

PREA Facility Audit Report: Final

Name of Facility: Nebraska State Penitentiary

Facility Type: Prison / Jail

Date Interim Report Submitted: 03/29/2024

Date Final Report Submitted: 09/18/2024

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: 09/18/2024

AUDITOR INFORMATION	
Auditor name:	Murray, Karen
Email:	kdmconsults1@gmail.com
Start Date of On-Site Audit:	02/13/2024
End Date of On-Site Audit:	02/16/2024

FACILITY INFORMATION	
Facility name:	Nebraska State Penitentiary
Facility physical address:	4201 South 14th Street , Lincoln, Nebraska - 68502
Facility mailing address:	

Primary Contact

Name:	
Email Address:	
Telephone Number:	

Warden/Jail Administrator/Sheriff/Director	
Name:	Barb Lewien
Email Address:	barb.lewien@nebraska.gov
Telephone Number:	402-479-3216

Facility PREA Compliance Manager	
Name:	Allyson Bennett
Email Address:	allyson.bennett@Nebraska.gov
Telephone Number:	O: 402-479-3227

Facility Health Service Administrator On-site	
Name:	Teena Lenger
Email Address:	teena.lenger@nebraska.gov
Telephone Number:	402-479-3290

Facility Characteristics	
Designed facility capacity:	818
Current population of facility:	1280
Average daily population for the past 12 months:	1244
Has the facility been over capacity at any point in the past 12 months?	No
Which population(s) does the facility hold?	Males

Age range of population:	19-82
Facility security levels/inmate custody levels:	Maximum, Medium, Minimum
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	446
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	15
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	412

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:

2

- 115.68 - Post-allegation protective custody
- 115.83 - Ongoing medical and mental health care for sexual abuse victims and abusers

Number of standards met:

43

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:	2024-02-13
2. End date of the onsite portion of the audit:	2024-02-16

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 checked="" type="radio"/> Yes <input type="radio"/> No
a. Identify the community-based organization(s) or victim advocates with whom you communicated:	<p>During the tour the PREA hotline was tested from offender phones. The PREA hotline was dialed from an inmate phone and the call successfully connected. A message was left on the voicemail and the PREA Coordinator was able to demonstrate the message came to her cell phone.</p> <p>On 12.24.2023 at 3:44 pm MST, this Auditor sent the following third-party test to the link above. "This is Karen Murray, your PREA Auditor testing the third-party reporting here on this website. Could you please respond to this test and explain protocols that are followed when you receive a third-party report via this web address?" On 12.26.2023, a response was received from the agency PREA Coordinator, stating, "Good morning, I received the below email Sunday. I would talk with the facility that the report was referring to for follow-up with the victim. Then would open an investigation based on the information that was provided."</p>

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	1380
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15. Average daily population for the past 12 months:	1309
16. Number of inmate/resident/detainee housing units:	21
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:	1360
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:	9
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:	3
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:	43
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:	10
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:	1
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:	3
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:	6
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:	0

<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>No text provided.</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>446</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>412</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>15</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</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic)</p> <p><input type="checkbox"/> Length of time in the facility</p> <p><input checked="" type="checkbox"/> Housing assignment</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Other</p> <p><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 Thursday before the onsite review inmate rosters by target and living unit were requested. The Auditor randomly selected names of targeted inmates then random inmates were chosen by housing unit in an attempt to choose from each housing unit.</p>
<p>56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>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):</p>	<p>No text provided.</p>
<p>Targeted Inmate/Resident/Detainee Interviews</p>	
<p>58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:</p>	<p>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:</p>	<p>2</p>
<p>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:</p>	<p>2</p>
<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 review of facility rosters, a facility tour and interviews with staff and inmates, this category of inmate did not appear to be at 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>4</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>1</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>3</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>5</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>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>The facility does not utilize segregated housing for vulnerable populations of sexual abuse.</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>16</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:	1
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 checked="" type="radio"/> Yes <input 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	2	0	2	0
Staff-on-inmate sexual abuse	7	0	7	0
Total	9	0	9	0

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	2	0	2	0
Staff-on-inmate sexual harassment	4	0	4	0
Total	6	0	6	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	0	0	0	0	0
Staff-on-inmate sexual abuse	1	0	0	0	0
Total	1	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	0	1	1	0
Staff-on-inmate sexual abuse	0	1	6	0
Total	0	2	7	0

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	0	2	0
Staff-on-inmate sexual harassment	0	0	4	0
Total	0	0	6	0

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:	6
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<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>4</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>2</p>
<p>104. Did your sample of STAFF-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 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>
<p>Sexual Harassment Investigation Files Selected for Review</p>	
<p>106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>5</p>
<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>
<p>Inmate-on-inmate sexual harassment investigation files</p>	
<p>108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>2</p>
<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>
<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>

Staff-on-inmate sexual harassment investigation files	
111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:	3
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 checked="" type="radio"/> Yes <input 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. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Nebraska Department of Correctional Services Organizational Chart, dated 2023 4. Nebraska State Penitentiary Organizational Chart, not dated <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random Inmates 2. Targeted Inmates

3. Corporals
4. Administrative Personnel
5. Captain / PREA Compliance Manager
6. Captain / PREA Coordinator
7. Warden
8. Deputy Director of Prisons Operations / Agency Head

Through informal and formal interviews with inmates and staff and review of inmate and personnel files, review of facility and agency protocols and a facility tour, it is evident that this facility interweaves requirements of PREA 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. Both the PREA Coordinator and the PREA Compliance Manager could attest to having the necessary time to complete their PREA responsibilities.

The interview with the Captain / PREA Coordinator demonstrated oversight of PREA Compliance Managers is conducted through informational emails, scheduled meetings, informational memorandums, FAQ updates, mock audits and onsite visits from PREA and Regional personnel.

Site Observation:

During the tour of the facility, pink PREA audit notices, Zero Tolerance and End the Silence flyers speaking to the agency zero tolerance policy, inmate rights to include retaliation information and internal and external reporting and contact information for reporting were witnessed throughout all highly trafficked areas by inmates, staff, and visitors.

The facility has multiple housing units to include three maximum custody, and 11 medium custody units of different levels of inmates to include a segregated housing unit that has been repurposed for working inmates. Each housing unit is equipped with private areas for inmates to shower, change and use bathrooms to ensure the opposite gender staff are not viewing them outside of exigent circumstance. Much of the facility is under video surveillance and cameras were viewed in Central Control. Review demonstrated all cameras were in working order, staff cannot see into inmate bathrooms, unit cameras provide hallway access, the kitchen and storerooms have a clear view of inmate activity and yard cameras are clear with view of the entire facility perimeter.

(a) The Nebraska State Penitentiary PAQ states the agency 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 5, section 1. A. 1., states, "NDCS will seek to enhance the prevention of prison sexual abuse/assault and sexual harassment by maintaining a zero-tolerance standard for all sexual assault/abuse and sexual harassment on and by inmates. Protecting inmates and safeguarding communities of prison sexual assault/abuse and sexual harassment is a top priority."

(b) The Nebraska State Penitentiary PAQ states the agency employs or designates an upper-level, agency-wide PREA Coordinator. The position of the PREA Coordinator in the agency's organizational structure is the PREA Captain.

The facility provided a Nebraska Department of Correctional Services Organizational Chart. The organization chart demonstrates the Captain / PREA Coordinator is in the agency organizational structure and reports directly to the Assistant Deputy Director Intelligence & Investigations who reports directly to the agency Director.

(c) The Nebraska State Penitentiary 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 facility provided a Nebraska State Penitentiary Organizational Chart demonstrating the Administrative Programs Officer II serves as the ACA Accreditations Manager/PREA Compliance Manager and reports directly to the Warden.

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
	Document Review:

1. Nebraska State Penitentiary PAQ
2. State of Nebraska Service Contract Award, Buffalo County Sheriff, dated 7.1.2023 – 6.30.2024
3. State of Nebraska Service Contract Award, Dawson County Sheriff, dated 7.1.2023 – 6.30.2024
4. State of Nebraska Service Contract Award, Hall County Corrections, dated 7.1.2023 – 6.30.2024
5. State of Nebraska Service Contract Award, Lincoln County Sheriff, dated 7.1.2023 – 6.30.2024
6. State of Nebraska Service Contract Award, Phelps County Sheriff, dated 7.1.2023 – 6.30.2024
7. State of Nebraska Service Contract Award, Platte County Sheriff's Department, dated 7.1.2023 – 6.30.2024
8. State of Nebraska Service Contract Aware, Scotts Bluff County, dated 3.1.2023 – 2.28.2024
9. Post Audit: Nebraska Department of Corrections Memorandum and Quarterly Assessment, RE: County Jail Contracts, dated 3.1.2024

Interviews:

1. Captain / PREA Coordinator
2. Assistant Deputy Director for Classification

The interview with the PREA Coordinator demonstrated the agency does not currently house inmates with contracting entities; however, the agency keeps contracts in place in the event their services are needed.

The interview with Assistant Deputy Director for Classification demonstrated contract compliance with PREA standards is not currently monitored beyond review of the annual report and the triannual PREA Audit report.

Action Plan:

- Agency to provide documentation demonstrating contract monitoring is completed each year.
- Appropriate facility personnel to provide a memorandum with a sustainable

action plan stating which facility position will monitor how continued quality assurance will be conducted to ensure contract compliance is monitored each year.

- Upload documentation demonstrating system used to monitor compliance to the supplemental files.

- Upload memorandum to the supplemental files.

Post audit the facility provided a memorandum from the Assistant Deputy Director - Classification, stating, "The classification division is responsible for provision oversight of contracts established between county jails and NDCS for temporarily housing individuals committed to NDCS in county jail settings. Effective immediately the attached assessment will be completed by NDCS team members from the classification/special services division with each contracted county on a quarterly basis. The assessment lists 17 different procedures which will be verified with supporting documentation. Completed assessments and documentation will be maintained on file by the special services division." The attachment to the memorandum includes 17 areas to be monitored and analyzed include the following standards. 115.11, 115.13, 115.21, 115.31, 115.33, 115.34, 115.35, 115.41, 115.42, 115.51, 115.53, 115.54, 115.61 - 115.68, 115.86-115.89.

(a) The Nebraska State Penitentiary PAQ states the agency does contract with seven private agencies for confinement services of their inmates.

The agency provided seven individual contracts for services. Each contract, page 12, section 3. a. Conditions of confinement, I., states, "The County jail will provide safe and secure housing for inmates under this agreement in accordance with Nebraska state law and Constitution, federal Constitution, Prison Rape Elimination Act (PREA), and Nebraska Jail Standards requirements. The County will provide documentation as needed.

(b) The Nebraska State Penitentiary PAQ states all of the above contracts require the agency to monitor the contractor's compliance with PREA standards. The number of contracts referenced in 115.12 (a)-3 that do not require the agency to monitor contractor's compliance with PREA standards is zero.

Through such reviews, the facility meets the standard requirements.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Nebraska State Penitentiary PAQ
2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2023
3. Nebraska State Penitentiary Annual Review of Staffing Assignment and Video Monitoring, 1.2023
4. Staffing Deviation Documentation, dated 12.4.2023
5. First/Second Shift Supervisor's Daily Check Sheet (Rounds), dated 1.19.2023
6. Post Audit: Nebraska Department of Correctional Services Memorandum, RE: PREA Audit 115.13 a-5, dated 7.19.2024
7. Post Audit: Post Order Officer Acknowledgments Housing Units 2, 3, 4, and 5
8. Post Audit: Laundry Shop Restructure Plan

Interviews:

1. Lieutenant
2. Captain / PREA Coordinator
3. Warden

The interview with the Lieutenant and or supervisors he may designate, demonstrated unannounced rounds are completed on each shift anywhere on the facility where staff and or inmates may have access, at different times and through different routes. The Lieutenant explained logbooks are present at each post and unannounced rounds are documented in red ink. The Lieutenant stated he addresses and corrects deficiencies at the time issues are found.

The interview with the PREA Coordinator demonstrated she meets with each Warden and PREA Compliance Manager annually in February to review and complete facility annual Staffing Assignment and Video Monitoring Plans.

The interview with the Warden demonstrated she is not only aware of the staffing plan analysis and the required components which are reviewed annually with the

PREA Coordinator, herself and two peers had the responsibility to create the first agency staffing plan analysis. The Warden states she ensures consistent adherence with the staffing plan analysis to mitigate litigation on staff, incident review which may drive upgrades to technology, ensure security of the fence, doors and all findings are reviewed with implementation of recommendations.

Site Observation:

- Multiple supervisory unannounced rounds were observed in logbooks throughout the facility. Rounds are noted at different times on each shift.
- Cell doors in the units were left unsecure for long periods of time allowing inmates to be in areas where victims and aggressors can be isolated.
- Laundry and Technology buildings have restricted areas where inmates must be escorted; however, inmates were seen alone in restricted areas.
- Areas where doors should always be locked were found unsecure.
- The area behind the red line near dryers contains cabinets inmates must access for supplies.

Action Plan:

- Facility to discuss and implement restricted time for inmates to be out of their cells, with cell doors secured during those time.
- Facility to discuss and implement controls on restricted areas where inmates currently have access.
- Appropriate facility personnel to provide a memorandum with a sustainable action plan stating which facility position will monitor how continued quality assurance will be conducted to ensure vulnerable and aggressive inmates are not in isolated areas together.
- Upload memorandum to the supplemental files.

Post audit the facility provided a memorandum from the PREA Coordinator providing the following post orders.

Provision:

(a) The agency shall ensure that each facility it operates shall 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 sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration:

(5) All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);

Process moving forward:

The facility post orders State:

Internal movement to and from the Dayroom is authorized in-between external authorized movement times. The gallery doors will remain secure, but movement to and from the shower/cell/phone will occur as long as no more than two cell doors are open at any given time. When incarcerated individuals exit their cell, they need to secure the door. When exiting the dayroom, incarcerated individuals need to secure the door. If doors are not secured, incarcerated individuals will need to wait until a team member is available to secure doors before another one can be opened. If two doors are open for cell cleaning, a third door can be opened temporarily for access to the dayroom/shower/cell but must immediately be secured.

Incarcerated individuals may be let out of their rooms after the running of doors to clean their rooms at team member discretion and convenience. No more than two doors will be allowed open to clean their rooms on each gallery at any given time. Cleaning supplies shall be dispensed by the control center team member only at their convenience and after the completion of doors. Chemicals and other supplies are allowed to be issued for 20 minutes during supply doors initiated by staff at their discretion. Incarcerated individuals may continue cleaning their rooms after doors are run until they are finished. Cleaning must be accomplished within fifteen minutes and cannot occur during periods of lockdown. Incarcerated individuals are not allowed to store any cleaning supplies in their rooms.

All staff assigned to control housing unit doors have read and signed the post orders to ensure facility procedures are being followed.

To help monitor and manage incarcerated individual movement The Nebraska State Penitentiary has developed a team for live video monitoring with a dedicated office. Both housing units 2 and 3 are in the process of placing hatches on the doors to eliminate doors being opened. Staff are to open one door at a time when needed.

Unit Administrator Tan and Unit Administrator McGill are designated for quality assurance to ensure doors are being secured and opened according to facility post orders and to ensure vulnerable and aggressive inmates are not in isolated areas together.

Laundry area

The laundry and shops are undergoing a full restructure of the areas. A team has been developed to evaluate each area's needs, storage levels and search process. A job analysis is being conducted to determine business need to inmate workers and redeploy to other shops if needed. The supervisor post orders for these areas will be redeveloped to include inmate movement within these areas.

Post audit the facility provided signed post order acknowledgments from Housing Units 2, 3, 4, and 5 demonstrating that a total of 70 housing unit staff acknowledged and understood the training each received.

Post audit the facility provided a laundry shop restructure plan. The plan includes multiple action steps, responsible personnel, due date, individual projects to be completed, and personnel the project has been assigned to. The plan provides an area for effectiveness as well as instruction for other facility shops and food service.

(a) The Nebraska State Penitentiary 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. Since August 20, 2012, or last PREA audit, whichever is later, the average daily number of inmates is 1277. The average daily number of inmates on which the staffing plan was predicated is 1277.

The facility provided a Nebraska State Penitentiary Annual Review of Staffing Assignment and Video Monitoring plan. The document documents the following components.

- a. Generally accepted adult correctional institution practice.
- b. Any judicial findings of inadequacy.

- c. Any findings of inadequacy from federal investigative bodies.
- 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 resident population (i.e.-gender rations, risk/need of residents, physical size, Sexual Aggressive Behavior (SAB), Vulnerability to Victimization (VV).
- g. The number and placement of supervisory staff.
- 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.
- k. Any other relevant factors.

The plan is signed and dated by the NSP PREA Compliance Manager, facility Warden and the NDCS PREA Coordinator.

(b) The Nebraska State Penitentiary PAQ states each time the staffing plan is not complied with, the facility documents and justifies deviations. The PAQ states, "1. Facility not being fully staffed. 2. Number of sick calls per shift. 3. Number of outside hospitals, which are unplanned."

The facility provided documentation demonstrating a Supervisor Incident Report is completed which describes the initial report details and action taken with total staffing numbers for the remainder of the shift.

(c) The Nebraska State Penitentiary PAQ states at least once every year the facility/agency, in collaboration with the PREA coordinator, reviews 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. The facility completes a staffing plan annually to ensure continued compliance with each required element of the staffing plan. During the pre-audit phase the PREA Compliance Manager was asked if continuous hiring efforts help to mitigate short staffing. The PREA Compliance Manager stated, "Yes, we have an open job posting for corrections corporals and caseworkers in Lincoln. This posting is continuously running to allow for people to put in for it at any time."

(d) The Nebraska State Penitentiary PAQ states the facility requires that intermediate level or higher-level staff conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 7, 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."

The facility provided First/Second Shift Supervisor's Daily Check Sheet (Rounds), demonstrating rounds are completed three separate times throughout a 24 hour period by facility Sergeants and approved by the facility Lieutenant.

Through such reviews, the facility meets the standard requirements.

115.14	Youthful inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion Document Review: 1. Nebraska State Penitentiary PAQ Interviews: 1. Captain / PREA Compliance Manager Interviews with the PREA Compliance Manager demonstrated youthful inmates are not housed at this facility. Site Observation: The facility tour, formal and informal interviews with the PREA Compliance Manager and the Warden demonstrated youthful inmates were not housed at the facility.

	<p>(a) The Nebraska State Penitentiary PAQ states the facility does not house youthful inmates.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.15	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Nebraska Department of Correctional Services Field Training Officer Module Performance Checklist, dated 2.2021 4. Nebraska Department of Correctional Services Staff Training Academy Course Outline: Searches (Pre-Service), dated 11.24.2021 5. Post Audit: Photo of Toilet Blacked Out on Camera 6. Post Audit: Cross Gender Announcement Training Documentation <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random Inmates 2. Targeted Inmates 3. Corporals 4. Captain / PREA Coordinator <p>Interviews with inmates demonstrated cross gender announcements were made in person about 50% of the time. Inmates stated they do hear intercom announcements at the beginning of the shift or when a female enters the dorm at the beginning of the shift. Of the inmates who would answer all interview questions, a large percentage stated searches are conducted respectfully by staff.</p>

Interviews with Corporals demonstrated each had been trained to complete one type of pat and safety search which are not gender specific. Corporals, to date, had not yet completed safety searches of transgender woman; however, most were prepared, should the opportunity present.

The interview with the PREA Coordinator demonstrated the agency current practice for searching transgender inmates is performed by same gender staff as is documented on the transgender driver license and birth certificate.

Site Observation:

During the tour the search area near the Turnkey area was observed to be in a room with tall PREA curtains providing private booth type areas which were out of line of sight of cameras with two staff in the search area, during all searches. During the tour the holding cell in the medical department was observed to have a grey box on the camera view; however, the box had moved, and an opposite gender staff had the opportunity to observe the inmate while using the toilet. In the unit Control Center glass windows are placed near the floor to allow for viewing into the shower stalls.

Action Plan:

- Train female staff on cross-gender announcements during shift change, log on the shift narrative and upload to the supplemental files.
- A grey box is currently on the screen and simply needs to be moved to block the toilet and the mirror above to ensure opposite gender staff cannot view the inmate while toileting. Upload photo of box being moved to the supplemental files.
- Frost windows in the Control Center to ensure female staff are not able to view inmates while showering. Take photos of the frosted windows and upload to the supplemental files.
- Upload documentation to the supplemental files

Post audit the facility provided the following photos:

- The toilet blacked out on camera view in isolation room.
- Pictures of mirrors added to laundry area behind dryers.
- Control Center frosted windows, Housing Units 2 C and BD x2, 3 BD x2, 4AC x 2, 5 AC and BD

Post audit the facility provided post orders demonstrating staff on shift on first, second and third shifts were retrained on cross gender announcements upon entering an area where a inmate may be changing, toileting or showering.

(a) Nebraska State Penitentiary 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 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.

(b) Nebraska State Penitentiary PAQ states this standard is not applicable as females are not housed at the Nebraska State Penitentiary.

(c) Nebraska State Penitentiary 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. Policy compliance can be found in provision (a) of this standard.

(d) Nebraska State Penitentiary 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). Policies and procedures require staff of the opposite gender to announce their presence when entering an inmate housing unit.

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.”

(e) The Nebraska State Penitentiary 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 Nebraska State Penitentiary PAQ states 100% of security staff at each facility receive training on conducting cross-gender pat-down searches and searches of transgender and intersex Inmates in a professional and respectful manner consistent with security needs.

The facility provided a Nebraska Department of Correctional Services Field Training Officer Module Performance Checklist. The performance objective states, “After explanation, demonstration, and practice, trainee will be able to complete a pat search of an Inmate in a professional manner.” Training is affirmed through signature by the FTO and the trainee in attesting certification that proficiency was demonstrated by the above training concerning this task on the date the training was completed.

The facility provided a Nebraska Department of Correctional Services Staff Training Academy Course Outline: Searches (Pre-Service). The course description states, “An introduction to the contraband found in a correctional facility and the utilization of various searches to control it. The key elements of the pat, safety, room, and area will be discussed, and practical exercises will be conducted on pat and room searches. Professional conduct during searches will be emphasized throughout the course.”

Through such reviews, the facility meets the standard requirements.

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. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Language Line Services Inc Service Contract Amendment, dated 11.4.2023 – 11.4.2024 4. Americans with Disabilities Act (ADA) Pre-Service PowerPoint, dated 7.2021 5. Nebraska Department of Correctional Services Sexual Assault Awareness Brochure in English and Spanish, dated 4.2023 6. Zero Tolerance Flyers in English and Spanish <p>Interviews:</p> <ol style="list-style-type: none"> 1. Targeted Inmates 2. Unit Manager <p>Interviews with targeted inmates to include one hard of hearing, two cognitive, two disabled and two LEP inmates who used a facility interpreter, demonstrated all but one cognitive inmate stated he had been educated on PREA through staff reading PREA information regarding the agency zero tolerance, ways to report allegations of sexual harassment and sexual abuse and their rights regarding not being sexually harassed, abused and or retaliated against. The cognitive inmate who did not remember being educated was reported to be in the beginning stages of dementia.</p> <p>The interview with the Unit Manager demonstrated PREA education is provided to inmates within 10-15 minutes of admission into the facility. The Unit Manager stated inmates are handed the education/orientation acknowledgement while staff read inmates information on their rights, retaliation, internal and external reporting options to include third party reporting.</p> <p>Site Observation:</p>

End the Silence and Zero Tolerance postings in both English and Spanish were observed in each housing unit and inmates were able to demonstrate how PREA information could be accessed on their tablets during the tour.

(a) The Nebraska State Penitentiary 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.

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

The facility provided an Americans with Disabilities Act (ADA) Pre-Service PowerPoint. The PowerPoint includes the following learning objectives.

- The Purpose of the ADA
- NDCS Policies
- Identify who is protected?
- Major Life Activities
- What Constitutes a Disability?
- Title I - Employment
- Explain how employees request reasonable accommodations
- Explain how NDCS accommodates employee injuries and illnesses
- Title II - State and Local Public Services
- Title II - Applicability to Correctional Programs and Services
- Title II - Reasonable Modification(s)
- Explain how inmates request reasonable accommodations
- Title II - Person First Inclusive Language
- Title II - Other Considerations and Person First Language

- Conclusion

The facility provided a Nebraska Department of Correctional Services Sexual Assault Awareness Brochure in English and Spanish. The brochure includes the following information.

- Nebraska Department of Correctional Services Zero Tolerance Policy
- Incarcerated individual on Incarcerated individual or Team member on Incarcerated individual Sexual Behavior
- If you are sexually assaulted
- Self Protection
- Nebraska State Statute

The facility provided Zero Tolerance flyers in English and Spanish providing information on how to report sexual abuse and sexual harassment and dialing instructions.

(b) The Nebraska State Penitentiary 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 Nebraska State Penitentiary PAQ states the agency prohibits the use of 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, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations. 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. 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

	<p>delay in obtaining an effective interpreter could compromise the inmate's safety.</p> <p>The facility provided a Language Line Services Inc Service Contract Amendment. The contract is current and has a one year service agreement.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.17	Hiring and promotion decisions
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Nebraska Department of Correctional Services, Teletype Operations Policy 010.06, dated 12.31.2022 4. Nebraska Department of Correctional Services, Team Member Selection Policy 112.03, dated 6.30.2023 5. Nebraska Department of Correctional Services Personal Information for Security Check, dated 4.2023 6. Reference Check Form, dated 11.2013 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Regional Human Resource Manager <p>The interview with the Human Resource Manager demonstrated that every employee and contractor complete administrative adjudication questions during the hiring process and the agency completes an initial, promotion and five-year criminal background check for each. The Human Resource Manager explained the Central Human Resource office provides the facility a monthly report to ensure background checks are completed within five years of the start of employment and or during the promotion process. The Human Resource Manager stated the facility complete institutional reference checks for applicable applicants and the PREA Coordinator</p>

completes incoming institutional reference checks.

Site Observation:

By utilizing the PREA Audit Adult Prison & Jail Documentation Review Employee File/ Records template demonstrated 26 of 26 employee files reviewed had background checks upon hire and every five years, thereafter. The facility was able to demonstrate administrative adjudication questions were asked during the hiring and promotion processes and institutional references are requested and completed for applicable applicants.

(a) The Nebraska State Penitentiary 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: (1) 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); (2) 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 (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 10, section G., 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 Nebraska State Penitentiary 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/f/h) The Nebraska State Penitentiary PAQ states agency policy requires that before

it hires any new employees who may have contact with inmates, it (a) conducts criminal background record checks, and (b) consistent with federal, state, and local law, 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, the number of persons hired who may have contact with inmates who have had criminal background record checks was 81.

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."

The facility provided a Nebraska Department of Correctional Services Personal Information for Security Check demonstrating criminal background checks are completed upon hire and periodically throughout employment or affiliation with NDCS.

(d) The Nebraska State Penitentiary 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 was one contract for services where criminal background record checks were conducted on all contractors covered in the contract who might have contact with inmates. Policy compliance can be found in provision (a) of this standard.

(e) The Nebraska State Penitentiary 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 II, 4., states, "NDCS will conduct security checks of current team members every five years."

(g) The Nebraska State Penitentiary 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 13, section 3. d., states, "Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination."

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. Nebraska State Penitentiary PAQ
2. Campus Plan Schematic
3. Updated Camera Information

Interviews:

1. Captain / PREA Compliance Manager
2. Deputy Director of Prisons Operations / Agency Head

The interview with facility PREA Compliance Manager demonstrated the facility has not acquired a new facility or made substantial expansions since the last PREA Audit; however, cameras have been added to the current system to enhance overall security.

The interview with the Agency Head demonstrated vulnerable inmates are housed where each can be observed under cameras, near monitoring stations and ensuring staffing patterns appropriate for supervision and technology enhances supervision.

(a) The Nebraska State Penitentiary PAQ states the facility has acquired a new facility or made substantial expansions or modifications to existing facilities since the last PREA audit. The PAQ states, "Housing unit 9 and the External Check Point were opened in 2021 and are highlighted on the facility campus plan."

The facility provided a Campus Plan Schematic Highlighting Housing Unit 9 and what appears to be a check point.

(b) The Nebraska State Penitentiary PAQ states the facility has installed electronic surveillance system since the last PREA audit.

The facility provided a listing of new cameras added to the facility, demonstrating cameras have been added to the following areas:

- Visiting
- PFA South Hall
- Front Entrance Flagpole
- Cornhusker State Industries Shops
- Housing Unit 1 Roof
- West Wire Gate
- Housing Unit 6
- Housing Unit 7
- Housing Unit 8
- External Kitchen
- K9 Kennel Area
- External Canteen
- Housing Unit 7 and 8 Front Roof
- Housing Unit 7 and 8 Back Roof
- Tower 4
- Free Side Face
- Internal Canteen
- Library Front Door
- Intel Computer Room
- Internal Kitchen

	<ul style="list-style-type: none"> · Staff Dining · Housing Unit 1 Basement · Administration Stairs First Level · Housing Unit 9 · External Check Point o Gatehouse Fisheye South o Gatehouse Fisheye North o Gatehouse Roof Quad o Gatehouse Roof North <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. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Facility checklist for Incidents of Sexual Assault Sexual Abuse and Sexual Harassment, dated 7.2023 4. Nebraska Sexual Assault Protocol, dated 2019 5. Nebraska Statute 81-1429.03. 6. Nebraska Department of Correctional Services Memorandum, RE: Community Hospital MOU, dated 12.4.2023 7. Advocacy Attempt Memorandum, dated 12.12.2023 8. Nebraska Department of Correctional Services, Correctional Investigators' Duties and Reporting of Criminal Activities Policy 215.01, dated 12.31.2023

Interviews:

1. Registered Nurse

The interview with the Registered Nurse demonstrated she is aware of signs and symptoms of sexual abuse and would immediately report allegations to the Lieutenant, Nurse Supervisor and the Director of Nursing and make arrangements to send inmates to Bryan Medical Center.

(a) The Nebraska State Penitentiary PAQ states the facility is responsible for conducting administrative sexual abuse investigations (including inmate-on-inmate sexual abuse or staff sexual misconduct). The agency/facility is not responsible for conducting criminal sexual abuse investigations (including inmate-on-inmate sexual abuse or staff sexual misconduct). If another agency has responsibility for conducting either administrative or criminal sexual abuse investigations, the name of the agency that has responsibility is the Nebraska State Patrol.

The facility provided a Facility Checklist for incidents of sexual assault, sexual abuse, and sexual harassment. The checklist documents the following information.

- Date and time reported
- Date and time of incident
- First staff on Scene with title
- Means of Discovery/Reporting
- Alleged Victim - Name and Number
- Alleged Perpetrator-Name/Number
- Witnesses of the Incident - Name and Number
- Steps to ensure a coordinated response for Sexual Assault, Sexual Abuse and Sexual Harassment
- Notifications / contacts made
- Form completed by: Name/title/signature

(b) The Nebraska State Penitentiary PAQ states the protocol is developmentally appropriate for youth. The protocol was adapted from or otherwise based on the most recent edition of the DOJ'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.

The facility provided a Nebraska Medical Sexual Assault Protocol, Nebraska Attorney General's Office. The protocol speaks to the following information.

- Definitions
- Nebraska Statutes Relating to Sexual Assault
- Statute of Limitations
- Trauma Informed Care
- Nebraska Sexual Assault Kit and Reimbursement
- Evidence Collection Steps

(c) The Nebraska State Penitentiary 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. The number of forensic exams conducted during the past 12 months is zero. The PAQ states, "<https://nebraskalegislature.gov/laws/statutes.php?statute=81-1429.03>."

The facility provided the Nebraska Statute 81-1429.03, which states, "The full out-of-pocket cost or expense that may be charged to a sexual assault victim in connection with a forensic medical examination shall be paid from the Sexual Assault Payment Program Cash Fund. A report of a forensic medical examination shall not be remitted to the patient or his or her insurance for payment."

The facility provided a Nebraska Department of Correctional Services Memorandum from the Captain / PREA Coordinator, to the PREA Auditor, regarding the Community Hospital MOU 115.21, stating, "NDCS has not had a Memorandum of Understanding with the community hospital since 2015. This is due to the Community Hospitals that we utilize are required to have a SANE program that consists of SANE nurses that are available to conduct the SANE examinations. The State Sane Coordinator conducts the training for all Nebraska Hospitals."

(d) The Nebraska State Penitentiary PAQ states the facility attempts to make a victim advocate from a rape crisis center available to the victim, in person or by other means. All efforts are documented. If a rape crisis center is not available to provide victim advocate services, the facility provides a qualified staff or community member. The PAQ states, "NDCS currently does not have a MOU with a rape crisis center."

However, when the inmate goes to the community hospital for a SANE examination the hospital contacts a victim advocate to be present.”

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 11, section I., states, “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.”

The facility provided advocacy attempts demonstrating the agency is currently working with the Urban Institute in partnership with the National Sexual Violence Resource Center, Urban Institute Just Detention International in a national project to provide facilities with sexual abuse advocates who otherwise cannot secure memorandums with local and or state advocacy resources.

The facility provides mental health staff when a qualified staff member is needed in the absence of a victim advocate from a rape crisis center.

(e) The Nebraska State Penitentiary PAQ states a qualified staff or 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.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 11, section I., states, “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.”

	<p>(f-h) The Nebraska State Penitentiary PAQ states the agency is not responsible for investigating administrative or criminal allegations of sexual abuse and relies on another agency to conduct these investigations, the agency has requested that the responsible agency follow the requirements of paragraphs §115.21 (a) through (e) of the standards.</p> <p>Nebraska Department of Correctional Services, Correctional Investigators’ Duties and Reporting of Criminal Activities Policy 215.01, page 2, section I. D., states, “NDCS investigators have authority to conduct investigations into alleged acts by an incarcerated individual potentially constituting misdemeanors or felonies but not alleged acts by an incarcerated individual constituting murder, attempted murder, arson (specific to determining the point of origin) or in-custody incarcerated individual deaths.”</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
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Associate Warden / Investigator <p>The Investigator stated all allegations of sexual harassment or sexual abuse are taken seriously and investigated regardless of the source or type of allegation.</p> <p>Site Observation:</p> <p>The facility has received and investigated six sexual harassment and seven sexual abuse allegations in the past 12 months. Of those investigations, 10 were reviewed during the onsite review, one required law enforcement contact.</p>

(a) The Nebraska State Penitentiary PAQ states the agency ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment (including inmate-on-inmate sexual abuse and staff sexual misconduct). In the past 12 months the facility has had 16 allegations of sexual abuse and sexual harassment that were received. In the past 12 months, the number of allegations resulting in an administrative investigation was 16. In the past 12 months, the number of allegations referred for criminal investigation was one. Referring to allegations received during the past 12 months, all administrative and/or criminal investigations completed is zero. The PAQ states, "Nebraska State Patrol still has one open criminal investigation."

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 11, section J, states, "NDCS shall ensure that an administrative or criminal investigation is completed for all allegations of sexual assault/abuse 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 assault/abuse 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 assault/abuse and sexual harassment in confinement settings to the NDCS criminal investigators and agency investigators who conduct such investigations. When outside agencies investigate sexual assault/abuse and sexual harassment, NDCS shall cooperate with outside investigators and endeavor to remain informed about the progress of the investigation."

(b-c) The Nebraska State Penitentiary 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.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 24, section 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 NDCS 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 investigator will stop the investigation and contact the PREA Coordinator, and the Investigation Coordinator will be immediately notified.”

(d) The Nebraska State Penitentiary PAQ states if the agency is responsible for conducting administrative or criminal investigations of alleged sexual abuse, and another state entity has that responsibility, this other entity has a policy governing how such investigations are conducted is not applicable.

The agency policy is available on the agency website at: Search | NDCS - Nebraska Department of Correctional Services.

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. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Nebraska Department of Correctional Services Sexual Assault/Abuse PREA PowerPoint Course Overview, dated 10.19.2022 4. Monthly PREA Refresher Trainings, dated 2023 5. PREA of 2003: Information for Those with Direct and Indirect Contact with Inmates, Training Acknowledgment, not dated <p>Interviews:</p> <ol style="list-style-type: none"> 1. Corporals 2. Captain / PREA Coordinator

Interviews with Corporals demonstrated each were aware of and received initial, annual and refresher PREA training. Corporals stated training is delivered to them once a year through in person in-service training, the learning management system, shift change and email refreshers.

The interview with the PREA Coordinator demonstrated due to a past directive from the agency Director during the time of COVID, the agency had been completing training every 18 months through 2022. This directive has been corrected and employees have returned to annual training, with monthly refresher email notifications since January of 2022.

Site Observation:

Through utilization of the PREA Audit Adult Prison & Jail Documentation Review Employee File / Records Review template demonstrated 27 of 27 employee training files demonstrate annual training regarding the agency zero tolerance policy and refresher training has been completed annual training had been completed in 2023.

(a) The Nebraska State Penitentiary 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 12, section K., states,

- a. "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. (ACRS-7B-17, ACRS-7B-17-1)
- b. 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 least intrusive manner possible, consistent with security needs (Pre-service and as needed.)”

The facility provided a Nebraska Department of Correctional Services Sexual Assault/Abuse PREA PowerPoint Course Overview. The course overview includes the following.

- PREA Standards
- Zero Tolerance
- Prevention, detection, reporting and response
- Investigation process and discipline
- Fears of inmate reporting and inmate methods of reporting
- Victim advocacy
- 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

(b) The Nebraska State Penitentiary PAQ states training is tailored to the unique needs and attributes and gender of Inmates at the facility. Employees who are reassigned from facilities housing the opposite gender are given additional training. Policy compliance can be found in provision (a) of this standard.

(c) The Nebraska State Penitentiary 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 facility completes refresher training annually.

The facility provided monthly PREA refresher trainings for each month of the year, January through December. Trainings include the following topics.

- January: PREA Basics – Dynamics of Sexual Abuse in Detention – Detecting Signs of Sexual Abuse
- February: Handling Disclosures of Abuse – Responding to Victimized Incarcerated Individuals
- March: Professional Communication and Boundaries – Appropriate Interactions – Compromised Professionalism
- April: Inmate Privacy – Pat and Safety Searches
- May: Ways Incarcerated Individuals Can Report
- June: Helping Inmates Who Primarily Speak Another Language
- July: Duty to Report: Knowledge, Suspicion, or Information
- August: First Responder Duties
- September: Encouraging Inmates to Report Sexual Abuse
- November: Investigations
- December: Zero Tolerance Policy

	<p>(d) The Nebraska State Penitentiary 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.</p> <p>The facility provided of 2003: Information for Those with Direct and Indirect Contact with Inmates, Training Acknowledgment. Through printed name and signature, employees attest to the following: 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.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.32	Volunteer and contractor training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Nebraska Department of Correctional Services, Community Partner Orientation Training PowerPoint, not dated 4. Nebraska Department of Correctional Services, Volunteer Orientation Handbook, dated 6.2023 5. Inmate Sexual Assault/Abuse Agreement for Volunteers and Contractors, not dated <p>Interviews:</p> <ol style="list-style-type: none"> 1. Contract Registered Nurse 2. Volunteer - Prison Fellowship Academy <p>Both the contract nurse and the religious educator could attest to receiving training</p>

on the agency zero tolerance policy and reporting requirements before they were allowed access to the facility. The religious educator stated he is escorted to and from his post and would be able to keep the victim with him until he could get to an officer. The contract nurse stated she would report to the Lieutenant and on call provider.

Site Observation:

Utilization of the PREA Audit Adult Prison & Jail Documentation Review Employee File / Records Review template demonstrated the contractor and volunteer had completed training on the agency zero tolerance policy in 2022 and 2023.

(a) The Nebraska State Penitentiary 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, detection, and response. There are a total of 15 medical and mental health contract staff and 412 volunteers who have contact with Inmates, have completed the required training.

The facility provided a Nebraska Department of Correctional Services, Community Partner Orientation Training PowerPoint with the following training components.

- The eight points of the Volunteer Pledge
- The three points of the Volunteer Waiver
- The PREA Agreement
 - o Prison Rape Elimination Act
 - o Definitions
 - o Agency policy
 - o Sexual Assaults on Incarcerated People
 - o Reporting
 - o Responsibilities
- The 17 topics from the Volunteer Training Record.

The facility provided a Nebraska Department of Correctional Services, Volunteer Orientation Handbook. Chapter 14 provides information regarding Inmate Sexual Assault/Abuse Information for Community Partners and Contractors.

(b) The Nebraska State Penitentiary PAQ states the level and type of training provided to volunteers and contractors is based on the services they provide and level of contact they have with inmates. 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.

(c) The Nebraska State Penitentiary PAQ states the agency maintains documentation confirming that the volunteers and contractors understand the training they have received.

The facility provided a Inmate Sexual Assault/Abuse Agreement for Volunteers and Contractors. Through printed name and signature, community partners attest to the following: "I acknowledge that I have read the Inmate Sexual Assault/Abuse information for Volunteers and Contractors and have been trained on and understand the Department's zero-tolerance standard for sexual abuse, harassment and retaliation. I agree that I will report any findings of such incidents immediately."

Through such reviews, the facility meets the standard requirements.

115.33	Inmate education
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Inmate Sexual Orientation PowerPoint Presentation, not dated 4. Nebraska Department of Corrections PREA Inmate Orientation Acknowledgement in English and Spanish, not dated 5. General Population, External and Restrictive Housing Unit Inmate Handbooks in English and Spanish 6. Post Audit: External Reporting Information on Inmate Orientation Flyer, English and Spanish, dated 7.2023

7. Post Audit: Email Notification – Inmate Orientation Postings on Inmate Tablets, dated 7.18.2024

8. Post Audit: Nebraska Department of Correctional Services Memorandum, RE: PREA Audit 115.33 b, dated 7.19.2024

Interviews:

1. Random Inmates
2. Targeted Inmates
3. Unit Manager

Formal interviews with inmates who chose to answer all questions demonstrated 19 of those inmates were unaware of internal and external reporting options to include third party, anonymous, and or reporting through a step two grievance process.

The interview with the Unit Manager demonstrated PREA education is provided to inmates within 10-15 minutes of admission into the facility. The Unit Manager stated inmates are handed the education/orientation acknowledgement while staff read inmates information on their rights, retaliation, internal and external reporting options to include third party reporting.

Site Observation:

Utilization of the PREA Audit Adult Prison & Jail Documentation Review Inmate File / Records Review template demonstrated 12 of 40 inmates interviewed have been admitted into the program in the past 12 months. Of those 12 inmates, all had received PREA education within 72 hours of intake to include orientation and comprehensive education.

Action Plan:

- Facility staff to ensure inmates are educated on reporting options regarding agency policies to include third party, anonymous reporting, and reporting through a step two grievance process.
- Appropriate facility personnel to provide a memorandum with a sustainable action plan stating which facility position will monitor how continued quality assurance will be conducted to inmates are educated on agency reporting options.
- Upload documentation demonstrating system used to monitor compliance to the supplemental files.

- Upload memorandum to the supplemental files.

Post audit the facility provided an Inmate Orientation in English and Spanish, demonstrating the external PREA hotline reaches the PREA Coordinator at 855.623.7360 or the internal reporting entity can be contacted by dialing 0-111-111-111 or speed dial 08#, telling any staff member, submitting an interview request to any staff member, telling a family member.

Post audit the facility provided and email notification from the facility Warden demonstrating the inmate orientation information has been posted on inmate tablets.

Post audit the facility provided a Nebraska Department of Correctional Services Memorandum, RE: PREA Audit 115.33 b, addressed to the PREA Auditor, from the PREA Coordinator, stating, "The Nebraska State Penitentiary (NSP) has posted posters in the office where the inmate screenings are being conducted to go over ways to report sexual assault, sexual abuse and sexual harassment with incarcerated individual.

NSP has uploaded the posters to the incarcerated individuals tablets so that the population can view the posters on how to report incidents of sexual assault, sexual abuse, and sexual harassment.

NSP team members conducting the inmate orientation will go over the inmate orientation form which includes ways to report sexual assault, sexual abuse and sexual harassment before the incarcerated individual signs the form.

Unit Manager Caleb Larson is designated to conduct quality assurance by meeting with new inmates to ensure they understand how to report and provide a report to his supervisor on a monthly basis to ensure incarcerated individuals are informed on ways to report sexual assault, sexual abuse and sexual harassment."

(a) The Nebraska State Penitentiary PAQ states Inmate receives information at time of intake about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment. The number of inmates admitted in the past 12 months who were given this information at intake was 1479.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 13, section M. 1, states, "During the intake process at all NDCS facilities, inmates shall receive information explaining NDCS' zero tolerance policy regarding sexual abuse/assault, sexual harassment, and retaliation for reporting such incidents; how to report incidents or suspicions of sexual abuse/assault, sexual harassment, and retaliation for reporting such incidents; and informed of the designated facility PREA compliance manager."

(b) The Nebraska State Penitentiary PAQ states the number of those inmates admitted during the past 12 months (whose length of stay in the facility was for 30 days or more) who received comprehensive education on their rights to be free from both sexual abuse and sexual harassment and retaliation for reporting such incidents and on agency policies and procedures for responding to such incidents within 30 days of intake was 1479.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 13, section M. 4., states, "Upon transfer to any facility, information specific to that facility's procedures, to the extent that they differ from the previous facility, shall be provided to the inmate."

(c) The Nebraska State Penitentiary PAQ states of those who were not educated during 30 days of intake, all inmates have been subsequently educated. Agency policy requires that inmates who are transferred from one facility to another be educated regarding their rights to be free from both sexual abuse and sexual harassment and retaliation for reporting such incidents and on agency policies and procedures for responding to such incidents, to the extent that the policies and procedures of the new facility differ from those of the previous facility.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 13, section M. 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."

Nebraska Department of Corrections Inmate Sexual Orientation PowerPoint presentation. The presentation includes the following discussion.

- Your Rights

- Prohibited behaviors
- Ways to keep yourself safe
- How to report
- Medical and Mental Health care
- Investigation Process
- False Reporting
- Zero Tolerance - The Nebraska Department of Correctional Services

(d) The Nebraska State Penitentiary 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.

(e) The Nebraska State Penitentiary PAQ states the facility maintains documentation of inmate participation in PREA education sessions. Documentation can be found in provision (d) of this standard.

The facility provided a PREA Inmate Orientation acknowledgements in English and Spanish. Inmates attest to the following through their signature and date. "I acknowledge that I have received information regarding my rights to be free from sexual assault, sexual abuse, sexual harassment and to be free from retaliation for reporting such incidents. I have also been informed of the Nebraska Department of Correctional Services policy and procedures for responding to such incidents."

(f) The Nebraska State Penitentiary 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.

The facility provided General Population, External and Restrictive Housing Unit Inmate handbooks in English and Spanish. Each handbook references the following information.

- Definitions of sexual contact, sexual penetration, sexual abuse of an inmate or parolee
- Nebraska Department of Correctional Services Zero Tolerance Policy

	<ul style="list-style-type: none"> · Reporting Obligations · Self Protection · Reporting Sexual Abuse/Assault <p>Through such reviews, the facility meets the standard requirements.</p>
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115.34	Specialized training: Investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Specialized Investigative Training: PREA Investigating Sexual Abuse in a Confinement Setting, PowerPoint Presentation, not dated 4. 12 Nebraska Department of Correctional Services, Certificates of Completion, PREA Investigator Training <p>Interviews:</p> <ol style="list-style-type: none"> 1. Assistant Warden / Investigator <p>The interview with the Investigator and personnel file review demonstrated that she had completed investigator training through the academy with the agency PREA Coordinator.</p> <p>Site Observation:</p> <p>During the pre-audit phase training transcripts for facility investigators were uploaded to the online audit system.</p> <p>(a) The Nebraska State Penitentiary PAQ states the agency policy requires that investigators are trained in conducting sexual abuse investigations in confinement</p>

settings.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 14, section N. 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:

1. Techniques for interviewing victims of sexual assault/abuse.
2. Proper use of Miranda and Garrity warnings.
3. Sexual assault/abuse evidence collection in confinement settings.
4. Criteria and evidence required to substantiate a case for administrative action or prosecution referral."

(b) The facility provided a Specialized Investigative Training: PREA Investigating Sexual Abuse in a Confinement Setting. The course overview includes the following.

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

(c) The Nebraska State Penitentiary PAQ states the agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. The facility has 12 employees who have completed investigator training.

The facility provided 12 Nebraska Department of Correctional Services, Certificates of Completion, PREA Investigator Training, demonstrating each of the facility's investigators completed specialized training for investigators.

Through such reviews, the facility meets the standard requirements.

115.35	Specialized training: Medical and mental health care
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 1. 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 2. National PREA Resource Center Specialized Training: PREA Medical and Mental Care Standards Notification of Curriculum Utilization, dated 12.2013 3. 36 National PREA Resource Center, Specialized Medical and Mental Health Training, Certificates of Completion <p>Interviews:</p> <ol style="list-style-type: none"> 1. Contract Nurse 2. Registered Nurse 3. Behavioral Health Practitioner <p>The interview with the contract nurse and the facility Registered Nurse demonstrated they had completed specialized training in a four-hour Webex class with the agency PREA Coordinator. The interview with the Behavioral Health Practitioner demonstrated he completed specialized training through the learning management system. Each staff could speak to training including information on how to talk with victims, evidence collection, and ensuring inmates were made to feel as comfortable as possible in crisis situations.</p> <p>Site Observation:</p> <p>Medical and mental health staff employed by the agency training certificates were uploaded to the online audit system during the pre-audit and onsite review audit phases.</p> <p>(a) The Nebraska State Penitentiary PAQ states the agency has a policy related to the training of medical and mental health practitioners who work regularly in its facilities. The number of all medical and mental health care practitioners who work regularly at this facility who received the training required by agency policy is 35.</p>

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 14, section O. 1., states, "All full and part-time medical and mental health care practitioners to include contracted staff will receive training in the following:

- a. Detecting and assessing signs of sexual assault/abuse and sexual harassment.
- b. Preserving physical evidence of sexual assault/abuse.
- c. Responding effectively and professionally to victims of sexual assault/abuse and sexual harassment.
- d. Reporting allegations or suspicions of sexual assault/abuse and sexual harassment."

The facility provided the National PREA Resource Center Specialized Training: PREA Medical and Mental Care Standards Notification of Curriculum Utilization curriculum. The curriculum demonstrates the following modules are trained.

- Module 1: Detecting and Assessing Signs of Sexual Abuse and Harassment
- Module 2: Reporting and the PREA Standards
- Module 3: Effective and Professional Responses
- Module 4: The Medical Forensic Examination and Forensic Evidence Preservation

(b) The Nebraska State Penitentiary PAQ states their medical staff do not conduct forensic medical exams.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 21, section b., states, "Inmate victims of sexual assault or inmates alleging they are victims of sexual assault which occurred within the past 120 hours will be referred immediately, under appropriate security provisions, to a Community Hospital for initial treatment and gathering of evidence without financial cost to the inmate. All forensic examinations shall be at a community hospital. If it is determined a forensic examination will be conducted Department medical staff may provide only emergency medical care prior to transport."

(c) The Nebraska State Penitentiary PAQ states the agency maintains documentation showing that medical and mental health practitioners have completed the required training.

	<p>The facility provided 14 National PREA Resource Center, Specialized Medical and Mental Health Training, Certificates of Completion demonstrating each of the facility's medical and mental health staff have completed the required specialized training.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.41	Screening for risk of victimization and abusiveness
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims / Survivors Policy 201.03, dated 7.31.2023 3. Nebraska Inmate Case Management System PREA Assessment 4. Post Audit: Nebraska Department of Corrections Memorandum, RE: PREA Audit 115.41, dated 7.19.2024 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random Inmates 2. Targeted Inmates 3. Unit Manager 4. Behavioral Health Practitioner 5. Captain / PREA Coordinator <p>Interviews with inmates demonstrated 12 of the 40 interviewed had been admitted to the facility within the past 12 months. Of those 12 inmates, five stated they were not asked risk screening questions but did remember those questions being asked of them at assessment, D&E, facility.</p> <p>Interviews with the Correctional Case Manager demonstrated risk assessments are</p>

completed within 72 hours of intake in a one-on-one setting by handing inmates a paper version of the agency risk assessment while reading questions to inmates, after giving the inmate the option to answer the risk screening questions. The Unit Manager stated she assesses if the inmate is a potential victim or aggressor, risk to self or others, sexual orientation, immigration, language barriers, pronouns, and if they prefer a separate shower time. The Unit Manager stated housing and job assignments are not chosen until the risk assessment is completed. The Unit Manager stated high risk aggressors are primarily placed in Housing Unit 2 and high-risk victims are typically placed in Housing Unit 4, 5 and 9 and job assignments are considered on a case-by-case basis.

An interview with the Behavioral Health Practitioner demonstrated the mental health department also asks risk screening questions of inmates and if an inmate discloses prior sexual abuse or perpetration this information is not necessarily shared with the classification department.

The interview with the PREA Coordinator demonstrated only the diagnostic centers have access to the entire inmate risk assessment.

Site Observation:

Utilization of the PREA Audit Adult Prison & Jail Documentation Review Inmate File / Records Review template demonstrated 12 of 40 inmates interviewed have been admitted into the program in the past 12 months. Of those 12 inmates, 12 had completed risk assessments within 72 hours of intake and again within 30 days of admission into the facility.

Action Plan:

- Facility to devise a plan to ensure all risk screenings are completed in the NICAMS database.
- Ensure inmates are asked each question on the risk screening tool and if they decide not to disclose answers to individual questions, they are not disciplined for individual responses.
- Appropriate facility personnel to provide a memorandum with a sustainable action plan stating which facility position will monitor how continued quality assurance will be conducted to ensure risk screenings are completed in NICAMS with no paper copy being used and or filed in inmate records.
- Upload memorandum to the supplemental files.

Post audit the facility provided a memorandum from the PREA Coordinator providing the following information.

Provision:

(h) An inmate's risk level shall 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.

(i) Inmates may not be 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.

(g) The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.

Process moving forward.

The Nebraska State Penitentiary has dedicated an office in turnkey that provides privacy and access to a computer. This office is strictly for staff to conduct PREA assessments in a confidential manner. Staff will ask each question to the incarcerated individual as the assessment is being completed in NICAMS.

Unit Manager Caleb Larson is designated to conduct quality assurance by ensuring there is no paper assessments being utilized and the screenings are being conducted in NICAMS as the assessment is being completed.

(a) The Nebraska State Penitentiary 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, Identification of Potential Aggressors and Victims / Survivors, Policy 201.03, page 2, section I., 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 assaulted, sexually abused or sexually

harassed by other inmates and/or their potential to be sexually abusive or sexually harassing toward other inmates. This screening shall 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 / Survivors, Policy 201.03, page 3-4, section C., states, "The intake PREA screening assessment shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: The Factors to be considered high risk are. Factors that shall always be considered high priority for sexual victimization include:

1. No previous incarceration
2. A previous or current conviction for sexual assault or sexual abuse against a child included on the criminal history check.
3. States they identify as a transgender male, transgender female, intersex, or gender non-conforming.
4. States their sexual orientation is gay, lesbian, bisexual.
5. States they have been sexually assaulted, sexually abuse or sexually harassed while being incarcerated.
6. States they are fearful of being sexually assaulted, sexually abused and sexually harassed while being incarcerated.

Other factors that collectively may increase the potential for being a victim /survivor of sexual assault, sexual abuse or sexual harassment include:

1. Criminal history is of a non-violent nature.
2. Is under the age of 21 or over the age of 65
3. Is small in stature (Male is shorter than 5' 6", female is shorter than 5' 2")
4. Is small in weight (Male weighs less than 140 pounds, female weighs less than 115 pounds)
5. Has a thin build
6. Was a victim/survivor of sexual assault or sexual abuse in the community
7. Has fears for their sexual safety while being incarcerated
8. Stated sexual orientation is other

9. Stated their gender identity is other

10. How do others perceive your sexual orientation

11. Self-reports a medical, developmental, or mental health condition.

12. Self-reports a medical, developmental, or mental health condition affects their daily activity.

The initial intake PREA screening assessment shall consider prior acts of sexual assault/abuse sexual harassment and prior convictions for violent offenses, and history of prior institutional violence of sexual assault/abuse and sexual harassment as known NDCS, in assessing inmates for risk of being sexually abusive.”

(b) The Nebraska State Penitentiary 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 450. Policy compliance can be found in provision (a) of this standard.

(c-e) The Nebraska State Penitentiary PAQ states the facility conducts risk assessments by using an objective screening instrument. The facility does not house inmates solely for civil immigration purposes.

The facility provided computer screen prints of the agency PREA risk assessment.

Vulnerable OPO Factors

- Committed Name
- Legal Name
- Rcvd Dt
- TRD
- Rec Cter
- Loc
- Prev ID
- VW Notifiers

- DOB
- PED
- Date of Parole
- Admission Status
- Violation Description
- Committed Cnty
- Sentence Begin Dt
- Min Sentence
- Max Sentence
- Man Min Sentence

Add PREA Assessment:

- FAC
- Date & Time Received at FAC
- Date and Time Screened
- Reason for Assessment

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 of sexual violence?
- Is there a convictions for sexual violence against a child?
- Is there a conviction for sexual violence against an adult

- NDCS history of perpetrated violence for sexual assault/abuse and or harassment (Misconduct reports) explain

Inmate questions:

- Have you been previously incarcerated?
- How many times?
- Number of convictions that are of a violent nature include sexual violence?
- How many convictions for sexual violence?
- How many convictions for sexual violence against a child?
- How many convictions for sexual violence against an adult?

Gender/Sexuality Questions

- What is your gender Identity?
- What are your preferred pronouns?
- Do you want a separate shower time?
- What is your sexual orientation?
- How do others perceive your sexual orientation?

Physical Characteristics

- Age of individual
- Height of individual
- Weight of Individual
- Build of Individual

Sexual Abuse Survival

- Are you willing to tell me if you've ever been a survivor/victim of sexual assault or abuse?
- Are you survivor of sex assault abuse?

- Can you tell me if the sexual assault/abuse happened in: an institution/ the community?

Mental health referral completed?

Personal Fears

- Do you have any fears for your safety while incarcerated?
- What are those fears
- Inmate fears include sexual assault

Medical, Developmental or Mental Health

- Do you believe you have any medical, developmental, or mental health conditions?
- What are your medical, developmental, or mental health condition?
- Does this health problem, or condition limit your daily activities?
- Do you want to talk to a medical/mental health staff member regarding PREA and your safety?
- Medical/mental health referral completed

NICaMS provides final scores for the risk assessment to include the following.

- Victimization Total
- High Priority Victimization Total
- Aggressor Total
- High Priority Aggressor Total

(f) The Nebraska State Penitentiary 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 447.

Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims / Survivors, Policy 201.03, page 5, section II., states, "After 14 days and within 30 days from the inmate's arrival at the intake/reception facility, designated facility staff will reassess the inmate's risk of victimization or abusiveness based upon any additional relevant information received since the inmate's arrival. Designated facility staff shall also complete a reassessment within 72 hours of arrival when returns from an outside hospital after an admission of 24 hours or more without direct supervision (i.e., medical furlough), returns from remand, parole or abscond status, upon request or after a significant incident. After 14 days and within 30 days of this reassessment event, a follow-up assessment shall also be completed by designated facility staff."

(g) The Nebraska State Penitentiary 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 / Survivors, Policy 201.03, page 6, section V., states, "The PREA screening assessment should be reviewed and a new PREA screening assessment must be completed as necessary by designated unit management team members when warranted due to a request, bi-annual transgender review and after a significant incident of sexual assault/abuse or sexual harassment or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. Each PREA screening assessment will be posted to NICaMS Data Entry and Inquiry. For tracking purposes, a new entry shall be made rather than editing a previous entry."

(h) The Nebraska State Penitentiary 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 / Survivors Policy 201.03, page 5, second paragraph, states, "Inmates may not be disciplined for refusing to answer or not disclosing complete information

	<p>in response to the aforementioned questions.”</p> <p>(i) Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims / Survivors, Policy 201.03, page 7, first paragraph, states, “NDCS shall implement appropriate controls on the dissemination within the facility of responses to questions asked to ensure that sensitive information is not exploited by staff or other inmates to the inmate’s detriment.”</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.42	Use of screening information
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Post Audit: External and Internal Housing Unit Risk Assessment Spreadsheets 4. Post Audit: Nebraska Department of Correctional Services Memorandum, RE: PREA Audit 115.42 A-B, dated 6.26.2024 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Targeted Inmates 2. Captain / PREA Coordinator 3. Warden <p>Interviews with five high risk for victimization, four gay or bisexual, one hearing impaired, two cognitive, three inmates who reported, two disabled and three LEP inmates demonstrated four did not want to answer questions; however, each would state they were safe and knew how to report sexual harassment and sexual abuse. One gay inmate stated he has learned to live with sexual harassment as it happens in his unit (U7) and in the yard. The balance of targeted inmates stated they feel safe and are either housed in cell alone or are okay with their living unit.</p>

Formal and informal interviews with the Director of Classification and an additional Unit Manager demonstrated that information from the risk assessment is not considered for housing, bed, work, education and program assignments and this information is not taken particularly seriously.

The interview with the PREA Coordinator demonstrated quarterly gender dysphoria meetings take place with facilities to discuss transgender and intersex inmates coming into and transferring within programs to ensure their needs are met. In addition, the PREA Coordinator reviews all six-month reviews once those reviews are completed by designated facility personnel.

Action Plan:

- Facility to reassess inmates in the facility to ensure each housing, bed, work, education, and program assignments are assessed with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.
- Upload documentation of reassessment (can be in the form of a spreadsheet or database report) to demonstrate reassessments have been completed.
- Appropriate facility personnel to provide a memorandum with a sustainable action plan stating which facility position will monitor how continued quality assurance will be conducted to ensure bed, work, education, and program assignments are assessed with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. Please be sure dorm bed assignments are also included in those considerations.
- Upload documentation demonstrating system used to monitor compliance to the supplemental files.
- Upload memorandum to the supplemental files.

Post audit the facility provided External and Internal Housing Unit Risk Assessment spreadsheets. The spread sheets document the following for the entire population who has been previously or newly admitted into the facility from March 2024 through August 2024.

- Housing Unit
- Cell Number
- Inmate Name

- Inmate Number
- Date of Risk Assessment
- Staff completing Risk Assessment

Post audit the facility provided a Nebraska Department of Correctional Services Memorandum, RE: PREA Audit 115.42 A-B, from the PREA Coordinator, addressed to the PREA Auditor, stating, “

Upon arrival at NSP a PREA assessment will be completed along with a review of central monitoring. Those individuals with a high potential for victimization will be placed in Housing unit 6B. The 30-day review will be completed to assure placement.

NSP ran all inmates PREA scores housed in the external and internal units. All vulnerable adults with high priority for victimization will be placed in HU6B. No aggressors will live in Housing unit 6B. If Housing unit 6B becomes full with no beds available, and beds available in housing unit 9. Individuals will be placed in Housing unit 7 or 8 in areas of high visibility by staff and camera. These would be the top or bottom bunks of each row going down the dayroom. When space becomes available, they will be moved to Housing unit 6.

Unit Administrator Brandon Tan and Unit Administrator Kim McGill is designated to work together to conduct quality assurance to ensure bed, work, education, and program assignments are assessed with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. “

(a) The Nebraska State Penitentiary 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. 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.”

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

(c-d) The Nebraska State Penitentiary 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. 2., states, “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.”

(e) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 15, section Q. 4., states, “A transgender or intersex inmate’s own view with respect to the inmate’s own safety shall be given serious consideration.”

(f) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 15, section Q. 5., states, “Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.”

(g) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 15-16, section Q. 6., states, “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 of protecting such inmates.”

Through such reviews, the facility meets the standard requirements.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Nebraska State Penitentiary PAQ
2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022

Interviews:

1. Unit Case Manager

The interview with Unit Case Manager demonstrated victims have not been held in the restricted housing; however, if the need arose, they would have access to phones, education packets would be brought down to them, and they would be provided jobs on the unit. If victims were of high potential they would be roomed alone, blocked off the count sheet and we would keep their reason for being placed confidential. Each week either the investigator or classification would come and talk with them and place a note in the case manager notes in NICaMS.

(a) The Nebraska State Penitentiary 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 the past 12 months for one to 24 hours awaiting completion of assessment was zero.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 15, section R. 1., states, "Inmates at high risk for sexual victimization and those alleged to have suffered sexual assault/abuse shall not be placed in involuntary restrictive housing unless an assessment of all available alternatives has been conducted and a determination has been made there is no available alternative means of separation from likely abusers.

If unable to conduct this assessment immediately, the inmate may be held in involuntary restrictive housing (immediate segregation) for less than 24 hours while the assessment is completed."

(b) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 15, section R. 2., states, "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."

(c) The Nebraska State Penitentiary 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 Nebraska State Penitentiary 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 concerns for the inmate's safety, and (b) the reason or reason why alternative means of separation could not be arranged was zero.

(e) The Nebraska State Penitentiary 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.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 15, section R. 3., states, "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."

Through such reviews, the facility meets the standard requirements.

115.51 Inmate reporting

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Nebraska State Penitentiary PAQ
2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022
3. Nebraska Department of Correctional Services, Immigration Memorandum, dated 12.12.2023
4. Zero Tolerance Flyer
5. Verbal Report

Interviews:

1. Random Inmates
2. Targeted Inmates
3. Corporals
4. Captain - PREA Compliance Manager

Interviews with the inmates who chose to answer all questions, demonstrated each were aware of reporting options to the PREA hotline number being available on postings throughout the facility.

Interviews with Corporals demonstrated they would accept and report any type of allegation received regardless of the source of the allegation.

Site Observations:

During the tour the PREA hotline was tested from offender phones. The PREA hotline was dialed from an inmate phone and the call successfully connected. A message was left on the voicemail and the PREA Coordinator was able to demonstrate the message came to her cell phone.

During the tour the mailroom was observed in an outside building. The building was

locked, and the mailroom was locked as well. The PREA Compliance Manager was able to articulate the mailroom clerk logs all legal mail, Sergeants deliver the mail and have inmates sign a receipt when they are then given a copy of the mail and the original is shredded.

During the tour, the records room was observed to have three staff members consisting of the Records Manager and two assistants. Staff stated the room is locked when one or two staff members leave. Records review demonstrated education acknowledgments are in the inmate jackets and risk screenings are maintained in the agency NiCaMS database.

(a) The Nebraska State Penitentiary PAQ states the agency has established procedures allowing for multiple internal ways for inmates to report privately to agency officials about: (a) sexual abuse or sexual harassment; (b) retaliation by other inmates or staff for reporting sexual abuse and sexual harassment; and (c) staff neglect or violation of responsibilities that may have contributed to such incidents.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 16-17, section 8. 1. a-c., states, "Inmates shall be provided with multiple ways to privately report sexual assault/abuse, sexual harassment, and retaliation by other inmates or staff for reporting sexual assault/abuse, sexual harassment, staff neglect and/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 How To Dial Hotlines (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."

(b) The Nebraska State Penitentiary 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 has 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. Policy compliance can be found in provision (a) of this standard. The PAQ states, "The

inmate population could contact the Ombudsman's office if they chose to. The Ombudsman's office is set up as a speed dial on the inmates calling system.”

The facility provided a memorandum regarding ‘reporting methods for inmates detained solely for immigration’, stating, “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 Nebraska State Penitentiary 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. Staff are required to document verbal reports.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 16-17, section 17. 3., 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 verbal report from a facility Lieutenant demonstrating verbal reports are documented as a ‘PREA Allegation’, marked as ‘Confidential’ and filed with the facility.

The facility provided Zero Tolerance flyers in English and Spanish providing information on how to report sexual abuse and sexual harassment internally and externally with dialing instructions.

(d) The Nebraska State Penitentiary PAQ states the agency has established procedures for staff to privately report sexual abuse and sexual harassment of inmates.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 16-17, section 17. 4., states, “Staff have the option of privately reporting sexual assault/abuse and sexual harassment of inmates and retaliation against inmates and staff by directly notifying the captain/PREA coordinator (402-479-5660) or utilizing the

	<p>established hotline number (855-623-7360).”</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.52	Exhaustion of administrative remedies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of 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. Captain / PREA Compliance Manager <p>Interviews with inmates demonstrated about half were aware of the grievance procedures and stated grievances were easy to obtain by simply asking a Correctional Officer.</p> <p>The interview with the PREA Compliance Manager demonstrated grievance boxes are checked seven days per week.</p> <p>Site Observation:</p> <p>During the tour the grievance boxes were observed to be located in the medical department, on the middle level of the secured housing units, and in the day room areas of the medium custody housing units.</p> <p>(a) The Nebraska State Penitentiary PAQ states the agency has an administrative procedure for dealing with Inmate grievances regarding sexual abuse.</p>

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 17-18, section T., states, "Inmates will not be disciplined for filing a grievance related to alleged sexual assault/abuse 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 assault/abuse or sexual harassment. Applicable time limits to any portion of a grievance that does not allege an incident of sexual assault/abuse 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 assault/abuse or sexual harassment with staff. An inmate who alleges sexual assault/abuse 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 with 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 24 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."

(b) The Nebraska State Penitentiary PAQ states 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) in this standard.

(c) The Nebraska State Penitentiary 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 require 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) in this standard.

(d) The Nebraska State Penitentiary 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 has 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 13. Policy compliance can be found in provision (a) in this standard.

(e) The Nebraska State Penitentiary PAQ states agency policy and procedure permit 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) in this standard.

(f) The Nebraska State Penitentiary 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 five days. The number of emergency grievances alleging substantial risk of imminent sexual abuse that were filed in the past 12 months was one. The number of those grievances in 115.52 (e)-3 that had an initial response within 48 hours was one. The number of grievances alleging substantial risk of imminent sexual abuse filed in the past 12 months that reached

	<p>final decisions within five days was one. Policy compliance can be found in provision (a) in this standard.</p> <p>(g) The Nebraska State Penitentiary 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.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.53	Inmate access to outside confidential support services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Advocacy Attempt Memorandum, dated 12.12.2023 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random Inmates 2. Targeted Inmates 3. Captain / PREA Coordinator <p>Interviews with inmates demonstrated about half were aware of advocacy services and the purpose of the services advocates provide.</p> <p>The interview with the PREA Coordinator demonstrated inmates would be partnered with a facility and or agency mental health provider as the agency has been unable to secure an agreement with an advocate agency; however, the Department is currently working with Urban Institute Just Detention in their efforts to secure national advocate</p>

contacts.

(a) The Nebraska State Penitentiary PAQ states the facility provides inmates with access to outside victim advocates for emotional support services related to sexual abuse by:

- The facility provides inmates with access to such services by giving inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available) for local, state, or national victim advocacy or rape crisis organizations.
- The facility provides inmates with access to such services by giving inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available) for immigrant services agencies for persons detained solely for civil immigration purposes.
- The facility provides inmates with access to such services by enabling reasonable communication between inmates and these organizations in as confidential a manner as possible.

The PAQ states, "NDCS currently does not have a MOU with a rape crisis center. However, when the inmate goes the community hospital for a SANE examination the hospital contacts a victim advocate to be present."

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 18-19, section U., 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 an 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 Nebraska State Penitentiary 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 facility provides mental health staff when a qualified staff member is needed in the absence of a victim advocate from a rape crisis center.

(c) The Nebraska State Penitentiary 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 an Advocacy Attempt Memorandum from the NDCS PREA Coordinator, regarding Standard 115.53 C-4 advocacy attempts for 2022, 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 PREA Coordinator reached out to bridge from violence to attempt to enter into an MOU for advocacy care.

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

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

- On September 28, 2022, The NDCS 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.”

The facility provided information demonstrating the Nebraska Department of Correctional Services is currently working with the Urban Institute on the national advocacy project in hopes to secure a national and or regional advocate.

The facility provided a Nebraska Department of Correctional Services Memorandum from the Captain / ES Coordinator, to the PREA Auditor, regarding Standard 115.53, stating, “NDCS currently does not have a MOU with a rape crisis center. However, when the inmate goes to the community hospital for a SANE examination the hospital contacts a victim advocate to be present.

In the event NDCS enters a MOU with a RAPE crisis center the below information will be part of the MOU and information will be given to the incarcerated population. “

Through such reviews, the facility meets the standard requirements.

115.54	Third-party reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of 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. Corporals <p>Interviews with inmates demonstrated most were aware of third-party reporting and each had the option of having a trusted adult in the community report for them.</p>

	<p>Interviews with Corporals and facility personnel demonstrated each would accept a third-party report and immediately report the allegation to their supervisor, the Shift Supervisor, or the Shift Captain.</p> <p>Site Observation:</p> <p>During the tour Zero Tolerance postings were observed with third party contact information, throughout the facility.</p> <p>(a) The Nebraska State Penitentiary 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-0.”</p> <p>On 12.24.2023 at 3:44 pm MST, this Auditor sent the following third-party test to the link above. “This is Karen Murray, your PREA Auditor testing the third-party reporting here on this website. Could you please respond to this test and explain protocols that are followed when you receive a third-party report via this web address?” On 12.26.2023, a response was received from the agency PREA Coordinator, stating, “Good morning, I received the below email Sunday. I would talk with the facility that the report was referring to for follow-up with the victim. Then would open an investigation based on the information that was provided.”</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. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022

Interviews:

1. Corporals
2. Medical and Mental Health staff
3. Assistant Warden / Investigator
4. Captain / PREA Compliance Manager
5. Captain / PREA Coordinator
6. Warden

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

Site Observations:

Review of investigations by utilizing the PREA Audit - Adult Prisons & Jails Documentation Review - Investigations template demonstrated the source of the allegation included grievances, reporting verbally to staff, and staff reporting information to supervisory staff.

(a/c-d) The Nebraska State Penitentiary 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 19-20, section W., states, "All NDCS staff are required to report immediately and according to policy any knowledge, suspicion or information regarding:

1. An incident of sexual assault/abuse 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 assault/abuse and inform inmates of their duty to report and the limitations of confidentiality at the initiation of services. If the alleged victim is under 18 years old or considered a vulnerable adult, the allegations will be reported to the Department of Health and Human Services under applicable mandatory reporting laws. Staff shall not reveal any information related to a sexual assault/abuse report to anyone other than to the extent necessary as specified in NDCS policy, to make treatment, investigations, and other security decisions.”

(b) The Nebraska State Penitentiary 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.

Through such reviews, the facility meets the standard requirements.

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. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Captain / PREA Compliance Manager 2. Warden <p>The interview with the PREA Compliance Manager demonstrated an inmate can request protective custody at any time; however, it is rare that an inmate who has a propensity to be victimized or who has been sexually assaulted is placed in restricted housing.</p>

	<p>The interview with the Warden demonstrated victims are only placed in protected custody if avenged and those placements would be short lived.</p> <p>Site Observation:</p> <p>During the tour restricted housing was observed to be a side of a secured housing unit. The team walked through the housing unit and although inmates had questions for us, none appeared or were reported to be inmates at high risk for victimization or who had suffered sexual abuse.</p> <p>(a) The Nebraska State Penitentiary 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 zero inmates were subject to substantial risk of imminent sexual abuse. Upon discovery of inmates 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, states, "When NDCS learns that an inmate is subject to a substantial risk of imminent sexual assault/abuse, it shall take immediate action to protect them and 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
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Email Communication - Inmate report of sexual relationship / Incident Report

4. Incident Report

Interviews:

1. Warden
2. Deputy Director of Prisons Operations / Agency Head

The interview with the Warden demonstrated that she was aware that upon receiving an allegation that an inmate was sexually abused while confined at another facility she would personally notify the Warden from the facility where the allegation was alleged to have occurred, within 72 hours of receipt of the allegation.

The interview with the Agency Head demonstrated all sexual assault allegations are referred to the Nebraska State Patrol and are coordinated through the agency PREA Coordinator, facility PREA Compliance Manager, and criminal investigators.

(a) The Nebraska State Penitentiary 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 two allegations 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, 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 captain/PREA coordinator. Such notification shall be documented. The captain/PREA coordinator will ensure an investigation is completed according to policy."

The facility provided a Nebraska Department of Correctional Services, Incident Report demonstrating staff reported and documented a disclosure of sexual abuse incident that took place at another agency facility. An email notification demonstrates the incident report was communicated to the receiving facility.

(b) The Nebraska State Penitentiary PAQ states agency policy requires that the facility head provides such notification as soon as possible, but no later than 72 hours

	<p>after receiving the allegation. Policy compliance can be found in provision (a) of this standard.</p> <p>(c) The Nebraska State Penitentiary PAQ states the facility documents that it has not had a need to provide such notification within 72 hours of receiving the allegation. Policy compliance can be found in provision (a) of this standard.</p> <p>(d) The Nebraska State Penitentiary PAQ states facility policy requires that allegations received from other agencies or facilities are investigated in accordance with the PREA standards. In the last 12 months, there have been three allegations of sexual abuse. 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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115.64	Staff first responder duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Corporals <p>Interviews with Corporals demonstrated each carried first responder cards and or booklets with first responder duties. Corporals articulated they would separate victims from aggressors, ensure evidence was not disturbed on the victim or perpetrator and or in the areas where the sexual abuse had taken place. Corporals each expressed sympathy for possible victims of sexual abuse and demonstrated making victims feel safe and getting them to a safe place was of most importance to them.</p>

(a) The Nebraska State Penitentiary 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, 11 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 responded to the report separated the alleged victim and abuser was zero. The PAQ states, "No sexual abuse allegations required the collection of physical evidence."

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 20-21, section Z. 1., 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, recreation, 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 immediately."

(b) The Nebraska State Penitentiary 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 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 five. Of those allegations responded to first by a non-security staff member, the number of times that staff member requested that the alleged victim not take any actions that could destroy physical evidence was zero. The PAQ states, "1 - Case Manager, 1 - APOII, 1 - ADA Coordinator, 2 - Unit

	<p>Manager. No sexual abuse allegations required the collection of physical evidence.” 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
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Facility checklist for Incidents of Sexual Assault Sexual Abuse and Sexual Harassment, dated 2.2023 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Captain / PREA Compliance Manager <p>Interviews with the PREA Compliance Manager demonstrated the facility utilizes a Facility Checklist for each incident of sexual abuse and sexual harassment and each Lieutenant had access to the document either in their office or through computer access.</p> <p>Site Observation:</p> <p>Review of the facilities Coordinated Response Plan demonstrates clear direction to staff to ensure first responder duties are fulfilled.</p> <p>(a) The Nebraska State Penitentiary 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>

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 22, section AA., 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).

NDCS medical staff will meet with the victim to conduct the medical protocol and the nurse treatment protocol-43. The community Hospital will be notified by phone of the need for a SANE exam. If an inmate requests a victim advocate to be present the Community Hospital, NDCS shall contact a victim advocate from a rape crisis center. With the inmates consent the forensic examination at the community hospital will include the collection of evidence from the victim, using a rape kit approved for this purpose. (ACI-6C-14)

Mental Health staff will be contacted and the inmate will be placed on 15 minute checks until seen by mental health staff for an evaluation for all alleged incidents of sexual assault (defined as contact between the penis and the vulva or the penis and the anus, including penetration, however slight; contact between the mouth and the penis, vulva or anus; or penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument) that occurred within the past 120 hours. Mental health staff shall assess the need for crisis intervention counseling and long-term follow-up."

The facility provided a Facility Checklist for incidents of sexual assault, sexual abuse and sexual harassment. The checklist documents the following information.

- Date and time reported
- Date and time of incident
- First staff on Scene with title
- Means of Discovery/Reporting
- Alleged Victim - Name and Number
- Alleged Perpetrator-Name/Number
- Witnesses of the Incident - Name and Number
- Steps to ensure a coordinated response for Sexual Assault, Sexual Abuse and

	<p>Sexual Harassment</p> <ul style="list-style-type: none"> · Notifications / contacts made · Form completed by: Name/title/signature <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. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Labor Contract Between the State of Nebraska and Protective Services, Fraternal Order of Police, Nebraska Protective Services, Lodge 88, dated 7.1.2023 - 6.30.2025 <p>Interview:</p> <ol style="list-style-type: none"> 1. Deputy Director of Prisons Operations / Agency Head <p>The interview with the Agency Head demonstrated the Department of Administrative Services have completed negotiations having the ability through agency policy and contract language to move, discipline and take appropriate action for reasons related to PREA.</p> <p>(a) The Nebraska State Penitentiary PAQ states the agency, facility, or any other governmental entity responsible for collective bargaining on the agency’s behalf has entered 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., states, “NDCS shall not enter into any collective bargaining agreement or other agreement that limits the agency’s ability to remove alleged staff</p>

	<p>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
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Lieutenant 2. Captain / PREA Compliance Manager <p>The interview with the Lieutenant demonstrated his role was to ensure the safety of the inmate, make sure they were not unjustly treated or given unwarranted sanctions, housing or job movements or misconduct reports. The Lieutenant stated he meets with and documents meeting with victims when the investigation begins and again every two weeks for up to 90 days unless a request to continue meeting with them is made. The Lieutenant ensures the victim knows he can be contacted through the PREA Compliance Manager, Investigator, or by sending a memo.</p>

The interview with the PREA Compliance Manager demonstrated he ensures retaliation monitoring is completed for each victim of sexual harassment and sexual abuse and includes the documentation in the investigation file uploaded to the PREA Coordinator.

On Site Observation:

Of the 10 investigations reviewed during the onsite review, nine had documented retaliation monitoring attached to the investigation file. The investigation that did not have retaliation monitoring was due to the inmate no longer residing at the facility.

(a) The Nebraska State Penitentiary 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 staff member(s) or charges department(s) with monitoring for possible retaliation. The facility designates the PREA Compliance Manager, the Athletics/Recreation Manager, a Unit Manager and a Lieutenant as retaliation monitors.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 22-23, section CC. 1., states, "NDCS has an obligation to protect all inmates and team members who report sexual assault/abuse or sexual harassment or cooperate with sexual assault/abuse 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."

(b) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 23, section CC. 2., states, "Once the PREA compliance manager is made aware of an open investigation, the PREA compliance 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."

(c) The Nebraska State Penitentiary 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 see if there are any changes that may suggest possible retaliation by inmates or staff. The length of time that the facility monitors the conduct of treatment is 90 days. The facility acts promptly to remedy any such retaliation. The agency/facility continues such monitoring beyond 90 days if the initial monitoring indicates a continuing need. In the past 12 months, the facility has had seven incidents of retaliation. The PAQ states, "The facility will continue monitoring beyond 90 days if the initial monitoring indicates a continuing need."

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 23, section CC. 3., states, "For at least 90 days following a report of sexual assault/abuse, the agency shall monitor the conduct and treatment of inmates or staff who report sexual assault/abuse and of inmates who were reported to have suffered sexual assault/abuse to determine if there are changes that may suggest possible retaliation by inmates or team members. 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."

(e) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 23, section CC. 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.

115.68	Post-allegation protective custody
	Auditor Overall Determination: Exceeds Standard

Auditor Discussion

Document Review:

1. Nebraska State Penitentiary PAQ
2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022

Interviews:

1. Warden

The interview with the Warden demonstrated protective custody in the restricted housing unit is granted at the request of the victim. The Warden stated the Department Wardens work very well together and if the facility has a victim of sexual abuse or at a high risk of sexual victimization and housing them safely could be an issue, the victim would be transferred to a location where they could be and feel safe.

(a) The Nebraska State Penitentiary 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 alleged 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 zero.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 16, section R. 1-3, states, “

1. Inmates at high risk for sexual victimization and those alleged to have suffered sexual assault/abuse 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.
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:

	<ol style="list-style-type: none"> 1. The opportunities that have been limited. 2. The duration of the limitations. 3. The reasons for such limitations. <p>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.</p> <p>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.</p> <p>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.”</p> <p>Through such reviews of the Department of Corrections Wardens working together as a whole to ensure victims of sexual abuse and or at a high propensity of sexual victimization being transferred to a location where they can be and feel safe, the facility exceeds the standard requirements.</p>
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115.71	Criminal and administrative agency investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Assistant Warden / Investigator 2. Captain / PREA Coordinator <p>The interview with the Investigator demonstrated she begins investigations on all allegations of sexual harassment unless there is reason to believe it is criminal, she</p>

contacts the agency criminal investigators. The Investigator stated once the Deputy Warden assigns the investigation, she has two weeks to complete. The Investigator stated she reviews camera footage, complaints, phone calls, emails, decides from reports who she interviews and in what order and may reinterview before making a final determination.

The interview with the PREA Coordinator demonstrated she keeps in contact with and has regular meetings with the agency criminal investigators and the Nebraska State Patrol to stay informed on sexual abuse investigation status.

Site Observation:

Review of investigations by utilizing the PREA Audit - Adult Prisons & Jails Documentation Review - Investigations template demonstrated three of three investigations reviewed had areas of the investigation requirements that were not included in the investigation documentation.

(a-b) The Nebraska State Penitentiary 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., states, "NDCS shall ensure that an administrative or criminal investigation is completed for all allegations of sexual assault/abuse 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 assault/abuse 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 assault/abuse 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."

(c) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 24, section EE 3.a., states, "Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data. Alleged victims, suspected perpetrators and witnesses shall be interviewed. Any prior complaints and reports of sexual assault/abuse involving the suspected perpetrator will be reviewed."

(d) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 25, section EE 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 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 assault/abuse 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. 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. 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 Nebraska State Penitentiary PAQ states there has been zero allegations of conduct that appear to be criminal that was referred for prosecution, since the last audit date.

(i) The Nebraska State Penitentiary 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

	<p>by the agency, plus five years.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 31, section OO. 4.a., 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.”</p> <p>(j) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 25, section EE. 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> <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> <hr/> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Assistant Warden / Investigator <p>The interview with the Investigator 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>

	<p>(a) The Nebraska State Penitentiary 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.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 26, section FF., states, “NDCS shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual assault/abuse or sexual harassment are substantiated.”</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.73	Reporting to inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. NDCS / PREA Post Investigation Inmate Notification Form, dated 7.2023 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Captain / PREA Compliance Manager <p>The interview with the PREA Compliance Manager demonstrated notification requirements to victims are given verbally and in writing by himself. Documentation of notifications are documented on the Inmate Notification Form.</p> <p>On Site Observation:</p> <p>Of the six sexual abuse investigations, six required the outcome be provided to the victim and each investigation included a completed Inmate Notification Form. In addition, of the four sexual harassment investigations, three had documented notifications.</p>

(a) The Nebraska State Penitentiary PAQ states the agency has a policy requiring that any inmate who alleges 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 seven. 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 seven.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 26, section GG. 1., states, "Following an investigation into an inmate's allegation that he or she suffered sexual assault/abuse 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 captain/PREA coordinator or designee and documented. The obligation to report is terminated if the inmate is released from NDCS custody."

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

- Case number / Date of notification
- Nature of Allegation
- Allegation Category
- Did the victim receive written/verbal/Notice of Investigation?
- Did the investigation include outside agency? If yes, Name of Agency and date notified
- Date Investigation began and concluded
- Victim must be notified of the below throughout the investigation
 - o Victim notified on _____ of aggressor (team member) removed from inmates unit
 - o Victim notified on _____ of aggressor (incarcerated individual) separated from the victim.
- Below Sanction Imposed - unless unfounded or unsubstantiated
 - o Victim notified on _____ of aggressor (team member) no longer employs

o Victim notified on _____ of aggressor (team member or incarcerated individual) indicted

o Victim notified on _____ of aggressor (team member or incarcerated individual) convicted

· 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 to 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

· Victim Signature/Inmate #/Date/Time

· PREA Compliance Manager signature/Date/Time

· Facility Warden signature/Date/Time

· PREA Coordinator signature/Date/Time

(b) The Nebraska State Penitentiary PAQ states if an outside entity conducts such investigations, the agency requests the relevant information from the investigative entity to inform the Inmate as to the outcome of the investigation. The number of investigations of alleged inmate sexual abuse in the facility that were completed by an outside agency in the past 12 months was zero, however, one criminal investigation is currently ongoing with the Nebraska State Patrol.

(c) The Nebraska State Penitentiary PAQ states following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency/facility subsequently informs 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.”

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 26-27, section GG. 2., states, "Upon completion of the investigation (including the final review) of an inmate's allegation that a staff member has committed sexual assault/abuse 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. It is learned the team member has been convicted on a charge related to sexual abuse/assault within the facility."

(d) The Nebraska State Penitentiary 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 26-27, section GG. 3., states, "Upon completion of the investigation (including the final review) of an inmate's allegation that another inmate has committed sexual assault/abuse 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 assault/abuse within the facility.
- b. It is learned the alleged abuser has been convicted on a charge related to sexual assault/abuse within the facility."

(e) The Nebraska State Penitentiary PAQ states the agency has a policy that all notifications to inmates described under this standard are documented. In the past 12 months, there have been 14 notifications to an inmate, pursuant to this standard. Of those notifications, in the past 12 months, 14 notifications were documented. Policy compliance can be found in provision (a) of this standard.

Through such reviews the facility meets the standard requirements.

115.76	Disciplinary sanctions for staff
	<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 1398 562" style="list-style-type: none"> <li data-bbox="256 412 791 445">1. Nebraska State Penitentiary PAQ <li data-bbox="256 479 1398 562">2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 <p data-bbox="256 674 416 707">Interviews:</p> <ol data-bbox="256 741 464 775" style="list-style-type: none"> <li data-bbox="256 741 464 775">1. Warden <p data-bbox="256 808 1418 976">The interview with the Warden demonstrated any employee involved in a sexual abuse incident would be arrested the same day, possible termination, would have their facility access blocked, be referred to the Nebraska State Patrol for possible prosecution, and reported to any associated licensing board.</p> <p data-bbox="256 1077 504 1111">Site Observation:</p> <p data-bbox="256 1155 1477 1234">In the last 12 months, the facility had zero staff who was disciplined for violation of an agency sexual abuse or sexual harassment policy.</p> <p data-bbox="256 1335 1477 1536">(a) The Nebraska State Penitentiary PAQ states staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. In the past 12 months, the number of those staff from the facility who have been terminated (or resigned prior to termination) for violating agency sexual abuse or sexual harassment policies was zero.</p> <p data-bbox="256 1648 1477 2063">Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 27, section HH, states, "Team members shall be subject to disciplinary sanctions up to and including termination for violating agency sexual assault/abuse or sexual harassment policies. Disciplinary sanctions for violations of agency policies relating to sexual assault/abuse or sexual harassment (other than actually engaging in sexual assault/abuse) 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 assault/abuse. All terminations for violations of agency sexual assault/abuse or sexual harassment</p>

policies, or resignations by staff who would have been 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 Nebraska State Penitentiary PAQ states in the last 12 months, there has been zero staff from the facility that have violated agency sexual abuse or sexual harassment policies.

(c) The Nebraska State Penitentiary 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, the number of staff from the facility who have been disciplined, short of termination, for violation of agency sexual abuse or sexual harassment policies (other than actually engaging in sexual abuse) is zero. Policy compliance can be found in provision (a) of this standard.

(d) The Nebraska State Penitentiary 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, zero staff have been terminated for sexual abuse or harassment.

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. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022

Interviews:

1. Warden

The interview with the Warden demonstrated any contractor or volunteer involved in a sexual abuse incident would have their facility access blocked, referred to the Nebraska State Patrol for possible prosecution, and reported to any associated licensing board.

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 Nebraska State Penitentiary 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 HH. II., states, "Any contractor or volunteer who engages in sexual assault/abuse 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 assault/abuse or sexual harassment policies by a contractor or volunteer."

(b) The Nebraska State Penitentiary 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.

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. Nebraska State Penitentiary PAQ
2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022
3. Nebraska Department of Correctional Services Rules and Regulations Manual, dated 3.28.2023

Interviews:

1. Warden

The interview with the Warden demonstrated an inmate who was found to be involved in sexual abuse incident would be separated, possibly moved to another facility, held accountable to the rule book and possibly charged.

Site Observation:

During the last audit cycle, the facility two inmates subject to disciplinary action due to violating sexual abuse or sexual harassment policies.

(a) The Nebraska State Penitentiary 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, the number of administrative findings of inmate-on-inmate sexual abuse that have occurred at the facility was two. In the past 12 months, the number of criminal findings of guilt for inmate-on-inmate sexual abuse that have occurred at the facility was zero.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 27, section JJ. 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 assault/abuse/assault or sexual harassment or following a criminal finding of guilt for inmate-on-inmate sexual abuse/assault.

(b) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 28, section JJ. 2., states, "Sanctions shall be administered following the guidelines set forth in the Code of Offenses, Chapter 5, and Inmate Disciplinary Procedures, 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 Nebraska Department of Correctional Services Rules and Regulations Manual. Chapter 5 - Code of Offenses includes definitions for the following offenses: I [O] - Sexual Assault, II [C] - Sexual Activities, II [V] - Sexual Harassment.

The facility provided the Nebraska Department of Correctional Services Rules and Regulations Manual. Chapter 6 - Inmate Disciplinary Procedures explaining the disciplinary process for offenses, of any type.

(c) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 28, section JJ. 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 Nebraska State Penitentiary PAQ states the facility offers therapy, counseling, or other interventions designed to address and correct the underlying reasons or motivations for abuse. The facility offers therapy, counseling, or other interventions designed to address and correct the underlying reasons or motivations for abuse, the facility considers whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 28, section JJ. 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 Nebraska State Penitentiary 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. 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 Nebraska State Penitentiary 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. 6., states, "For the purpose of disciplinary action, a report of sexual assault/abuse 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 Nebraska State Penitentiary 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. 7., states, "While 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."

Through such reviews, the facility meets the standard requirements.

115.81	Medical and mental health screenings; history of sexual abuse
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

Document Review:

1. Nebraska State Penitentiary PAQ
2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022
3. Nebraska Department of Correctional Services, Mental Health Services Policy 115.23, dated 11.30.2022
4. Post Audit: Mental Health Follow Up Documentation Tracking System
5. Post Audit: Nebraska Department of Correctional Services Memorandum, RE: PREA Audit 115.81, dated 7.19.2024

Interviews:

1. Unit Manager
2. Behavioral Health Practitioner
3. Registered Nurse

The interview with the Unit Manager demonstrated she will complete a mental health referral via email notifications and marks in the agency database NICaMS to document the notification. In addition, the Unit Manager stated she writes on the paper risk screening when a mental health referral is completed.

An interview with the Behavioral Health Practitioner demonstrated the mental health department also asks risk screening questions of inmates and if an inmate discloses prior sexual abuse or perpetration this information is not necessarily shared with the classification department. The Behavioral Health Practitioner did not have a memory or a known system of the Unit Managers forwarding mental health referrals. Currently, the Behavioral Health Practitioner does not have a system in place to track 14-day mental health meetings as inmates are seen by medical within the first week of intake.

The interview with the Registered Nurse demonstrated she reports to the custody department any time an inmate discloses past or present sexual harassment and sexual abuse and ensures the inmate understands her limits of confidentiality. The Registered Nurse stated she will see inmates immediately upon receiving a disclosure and or allegation of sexual abuse.

Action Plan:

- Facility to provide documentation demonstrating system used to track 14-day mental health meetings within 14 days of disclosure.
- Appropriate facility personnel to provide a memorandum with a sustainable action plan stating which facility position will monitor how continued quality assurance will be conducted to ensure inmates disclosing victimization and or perpetration are seen by mental health within 14 days.
- Appropriate facility personnel to provide a memorandum with a sustainable action plan stating which facility position will monitor how continued quality assurance will be conducted to ensure disclosures of past sexual abuse and or perpetration to mental health is relayed to classification staff to ensure an additional risk screening is conducted.
- Upload documentation demonstrating system used to monitor compliance to the supplemental files.
- Upload memorandum to the supplemental files.

Post audit the facility provided documentation demonstrating a system used to monitor compliance for 14 days follow up once a disclosure of sexual abuse and or perpetration is provided to mental health.

Post audit the facility provided a memorandum regarding §115.81, addressed to the PREA Auditor from the PREA Coordinator, stating,

“Process moving forward:

the transfer screenings will be entered as a PREA contact in the BH section of NICaMS if they indicate a history of victimization or predation, and follow-up will be offered at that time. If they indicate at that time they want to be seen for follow-up, they will be seen at MH by the same therapist or referred to new assigned therapist by housing unit to be seen in the 14 day window. That contact will be documented as well under PREA in BH section of NICaMS.

When an individual arrives at the Nebraska State Penitentiary and disclosed prior victimization during the PREA assessment interview a mental health referral will be completed. When Mental health staff meet with them upon arrival they will complete the Mental Health intake form. When an individual discloses prior victimization and or perpetration mental health follow-up will be offered and documented in the BH-section on NICaMS.

The Mental Health intake screening form will be sent the facility PREA compliance manager to review the intake screening to ensure accurate information was captured in the PREA assessment.

Wayne Chandler is designated to conduct quality assurance by ensuring the contact notes are being entered into NICaMS upon arrival and again for a 14-day follow-up for those who divulge Prior victimization and prior perpetration.”

(a/c) The Nebraska State Penitentiary PAQ states all Inmates at this facility who have disclosed any prior sexual victimization during a screening pursuant to §115.41 are offered a follow-up meeting with a medical or mental health practitioner. Follow up meetings were offered within 14 days of the intake screening with 100% inmates who disclosed prior victimization during the intake screening. Medical and mental health staff maintain secondary materials, documenting compliance with the above required services.

Nebraska Department of Correctional Services, Mental Health Services Policy 115.23, page 2, section II. A., states, “Within 14 days of admission to an NDCS facility, or transfer inter- or intrastate (to include Parole Revocations, county safekeepers, and/or returnees from community corrections), each incarcerated individual is provided a formal appraisal process. This includes, at a minimum, a Behavioral Health Intake Appraisal (BHIA), which includes substance use screening, or a Behavioral Health Update Appraisal (BHUA), which are completed for individuals returning to the department. These are completed by a QMHP. If there is documented evidence of BHIA or BHUA within the past 90 days, a new BHUA is not required unless there is significant documented change in level of mental health functioning. The BHIA includes historical and current information on mental health status and symptoms, suicidal/homicidal thoughts/behaviors, medications, prior mental health treatment and/or hospitalizations, trauma/victimization (i.e. emotional, physical, sexual), predatory behaviors, alcohol/substance.”

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 28-29, section KK., 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 assault/abuse 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.

During an intake screening the inmate does not report prior victimization and or abusiveness, but once seen by medical and mental health and decides to report victimization and or abusiveness the facility PREA compliance manager will be notified of such to ensure that a proper PREA screening assessment is completed.

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.”

(b) The Nebraska State Penitentiary PAQ states all Inmates who have previously perpetrated sexual abuse, as indicated during the screening pursuant to § 115.41, are offered a follow-up meeting with a mental health practitioner. In the past 12 months, the percent of inmates who have previously perpetrated sexual abuse, as indicated during the screening, who were offered a follow-up meeting with a mental health practitioner was 100%. Policy compliance can be found in provision (a) of this standard.

(d) The Nebraska State Penitentiary PAQ states, information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners. Policy compliance can be found in provision (a) of this standard.

(e) The Nebraska State Penitentiary 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.

Through such reviews, the facility meets the standard requirements.

115.82	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review:

1. Nebraska State Penitentiary PAQ
2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022
3. Nebraska Department of Correctional Services, Mental Health/Medical Referral Form, dated 11.1998

Interviews:

1. Behavioral Health Practitioner
2. Registered Nurse

Interviews with medical and mental health staff demonstrated each are aware of access to emergency medical and mental health services upon receipt of an allegation of sexual abuse. Both staff attested to inmates receiving immediate care in the event of a sexual abuse incident.

Site Observation:

In the past 12 months the facility has had zero inmates who needed emergency services due to sexual abuse.

(a/b) The Nebraska State Penitentiary 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.

The facility provided a Nebraska Department of Correctional Services, Mental Health/Medical Referral Form. The form is completed to document the following.

- Date / Referral Source
- Inmate Name / Number
- Institution / Living Location

· Referral to:

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

(c) The Nebraska State Penitentiary PAQ states inmate 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 pursuant to § 115.62 and shall immediately notify the appropriate medical and mental health practitioners.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 29, section LL., 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 financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident."

(d) The Nebraska State Penitentiary 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

	<p>compliance can be found in provision (c) of this standard.</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: Exceeds Standard
	Auditor Discussion
	<p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Mental Health Response to Allegations of Sexual Abuse Protocol 4. Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims / Survivors Policy 201.03, dated 7.31.2023 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Behavioral Health Practitioner 2. Registered Nurse <p>Interviews with medical and mental health staff demonstrated a continuum of medical and mental health treatment begins upon a victim returning from a forensic exam. Each staff stated they would return to the facility if the victims' return was after hours. The staff explained medical and mental health departments would work closely with security and the evaluation for the victim and the perpetrator would be completed before either is returned to his living unit.</p> <p>On Site Observation:</p> <p>The facility has not experienced the need for emergency medical and or mental health services in the past 12 months.</p> <p>(a-c) The Nebraska State Penitentiary PAQ states the facility offers medical and</p>

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 29, section MM., 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 standards 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."

(d) This provision is not applicable as the Nebraska State Penitentiary does not house females.

(e) This provision is not applicable as the Nebraska State Penitentiary does not house females.

(f) The Nebraska State Penitentiary 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 Nebraska State Penitentiary 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. The PAQ states, <https://nebraskalegislature.gov/laws/statutes.php?statute=81-1429.03>

The facility provided a mental health response to allegations of sexual assault to

include the following protocols.

- Upon the inmate's return to the facility (or after declining medical treatment), the inmate will be placed on fifteen-minute check status until evaluated by mental health staff.
- During daytime business hours, medical staff (or security staff when medical is unavailable) will make both a verbal and written referral to mental health.
- After daytime business hours, medical (or security) staff will contact the Mental Health Officer of the Day (MHOD) immediately. The MHOD will notify her/his Institutional Mental Health Supervisor (IMHS) who will arrange for the post-incident mental health assessment of the Inmate.
- A mental health staff person will meet with the inmate within one working day after the referral is received to determine the need for crisis intervention and/or long-term counseling.

(h) The Nebraska State Penitentiary PAQ states they attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offers treatment when deemed appropriate by mental health practitioners.

Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims / Survivors Policy 201.03, page 6, final three paragraphs, state, "After an allegation of sexual assault or sexual abuse is reported to facility staff, the victim, and aggressor will be assessed. Staff will complete the assessment using the NiCaMS PREA screening assessment. This assessment shall be completed as soon as possible following the notification of the allegation (generally within 24 hours) and must be completed within 72 hours.

When facility staff are made aware of any inmate-on-inmate sexual assault, sexual abuse, or sexual harassment incident, a Mental Health referral must be submitted per the established facility process. Treatment/follow-up will be provided as deemed necessary by mental health staff.

If there is 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."

Through such reviews of the medical and mental health staff reporting evaluations of victims and perpetrators of sexual abuse are seen immediately upon the victim

	returning from a forensic exam and or reported sexual abuse incident of an aggressor, the facility exceeds standard requirements.
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115.86	Sexual abuse incident reviews
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Nebraska Department of Correctional Services, Sexual Abuse Incident Review (SAIR), dated 2023 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Warden <p>The interview with the Warden demonstrated the incident review team is comprised of the Warden, Deputy Warden, Medical, Mental Health, Unit Manager who know about the incident, and the PREA Compliance Manager. The team reviews the physical plant, video footage, if cameras were working, all persons involved, staff contributing actions, staffing, blind spots, group dynamics, lighted, was anyone isolated, and system failures.</p> <p>Site Observation:</p> <p>Of the 10 investigations reviewed during the onsite review, six were sexual abuse and each had a sexual abuse incident review completed within 30 days of the completion of the facility investigation.</p> <p>(a) The Nebraska State Penitentiary 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 eight investigations of alleged sexual abuse completed within in 30 days.</p>

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

The facility provided a Nebraska Department of Correctional Services, Sexual Abuse Incident Review (SAIR). The review includes the following.

- Location of the Incident:
- Type of Incident:
- Incident Date:
- Incident Discovery:
- Allegation and Synopsis of Investigation:
- Timeline of Investigation:
 - o This is the timeline once investigation is assigned
- Team Members Involved in Incident Response
- Allegation Determination
- Key Strengths Identified During the Incident
- Opportunities/areas for Improvement Include
- Changes in Policy/Practice Needed
- Incident Motivation
- Staffing Levels
- Monitoring Technology
- Recommendations for Improvement
- Conclusion
- Date Report Prepared for Review
- Team Members who Reviewed Incident

The SAIR is signed and dated by the PREA Compliance Manager, Warden, Agency PREA Coordinator, Assistant Deputy Director of Intelligence, Investigations Coordinator, and the Facility Specific Deputy Director.

(b) The Nebraska State Penitentiary 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 were six.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 30, section NN. 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. Line supervisors (i.e., Lieutenant, Sergeant, Unit Manager, Unit Case Manager)
- c. Investigative staff (i.e., Intelligence supervisor or other Intelligence staff) d. Medical or mental health staff

Specific operational procedures regarding the PREA Management Teams are detailed in facility Procedures.”

(c) The Nebraska State Penitentiary 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. Policy compliance can be found in provision (b) of this standard.

(d) The Nebraska State Penitentiary 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 30, section NN. 3., states, “The review team shall:

- a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual assault/abuse.
- 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 for review.”</p> <p>(e) The Nebraska State Penitentiary PAQ states, the facility implements recommendations for improvement or documents its reasons for not doing so.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 30, section NN. 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
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Nebraska State Penitentiary PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 3. Survey of Sexual Victimization, 2022

Interviews:

1. Captain / PREA Coordinator

The interview with the PREA Coordinator demonstrated each facility PREA Compliance Manager provides her with annual sexual harassment and sexual abuse investigation numbers which are then aggregated across the agency for review and collection for the agency annual report.

(a) The Nebraska State Penitentiary 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.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 31, section OO. 1-3, states, "NDCS shall collect accurate, uniform data for every allegation of sexual assault/abuse 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 Assault/Abuse Incident Reviews.

3. Upon request, NDCS shall provide all such data from the previous calendar year to the DOJ."

(b) The Nebraska State Penitentiary PAQ states the agency aggregates incident-based sexual abuse data at least annually. Policy compliance can be found in provision (a) of this standard.

(c) The Nebraska State Penitentiary PAQ states 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.

The facility provided a Survey of Sexual Victimization as their data collection.

(d) The Nebraska State Penitentiary PAQ states the agency maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 31, section OO. 4. a., 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"

(e) The Nebraska State Penitentiary PAQ states the agency does obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates as the agency does not have private contracts.

(f) The Nebraska State Penitentiary PAQ states the Department of Justice has requested agency data for the previous calendar year.

Through such reviews, the facility meets the standard requirements.

115.88	Data review for corrective action
	Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Nebraska State Penitentiary PAQ
2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022
3. Nebraska Department of Correctional Services Annual PREA Assessment 2022

Interviews:

1. Captain / PREA Coordinator
2. Deputy Director of Prisons Operations / Agency Head

The interview with both the PREA Coordinator and the Agency Head demonstrated each allegation of sexual harassment and sexual abuse is reviewed at the facility and agency level, at the time of the incident. In addition, recommendations provided for corrective action are reviewed to ensure implementation takes place at the facility and agency level if appropriate.

(a) The Nebraska State Penitentiary PAQ states the agency reviews data collected and aggregated pursuant to §115.87 to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, and training, including:

- 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., states, "NDCS shall review data in order to assess and improve the effectiveness of NDCS's sexual assault/abuse 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 three years and corrective actions with those from prior years and shall provide an assessment of NDCS's progress in addressing sexual assault/abuse.
2. The reports shall be approved by the NDCS 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."

(b) The Nebraska State Penitentiary 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 2022. The report compares the following data from years 2014 through 2022.

- Introduction of PREA
 - o Nebraska Department of Correctional Services Zero Tolerance Policy
 - o Reporting options for inmates
 - o PREA orientation training provided to inmates
 - o Mandated Team Member in-service and refresher PREA training
- Assessment of NDCS's Progress
- Goals for 2022
- Facility Audit Schedule
- PREA Investigations to include:
 - o Total investigations for 2022
 - o Staff Perpetrated Sexual Assault
 - o Staff Perpetrated Sexual Abuse
 - o Staff Perpetrated Exhibitionism
 - o Staff Perpetrated Voyeurism

	<ul style="list-style-type: none"> o Staff Perpetrated Sexual Abuse o Inmate Perpetrated Sexual Assault o Inmate Perpetrated Sexual Abuse o Inmate Perpetrated Sexual Harassment o County Attorney Referrals · Victim Advocacy · Supervision and Monitoring · Nebraska Statewide Coordinated Response Team o Vision o Mission o CRT members <p>The annual report is signed by the PREA Coordinator, Assistant Deputy Director of Intelligence</p> <p>Deputy Director of Prisons, Deputy Director of Programs, and the Chief of Operations, Director.</p> <p>(c) The Nebraska State Penitentiary PAQ states the agency makes its annual report readily available to the public, at least annually, through its website at https://corrections.nebraska.gov/about/prison-rape-elimination-act-0.</p> <p>(d) The Nebraska State Penitentiary 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. The agency indicates the nature of material redacted.</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

Document Review:

1. Nebraska State Penitentiary PAQ
2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022
3. Schedule 92, Nebraska Department of Correctional Services, dated 12.12.2011

(a) The Nebraska State Penitentiary PAQ states the agency ensures that incident-based and aggregate data are securely retained.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 33, section QQ., states, "The data collected shall be securely retained. All aggregated sexual assault/abuse 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 the collection and retention of said data. NDCS shall maintain sexual assault/abuse data collected for at least 10 years after the date of the initial collection unless Federal, State or local law requires otherwise."

The facility provide Schedule 92, Nebraska Department of Correctional Services, demonstrating the State mandates Correction Inmate Tracking (CIT) Correction Tracking System (CTS), Website and Siebel Reports.

(b) The Nebraska State Penitentiary 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 at <https://corrections.nebraska.gov/about/prison-rape-elimination-act-0>.

(c/d) The Nebraska State Penitentiary PAQ states before making aggregated sexual abuse data publicly available, the agency removes all personal identifiers. The agency maintains sexual abuse data collected pursuant to §115.87 for at least 10 years after the date of initial collection, unless federal, state, or local law requires otherwise. 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
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<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 fourth audit cycle for Nebraska State Penitentiary and the second 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 were 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 standard requirements.</p>

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(b) The agency has posted the current 2021 PREA audit report, on their website.</p> <p>Through such reviews, the facility meets the standard 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.)	na
	Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the	na

	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)?	na
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,	na

	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.)	no
	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	yes
	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.)	na
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)		
	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.)	yes