening Report Highlights 5. PREA Screening Report October 2022 6. Nebraska Department of Correctional Services, Potential for Sexual Assault/ Sexual Victimization Screening Instrument, dated 2.1.2022 7. Post Audit: NDCS Memorandum, RE: PREA Audit 115.41 a-d, dated 3.26.2023 8. Post Audit: NDCS Reception and Treatment Center (RTC) Monthly PREA Report, dated 3.8.2023, 5.3.2023, 6.8.2023, and 6.30.2023 9. Post Audit: NDCS Memorandum, RE: PREA Audit 115.41(d), dated 3.29.2023 10. Post Audit: Screen Print – Transgender Potential for Sexual Assault / Sexual Victimization Screening Instrument 11. Post Audit: NDCS Memorandum, RE: PREA Audit 115.41(g), dated 3.26.2023 12. Post Audit: NDCS: Reception and Treatment Center (RTC) Monthly PREA Report, dated 3.8.2023 13. Post Audit: NDCS Memorandum, RE: RTC Admissions Action Plan, dated 4.27.2023

Interviews:

1. Random Inmates
2. Targeted Inmates
3. Unit Case Manager
4. Intake Sergeant

Interviews with inmates demonstrated most remembered being asked risk screening questions at intake and within 30 days thereafter. Interviews also demonstrated many were handed risk screening questions to complete on their own.

Interviews with the Unit Case Manager demonstrated she conducts reassessments for her inmate case load within 30 days of intake.

The interview with the Intake Sergeant demonstrated that he completes risk assessments for D & E, (new intakes), parole violators and transferred inmates. The Intake Sergeant stated he completes risk assessments in a one on one environment and considers what the inmate tell him and staff observations. The Intake Sergeant states he does not look at collateral information or inquire the sexual orientation of the inmate.

Site Observation:

Inmate files were reviewed by utilizing the PREA Audit Adult Prison & Jails Documentation Review Inmate Files/Records Template. File review of 16 inmate files demonstrated four of 16 assessments not completed at intake, two of 12 risk assessments were completed past 72 hours; two of 16 30-day re-assessments were not completed. Of the 16 assessments completed none were asked if the inmate committed a sexual offense against a child. File review also demonstrated 6-month reassessments were not completed for transgender and intersex inmates and reassessment were not completed for inmates involved in a sexual abuse allegation. When completing file review documentation in inmate files yielded many sex offenders who were not found as potential victim and or potential aggressors during risk assessments. An action plan was requested describing action plan to ensure risk assessments are completed correctly, timely and when warranted.

Post audit the facility provided a memorandum from the facility Warden, addressed to the NDCS PREA Coordinator, RE: PREA Audit 115.41 a-d, section Action Plan, stating,

"An action plan was created to address issues involving the intake screening and orientation process. Notice of expectations was also sent out to all NDCS Teammates who conduct screenings to educate and provide consistency. Proposal has been submitted to change the Admission Post Order to ensure compliance going forward: "(2) For screenings, teammates will ask the questions on the screening and document individual responses to ensure the Incarcerated Individuals comprehend the information and confirm if the individual can read/write. If English is not the II's first language, documentation will be given in a language they can comprehend." Sustained by: Continual compliance will be sustained randomly auditing PREA Screenings submitted each month and documenting results on the monthly PREA report."

Post audit the facility provided a NDCS Reception and Treatment Center (RTC) Monthly PREA Reports demonstrating review of random intake screenings are completed in NiCams, indicating the additional questions were asked per prea standards."

Post audit the facility provided a NDCS Memorandum, RE: PREA Audit 115.41(d), from the facility Warden, stating, "Action Taken: Information for Bi-annual PREA screening completion has been added to the Bi-annual transgender review. Bi-Annual review will be requested by the PREA compliancy manager to the assigned living location management teas, and documented when completed on the Bi-annual report. Sustained by: Including information on the Bi-Annual Transgender review for RTC to be reviewed by PREA compliance manager and NCDS PREA Coordinator."

Post audit the facility provided a Screen Print - Transgender Potential for Sexual Assault / Sexual Victimization Screening Instrument demonstrating five transgender incarcerated individuals received a rescreening for the Transgender Bi-Annual review in the month of January 2023.

Post audit the facility provided a Memorandum, RE: PREA Audit 115.41(g), from the facility Warden, addressed to the NDCS PREA Coordinator, stating, "Actions Taken, "Effective 1.1.2023 information on PREA investigations will be checked and entered by the PREA compliance manager, including documentation completion of re-assessment when warranted due to incidents of sexual abuse/receipt of new information. Sustained by: PREA tracking will be reviewed periodically by RTC Warden/ Designee. At a minimum of once per month, to ensure compliance."

Post audit the facility provided a NDCS: Reception and Treatment Center (RTC) Monthly PREA Report. Page 1, section I. Investigation allegations opened during the month, demonstrating three Incarcerated Individuals were reassessed due to

warranted information. A risk screening report was provided demonstrating five Incarcerated Individuals were reassessed in January and February of 2023. (differences in reported numbers are due to the report representing February 2023 reassessments and the report information containing January and February reassessment.)

Post audit the facility provided a NDCS Memorandum from the facility Captain to the PREA Auditor, RE: RTC Admissions Action Plan providing specific instruction to for Reception and Treatment Center lieutenants and sergeant to conduct intake screenings of incarcerated individuals. Individual instruction to each position has been trained and acknowledged by their signature.

(a) The Reception and Treatment Center PAQ states the facility has a policy that requires screening, upon admission or transfer, for risk of sexual abuse victimization or sexual abusiveness toward other Inmates.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 14-15, section P. PREA Standard Secure Facility 115.41 a-I / Community Facility 115.241 a-I Screening for Risk of Victimization and Abusiveness, states, "Each inmate will be assessed using the PREA Screening Assessment located in NICAMS, the PREA Screening Assessment will be completed during the intake process at each facility to determine the inmate's risk of being sexually abused by another inmate or sexually abusive towards other inmates. This screening will consider prior acts of sexual abuse/assault, prior convictions for violent offenses and history of prior institutional violence or sexual abuse/assault as known to NDCS. When the PREA Screening assessment indicates an inmate has experienced prior sexual victimization or has previously perpetrated sexual abuse, Mental Health staff will meet with the inmate within 14 days and complete the Mental Health PREA screening form. Additional criteria for when a PREA Screening Assessment needs to be completed and the criteria for determining risk of being sexual abused or sexually abusive towards others is detailed in policy 201.03, Identification of Potential Aggressors and Victims."

(b) The Reception and Treatment Center PAQ states the number of inmates entering the facility (either through intake or transfer) within the past 12 months (whose length of stay in the facility was for 72 hours or more) who were screened for risk of sexual victimization or risk of sexually abusing other inmates with 72 hours of their entry into the facility was 2532.

Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims Policy 201.03, page 1, section I., Screening Procedures, states, "All

inmates shall be assessed during an intake screening at reception facilities and upon each transfer to another facility for their risk of being sexually abused/assaulted by other inmates or sexually abusive toward other inmates. This screening shall ordinarily take place within 72 hours of arrival at the facility and be conducted using an objective screening instrument. NDCS shall implement appropriate controls on the dissemination of this information within facilities in order to ensure sensitive information is not exploited to an inmate's detriment by staff or other inmates."

Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims Policy 201.03, page 4, section II., states, "Within a set time period not to exceed 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the 72-hour intake screening. When an inmate is transferred to another facility the inmate must be screened within 72 hours of arrival and then again within a set time frame not to exceed 30 days."

The facility provided a PREA Screening Report Highlights summary. This summary demonstrates the state has made huge strides in past facility action plans and sustained nearly 100% compliance with the completion of risk assessment within 72 hours of admission. The summary states the following information on the agency's progress. "Overall, 95% of new admissions received an initial PREA Screen and 92% were within the first 3 days of admission (up from 76% in July). Of note, 7 of 9 without an initial PREA Screen were interstate parolees. The remaining 2 were admitted to RTC and discharged to BOP the same day. If these individuals are excluded, then the percentage of those receiving an initial PREA Screen goes up to 100%.

RTC

- 100% of admissions received an initial PREA Screen in July and 99% of admissions received an initial PREA Screen in August
- The 2 individuals who admitted to RTC and did not receive an initial PREA Screen were admitted and discharged to BOP the same day. If these 2 individuals are excluded, the percentage of those receiving an initial PREA Screen increases to 100%.
- In August, 96% of initial PREA Screens were completed within 3 days of admission (up from 77% in July)
- 80% of follow up PREA Screens were completed within the window of compliance (day 14-30) - up from 45% in July

INITIAL AND FOLLOW UP PREA SCREENING FOR TRANSFERS

Overall, 96% of transfers received an initial PREA Screen and 90% were within the first 3 days of transfer (up from 83% in July). There were 4 facilities that did not miss any initial PREA Screens (i.e., CCL, NCW, NCY, TSC) and 3 more that only missed 1 (i.e., NSP, OCC, WEC).

The facility provided a PREA Screening Report. This report celebrates the following accomplishments.

First Chart

- Facility
- Total Admits
- No Initial Screen totals - (only two of 126 for this facility)
- Initial Screen Compliant
- Initial Screen Late (only two of 130 for this facility)

Second Chart

- Facility
- Second Screen Early
- Second Screen Compliant
- Second Screen Late (1 of 130 for this facility)
- Second Screen Overdue - Zero for this facility
- Second Screen Missed - Zero for this facility
- Moved Prior to Second Screen - 12 of 13 for this facility
- Total admits

(c) The Reception and Treatment Center PAQ states the facility conducts risk assessments by using an objective screening instrument.

The facility provided a Nebraska Department of Correctional Services, Potential for Sexual Assault/Sexual Victimization Screening Instrument. The screening instrument

includes the following Characteristics:

Criminal History Check:

- Who completed the Criminal History check: Name/Date?
- Has the individual been previously incarcerated?
- How many times
- Is the criminal history nonviolent only?
- Number of convictions that are of a violent nature to include sexual violence?
- How many convictions of sexual violence?
- Is the current conviction sexual violence?
- How many convictions for sexual violence against a child?
- How many for convictions for sexual violence against an adult
- NDCS history of perpetrated violence for sexual assault/abuse and o harassment (Misconduct reports) explain

Need to ask inmate the below questions

- Have you been previously incarcerated?
- How many times?
- Number of convictions that are of a violent nature include sexual violence?
- How may convictions for sexual violence?
- How many convictions for sexual violence against a child?
- How many convictions for sexual violence against an adult?
- Age of individual
- Height of individual
- Build of individual
- Are you willing to tell me if you've ever been a survivor/victim of sexual abuse?
- Are you a survivor of sex assault/abuse?
- Can you tell me if the sexual assault/abuse happened in: an institution/the

community? (If answers yes to any of the above as the inmate if they would like to speak to a mental health staff member.) (Mental health referral completed)

- Do you have any fears for your safety while incarcerated? What are those fears?
- What is your gender Identity? (male/female/transgender male/transgender female/Intersex/gender non-conforming/other/chooses not to answer)
- What is your sexual orientation? (lesbian/gay/bisexual/heterosexual/other/chooses not to answer)

(d) The Reception and Treatment Center PAQ states the policy requires that the facility reassess each inmate's risk of victimization or abusiveness within a set time period, not to exceed 30 days after the inmate's arrival at the facility, based upon any additional, relevant information received by the facility since the intake screening. The number of inmates entering the facility (either through intake or transfer) within the past 12 months (whose length of stay in the facility was for 30 days or more) who were reassessed for their risk of sexual victimization or of being sexually abusive with 30 days after their arrival at the facility based upon any additional relevant information received since intake was 2183. Policy compliance can be found in provision (b) of this standard.

(e) Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims Policy 201.03, page 4-5, section V. A-F, state, "The Potential for Sexual Assault/Sexual Victimization Screening Instrument should be reviewed and re-scored as necessary by designated unit staff when warranted due to a referral, request, incident of sexual abuse or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. Each rescreening will be posted to Data Entry and Inquiry (NICaMS). For tracking purposes, a new entry should be made in Data Entry and Inquiry (NICaMS), rather than editing a previous entry.

- A. Review when there is a significant change in custody level, risk factors, historical data or override provisions.
- B. Review upon receipt of an unsubstantiated PREA investigation and rescore if deemed necessary.
- C. Review and rescore upon receipt of a substantiated PREA investigation.
- D. Review and rescore upon receipt of an aggressive misconduct report.
- E. Review and rescore if the new conviction was sexual or violent in nature or if additional significant information regarding a current offense is received.
- F. Review and rescore each known transgender inmate twice a year.

If this rescore suggests any change in the inmate's aggression or victimization potential, changes to the inmate's housing, programming and work assignments shall be made as appropriate.

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 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.

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.

The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates. (PREA standard Secured facilities 115.41i/ Community facility 115.241i)"

(e) The Reception and Treatment Center PAQ states the policy requires that the facility reassess each inmate's risk of victimization or abusiveness within a set time period, not to exceed 30 days after the inmate's arrival at the facility, based upon any additional, relevant information received by the facility since the intake screening. The number of inmates entering the facility (either through intake or transfer) within the past 12 months whose length of stay in the facility was for 30 days or more and who were reassessed for their risk of sexual victimization or of being sexually abusive within 30 days after their arrival at the facility based upon any additional, relevant information received since intake was 2183.

(f) The Reception and Treatment Center PAQ states the policy requires that an inmate's risk level be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.

Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims Policy 201.03, page 4, section V., "Reassessments Using the Potential for Sexual Assault/Sexual Victimization Screening Instrument (PREA standard Secured facilities 115.41g/ Community facility 15.241g) The Potential for Sexual Assault/ Sexual Victimization Screening Instrument should be reviewed and re-scored as necessary by designated unit staff when warranted due to a referral, request, incident of sexual abuse or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. Each rescreening will be posted to Data Entry and Inquiry (NICaMS). For tracking purposes, a new entry should be made in Data Entry and Inquiry (NICaMS), rather than editing a previous entry.

A. Review when there is a significant change in custody level, risk factors, historical data or override provisions.

B. Review upon receipt of an unsubstantiated PREA investigation and rescore if deemed necessary.

C. Review and rescore upon receipt of a substantiated PREA investigation.

D. Review and rescore upon receipt of an aggressive misconduct report.

E. Review and rescore if the new conviction was sexual or violent in nature or if additional significant information regarding a current offense is received.

F. Review and rescore each known transgender inmate twice a year. If this rescore suggests any change in the inmate's aggression or victimization potential, changes to the inmate's housing, programming and work assignments shall be made as appropriate. "

(g) The Reception and Treatment Center PAQ states the policy prohibits disciplining inmates for refusing to answer (or for not disclosing complete information related to) questions regarding: (a) whether or not the inmate has a mental, physical, or developmental disability; (b) whether or not the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming; (c) whether or not the inmate has previously experienced sexual victimization; and (d) the inmate's own perception of vulnerability.

Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims Policy 201.03, page 3, section C., last paragraph, states, "Inmates may not be disciplined for refusing to answer or not disclosing complete information in response to the aforementioned questions.

Through such reviews, the facility meets the standard requirements.

115.42	Use of screening information
	<p data-bbox="256 188 959 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 266 544 300">Auditor Discussion</p> <p data-bbox="256 344 523 378">Document Review:</p> <ol data-bbox="256 412 1474 1032" style="list-style-type: none"> <li data-bbox="256 412 855 445">1. Reception and Treatment Center PAQ <li data-bbox="256 479 1474 562">2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 <li data-bbox="256 595 480 629">3. Half Sheet <li data-bbox="256 663 1394 696">4. Post Audit: NDCS Memorandum, RE: PREA Audit 115.42 A, dated 3.26.2023 <li data-bbox="256 730 1315 763">5. Post Audit: Proposal for a New or Revised Procedure, dated 4.27.2023 <li data-bbox="256 797 1378 831">6. Post Audit: NDCS Memorandum, RE: PREA Audit 115.42 A, dated 7.3.2023 <li data-bbox="256 864 1307 898">7. Post Audit: Reception & Treatment Center Housing Unit Count Sheets <li data-bbox="256 931 1442 1032">8. Post Audit: Completed NDCS Potential for Sexual Assault / Sexual Victimization Screening Instruments <p data-bbox="256 1144 416 1178">Interviews:</p> <ol data-bbox="256 1211 719 1603" style="list-style-type: none"> <li data-bbox="256 1211 576 1245">1. Targeted Inmates <li data-bbox="256 1279 523 1312">2. Random Staff <li data-bbox="256 1346 568 1379">3. Specialized Staff <li data-bbox="256 1413 557 1447">4. Intake Sergeant <li data-bbox="256 1480 719 1514">5. Captain / PREA Coordinator <li data-bbox="256 1547 440 1581">6. Warden <p data-bbox="256 1648 1474 1883">Interviews with targeted inmates demonstrated each had not requested to be searched by specific staff; each believed they were not placed in their housing unit due to sexual orientation; each felt safe and comfortable in their housing assignment and transgender inmates stated although they had not been advised of being able to shower at designated times at intake, once they learned of the option some requested special times and others did not.</p> <p data-bbox="256 1995 1402 2074">Formal and informal interviews with staff demonstrated inmate's risk level is not shared with departmental staff as potential victims and or perpetrators are not</p>

housed or programmed together on the front end to alleviate concerns in the facility. However, informal interviews with staff demonstrated inmates deemed as aggressors are not allowed to work outside of the unit and there is not a current system to inform staff of inmate risk level. Interviews also demonstrated first time offenders were housed with sex offenders; however, staff stated they are not let out of their cells at the same time.

The interview with the Intake Sergeant, PREA Coordinator and Warden demonstrated staff who have access to the risk assessments is limited to Case Managers, Sergeants and above who are designated super users in the agency NICAMS database.

On Site Observation:

The facility staff could not demonstrate systems were not in place to ensure the facility used information from the risk screening required by § 115.41 to inform 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. An action plan was requested to include a sustainable system to ensure requirements of 115.42 are met.

Post audit the facility provided a NDCS Memorandum, RE: PREA Audit 115.42 A, to the NDCS PREA Coordinator with the following action plan. "Action plan implemented to conduct screenings in compliance with PREA Standard 115.41. Once individuals are screened appropriately they will be housed appropriately. Proposal has been submitted to change the Admissions Post Order to ensure compliance going forward: "(1) For assignment of living location, Intake Sergeant will follow attachment 1 in regards to which housing unit incarcerated individuals need to be assigned based on PREA scores." Sustained by: Maintaining compliance with PREA Standard 115.41 by PREA Compliance Manager conducted a monthly review off random screenings completed."

Post audit the facility provided a Proposal for a New or Revised Procedure. The procedure speaks to specific instruction to be completed to ensure risk assessments are completed in accordance with §115.41 and §115.81 and Living Assignment Guidelines for Housing Units 1-9.

Post audit the facility provided a NDCS Memorandum, RE: PREA Audit 115.42 A, to the PREA Auditor, from the PREA Coordinator providing documentation on individuals housed based off of the PREA screenings.

Post audit the facility provided a Reception & Treatment Center Housing Unit Count Sheet cross walking housing unit assignments which demonstrate intakes of a like vulnerability are placed in the same room in the correct housing unit based off of risk assessment data.

Post audit the facility provided completed NDCS Potential for Sexual Assault / Sexual Victimization Screening Instruments for inmates named on Housing Unit rosters to demonstrate each were housed appropriately based off of risk screening instrument data.

(a) The Reception and Treatment Center PAQ states the facility uses information from the risk screening required by §115.341 to inform 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.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 15, section Q. PREA Standard Secure Facility 115.42 a-g / Community Facility 115.242 a-g Use of Screening Information 1., states, "Facilities will utilize information from the risk screening to inform housing, bed, work, education and program assignments with the goal of keeping those inmates who are at high risk of being sexually victimized from those who are at high risk of being sexually abusive. The institution's physical plant, staffing levels, size, and number of programs and services, as well as activity schedules, will determine the extent to which separation is possible or contacts minimized. Computer tracking of high risk inmates within an institution may be utilized. Facilities will make individualized determinations about how to ensure the safety of each inmate."

The facility provided a "Half sheet". This sheet documents the following inmate information.

- Inmate Name
- Suicide Risk
- Violence to Inmates
- Violence to Staff
- Victim Potential
- Inmate Name

- Date Screened
- Score
- Inmate Name
- Date Screened (30 day)
- Score

(b) The Reception and Treatment Center PAQ states the agency/facility makes individualized determinations about how to ensure the safety of each inmate. Policy compliance regarding individualized determinations can be found in provision (a) of this standard.

(c-g) The Reception and Treatment Center PAQ states the agency/facility makes housing and program assignments for transgender, or intersex inmates in the facility on a case-by-case bases.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 15, section Q. PREA Standard Secure Facility 115.42 a-g / Community Facility 115.242 a-g Use of Screening Information 2-6., state,

2. "In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, NDCS shall consider on a case-by-case basis whether a placement would ensure the inmates health and safety, and whether the placement would present management or security problems.

3. Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year and shall consider any threats to safety experienced by the inmate. The PREA Compliance Manager will also complete an in person assessment and submit a written report that will be maintained in the inmates file indicating a review was conducted.

4. A transgender or intersex inmate's own views with respect to the inmate's own safety shall be given serious consideration.

5. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

6. NDCS shall not place lesbian, gay, bisexual, transgender or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose

	<p>of protecting such inmates.”</p> <p>Through such reviews the facility meets the standard requirements.</p>
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115.43	Protective Custody
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Statement of Reasons for Protective Custody <p>Interviews:</p> <ol style="list-style-type: none"> 1. Targeted Inmates 2. Restricted Housing Corporal 3. Warden <p>Interviews with targeted inmates demonstrated those in restricted housing were not placed in these housing units for reasons regarding PREA.</p> <p>Interviews with the Restricted Housing Corporal demonstrated inmates had not been placed in restricted housing for reasons concerning PREA in the past nine months he had been assigned to his current post. The Corporal did state if inmates were brought to restricted housing for such reasons people do come down and complete groups, case mangers visit once per week, medical and mental health see inmates and if inmates wanted to continue education they would write a kite requesting services.</p> <p>The interview with the Warden demonstrated inmates had not been placed in long term restricted housing in the past 12 months. The interviewed demonstrated classification meetings occur twice per week and inmates would not typically be held in long term restricted housing longer than 30 days.</p>

(a) The Reception and Treatment Center PAQ states the agency has a policy prohibiting the placement of inmates at high risk for sexual victimization in involuntary segregated housing unless and an assessment of all available alternatives has been made and a determination has been made that there is not available alternative means of separation from likely abusers. The number of inmates at risk of sexual victimization who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completion of assessment is zero.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 15-16, section R. PREA Standard Secure Facility 115.43 a-e Protective Custody 1., states, "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. (ACI-3D-13)

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."

(b) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 15-16, section R. PREA Standard Secure Facility 115.43 a-e Protective Custody 2-3., states,

2. "Inmates who remain in restrictive housing for this purpose shall:

a. 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.

b. Be 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.”

3. 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.

(c) The Reception and Treatment Center PAQ states the number of inmates at risk of sexual victimization who were assigned to involuntary segregated housing in the past 12 months, for longer than 30 days while awaiting alternative placement was zero.

(d) The Reception and Treatment Center PAQ states from a review of case files of inmates at risk of sexual victimization who were held in involuntary segregated housing in the past 12 months, the number of case files that include BOTH (a) a statement of the basis for facilities concern for the inmate’s safety, and (b) the reason or reasons why alternative means of separation could not be arranged was four.

The facility provided statement of reasons for protective custody which are documented on interoffice memorandums in PREA investigation and PREA Complaint documentation.

(e) The Reception and Treatment Center PAQ states if an involuntary segregated housing assignment is made, the facility affords each such inmate a review every 30 days to determine whether there is a continuing need for separation from the general population. Policy compliance can be found in provision (b) of this standard.

Through such reviews, the facility meets the standard requirements.

115.51 Inmate reporting

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Reception and Treatment Center PAQ
2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022
3. Nebraska Department of Correctional Services Memorandum, dated 8.24.2022,
4. Nebraska Department of Correctional Services Incident Report
5. Prison Rape Elimination Act Administrative regulation 203.11 Sexual Assault/Abuse Training PowerPoint, not date
6. Nebraska Department of Correctional Services, Sexual Assault Awareness Brochures in both English and Spanish, dated 2.2022
7. Post Audit: NDCS Reception and Treatment Center In-House Rules and General Information Handbook, dated 2.10.2023

Interviews:

1. Random Inmates
2. Targeted Inmates
3. Random staff

Interviews with inmates demonstrated most were aware they could submit allegations of sexual abuse and sexual harassment through a third party, anonymously, the grievance process, Inmate Interview Requests, verbally reporting to staff, inmate phones, inmate tablets or reporting to a trusted adult in the community. Inmates were able to articulate grievance boxes were in their units and either each had grievance forms in their cells or they could ask a staff in control.

Interviews with staff demonstrated each would accept any type of report from an inmate or third party.

Site Observations:

During the tour and informal inmate interviews, inmates were able to demonstrate

how they could make hotline calls, file emergency grievances through the kiosk system and or verbally report to staff. Inmates were able to demonstrate through the pay phones how they could call the hotline number that rang to the Captain / PREA Coordinator who was able to demonstrate minutes after the call was place that the notification came to her email via her cellphone. Inmates did not have to enter their private pin code to call the PREA hotline or Ombudsman. Grievance boxes were witnessed in each living unit, grievance forms were in the control rooms and inmates held in their rooms for long periods of time were able to show the Auditor they had grievance forms in their cells.

Post audit the facility provided a NDCS Reception and Treatment Center In-House Rules and General Information Handbook. Page 15 of 33, section 9., states, "Speed dial 01# is provided to allow an incarcerated individual to call the Office of Public Counsel/Ombudsman free of charge. Calls to the Ombudsman have the same duration limits and confidential status as attorney/client calls."

(a) The Reception and Treatment Center PAQ states the agency has established procedures allowing for multiple internal ways for Inmates to report privately to agency officials about sexual harassment, abuse, retaliation and or any type of neglect.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 16, section S. PREA Standard Secure Facility 115.51 a-d / Community Facility 115.251 a-d Inmate Reporting 1., states, "Inmates shall be provided with multiple ways to privately report sexual abuse/assault and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse/assault and sexual harassment and staff neglect or violation of responsibilities that may have contributed to such incidents.

- a. Inmates may verbally report the incident to any staff member
- b. Inmates may utilize the established hotline number (855-623-7360) to report an allegation anonymously. This number shall be included on all inmates Inmate Calling System (ICS) automatically. the number is a generic pin for all inmates 0-111-111-111 and speed dial 08#. These calls shall not be subject to monitoring. Upon receipt of a voice message, a system generated email is forwarded to the PREA Coordinator. See (Attachment C) for directions on dialing the PREA Hotline.
- c. Inmates may report the incident in writing through an Inmate Interview Request or Grievance form."

The facility provided Nebraska Department of Correctional Services, Sexual Assault

Awareness Brochures in both English and Spanish. Brochures include the following:

- The Department's Policy on Sexual Activity
- Staff-On-Inmate Sexual Behavior
- Inmate-On-Inmate or Inmate-On-Staff Sexual Behavior
- If you are sexually assaulted
- Self Protection
- Nebraska State Statute
- PREA Hotline - PIN 0-111-111-111 / speed dial 08#

(b) The Reception and Treatment Center PAQ states facility provides at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency. The agency does not have a policy requiring inmates detained solely for civil immigration purposes be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security. The PAQ states, "the inmate population can contact the Ombudsman's office if they chose too. the Ombudsman's office is set up as a speed dial on the inmates calling system." Policy compliance can be found in provision (a) of this standard.

The facility provided a Nebraska Department of Correctional Services Memorandum, RE: Reporting methods for inmates detained solely for immigration, from the agency PREA Coordinator to the PREA Auditor, stating the following. "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."

(c) The Reception and Treatment Center PAQ states the agency has a policy mandating that staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously and from third parties. The agency has a policy mandating that staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously and from third parties. The PAQ states staff are to document allegations received by the end of the shift.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11,

page 16, section S. PREA Standard Secure Facility 115.51 a-d / Community Facility 115.251 a-d Inmate Reporting 2., states, "Third Party includes fellow inmates, staff 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 (This provision is also listed in PREA Standard secure facility 115.52 / 115.54 and community facility 115.252 / 115.254)

- a. Hotline number (855) 623-7360
- b. Submitting an online reporting form. Procedures for third party reporting can be found on the NDCS website.
- c. PREA Hotline on the Inmate Calling System Generic Pin 0-111-111-111 speed dial 08#"

Page 17, section 3. Accepting Reports, states, "Staff will accept all reports made verbally, in writing, anonymously, from other inmates and from third parties outside NDCS. Verbal reports will be promptly documented."

The facility provided a Nebraska Department of Correctional Services Incident Report. The incident report demonstrates the documentation of a verbal report with the following components.

- To: Facility Security Administrator
- From:
- Incident Date
- RE: An alleged PREA Violation when it is probable that a crime has been committed
- Facility: RTC
- Primary Location
- Incident Report Details
- Inmates Involved
- Action(s) Taken
- Notifications Made
- Face Sheets

- Completed Facility Checklist for Incidents of Sexual Assault Sexual Abuse and Sexual Harassment
- Immediate Segregation (IS) Review
- Inmate Statement
- Restrictive Housing Admission Self-Report Suicide Screening

(d) The Reception and Treatment Center PAQ states the agency has established procedures for staff to privately report sexual abuse and sexual harassment of inmates. Staff are informed of these procedures in the following ways.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 17, section S. PREA Standard Secure Facility 115.51 a-d / Community Facility 115.251 a-d Inmate Reporting 4. Staff Private Reporting, states, "Staff have the option of privately reporting sexual abuse/assault and sexual harassment of inmates and retaliation against inmates and staff by directly notifying the agency PREA Coordinator (402-479-5660) or utilizing the established hotline number (855-623-7360)."

Prison Rape Elimination Act Administrative regulation 203.11 Sexual Assault/Abuse Training PowerPoint, slide 26, states, "Report sexual assault, sexual abuse or sexual harassment immediately:

- Supervisor
- Facility PREA Compliance Manager
- Warden
- PREA Coordinator (479-5660)
- Department Investigators
- Privately via PREA reporting hotline (855-623-7360)

Staff will accept all reports

- Sexual assault, abuse, harassment
- Any Retaliation for reporting
- Staff neglect or violation

Through such reviews, the facility meets the standard requirements.

115.52	Exhaustion of administrative remedies
	<p data-bbox="256 188 959 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 266 544 300">Auditor Discussion</p> <p data-bbox="256 344 523 378">Document Review:</p> <ol data-bbox="256 412 1474 898" style="list-style-type: none"> <li data-bbox="256 412 855 445">1. Reception and Treatment Center PAQ <li data-bbox="256 479 1474 562">2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 <li data-bbox="256 595 1422 678">3. Nebraska Department of Correctional Services, Inmate Grievance Procedures Policy 217.02, dated 12.31.2021 <li data-bbox="256 712 1422 795">4. Nebraska Department of Correctional Services Informal Grievance Resolution Form, Unit Staff, completed <li data-bbox="256 828 1358 898">5. Email communication to Facility Security Administrator, RE: Other, dated 12.15.2021 <p data-bbox="256 1010 416 1043">Interviews:</p> <ol data-bbox="256 1077 711 1267" style="list-style-type: none"> <li data-bbox="256 1077 571 1111">1. Random Inmates <li data-bbox="256 1144 576 1178">2. Targeted Inmates <li data-bbox="256 1211 711 1267">3. PREA Compliance Manager <p data-bbox="256 1290 1469 1458">Interviews demonstrated inmates were aware of the grievance procedures and understood they could complete grievances as a reporting option. Inmates were able to articulate grievance boxes were in their units and either each had grievance forms in their cells or they could ask a staff in control.</p> <p data-bbox="256 1559 1445 1850">The interview with the PREA Compliance Manager demonstrated grievances were checked by one individual, five days per week. Post audit the facility provided the following action plan to make certain grievances are checked five days a week in order ensure each are addressed within 48 hours. "The grievance box has been moved to the front of main dining to consolidate access and speed collection. A key has been placed in the Key watcher where upper management staff can access the keys on a daily basis to collect grievances."</p> <p data-bbox="256 1962 504 1995">Site Observation:</p> <p data-bbox="256 2029 1398 2063">Grievance boxes were witnessed in each living unit, grievance forms were in the</p>

control rooms and inmates held in their rooms for long periods of time were able to show the Auditor they had grievance forms in their cells.

(a) The Reception and Treatment Center PAQ states the agency has an administrative procedure for dealing with Inmate grievances regarding sexual abuse.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 17-18, section T. PREA Standard Secure Facility 115.52 a-g / Community Facility 115.252 a-g Exhaustion of Administrative Remedies, states, "Inmates will not be disciplined for filing a grievance related to alleged sexual abuse/assault or sexual harassment unless the facility demonstrates the grievance was deliberately filed in bad faith.

NDCS does not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse/assault or sexual harassment. Applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse/assault or sexual harassment will be followed per policy. An inmate is not required to use any informal grievance process (i.e., an inmate may submit a Step I Grievance without an Informal Grievance attached) or otherwise attempt to resolve an alleged incident of sexual abuse/assault or sexual harassment with staff.

An inmate who alleges sexual abuse/assault or sexual harassment may file a grievance without submitting it to a staff member who is the subject of the complaint. A grievance will not be referred to a staff member who is the subject of the complaint.

A final response to the grievance will be issued within 90 days of the initial filing. This does not include time consumed by inmates preparing an administrative appeal. An extension of up to 70 days may be requested if there is insufficient time to make an appropriate decision. Inmates will be notified in writing of the extension and be provided a date by which the decision will be made. If the inmate does not receive a response or notification of extension he or she may consider the absence of a response to be a denial at that level.

An inmate may also file an emergency grievance if he or she feels there is a substantial risk of imminent sexual abuse/assault.

The emergency grievance will immediately be forwarded to the Shift Supervisor, who will take immediate corrective action. An initial response shall be provided within 48 hours and a final decision will be issued within five calendar days. The initial response and final decision will serve as documentation determining whether the inmate is at substantial risk of imminent sexual abuse/assault and the action taken in response to the emergency grievance.

Third Party Reporting

Third parties include fellow inmates, staff members, family members, attorneys, and outside advocates. Third parties shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse/assault or sexual harassment and shall also be permitted to file such requests on behalf of the inmate. (This provision is also listed in PREA Standard secure facility 115.51/ 115.54 community facility 115.251/115.254)."

(b) The Reception and Treatment Center PAQ states the agency policy or procedure allows an inmate to submit a grievance regarding an allegation of sexual abuse at any time, regardless of when the incident is alleged to have occurred. Policy compliance can be found in provision (a) of this standard.

(c) The Reception and Treatment Center PAQ states the agency's policy and procedure allows an inmate to submit a grievance alleging sexual abuse without submitting it to the staff member who is the subject of the complaint. The agency's policy and procedure requires that an inmate grievance alleging sexual abuse not be referred to the staff member who is the subject of the complaint. Policy compliance can be found in provision (a) of this standard.

(d) The Reception and Treatment Center PAQ states the agency's policy and procedures that require a decision on the merits of any grievance or portion of a grievance alleging sexual abuse be made within 90 days of the filing of the grievance. In the past 12 months:

- there have been 13 grievances filed alleging sexual abuse;
- In the past 12 months, the number of grievances alleging sexual abuse that reached final decision within 90 days after being filed was 12.
- zero grievances alleging sexual abuse that involved extensions because final decision was not reached within 90 days.

Policy compliance can be found in provision (a) of this standard.

(e) The Reception and Treatment Center PAQ states agency policy and procedure permits third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and to file such requests on behalf of inmates. Agency policy and procedure requires that if an inmate declines to have third-party assistance in filing a grievance alleging sexual abuse, the agency documents the inmate's decision to decline. The number of grievances alleging sexual abuse filed by inmates in the past 12 months in which the inmate declined third-party assistance, containing documentation of the inmate's decision to decline was zero. Policy compliance can be found in provision (a) of this standard.

(f) The Reception and Treatment Center PAQ states the facility has a policy and established procedures for filing an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse. The facilities policy and procedures for emergency grievances alleging substantial risk of imminent sexual abuse require an initial response within 48 hours. The facilities policy and procedure for emergency grievances alleging substantial risk of imminent sexual abuse require that a final agency decision be issued within 5 days. One grievance was received alleging substantial risk of imminent sexual abuse which had an initial response within 48 hours. Policy compliance can be found in provision (a) of this standard.

(g) The Reception and Treatment Center PAQ states the facility has a written policy that limits its ability to discipline an inmate for filing a grievance alleging sexual abuse to occasions where the agency demonstrates that the Inmate filed the grievance in bad faith. In the past 12 months, there have been zero grievances alleging sexual abuse to occasions where the agency demonstrated that the Inmate filed the grievance in bad faith. Policy compliance can be found in provision (a) of this standard.

Through such reviews, the facility meets the standard requirements.

115.53	Inmate access to outside confidential support services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

Document Review:

1. Reception and Treatment Center PAQ
2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022
3. Nebraska Department of Correctional Services Memorandum, RE: Standard 115.53 C-4 Advocacy Attempts, dated 11.22.2022

Interviews:

1. Random Inmates
2. Targeted Inmates
3. Random staff
4. Specialized staff

Staff and inmates interviewed informally and formally were aware of outside reporting agencies to include the Ombudsman and the Nebraska State Patrol. Staff and inmates spoke to reporting information being posted in their living areas also known as galleries and throughout programmatic areas of the facility.

Site Observation:

During the tour and informal interviews with inmates, one each in the three housing units, were able to demonstrate they could dial 0.111.111.111 or speed dial 08, and the call resulted in a voicemail message to the PREA hotline. In addition, where available, inmates were also able to demonstrate they could complete PREA notifications on their tablets and on the kiosk system.

(a) The Reception and Treatment Center PAQ states the facility provides inmates with access to outside victim advocates for emotional support services related to sexual abuse by:

- Giving inmates (by providing, posting, or otherwise making accessible) mailing addresses and telephone numbers (including toll-free hotline numbers where available) of local, State, or national victim advocacy or rape crisis organizations.
- Does not give inmates mailing addresses and telephone number (including toll-free hotline numbers where available) for immigrant services agencies for persons detained solely for civil immigration purposes; and
- Enables reasonable communication between inmates and these organizations, in

as confidential manner as possible.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 18-19, section U. PREA Standard Secure Facility 115.53 a-c / Community Facility 115.253 a-c Inmates Access to Outside Confidential Support Services, states, "NDCS shall maintain or attempt to enter into a memorandum of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreement.

In the event that a victim advocate is needed for an incident of Sexual Assault, the facility shall make available or attempt to make available to the victim a victim advocate from a rape crisis center. If a victim advocate from 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. This person shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general. The facility will document efforts to secure services from rape crisis centers on the Facility Checklist for Incidents of Sexual Assault/Abuse (Attachment E). As requested by the victim, the victim advocate, qualified agency staff member or qualified community-based organization staff member shall accompany and support the victim through the forensic examination process and investigatory interviews and shall provide emotional support, crisis intervention, information and referrals.

If requested by the victim, he or she will be allowed to contact his or her emergency contact or an immediate family member via a staff assisted telephone call. The staff assisted call shall be no longer than 15 minutes in duration. Staff will document the call, or attempted call, on an Incident Report."

(b) The Reception and Treatment Center PAQ states the facility informs Inmates, prior to giving them access to outside support services, the extent to which such communications will be monitored. The facility informs inmates, prior to giving them access to outside support services, of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant Federal, State, or local law.

The agency provided an example memorandum providing facility staff and inmates

with advocate contact phone and address information.

(c) The Reception and Treatment Center PAQ states the facility maintains memoranda of understanding with community service providers that are able to provide inmates with emotional support services related to sexual abuse.

The facility provided a Nebraska Department of Correctional Services Memorandum, RD: Standard 115.53 C-4 Advocacy Attempts from the agency PREA Coordinator to the PREA Auditor, stating, "On July 8th, 2022, NDCS signed a Memorandum of understanding with the Women's Center for Advancement. ON February 10, 2022, NDCS received a letter from the Women's Center for Advancement. Stating WCA is terminating the MOU effective March 22, 2022.

- On March 29, 2022, The NDCS Captain / PREA Coordinator reached out to bridge from violence to attempt to enter into an MOU for advocacy care.

- On July 16, 2022, The NDCS Captain / PREA Coordinator reached out to YWCA to attempt to enter into an MOU for advocacy care.

- On September 28, 2022, The NDCS Captain / PREA Coordinator reached out to The Trevor Project to attempt to enter into an MOU for advocacy care.

- On September 28, 2022, The NDCS Captain / PREA Coordinator reached out to encourage advocacy to attempt to enter into an MOU for advocacy care.

- o Encourage was interested had a zoom meeting on October 28, 2022

- o Sent MOU example on 11-8-2022"

Through such reviews, the facility meets the standard requirements.

115.54	Third-party reporting
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	Auditor Overall Determination: Meets Standard
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	Auditor Discussion
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	Document Review:
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	1. Reception and Treatment Center PAQ
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	2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022
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3. Post Audit: Visit on 2.13.2023

Interviews:

1. Random Inmates
2. Targeted Inmates
3. Random staff
4. Specialized staff
5. PREA Compliance Manager

Inmates and staff interviewed demonstrated their reporting knowledge of third party reporting stating that inmate family members, friends and or legal counsel could report sexual harassment or sexual abuse allegations.

Site Observation:

During tour of the visitation area, third party reporting information was not posted. The facility was requested to post Zero Tolerance flyers with third party information in the visitation room. On 2.13.2023 the Auditor revisited the facility and witnessed the third party information postings on Zero Tolerance flyers in the visitation area.

(a) The Reception and Treatment Center PAQ states the facility provides a method to receive third-party reports of inmate sexual abuse or sexual harassment. The agency publicly distributes information on how to report Inmate sexual abuse or sexual harassment on behalf of Inmates. The PAQ states, "[https://corrections.nebraska.gov/about/prison-rape-elimination-act-](https://corrections.nebraska.gov/about/prison-rape-elimination-act-0)

0 and

<https://corrections.nebraska.gov/about/prison-rape-elimination-act/ndcs-prea-reporting-form>"

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 17, section 2. Third Party Reporting, states, "Third parties includes fellow inmates, staff members, family members, attorneys, and outside advocates. Third parties shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse/assault or sexual harassment and shall also be permitted to file such requests on behalf of the inmate. (This provision is also listed in PREA Standard secure facility 115.51/ 115.54 community facility 115.251/115.254)."

	<p>a. Hotline number (855) 623-7360</p> <p>b. Submitting an online reporting form. Procedures for third party reporting can be found on the NDCS website.</p> <p>c. PREA Hotline on the Inmate Calling System Generic Pin 0-111-111-111 speed dial 08#.”</p> <p>On 1.6.2023, at 6:09 pm, this Auditor sent the following email to NDCS PREA Reporting Form NDCS - Nebraska Department of Correctional Services to test the third party reporting option to inmates, family and staff members. “My name is Karen Murray and I am scheduled to audit the Reception and Treatment Center and am testing the third party reporting system. Could you be so kind as to respond to this email with how you would proceed when you receive a third party PREA report.”</p> <p>On 1.6.2023 at 10:17 pm, the Auditor received the following response from the Agency Captain / PREA Coordinator, stating, “In response to this email I would report the incident to the facility compliance manager to do follow up on what was reported, and then based off the victims interview I would reach out to the facility warden to determine the next steps to be completed.”</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.61	Staff and agency reporting duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random Inmates 2. Targeted Inmates 3. Random staff

4. Specialized Staff
5. PREA Compliance Manager
6. Captain / PREA Coordinator

Interviews with the facility staff and inmates demonstrated each actively practices and understood the importance of immediately reporting all allegations of sexual harassment and sexual abuse.

Site Observations:

Staff reporting documentation of inmate information, incident reports and investigations being completed in the facility database demonstrated reports of allegation are addressed timely. The PREA Compliance Manager and the PREA Coordinator presented documentation of inmate and staff allegations of sexual harassment and sexual abuse.

(a/d-e) The Reception and Treatment Center PAQ states the agency requires all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency. The agency requires all staff to report immediately and according to agency policy any retaliation against inmates or staff who reported such an incident. The agency requires all staff to report immediately and according to agency policy any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 19, section W. PREA Standard Secure Facility 115.61 a-f / Community Facility 115.261 a-f Staff and Agency Reporting Duties, 1-3, states, "All NDCS staff are required to report immediately and according to policy any knowledge, suspicion or information regarding:

1. An incident of sexual abuse/assault or sexual harassment that occurred in a facility, whether or not 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

	<p>initiation of services.</p> <p>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.”</p> <p>(b) The Reception and Treatment Center PAQ states apart from reporting to designated supervisors or official and designated state or local service agencies, agency policy prohibits staff from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 20, first paragraph, states, “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.”</p> <p>(c) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 19, last paragraph, states, “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.”</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.62	Agency protection duties
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022

	<p>Interviews:</p> <ol style="list-style-type: none"> 1. Targeted Inmates 2. Random Staff 3. Specialized Staff 4. PREA Compliance Manager 5. Unit Case Manager / Administrative Investigator 6. Criminal Investigator <p>Interviews with targeted inmates demonstrated allegations were responded to promptly and thoroughly and were satisfied with the facilities response protocols.</p> <p>Interviews with the random and specialized staff demonstrated facility staff act promptly and responds properly at the discovery of any incident involving sexual harassment and sexual abuse.</p> <p>(a) The Reception and Treatment Center PAQ states when the agency or facility learns that an inmate is subject to a substantial risk of imminent sexual abuse, it takes immediate action to protect the Inmate. In the past 12 months, the facility reports one inmate was subject to substantial risk of imminent sexual abuse. Upon discovery of Inmate being subject to substantial risk, the facility immediately separates the victim from the perpetrator, made notification and completed incident reporting requirements.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11. page 20, section X. PREA Standard Secure Facility 115.62 a / Community Facility 115.262 a. Agency Protection Duties, states, “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.”</p> <p>Through such reviews the facility meets the standard requirements.</p>
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115.63	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Reception and Treatment Center PAQ
2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022
3. Investigative Case Log Report, dated 2.8.2022
4. Agency Head Notification, dated 7.30.2020
5. Notification to Facility Security Administrator

Interviews:

1. Warden

The interview with the Warden demonstrated that he was aware that upon receiving an allegation that an inmate was sexually abused while confined at another facility, he had the responsibility to notify the head of the facility where the allegation occurred. The Warden stated he would begin an internal investigation and keep in contact with the facility in question until the investigation was completed.

Site Observation:

The facility had one reported allegation of sexual abuse while the inmate was confined at another facility. The facility provided the notification to the receiving agency.

(a) The Reception and Treatment Center PAQ states the agency has a policy requiring that, upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility must notify the head of the facility or appropriate office of the agency or facility where sexual abuse is alleged to have occurred. The agency's policy also requires that the head of the facility notify the appropriate investigative agency. In the past 12 months, the facility has received one allegation that an inmate was abused while in confinement at another facility.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 20, section Y. PREA Standard Secure Facility 115.63 a-d / Community Facility 115.263 a-d Reporting to Other Confinement Facilities, states, "Within 72 hours of receipt of an allegation an inmate was sexually abused while confined at another facility, the receiving Warden/designee shall notify the Warden/designee where the

incident was alleged to have occurred and the agency PREA Coordinator. Such notification shall be documented. The agency PREA Coordinator will ensure an investigation is completed according to policy.”

The facility provided documentation demonstrating the facility has documentation of notifications to facilities when receiving allegations of sexual abuse at another facility.

(b) The Reception and Treatment Center PAQ states agency policy requires that the facility head provides such notification as soon as possible, but no later than 72 hours after receiving the allegation. Policy compliance can be found in provision (a) of this standard.

(c) The Reception and Treatment Center PAQ states the facility documents that it has provided such notification within 72 hours of receiving the allegation. Policy compliance can be found in provision (a) of this standard.

(d) The Reception and Treatment Center PAQ states facility policy requires that allegations received from other agencies or facilities investigated in accordance with the PREA standards. In the last 12 months, there have been two allegations of sexual abuse the facility received from other facilities. Policy compliance can be found in provision (a) of this standard.

Through such reviews, the facility meets the standard requirements.

115.64 Staff first responder duties	
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022

Interviews:

1. Random staff
2. Specialized staff
3. PREA Compliance Manager

Informal and formal interviews with staff demonstrated each were aware of their first responder responsibilities. Staff stated reporting information is posted throughout the facility and their training included first responder duties. Staff also stated they would have one staff preserve the area where the incident was alleged to have occurred while the victim and suspect were being separated and preserved by themselves or another officer. Each staff interviewed stated they would make proper notifications to supervisory staff and complete an incident report documenting details of any incident or reported allegation.

Site Observation:

Documentation review allegations demonstrated staff responded accurately and promptly. The facility staff are aware of the facilities coordinated response to ensure all protocols are followed as designed. Most random staff had first responder cards on their person to include first responder steps.

(a) The Reception and Treatment Center PAQ states the agency has a first responder policy for allegations of sexual abuse. The policy requires that, upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to separate, preserve, protect, collect physical evidence, 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, 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.

In the past 12 months, eight allegations occurred where an inmate was sexually abused.

Of these allegations of sexual abuse in the past 12 months, the number of times the first security staff member to respond to the report separated the alleged victim and abuser was eight.

In the past 12 months, the number of allegations where staff were notified within a time period that still allowed for the collection of physical evidence was three.

Of these allegations in the past 12 months where staff were notified within a time period that still allowed for the collection of physical evidence, the number of times the first security staff member to respond to the report requested 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 was three.

Of these allegations in the past 12 months where staff were notified within a time period that still allowed for the collection of physical evidence, the number of times the first security staff member to respond to the report ensured that the alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating was zero.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 20, section Z. PREA Standard Secure Facility 115.64 / Community Facility 115.264 Staff First Responder Duties, 1.a. states, "Upon learning of an allegation an inmate was sexually assaulted, the first security staff member (team members primarily responsible for the supervision and control of inmates, including but not limited to custody, housing unit, mental health, Activities and Recreation (A & R), maintenance, teachers, etc.) to respond to the report shall be required to:

1. Separate the victim and abuser; and ensure that the victim is safe.
2. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.
3. 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."

(b) The Reception and Treatment Center PAQ states the facility's' policy requires that if the first staff responder is not a security staff member, that responder shall be required to request that the alleged victim not take any actions that could destroy

	<p>physical evidence and notify security staff. Of the allegations that an inmate was sexually abused made in the past 12 months, the number of times a non-security staff member was the first responder was two. Policy compliance can be found in provision (a) of this standard.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.65 Coordinated response	
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	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Facility Checklist for Incidents of Sexual Abuse and Sexual Harassment Form, not dated <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random staff 2. Specialized staff 3. PREA Compliance Manager <p>Interviews with random staff demonstrated the Shift Supervisor brings an incident checklist to ensure all steps of reported allegations are completed.</p> <p>Interviews with the PREA Compliance Manager and specialized staff demonstrated the response to allegations of sexual assault is written to coordinate actions taken in response to sexual abuse and sexual harassment incidents.</p> <p>Site Observation:</p> <p>Review of the Facility Checklist for Incidents demonstrates clear direction to staff to ensure first responder duties are fulfilled.</p>
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	<p>(a) The Reception and Treatment Center PAQ states the facility developed a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.</p> <p>The facility provided a Facility Checklist for Incidents of Sexual Abuse and Sexual Harassment form. The form is used as the agency coordinated response and documents the following information.</p> <ol style="list-style-type: none"> 1. Steps to ensure a coordinated response for sexual assault, sexual abuse and sexual harassment 2. If incident is sexual assault 3. Shift Supervisor completes a Mental Health Referral, collect reports from all personnel, contractors, witnesses, victim and aggressors involved and ensures reassessments are completed. <p>Notifications are completed to all applicable departments.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.66	Preservation of ability to protect inmates from contact with abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. The State of Nebraska and the Teachers Bargaining Unit, dated 7.1.2021 - 6.30.2023 4. The Nebraska Association of Public Employees Local 61 of the American Federation of State, County and Municipal Employees, dated 7.1.2021 - 6.30.2023 5. The State of Nebraska and Protective Services, dated 7.1.2021 - 6.30.2023

	<p>(a) The Reception and Treatment Center PAQ states the agency, facility, or any other governmental entity responsible for collective bargaining on the agency’s behalf has entered into or renewed any collective bargaining agreement or other agreement since August 20, 2012, or since the last PREA audit, whichever is later.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 22, section BB. PREA Standard Secure Facility 115.66 a-b / Community Facility 115.266 a-b Preservation of Ability to Protect Inmates from Contact with Abusers, states, “NDCS shall not enter into 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. NDCS is not restricted from entering into or renewing agreements that govern the conduct of the disciplinary process or whether a no-contact assignment imposed pending the outcome of an investigation shall be expunged from or retained in the staff member’s personnel file following a determination the allegation of sexual abuse/assault is not substantiated.”</p> <p>The facility is currently entered into one collective bargaining agreement. The agreements include the following:</p> <ul style="list-style-type: none"> · The State of Nebraska and Protective Services, represented by Fraternal Order of Police, Nebraska Protective Services, Lodge 88 (FOP 88) <p>Through such reviews, the facility meets the standard requirements.</p>
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115.67	Agency protection against retaliation
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022

Interviews:

1. PREA Compliance Manager

Interviews PREA Compliance Manager demonstrated that he would complete retaliation monitoring. Retaliation would be completed by checking in with inmates on at least a monthly basis and documented for at least 90 days and or as long as may be necessary.

Onsite Observation:

Through review of five sexual abuse allegations, each had documented retaliation monitoring.

(a-b) The Reception and Treatment Center PAQ states the agency has 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. The agency designates PREA Compliance Manager with monitoring for possible retaliation.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 22-23, section CC. PREA Standard Secure Facility 115.67 a-f / Community Facility 115.267 a-f Agency Protection against Retaliation, state,

1. "NDCS has an obligation to protect all inmates and staff who report sexual abuse/assault or sexual harassment or cooperate with sexual abuse/assault or sexual harassment investigations from retaliation by other inmates or staff. Examples of acts of retaliation include, but are not limited to, unnecessary discipline, intimidation, unnecessary changes in work or program assignments, unjustified transfers or placements and unjustified denials of privileges or services. The facility PREA Compliance Manager is responsible for monitoring retaliation against inmates, the PREA Coordinator is responsible for monitoring retaliation against staff. Staff who believe they have been subject to retaliation should contact the PREA Coordinator in order to initiate retaliation tracking.

2. Once the PREA Compliance Manager is made aware of an open investigation, the manager shall meet with the victim and begin retaliation tracking. Facilities shall 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/assault or sexual harassment or for cooperating with investigations. Monitoring of inmates will include status checks."

(c) The Reception and Treatment Center PAQ states the facility monitors the conduct or treatment of Inmates or staff who reported sexual abuse and of Inmates who were reported to have suffered sexual abuse to ascertain if there are any changes that may suggest possible retaliation by Inmates or staff. The facility will monitor conduct or treatment until the Inmate is discharged. The facility acts promptly to remedy any such retaliation. In the past 12 months, the facility has had zero incidents of retaliation.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 22-23, section CC. PREA Standard Secure Facility 115.67 a-f / Community Facility 115.267 a-f Agency Protection against Retaliation, 3. a-b., states, "The conduct and treatment of inmates or staff who report sexual abuse/assault and of inmates who were reported to have suffered sexual abuse shall be monitored for at least 90 days to determine if there are changes that may suggest possible retaliation by inmates or staff. Immediate action will be taken to remedy any retaliation. The facility will continue monitoring beyond 90 days if the initial monitoring indicates a continuing need.

a. Items that should be monitored include any inmate disciplinary reports, housing or program changes or negative performance reviews or reassignments of staff.

b. The facility PREA Compliance Manager or PREA Coordinator will make periodic status checks to determine if retaliation is being perpetrated against or perceived by inmates or staff. With the approval of the Warden, the PREA Compliance Manager may designate up to three management positions (Unit Manager, Lieutenant or above) to assist with retaliation monitoring. Allegations or indications of retaliation will be reviewed and documented. Appropriate action will be taken in the event of confirmed retaliation against inmates or staff."

(d) Policy compliance is found in provision (a) of this standard.

(e) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 22-23, section CC. PREA Standard Secure Facility 115.67 a-f / Community Facility 115.267 a-f Agency Protection against Retaliation, 4., states, "If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual."

Through such reviews, the facility meets the standard requirements.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Reception and Treatment Center PAQ
2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022

Interviews:

1. Targeted Inmates
2. Specialized staff
3. PREA Compliance Manager

Interviews demonstrated targeted inmates were not currently placed in protective custody for reasons regarding PREA.

(a) The Reception and Treatment Center PAQ states the agency has a policy prohibiting the placement of inmates who allege to have suffered sexual abuse 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. The number of inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completion of assessment was two.

The number of inmates who allege to have suffered sexual abuse who were assigned to involuntary segregated housing in the past 12 months for longer than 30 days while awaiting alternative placement was zero. From a review of case files of inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months, the number of case files that include BOTH (a) a statement of the basis for facility's concern for the inmate's safety, and (b) the reason or reasons why alternative means of separation could not be arranged was six. If an involuntary segregated housing assignment is made, the facility affords each such inmate a review every 30 days to determine whether there is a continuing need for separation from the general population.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 23, section DD. PREA Standard Secure Facility 115.68 a / Community Facility

	<p>115.268 a Post-Allegation Protective Custody, states, “Any use of segregation housing to protect an inmate who is alleged to have suffered sexual abuse is subject to the requirements of PREA standard 115.43.”</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.71	Criminal and administrative agency investigations
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Post Audit: Investigation Template Revision <p>Interviews:</p> <ol style="list-style-type: none"> 1. Unit Case Manager / Administrative Investigator 2. Criminal Investigator 3. PREA Compliance Manager 4. Captain / PREA Coordinator <p>Interviews with the agency and facility investigators demonstrated each had completed specialized investigator training through the agency investigator training. Investigators clearly articulated processes required during an investigation, to include interviewing all individuals involved and those who witnessed the allegation, review of physical and video evidence and each completed an in-depth investigative report.</p> <p>Site Observation:</p> <p>Each investigation was reviewed utilizing the PREA Audit – Adult Prisons & Jails Documentation Review – Investigations template. Each of the 10 investigations reviewed was completed promptly thoroughly, and objectively. Review of the one criminal and nine administrative investigations demonstrated the agency completes in-depth investigations, to include an administrative investigation for the criminal</p>

investigation. However, review of investigations demonstrated prior complaints of perpetrators were not consistently reviewed and reasoning behind credibility assessments is not consistently documented. An action plan was requested to ensure investigators are trained on reviewing final complaints of perpetrators and assessing credibility.

Post audit, the facility provided an investigation template revision and training. This revision will begin 2.1.2023 and has been approved by the Interim Director, Deputy Director of Prisons, Deputy Director of Programs, Legal, and the Assistant Deputy Director of Intel and Investigations. The template prompts investigators to speak to 'History of Prior Investigations' and 'Credibility Assessment / Conclusion'.

(a) The Reception and Treatment Center PAQ states the agency/facility has a policy related to criminal and administrative agency investigations.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 23-24, section EE. PREA Standard Secure Facility 115.71 a-I / Community Facility 115.271 a-I Criminal and Administrative Agency Investigations, 1., states, "NDCS shall ensure that an administrative or criminal investigation is completed for 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. (ACI-3D-11)

1. "Upon receipt of an allegation for sexual assault, sexual abuse or sexual harassment the PREA Coordinator will review the report (s) of the allegation and discuss the incident with the facility warden to determine if an investigation is warranted.

If the allegation is determined to be opened for investigation the PREA Coordinator will assign the investigation a case number in the Investigator's Case Management Database and forward the case log and initial reports to the PREA Compliance Manager at the respective facility to be assigned to a PREA investigator.

When the PREA Coordinator reviews the allegation and discusses the incident with the

facility Warden and it is determined an investigation is not warranted, the PREA Coordinator will process the information into the Investigator's Case Management Data Base and route through administration for review and comment."

(b) Policy compliance can be found in provision (a) of this standard.

(c) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 23-24, section EE. PREA Standard Secure Facility 115.71 a-l / Community Facility 115.271 a-l Criminal and Administrative Agency Investigations, 3., states, "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 assault or sexual abuse is alleged by a Team Member refer to policy 215.01. If referred back to the facility to investigate, investigators who have received special training in sexual assault and abuse investigations will be utilized. 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. The PREA Compliance manager will meet with the victim and inform them of the open investigation and if the staff member or inmate has been reassigned to a different unit. 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 the investigation and contact the PREA Coordinator, and the Investigation Coordinator will be immediately notified."

(d) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 24-25, section EE. PREA Standard Secure Facility 115.71 a-l / Community Facility 115.271 a-l Criminal and Administrative Agency Investigations, 3. b., states, "When the quality of evidence appears to support criminal prosecution, compelled interviews will only be conducted after consulting with prosecutors as to whether the compelled interview may be an obstacle for subsequent criminal prosecution."

(e) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 25, section EE. PREA Standard Secure Facility 115.71 a-l / Community Facility 115.271 a-l Criminal and Administrative Agency Investigations, 4., states, "The credibility of an alleged victim, suspect or witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff. Inmates who allege sexual abuse/assault will not be submitted to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation."

(f) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 25, section EE. PREA Standard Secure Facility 115.71 a-l / Community Facility 115.271 a-l Criminal and Administrative Agency Investigations, 5., states, "Administrative Investigations shall:

a. Include an effort to determine whether staff actions or failures to act contributed to the abuse.

b. Be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments and investigative facts and findings.

c. Impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse/assault or sexual harassment are substantiated."

(g) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 25, section EE. PREA Standard Secure Facility 115.71 a-l / Community Facility 115.271 a-l Criminal and Administrative Agency Investigations, 6., states, "Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial and documentary evidence and attached copies of all documentary evidence where feasible."

(h) The Reception and Treatment Center PAQ states substantiated allegations of conduct that appear to be criminal are referred for prosecution. The number of substantiated allegations of conduct that appear to be criminal that were referred for prosecution since August 20, 2012, or since the last PREA audit, whichever is later is five.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 24, section EE. PREA Standard Secure Facility 115.71 a-l / Community Facility 115.271 a-l Criminal and Administrative Agency Investigations, 2., states, "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 assault or sexual abuse is alleged by a Team Member refer to policy 215.01. If referred back to the facility to investigate, investigators who have received special training in sexual assault and abuse investigations will be utilized. 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. The PREA Compliance manager will meet with the victim and inform them of the open investigation and if the staff member or inmate has been reassigned to a different

unit. 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 the investigation and contact the PREA Coordinator and the Investigation Coordinator will be immediately notified.”

(i) The Reception and Treatment Center PAQ states the agency retains all written reports pertaining to administrative or criminal investigation of alleged sexual abuse or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 31, section OO. PREA Standard Secure Facility 115.97 a-f / Community Confinement Facility 115.87 a-f Data Collection, 4. Maintenance of Records, states, “The case records involving allegations of sexual harassment, sexual abuse or sexual assault of inmates and the subsequent investigations and outcomes will be kept by the PREA Coordinator. Written reports regarding criminal and administrative investigations will be retained for as long as the alleged abuser is incarcerated or employed by NDCS, plus five years. The required information will be kept in the Investigator’s Case Management Data Base as well as a hard copy in the PREA Coordinator’s office. Each case shall be identified as one of the following PREA categories:

1. Staff on inmate sexual assault
2. Staff on inmate sexual abuse
3. Staff on inmate exhibitionism
4. Staff on inmate voyeurism
5. Staff on inmate sexual harassment
6. Inmate on inmate sexual assault
7. Inmate on inmate sexual abuse
8. Inmate on inmate sexual harassment”

(j) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 24, section EE. PREA Standard Secure Facility 115.71 a-l / Community Facility 115.271 a-l Criminal and Administrative Agency Investigations, 7., states, “The departure of the alleged abuser or victim from the employment or control of the facility shall not provide a basis for terminating an investigation.”

	<p>(l) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 24, section EE. PREA Standard Secure Facility 115.71 a-l / Community Facility 115.271 a-l Criminal and Administrative Agency Investigations, 8., states, “An administrative investigation assigned to a NDCS Investigator at the facility level will be submitted to the agency PREA Coordinator within 30 working days of the date of assignment. (the date the report is logged in the Investigator’s Case Management Data Base and assigned an investigative case number) based on the evidence available and the possibility of obtaining additional evidence or information. A Criminal investigation assigned to an agency Criminal Investigator will submit their report to the Investigation Coordinator upon completion. The Investigation Coordinator will consult with the PREA Coordinator upon findings.</p> <p>a. NDCS investigator at the facility level that is not completed within 30 days will request an extension prior to the 30 day deadline. The facility Warden be advised of the request for an extension from a NDCS Investigator prior to approval of the extension. The PREA Coordinator must be notified of the extension once the extension is approved. When an extension is requested the granting authority will ensure that the investigation is proceeding in an appropriate direction, the information is gathered in a timely manner and all avenues are available to the investigator.”</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.72	Evidentiary standard for administrative investigations
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Unit Case Manager / Administrative Investigator 2. Criminal Investigator <p>The interview with investigators demonstrated the facility shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.”</p>

(a) The Reception and Treatment Center PAQ states the agency imposes a standard of a preponderance of the evidence or a lower standard of proof for determining whether allegations of sexual abuse or sexual harassment are substantiated.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 26, section FF. PREA Standard Secure Facility 115.72 a / Community Facility 115.222 a. Evidentiary Standard for Administrative Investigation, states, "NDCS shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse/assault or sexual harassment are substantiated."

Through such reviews, the facility meets the standard requirements.

115.73	Reporting to inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none">1. Reception and Treatment Center PAQ2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.20223. NDCS/PREA Post Investigation Inmate Notification (115.73), not dated4. Investigation Packet5. Post Audit: Revised NDCS / PREA Post Investigation Inmate Notification Form <p>Interviews:</p> <ol style="list-style-type: none">1. Targeted Inmates2. PREA Compliance Manager <p>Interviews with targeted inmates demonstrated most were notified of the outcomes of investigation of sexual harassment and sexual abuse. Targeted inmates who stated they were not satisfied with the investigation outcomes stated they were not made aware of investigation outcomes. When reviewing investigations, notifications to those inmates were in investigation documentation.</p>

The interview with the PREA Compliance Manager demonstrated he notifies victims of sexual abuse and sexual harassment verbally and in writing. Documentation of notifications are documented on hard copy notification forms.

Site Observation:

Review of documentation of inmate notification demonstrated notifications were not documented throughout the investigation for investigations involving staff and residents. An action plan was requested to ensure documentation is completed when the staff member is no longer posted within the inmate's unit; the staff member is no longer employed at the facility; the agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or the agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

Post audit the facility provided a Revised NDCS / PREA Post Investigation Inmate Notification form. The form has been revised to prompt employees to notify inmates, at separate times, throughout the investigation process.

(a) The Reception and Treatment Center PAQ states the agency has a policy requiring that any inmate who makes an allegation that he or she suffered sexual abuse in an agency facility is informed, verbally or in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation by the agency. The number of criminal and/or administrative investigations of alleged inmate sexual abuse that were completed by the agency/facility in the past 12 months was 17. Of the alleged sexual abuse investigations that were completed in the past 12 months, the number of inmates who were notified, verbally or in writing, of the results of the investigation was 16.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 26, section GG. PREA Standard Secure Facility 115.73 a-f / Community Facility 115.273 a-f Reporting to Inmates, 1. Reporting to Inmates, states, "Following an investigation into an inmate's allegation that he or she suffered sexual abuse/assault or harassment, the inmate shall be informed as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded. If NDCS did not conduct the investigation it shall request the relevant information from the Nebraska State Patrol in order to inform the inmate. All notifications or attempts shall be made by the facility PREA Compliance Manager or designee and documented. The obligation to report is terminated if the inmate is released from NDCS custody."

The facility provided an investigation packet. The investigation packet demonstrates the following is documented during an investigation.

- PREA Investigation Cover Sheet
- PREA Investigation
- Investigative Case Log Report
- Spreadsheet of persons involved information to include: name, inmate number, DOB, race, facility and TRD.
- Letter to Facility Security Administrator with Incident Report Details, inmates involved, staff involved and actions taken
- Incident report
- Inmate statements
- Mental Health/Medical Referral Form for both the alleged victim and abuser
- Facility Checklist for Incidents of Sexual Assault Sexual Abuse and Sexual Harassment

(b) The Reception and Treatment Center PAQ states If an outside entity conducts such investigations, the agency requests the relevant information from the investigative entity in order to inform the Inmate as to the outcome of the investigation. In the past 12 months, there has been zero investigations of alleged inmate sexual abuse. Policy compliance can be found in provision (a) of this standard.

(c) The Reception and Treatment Center PAQ states following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency/facility subsequently does inform the Inmate (unless the agency has determined that the allegation is unfounded) whenever:

- The staff member is no longer posted within the Inmate's unit;
- The staff member is no longer employed at the facility;
- The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
- The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility."

There has been one substantiated or unsubstantiated complaint of sexual abuse committed by staff against an inmate in the last 12 months.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 26, section GG. PREA Standard Secure Facility 115.73 a-f / Community Facility 115.273 a-f Reporting to Inmates, 2. Inmate Allegation against a Team Member, states, "Upon completion of the investigation (including the final review) of an inmate's allegation that a staff member has committed sexual abuse/assault against the inmate (unless it is determined the allegation was unfounded), he or she will be informed whenever:

- a. The team member is no longer posted within the inmate's unit.
- b. The team member is no longer employed at the facility.
- c. It is learned the team member has been indicted on a charge related to sexual abuse/assault within the facility.
- d. It is learned the team member has been convicted on a charge related to sexual abuse/assault within the facility."

The facility provided a NDCS / PREA Post Investigation Resident Notification. This notification documents the following:

- Recipient of Notice/Date of Notification
- Nature of Allegation
- Allegation Category
- Did the victim receive written/verbal/Notice of Investigation?
- Did investigation include outside agency? If yes, Name of Agency and date notified.
- Date Investigation began and concluded
- Finding of investigation
- o Case open with State Patrol
- o Substantiated - allegation was investigated and determined to have occurred
- o Unfounded - allegation was investigated and determined not have occurred
- o Unsubstantiated - allegation was investigated, and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred

- Sanction Imposed – unless unfounded
- Date Inmate Notified
- o Staff Suspect removed from Inmates unit
- o Inmate suspect separated from the victim
- o Staff Suspect no longer employed Suspect (staff or Inmate) indicted
- o Suspect (staff or Inmate) convicted
- Inmate Signature/Inmate #/Date/Time
- PREA Compliance Manager signature/Date/Time
- Facility Warden signature/Date/Time
- PREA Coordinator signature/Date/Time

(d) The Reception and Treatment Center PAQ states following an inmate’s allegation that he or she has been sexually abused by another Inmate in an agency facility, the agency subsequently informs the alleged victim whenever: the agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or the agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 27, section GG. PREA Standard Secure Facility 115.73 a-f / Community Facility 115.273 a-f Reporting to Inmates, 3. Inmate Allegation against another Inmate, states, “Upon completion of the investigation (including the final review) of an inmate’s allegation that another inmate has committed sexual abuse/assault against the inmate, he or she will be informed whenever:

- a. It is learned the alleged abuser has been indicted on a charge related to sexual abuse/assault within the facility.
- b. It is learned the alleged abuser has been convicted on a charge related to sexual abuse within the facility.”

(e) The Reception and Treatment Center PAQ states the agency has a policy that all notifications to inmates described under this standard are documented. In the past 12 months, there has been 21 notifications to an inmate, pursuant to this standard. Of those notifications made in the past 12 months, the number that were documented was 21. Policy compliance can be found in provision (c) of this standard.

Through such reviews, the facility meets the standard requirements.

115.76	Disciplinary sanctions for staff
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Department of Correctional Services News Release, NDCS Staff Member Arrested <p>Interviews:</p> <ol style="list-style-type: none"> 1. Warden <p>Interview with the Warden demonstrated employees would be placed on Administrative Leave until the investigation was completed. Depending on the outcome, would depend on disciplinary action that would take place.</p> <p>Site Observation:</p> <p>In the last 12 months, the facility had one staff who was disciplined and terminated for violation of an agency sexual abuse or sexual harassment policy.</p> <p>(a) The Reception and Treatment Center PAQ states staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 27, section HH. PREA Standard Secured Facility 115.76 a-d / Community Facility 115.276 a-d Disciplinary Sanctions for Staff, states, "Team members shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse/assault or sexual harassment policies. Disciplinary sanctions for violations of agency policies relating to sexual abuse/assault or sexual harassment (other than actually engaging in sexual abuse/assault) shall be commensurate with the nature and circumstances of the acts committed, the team member's disciplinary history and the sanctions imposed for comparable offenses by other staff with similar histories. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse/assault. All terminations for violations of agency sexual abuse/assault or sexual harassment policies, or resignations by staff who would have been</p>

terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.”

(b) The Reception and Treatment Center PAQ states in the last 12 months, there has been one staff from the facility that had violated agency sexual abuse or sexual harassment policies.

The facility provided a Department of Correctional Services News Release, NDCS Staff Member Arrested. This release documents the details of a staff termination and arrest for sexual abuse with an inmate.

(c) The Reception and Treatment Center PAQ states disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are 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. In the past 12 months there was one staff requiring discipline for sexual abuse or sexual harassment. Policy compliance can be found in provision (a) of this standard.

(d) The Reception and Treatment Center PAQ states 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, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. In the past 12 months, one staff has been terminated for sexual abuse or harassment. Policy compliance can be found in provision (a) of this standard.

Through such reviews, the facility meets the standard requirements.

115.77	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Reception and Treatment Center PAQ

2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022

Interviews:

1. Warden

The interview with the Warden demonstrated any volunteer or contractor who engaged in sexual abuse would be removed from the facility and reported to law enforcement.

Site Observation:

During the last audit cycle, the facility did not have any volunteers or contractors subject to disciplinary action due to violating sexual abuse or sexual harassment policies.

(a) The Reception and Treatment Center PAQ states agency policy requires that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. agency policy requires that any contractor or volunteer who engages in sexual abuse be prohibited from contact with Inmates. In the past 12 months, there have been zero contractors or volunteers reported to law enforcement or relevant licensing bodies for engaging in sexual abuse of Inmates.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 27, section II. PREA Standard Secure Facilities 115.77 a-b / Community Facilities 115.277 a-b Corrective Action for Contractors and Volunteers, states, "Any contractor or volunteer who engages in sexual abuse/assault shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. The facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse/assault or sexual harassment policies by a contractor or volunteer."

(b) The Reception and Treatment Center PAQ states the facility takes appropriate remedial measures and considers whether to prohibit further contact with Inmates in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. Policy compliance can be found in provision (a) of this standard.

Through such reviews, the facility meets the standard requirements.

115.78 Disciplinary sanctions for inmates

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Reception and Treatment Center PAQ
2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022
3. Department of Correctional Services, Title 68 Nebraska Administrative Code - Chapter 5 - Code of Offenses, not dated

Interviews:

1. Warden

Interviews with the Warden demonstrated inmates who falsely reported PREA allegations would typically be moved to another housing unit and or facility due to safety reasons for the inmate.

(a) The Reception and Treatment Center PAQ states inmates are subject to disciplinary sanctions only pursuant to a formal disciplinary process following a criminal finding of guilt for inmate-on-inmate sexual abuse. Inmates are subject to disciplinary sanctions only pursuant to a formal disciplinary process following a criminal finding of guilt for inmate-on-inmate sexual abuse. In the past 12 months there have been seven administrative findings of inmate-on-inmate sexual abuse that have occurred at the facility. In the past 12 months there have been zero criminal findings of guilt for inmate-on-inmate sexual abuse, occurring at the facility. The PAQ states, "4 additional are currently pending investigation."

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 27-28, section JJ. PREA Standard Secure Facility 115.78 a-g / Community Facility 115.278 a-g Disciplinary Sanctions for Inmates, Disciplinary Process, 1., states, "Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding the inmate engaged in inmate-on-inmate

sexual abuse/assault or sexual harassment or following a criminal finding of guilt for inmate-on-inmate sexual abuse/assault.

If a Misconduct Report (MR) has not previously been written, an MR shall be written on the abuser by the facility PREA Compliance Manager/designee after he or she receives the result of the investigation from the PREA Coordinator confirming the allegation has been substantiated. The point of discovery for the violation will be when the results of the investigation are received by the facility PREA Compliance Manager/designee.”

(b) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 28, section JJ. PREA Standard Secure Facility 115.78 a-g / Community Facility 115.278 a-g Disciplinary Sanctions for Inmates, Disciplinary Process, 2., states, “Sanctions shall be administered following the guidelines set forth in the Code of Offenses Chapter 6 and shall be 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.”

The facility provided the Department of Correctional Services, Title 68 Nebraska Administrative Code - Chapter 5 - Code of Offenses. Page 3, section II [C], states, “Sexual Activities. Consensual intercourse, sodomy, kissing (except as authorized in the visiting room) or touching another person’s intimate parts; or intentionally exposing one’s sexual organs to another person in a location or manner where such exposure has no legitimate purpose.”

(c) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 28, section JJ. PREA Standard Secure Facility 115.78 a-g / Community Facility 115.278 a-g Disciplinary Sanctions for Inmates, Disciplinary Process, 3., states, “The disciplinary process shall consider whether an inmate’s mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.”

(d) The Reception and Treatment Center PAQ states the facility does offer therapy, counseling, or other interventions designed to address and correct the underlying reasons or motivations for abuse.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 28, section JJ. PREA Standard Secure Facility 115.78 a-g / Community Facility

115.278 a-g Disciplinary Sanctions for Inmates, Disciplinary Process, 4., states, "If the facility offers therapy, counseling or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits. If such a determination is made the inmate will be re-classified accordingly."

(e) The Reception and Treatment Center PAQ states the agency disciplines inmates for sexual contact with staff only upon finding that the staff member did not consent to such contact.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 28, section JJ. PREA Standard Secure Facility 115.78 a-g / Community Facility 115.278 a-g Disciplinary Sanctions for Inmates, Disciplinary Process, 5., states, "Inmates shall not be disciplined for having sexual contact with staff unless it is determined the staff member did not consent to such contact."

(f) The Reception and Treatment Center PAQ states the agency prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 28, section JJ. PREA Standard Secure Facility 115.78 a-g / Community Facility 115.278 a-g Disciplinary Sanctions for Inmates, Disciplinary Process, 6., states, "For the purpose of disciplinary action, a report of sexual abuse/assault or sexual harassment made in good faith based upon a reasonable belief the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation."

(g) The Reception and Treatment Center PAQ states the agency prohibits all sexual activity between inmates. If the agency prohibits all sexual activity between inmates and disciplines inmates for such activity, the agency deems such activity to constitute sexual abuse only if it determines that the activity is coerced.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 28, section JJ. PREA Standard Secure Facility 115.78 a-g / Community Facility 115.278 a-g Disciplinary Sanctions for Inmates, Disciplinary Process, 7., states, "While

	<p>NDCS does prohibit all sexual activity between inmates, such activity, when it occurs, will not constitute sexual abuse if it is determined the activity is consensual and has not been coerced.”</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.81	Medical and mental health screenings; history of sexual abuse
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Nebraska Department of Correctional Services, Health Record Example 4. Post Audit: NDCS Memorandum, RE: PREA Audit: 115.81, dated 3.29.2023 5. Post Audit: NDCS Memorandum, RE: RTC Admissions Action Plan, dated 4.27.2023 6. Post Audit: NDCS Mental Health/Medical Referral Form, dated 11.98 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Targeted Inmates 2. Intake Sergeant 3. Agency Chief of Psychology and Mental Health Services <p>During the onsite review, rosters of inmates who had disclosed past sexual victimization or perpetration was not available as the facility did not have systems in place to capture the information during the intake process.</p> <p>During random and targeted interviews with inmates, two inmates disclosed past abuse to the Auditor; and each inmate had been offered and accepted mental health services because the mental health team asked questions during their intake process.</p>

During the interview with the Intake Sergeant stated when notifying mental health of potential victims or aggressors he phones mental health staff who meet with the inmate on the same day prompting the Intake Sergeant to place the referral and meeting date in the inmates notes.

The interview with the agency Chief of Psychology and Mental Health Services demonstrated a mental health referral is completed by staff each time an inmate is referred to mental health.

Site Observation:

Through review of interviews and attempts to track mental health referrals, the facility could not demonstrate a consistent system for tracking potential victims and or aggressors and ensuring compliance with the requirements of this standard. The facility was requested to develop a system to ensure 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, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

Post audit the facility provided a NDCS Memorandum, RE: PREA Audit: 115.81, from the facility Warden to the NDCS PREA Coordinator with the following action taken. "An action plan was created and implemented to address issues involving the intake screening and orientation process. This action includes submission of mental health referral requests for documentation of mental health follow-up as appropriate. Proposal has been submitted to change the Admissions Post Order to ensure compliance going forward: "(3) Intake Sergeant will complete a Mental Health Referral Form for Incarcerated Individuals who state they have experienced prior sexual victimization, whether it occurred in an institutional setting or in the community. Any Mental Health Referrals resulting from the Intake process will be logged for review by the Admission supervisor at a minimum of every week to ensure that incarcerated individuals are being seen by Mental Health within 14 days of the intake screening." Sustained by: Continual compliance will be sustained by weekly inspection reviews by the admission supervisor."

Post audit the facility provided a NDCS Memorandum from the facility Captain, to the PREA Auditor, RE: RTC Admissions Action Plan providing specific instruction to for Reception and Treatment Center lieutenants and sergeant to conduct intake screenings of incarcerated individuals. Individual instruction to each position has been trained and acknowledged by their signature.

Post audit the facility provided a NDCS Mental Health/Medical Referral form demonstrating referrals to mental health are provided during risk screenings with date and staff signature referring. The form also documents mental health have seen the incarcerated individual, date and mental health staff signature.

(a, c) The Reception and Treatment Center PAQ states all Inmates at this facility who have disclosed any prior sexual victimization during a screening pursuant to §115.341 are offered a follow-up meeting with a medical or mental health practitioner. Follow up meetings are offered within 14 days of the intake screening. In the past 12 months 5% of inmates who disclosed prior victimization during the intake screening were offered a follow-up meeting with a medical or mental health provider. Medical and mental health staff maintain secondary materials, documenting compliance with the above required services. The PAQ states, "In the past 12 months, 17.6% of Residents screened disclosed prior victimization. Of those, 4.9% requested follow up and were seen within 2 weeks."

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 28, section KK. PREA Standard Secure Facility 115.81 / Community Facility 115.281 Medical and Mental Health Screening History of Sexual Abuse, states, " If the Screening pursuant to PREA Standard 115.41 indicates that a prison/jail inmates has experienced prior sexual victimization, or has perpetrated sexual abuse/assault whether it occurred in an institutional setting or in the community, staff shall ensure that the inmates offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. Any information related to sexual victimization or abusiveness is strictly limited to medical and mental health practitioners and staff as necessary for treatment plans, security, housing, work education and program assignments. (ACI-3D-13)

Medical and Mental Health staff shall obtain informed consent from inmates before reporting prior information about sexual victimization that did not occur in an institutional setting, unless the inmate is under 18 years of age."

Nebraska Department of Correctional Services, Health Record Example. The example documents the following.

- ID Number
- Inmate Name
- Facility

	<ul style="list-style-type: none"> · Housing Unit · Bed · Received Date · Special Needs or Needs Levels · Assigned Clinician and Needs Levels · Mental Health Contacts Information <p>(b) The Reception and Treatment Center PAQ states all Inmates who have previously perpetrated sexual abuse, as indicated during the screening pursuant to § 115.341, are offered a follow-up meeting with a mental health practitioner. All Inmates are allowed a follow-up meeting offered within 14 days of the intake screening. In the past 12 months 18% of inmates who disclosed previously perpetrated sexual abuse, as indicated during the screening process. Policy compliance can be found in provision (a) of this standard.”</p> <p>(d) The Reception and Treatment Center PAQ states, Information related to sexual victimization or abusiveness that occurred in an institutional setting is not strictly limited to medical and mental health practitioners. Policy compliance can be found in provision (a) of this standard.</p> <p>(e) The Reception and Treatment Center PAQ states, Medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institution setting unless the inmate is under the age of 18. Policy compliance can be found in provision (a) of this standard.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.82	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review:

1. Reception and Treatment Center PAQ
2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022

Interviews:

1. Contracted Registered Nurse
2. Nurse Supervisor / Supervisor of Contracted Personnel
3. Agency Chief of Psychology and Mental Health Services

Interviews with medical and mental health staff demonstrated access to emergency medical and mental health services are offered immediately upon receipt of an allegation of sexual abuse.

(a-b) The Reception and Treatment Center PAQ states Inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of such services are determined by medical and mental health practitioners according to their professional judgment. Medical and mental health staff maintain secondary materials (e.g., form, log) documenting the timeliness of emergency medical treatment and crisis intervention services that were provided; the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported; and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 28-29, section LL, PREA Standard Secure Facility 115.82 a-d / Community Facility 115.282 a-d Access to Emergency Medical and Mental Health Services, states, "Inmate victims of sexual assault/abuse shall 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. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim and immediately notify the appropriate medical and mental health staff.

Inmate victims of sexual assault/abuse shall be 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. Treatment services shall be provided to the victim without

	<p>financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.”</p> <p>(c) The Reception and Treatment Center PAQ states Inmate victims of sexual abuse while incarcerated are 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. Policy compliance can be found in provision (a) of this standard.</p> <p>(d) The Reception and Treatment Center PAQ states Treatment services are provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. Policy compliance can be found in provision (a) of this provision.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.83	Ongoing medical and mental health care for sexual abuse victims and abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims Policy 201.03, dated 7.31.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Contracted Registered Nurse 2. Nurse Supervisor / Supervisor of Contracted Personnel 3. Agency Chief of Psychology and Mental Health Services <p>Interviews with medical and mental health staff demonstrated testing for sexually</p>

transmitted diseases can be completed at the hospital and or the facility, depending ongoing needs. Both medical and mental health staff stated a continuum of care would be followed when received from a sexual abuse forensic exam except for ongoing use of narcotic pain medication where over the counter pain medication would be substituted.

(a-c) The Reception and Treatment Center PAQ states the facility offers 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.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 31-32, section MM. PREA Standard Secure Facility 115.83 a-h / Community Facility 115.283 a-h Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers, states, "All inmates shall be offered medical and mental health evaluations and, as appropriate, treatment if they have been the victim of sexual assault/abuse. The evaluation and treatment of such victims shall 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. Services shall be consistent with community level of care. Treatment services shall 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.

All inmates alleging they are victims of sexual assault shall be offered tests for sexually transmitted infections as medically appropriate. Medical staff will provide appropriate counseling and information relative to sexually transmitted infections. Preventive treatment and follow-up for sexually transmitted infections will be offered to all victims as appropriate. Inmate victims of sexually abusive vaginal penetration shall be offered pregnancy tests. If pregnancy results from the incident, the victim shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services."

(d-e) This provision is not applicable as the facility does not serve female clients.

(f) The Reception and Treatment Center PAQ states Inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate. Policy compliance can be found in provision (a) of this standard.

(g) The Reception and Treatment Center PAQ states treatment services are 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. Policy compliance can be found in provision (a) of this standard.

(h) Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims Policy 201.03, page 5, second paragraph, states, “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.”

The facility provided Nebraska Department of Correctional Services Mental Health/ Medical Referral Form. The referral form referrals are not individual to victims and or abusers. Referral types are the following:

- In-Patient Mental Health Program
- In-Patient Sex Offender Program
- Psychiatric Consult
- Medical
- Socially & Developmentally Impaired Program
- Crisis Intervention
- Mental Health Counseling/Assessment
- Other

Through such reviews, the facility meets the standard requirements.

115.86 Sexual abuse incident reviews
Auditor Overall Determination: Meets Standard
Auditor Discussion
Document Review:
1. Reception and Treatment Center PAQ
2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated

7.31.2022

3. Sexual Abuse Incident Review Template
4. Completed Sexual Incident Review
5. Post Audit: Sexual Abuse Incident Tracking Spreadsheet
6. Post Audit: NDCS Memorandum, RE: PREA Audit 115.86(b), dated 3.26.2023

Interviews:

1. Captain

The interview with the Captain demonstrated the incident review team consists of upper management personnel. The team considers the motivation of the allegation, staffing levels, the physical plant, group dynamics, retaliation, and review of camera footage.

Onsite Observation:

Though review of six sexual abuse allegations, incident reviews of two were unfounded, two reviews were late and two reviews had not been completed. The facility was requested to complete an action plan to ensure incident reviews were completed within 30 days.

Post audit the facility provided a Sexual Abuse Incident Tracking spreadsheet. The spreadsheet demonstrates to investigations have occurred since the onsite review. Both investigations had a completed sexual abuse incident review within the 30-day standard requirement.

Post audit the facility provided a memorandum, RE: PREA Audit 115.86(b), from the facility Warden to the NDCS PREA Coordinator, stating, "Actions Taken: Effective 1.1.2023 information on PREA investigations will be tracked and entered by the PREA compliance manager, including documenting completion of Sexual Abuse Incident Reviews in a timely manner. Sustained by: PREA tracking will be reviewed periodically by RTC Warden/Designee. At a minimum of once per month, to ensure compliance."

(a) The Reception and Treatment Center PAQ states the facility conducts a sexual abuse incident review at the conclusion of every criminal or administrative sexual abuse investigation, unless the allegation has been determined to be unfounded. In the past 12 months there has been 15 administrative investigations of alleged sexual

abuse completed at the facility,

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 29, section NN. PREA Standard Secure Facility 115.86 a-b / Community Facility 115.286 a-b Sexual Abuse Incident Reviews 1., states, "The facility shall conduct a Sexual Abuse Incident Review at the conclusion of every sexual abuse/assault investigation for all substantiated and unsubstantiated allegations. It is not necessary to complete Incident Reviews for occurrences or allegations of sexual harassment."

The facility provided a Sexual Abuse Incident Review. The review is completed by the Facility PREA Compliance Manager and demonstrates the following is completed for sexual abuse incident reviews.

- Executive Summary
- Summary of the Incident
- Incident Events and Synopsis
- Analysis of Incident
- Recommendations for Improvement
- Conclusions

The facility provided a completed Sexual Abuse Incident Review. The review demonstrates the investigation was completed timely, accurately, thoroughly and objectively. This particular investigation was referred and completed by the state patrol, and reviewed by the facility once an outcome was provided by the state patrol.

(b) The Reception and Treatment Center PAQ states sexual abuse incident reviews are ordinarily conducted within 30 days of concluding the criminal or administrative investigation.

In the past 12 months, the number of criminal and/or administrative investigations of alleged sexual abuse completed at the facility that were followed by a sexual abuse incident review within 30 days, excluding only "unfounded" incidents was two. The PAQ states,

"5 SAIR's completed after 30 days;

3 are currently due to be completed with-in 30 days.

2 investigations are currently open investigations.

1 currently pending review;

1 was adjusted from abuse to harassment and determined to not require a SAIR.

1 was adjusted from Harassment to abuse and is currently due.”

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 29-30, section NN. PREA Standard Secure Facility 115.86 a-b / Community Facility 115.286 a-b Sexual Abuse Incident Reviews 2., states, “The facility PREA Management Team is responsible for conducting the incident review and shall ordinarily meet within 30 days of the final review and closing of the investigation. The facility PREA Compliance Manager will oversee the PREA Management Team, which will include, at a minimum, one person from each of the following:

- a. Upper-level management officials (i.e., Deputy, Associate or Assistant Warden; Major; Captain; Unit Administrator)
- b. b. Line supervisors (i.e., Lieutenant, Sergeant, Unit Manager, Unit Case Manager)
- c. c. Investigative staff (i.e., Intelligence supervisor or other Intelligence staff)
- d. d. Medical or mental health staff Specific operational procedures regarding the PREA Management Teams are detailed in facility Procedures.”

(c) The Reception and Treatment Center PAQ states the sexual abuse incident review team includes upper-level management officials and allows for input from line supervisors, investigators, and medical or mental health practitioners. Compliance can be found in provision (b) of this standard.

(d) The Reception and Treatment Center PAQ states the facility prepares a report of its findings from sexual abuse incident reviews, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1) -(d)(5) of this section, and any recommendations for improvement and submits such report to the facility head and PREA compliance manager.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 29-30, section NN. PREA Standard Secure Facility 115.86 a-b / Community Facility 115.286 a-b Sexual Abuse Incident Reviews 3., The review team shall, states,

- a. “Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse/assault.
- b. Consider whether the incident or allegation was motivated by race; ethnicity;

	<p>gender identity; lesbian, gay, bisexual, transgender or intersex identification; status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility, including retaliation for prior incidents or allegations of sexual assault/abuse.</p> <p>c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.</p> <p>d. Assess the adequacy of staffing levels in that area during different shifts.</p> <p>e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.</p> <p>f. Prepare a report of its findings, including but not necessarily limited to determinations made and any recommendations for improvement. The facility PREA Compliance Manager will submit the report to the Warden/designee for his/her review, and then sent to the PREA Coordinator.”</p> <p>(e) The Reception and Treatment Center PAQ states, the facility implements the recommendations for improvement or documents its reasons for not doing so. Compliance can be found in provision (d) of this standard.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 29-30, section NN. PREA Standard Secure Facility 115.86 a-b / Community Facility 115.286 a-b Sexual Abuse Incident Reviews 4., states, “The facility shall implement the recommendations for improvement or shall document its reasons for not doing so.”</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.87	Data collection
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022

Interviews:

1. Deputy Director of Prisons

The interview with the Deputy Director of Prisons demonstrated the agency reviews all incident reports of sexual harassment and sexual abuse, staff and inmates involved in allegations, compile year end reports, outcries and investigations referred for criminal prosecution and look for common trends. The agency focuses on areas to address in the past year and identifies areas needing corrective action.

(a/c)

The Reception and Treatment Center PAQ states the agency collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 30-31, section OO. PREA Standard Secure Facility 115.87 a-f / Community Facility 115.287 a-f Data Collection, 1., states, "NDCS shall collect accurate, uniform data for every allegation of sexual abuse/assault at all facilities using a standardized instrument and set of definitions. This data shall be aggregated at least annually.

1. The incident-based data collected shall 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 DOJ, which is completed by the PREA Coordinator.
2. NDCS shall maintain, review and collect data as needed from all available incident-based documents, including reports, investigation files and Sexual Abuse/ Assault Incident Reviews.
3. Upon request, NDCS shall provide all such data from the previous calendar year to the DOJ."

(b) The Reception and Treatment Center PAQ states the annual report includes a comparison of the current year's data and corrective action from prior years. Policy compliance can be found in provision (a) of this standard.

(d) The Reception and Treatment Center PAQ states the agency maintains, reviews,

	<p>and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. Policy compliance can be found in provision (a) of this standard.</p> <p>(e) The Reception and Treatment Center PAQ states N/A as the agency does not contract with private facilities. The contracting sources identified in 115.42 are county contracts and contract language for those facilities is inclusive of PREA Audit requirements.</p> <p>(f) The Reception and Treatment Center PAQ states the Department of Justice has requested agency data for the previous calendar year.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.88	Data review for corrective action
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Nebraska Department of Correctional Services Annual PREA Assessment 2021 4. Agency website agency report: agency_year_report.pdf (nebraska.gov) <p>(a) The Reception and Treatment Center PAQ states the agency reviews data collected and aggregated pursuant to §115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, and training, including:</p> <ul style="list-style-type: none"> · Identifying problem areas; · Taking corrective action on an ongoing basis; and · Preparing an annual report of its findings from its data review and any corrective actions for each facility, as well as the agency as a whole.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 32, section PP. PREA Standard Secure Facility 115.88 / Community Facility 115.288 Data Review for Corrective Action 1., states, "NDCS shall review data in order to assess and improve the effectiveness of NDCS's sexual abuse/assault prevention, detection and response policies, practices and training by:

a. Identifying problem areas

b. Taking corrective action on an ongoing basis

c. Preparing an annual report of its findings and corrective actions for each facility and NDCS as a whole

1. These reports shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of NDCS's progress in addressing sexual abuse/assault.

2. The reports shall be approved by the Director/designee and made readily available to the public through its website.

3. NDCS may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted."

(b) The Reception and Treatment Center PAQ states the annual report includes a comparison of the current year's data and corrective actions to those from prior years. The annual report provides an assessment of the agency's progress in addressing sexual abuse.

The facility provided the Nebraska Department of Correctional Services Annual PREA Assessment for 2021. The assessment demonstrates the following is documented.

- Introduction of PREA
- Assessment of NDCS; s Progress
- Goals for 2022
- Facility Audit Schedule
- PREA Investigations
- Institutions who issued misconduct reports for sexual assault rule violations
- Victim Advocacy

	<ul style="list-style-type: none"> · Nebraska Statewide Coordinated Response Team <p>This assessment is signed by the Captain/PREA Coordinator, PREA Compliance Manager, Security Administrator, Deputy Director of Prisons, Deputy Director of Programs, Chief of Operations, and Director.</p> <p>(c) The Reception and Treatment Center PAQ states the agency makes its annual report readily available to the public, at least annually, through its website. Annual reports are approved by the agency head. The following is the agency website where the annual reports for the last seven years are located is agency_year_report.pdf (nebraska.gov)</p> <p>(d) The Reception and Treatment Center PAQ states when the agency redacts material from an annual report for publication, the redactions are limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility. Policy compliance can be found in provision (a) of this standard.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.89	Data storage, publication, and destruction
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Reception and Treatment Center PAQ 2. Nebraska Dept. Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 <p>(a) The Reception and Treatment Center PAQ states the agency ensures that incident-based and aggregate data are securely retained.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11,</p>

page 32-33, section, QQ. PREA Standard Secure Facility 115.89 a-d / Community Facility 115.289 a-d Data storage, publications, and destruction states, “The data collected shall be securely retained. All aggregated sexual abuse/assault data shall be made readily available to the public at least annually through the agency’s website; all personal identifiers will be removed prior to making the information available to the public. The PREA Coordinator shall be responsible for collection and retention of said data. NDCS shall maintain sexual abuse/assault data collected for at least 10 years after the date of the initial collection unless Federal, State or local law requires otherwise.”

(b) The Reception and Treatment Center PAQ states agency policy requires that aggregated sexual abuse data from facilities under its direct control and private facilities with which it contracts be made readily available to the public at least annually through its website. Policy compliance can be found in provision (a) of this standard.

(c) The Reception and Treatment Center PAQ states before making aggregated sexual abuse data publicly available, the agency removes all personal identifiers. Policy compliance can be found in provision (a) of this standard.

Through such reviews, the facility meets the standard requirements.

115.401	Frequency and scope of audits
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>(a) During the prior three-year audit period, the agency ensured that each facility operated was audited, once.</p> <p>(b) This is the third audit cycle for Reception and Treatment Center and the first year of the fourth audit cycle.</p> <p>(h) The Auditor was granted complete access to, and the ability to observe, all areas of the facility.</p>

	<p>(i) The Auditor was permitted to request and receive copies of any relevant documents (including electronically stored information).</p> <p>(m) The Auditor was permitted to conduct private interviews with residents.</p> <p>(n) Residents permitted to send confidential information or correspondence to the Auditor in the same manner as if they were communicating with legal counsel.</p> <p>Through such reviews, the facility meets the standards requirements.</p>
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115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(b) The agency has posted the current 2019 PREA audit report, on their website.</p> <p>Through such reviews, the facility meets the standards requirements.</p>

Appendix: Provision Findings		
115.11 (a)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?	yes
	Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?	yes
115.11 (b)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Has the agency employed or designated an agency-wide PREA Coordinator?	yes
	Is the PREA Coordinator position in the upper-level of the agency hierarchy?	yes
	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
115.11 (c)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	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
	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
115.12 (a)	Contracting with other entities for the confinement of inmates	
	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
115.12 (b)	Contracting with other entities for the confinement of inmates	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure	yes

	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.)	
115.13 (a)	Supervision and monitoring	
	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?	yes
	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
	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
	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
	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
	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
	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
	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
	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
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into	yes

	consideration: Any applicable State or local laws, regulations, or standards?	
	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
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?	yes
115.13 (b)	Supervision and monitoring	
	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
115.13 (c)	Supervision and monitoring	
	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
	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
	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
115.13 (d)	Supervision and monitoring	
	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
	Is this policy and practice implemented for night shifts as well as day shifts?	yes
	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

115.14 (a)	Youthful inmates	
	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).)	na
115.14 (b)	Youthful inmates	
	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).)	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).)	na
115.14 (c)	Youthful inmates	
	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).)	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).)	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).)	na
115.15 (a)	Limits to cross-gender viewing and searches	
	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
115.15 (b)	Limits to cross-gender viewing and searches	
	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
	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	yes

	facility does not have female inmates.)	
115.15 (c)	Limits to cross-gender viewing and searches	
	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches of female inmates (N/A if the facility does not have female inmates)?	yes
115.15 (d)	Limits to cross-gender viewing and searches	
	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
	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
	Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit?	yes
115.15 (e)	Limits to cross-gender viewing and searches	
	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
	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
115.15 (f)	Limits to cross-gender viewing and searches	
	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
	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

115.16 (a)	Inmates with disabilities and inmates who are limited English proficient	
	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
	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
	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
	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
	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
	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
	Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing?	yes
	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
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication	yes

	with inmates with disabilities including inmates who: Have intellectual disabilities?	
	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
	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
115.16 (b)	Inmates with disabilities and inmates who are limited English proficient	
	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
	Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
115.16 (c)	Inmates with disabilities and inmates who are limited English proficient	
	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
115.17 (a)	Hiring and promotion decisions	
	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
	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
	Does the agency prohibit the hiring or promotion of anyone who	yes

	may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	
	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
	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
	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 two bullets immediately above?	yes
115.17 (b)	Hiring and promotion decisions	
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates?	yes
	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
115.17 (c)	Hiring and promotion decisions	
	Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check?	yes
	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
115.17 (d)	Hiring and promotion decisions	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes

115.17 (e)	Hiring and promotion decisions	
	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
115.17 (f)	Hiring and promotion decisions	
	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
	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
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes
115.17 (g)	Hiring and promotion decisions	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes
115.17 (h)	Hiring and promotion decisions	
	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
115.18 (a)	Upgrades to facilities and technologies	
	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
115.18 (b)	Upgrades to facilities and technologies	

	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
115.21 (a)	Evidence protocol and forensic medical examinations	
	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
115.21 (b)	Evidence protocol and forensic medical examinations	
	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
	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
115.21 (c)	Evidence protocol and forensic medical examinations	
	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
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	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

	Has the agency documented its efforts to provide SAFEs or SANEs?	yes
115.21 (d)	Evidence protocol and forensic medical examinations	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	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
	Has the agency documented its efforts to secure services from rape crisis centers?	yes
115.21 (e)	Evidence protocol and forensic medical examinations	
	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
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes
115.21 (f)	Evidence protocol and forensic medical examinations	
	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
115.21 (h)	Evidence protocol and forensic medical examinations	
	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
115.22 (a)	Policies to ensure referrals of allegations for investigations	

	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes
115.22 (b)	Policies to ensure referrals of allegations for investigations	
	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
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes
115.22 (c)	Policies to ensure referrals of allegations for investigations	
	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
115.31 (a)	Employee training	
	Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	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
	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
	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
	Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes

	Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?	yes
	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
	Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?	yes
	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
	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
115.31 (b)	Employee training	
	Is such training tailored to the gender of the inmates at the employee's facility?	yes
	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
115.31 (c)	Employee training	
	Have all current employees who may have contact with inmates received such training?	yes
	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
	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
115.31 (d)	Employee training	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
115.32 (a)	Volunteer and contractor training	

	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
115.32 (b)	Volunteer and contractor training	
	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
115.32 (c)	Volunteer and contractor training	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes
115.33 (a)	Inmate education	
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes
115.33 (b)	Inmate education	
	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
	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
	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
115.33 (c)	Inmate education	
	Have all inmates received the comprehensive education referenced in 115.33(b)?	yes

	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
115.33 (d)	Inmate education	
	Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are deaf?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills?	yes
115.33 (e)	Inmate education	
	Does the agency maintain documentation of inmate participation in these education sessions?	yes
115.33 (f)	Inmate education	
	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
115.34 (a)	Specialized training: Investigations	
	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
115.34 (b)	Specialized training: Investigations	
	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
	Does this specialized training include proper use of Miranda and	yes

	Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	
	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
	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
115.34 (c)	Specialized training: Investigations	
	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
115.35 (a)	Specialized training: Medical and mental health care	
	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
	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
	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
	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	yes

	suspicious 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.)	
115.35 (b)	Specialized training: Medical and mental health care	
	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.)	na
115.35 (c)	Specialized training: Medical and mental health care	
	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
115.35 (d)	Specialized training: Medical and mental health care	
	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
	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
115.41 (a)	Screening for risk of victimization and abusiveness	
	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
	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
115.41 (b)	Screening for risk of victimization and abusiveness	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes
115.41 (c)	Screening for risk of victimization and abusiveness	
	Are all PREA screening assessments conducted using an objective	yes

	screening instrument?	
115.41 (d)	Screening for risk of victimization and abusiveness	
	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
	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
	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
	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
	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
	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
	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
	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
	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
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10)	yes

	Whether the inmate is detained solely for civil immigration purposes?	
115.41 (e)	Screening for risk of victimization and abusiveness	
	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
	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
	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
115.41 (f)	Screening for risk of victimization and abusiveness	
	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
115.41 (g)	Screening for risk of victimization and abusiveness	
	Does the facility reassess an inmate's risk level when warranted due to a referral?	yes
	Does the facility reassess an inmate's risk level when warranted due to a request?	yes
	Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse?	yes
	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
115.41 (h)	Screening for risk of victimization and abusiveness	
	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
115.41 (i)	Screening for risk of victimization and abusiveness	
	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	yes

	information is not exploited to the inmate's detriment by staff or other inmates?	
115.42 (a)	Use of screening information	
	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
	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
	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
	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
	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
115.42 (b)	Use of screening information	
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes
115.42 (c)	Use of screening information	
	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
	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	yes

	present management or security problems?	
115.42 (d)	Use of screening information	
	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
115.42 (e)	Use of screening information	
	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
115.42 (f)	Use of screening information	
	Are transgender and intersex inmates given the opportunity to shower separately from other inmates?	yes
115.42 (g)	Use of screening information	
	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
	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
	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	yes

	solely for the placement of LGBT or I inmates pursuant to a consent degree, legal settlement, or legal judgement.)	
115.43 (a)	Protective Custody	
	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
	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
115.43 (b)	Protective Custody	
	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
	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
	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
	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
	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
	If the facility restricts 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
	If the facility restricts 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
115.43 (c)	Protective Custody	

	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
	Does such an assignment not ordinarily exceed a period of 30 days?	yes
115.43 (d) Protective Custody		
	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
	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
115.43 (e) Protective Custody		
	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
115.51 (a) Inmate reporting		
	Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?	yes
	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
	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
115.51 (b) Inmate reporting		
	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
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain	yes

	anonymous upon request?	
	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.)	na
115.51 (c)	Inmate reporting	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes
115.51 (d)	Inmate reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes
115.52 (a)	Exhaustion of administrative remedies	
	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
115.52 (b)	Exhaustion of administrative remedies	
	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
	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
115.52 (c)	Exhaustion of administrative remedies	
	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	yes

	this standard.)	
	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
115.52 (d)	Exhaustion of administrative remedies	
	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
	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
	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
115.52 (e)	Exhaustion of administrative remedies	
	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
	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
	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
115.52 (f)	Exhaustion of administrative remedies	

	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
	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
	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
	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
	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
	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
	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
115.52 (g)	Exhaustion of administrative remedies	
	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
115.53 (a)	Inmate access to outside confidential support services	
	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
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers,	yes

	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.)	
	Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?	yes
115.53 (b)	Inmate access to outside confidential support services	
	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
115.53 (c)	Inmate access to outside confidential support services	
	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
	Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?	yes
115.54 (a)	Third-party reporting	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate?	yes
115.61 (a)	Staff and agency reporting duties	
	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
	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
	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	yes

	abuse or sexual harassment or retaliation?	
115.61 (b)	Staff and agency reporting duties	
	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
115.61 (c)	Staff and agency reporting duties	
	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
	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
115.61 (d)	Staff and agency reporting duties	
	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
115.61 (e)	Staff and agency reporting duties	
	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
115.62 (a)	Agency protection duties	
	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
115.63 (a)	Reporting to other confinement facilities	
	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
115.63 (b)	Reporting to other confinement facilities	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes

115.63 (c)	Reporting to other confinement facilities	
	Does the agency document that it has provided such notification?	yes
115.63 (d)	Reporting to other confinement facilities	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes
115.64 (a)	Staff first responder duties	
	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
	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
	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
	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
115.64 (b)	Staff first responder duties	
	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
115.65 (a)	Coordinated response	
	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	yes

	response to an incident of sexual abuse?	
115.66 (a)	Preservation of ability to protect inmates from contact with abusers	
	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 limit 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
115.67 (a)	Agency protection against retaliation	
	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
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
115.67 (b)	Agency protection against retaliation	
	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
115.67 (c)	Agency protection against retaliation	
	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
	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
	Except in instances where the agency determines that a report of	yes

	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?	
	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
	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
	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
	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
	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
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes
115.67 (d)	Agency protection against retaliation	
	In the case of inmates, does such monitoring also include periodic status checks?	yes
115.67 (e)	Agency protection against retaliation	
	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
115.68 (a)	Post-allegation protective custody	
	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
115.71 (a)	Criminal and administrative agency investigations	
	When the agency conducts its own investigations into allegations	yes

	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).)	
	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
115.71 (b)	Criminal and administrative agency investigations	
	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
115.71 (c)	Criminal and administrative agency investigations	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes
115.71 (d)	Criminal and administrative agency investigations	
	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
115.71 (e)	Criminal and administrative agency investigations	
	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
	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
115.71 (f)	Criminal and administrative agency investigations	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes

	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
115.71 (g)	Criminal and administrative agency investigations	
	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
115.71 (h)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.71 (i)	Criminal and administrative agency investigations	
	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
115.71 (j)	Criminal and administrative agency investigations	
	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
115.71 (l)	Criminal and administrative agency investigations	
	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
115.72 (a)	Evidentiary standard for administrative investigations	
	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
115.73 (a)	Reporting to inmates	
	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

115.73 (b) Reporting to inmates		
	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
115.73 (c) Reporting to inmates		
	Following an inmate’s allegation that a staff member has committed sexual abuse against the resident, 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 resident whenever: The staff member is no longer posted within the inmate’s unit?	yes
	Following an inmate’s allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?	yes
	Following an inmate’s allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?	yes
	Following an inmate’s allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?	yes
115.73 (d) Reporting to inmates		
	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
	Following an inmate’s allegation that he or she has been sexually	yes

	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?	
115.73 (e)	Reporting to inmates	
	Does the agency document all such notifications or attempted notifications?	yes
115.76 (a)	Disciplinary sanctions for staff	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
115.76 (b)	Disciplinary sanctions for staff	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes
115.76 (c)	Disciplinary sanctions for staff	
	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
115.76 (d)	Disciplinary sanctions for staff	
	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
	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
115.77 (a)	Corrective action for contractors and volunteers	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes

	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes
115.77 (b)	Corrective action for contractors and volunteers	
	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
115.78 (a)	Disciplinary sanctions for inmates	
	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
115.78 (b)	Disciplinary sanctions for inmates	
	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
115.78 (c)	Disciplinary sanctions for inmates	
	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
115.78 (d)	Disciplinary sanctions for inmates	
	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
115.78 (e)	Disciplinary sanctions for inmates	
	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
115.78 (f)	Disciplinary sanctions for inmates	
	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	yes

	evidence sufficient to substantiate the allegation?	
115.78 (g)	Disciplinary sanctions for inmates	
	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
115.81 (a)	Medical and mental health screenings; history of sexual abuse	
	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
115.81 (b)	Medical and mental health screenings; history of sexual abuse	
	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
115.81 (c)	Medical and mental health screenings; history of sexual abuse	
	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? (N/A if the facility is not a jail).	yes
115.81 (d)	Medical and mental health screenings; history of sexual abuse	
	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
115.81 (e)	Medical and mental health screenings; history of sexual abuse	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior	yes

	sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	
115.82 (a)	Access to emergency medical and mental health services	
	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
115.82 (b)	Access to emergency medical and mental health services	
	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
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes
115.82 (c)	Access to emergency medical and mental health services	
	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
115.82 (d)	Access to emergency medical and mental health services	
	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
115.83 (a)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	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
115.83 (b)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	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
115.83 (c)	Ongoing medical and mental health care for sexual abuse	

	victims and abusers	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes
115.83 (d)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	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.)	na
115.83 (e)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	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.)	na
115.83 (f)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes
115.83 (g)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	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
115.83 (h)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	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

115.86 (a)	Sexual abuse incident reviews	
	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
115.86 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
115.86 (c)	Sexual abuse incident reviews	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes
115.86 (d)	Sexual abuse incident reviews	
	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
	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
	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
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	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
115.86 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes

115.87 (a)	Data collection	
	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
115.87 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
115.87 (c)	Data collection	
	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
115.87 (d)	Data collection	
	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
115.87 (e)	Data collection	
	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
115.87 (f)	Data collection	
	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
115.88 (a)	Data review for corrective action	
	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
	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
	Does the agency review data collected and aggregated pursuant	yes

	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?	
115.88 (b)	Data review for corrective action	
	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
115.88 (c)	Data review for corrective action	
	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
115.88 (d)	Data review for corrective action	
	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
115.89 (a)	Data storage, publication, and destruction	
	Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	yes
115.89 (b)	Data storage, publication, and destruction	
	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
115.89 (c)	Data storage, publication, and destruction	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
115.89 (d)	Data storage, publication, and destruction	
	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
115.401 (a)	Frequency and scope of audits	

	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
115.401 (b)	Frequency and scope of audits	
	Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.)	yes
	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
	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
115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes
115.401 (n)	Frequency and scope of audits	
	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
115.403	Audit contents and findings	

(f)		
	<p>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, there has never been a Final Audit Report issued.)</p>	yes