

**NEBRASKA**

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DEPT OF CORRECTIONAL SERVICES



Jim Pillen, Governor

# Nebraska Department of Correctional Services

## Annual PREA Assessment 2022

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**Department of Correctional Services**

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## Introduction of PREA

The Prison Rape Elimination Act was signed into law in 2003. PREA was the first law of its kind addressing prison sexual abuse. The final standards were signed in May 2012 and became effective in August 2012. There are 43 standards for adult prison/jails and 41 standards for the community confinement facilities. Every three years all facilities are required to be audited. The standards address such issues as prevention, detection and response.

NDCS has a zero-tolerance policy regarding sexual assault, sexual abuse and sexual harassment of inmates and staff within our 10 facilities. Inmates and team members are educated on the reporting, detecting and preventing of sexual assault, sexual abuse, and sexual harassment. NDCS team members have an obligation to report all incidents.

Inmates are offered several ways in which to report the allegations of sexual assault, sexual abuse or sexual harassment. They are able to report directly to any team member, make a call to the PREA hotline, write a letter, submit an Inmate Interview Request form, file a grievance, tell a trusted third party such as a family member or friend. Inmates are also able to have family members or friends report incidents on the NDCS website.

Nebraska Department of Correctional Services requires that all inmates who enter the system go through an orientation with in their initial 30 days of arrival. Team members, volunteers and contractors receive information and training on the departments zero tolerance policy and how to prevent, detect and respond to allegations of sexual assault, sexual abuse, sexual harassment or retaliation for reporting incidents during Pre-service training.

Each year all staff members are required to attend in-service training in which they receive refresher training and updates relative to PREA.

## **Assessment of NDCS's Progress**

NDCS will continue to work towards remaining PREA compliant. The PREA Coordinator continues to meet quarterly with the 9 facility PREA Compliance Managers. Information regarding PREA has been made available on the NDCS website.

NDCS continues to actively participate in the audit process. During 2022 NDCS was in contract with DX Consultants LLC from Florida from 2019 through 2022. The 3-year PREA audit cycle began August 20, 2019. 4 audits were completed in 2020. 3 audits were completed for 2021 and 3 audits were completed in 2022 completing the 3-year audit cycle.

NDCS entered into a contract with KDM Consults in September of 2022 for the next 3-year cycle. August of 2022- August of 2025.

NDCS continues to maintain a zero-tolerance standard for all forms of sexual assault, sexual abuse, sexual harassment, and retaliation for reporting such incidents. The department continues to provide training and information to staff and inmates in an attempt to prevent, detect and respond to all allegations of sexual assault, sexual abuse, sexual harassment and retaliation.

## **Goals for 2022**

- Continue to Work with Karen Murry, KDM Consults for the upcoming audit cycle 2022-2025.
- Review and update inmate educational material.
- Review and update staff education material.
- Review and update Administrative regulations
  - Sexual assault and abuse Policy 203.11
  - Identification of Potential Aggressors and victim's/survivors policy 201.03
- Conduct at least 1 PREA investigator courses for 2023.
- Continue to work with the Nebraska Statewide Coordinated Response Team (CRT).
- Work with OCIO to build the new PREA Screening assessment in NICAMS
  - New screening tool is in the final stages to be implemented.
- Teach the PREA Screening assessment at the Case Management Academy
- Develop a Compliance Manager Training.



## Facility Audit schedule

Facility	Last completed Audit	Next Scheduled Audit
Work Ethic Camp	February 22-24, 2021 In compliance	February 19-20, 2024
Nebraska Correctional Center for Women	March 28-April 1, 2022	February 12-14 2025
Reception and Treatment Center	June 22-24, 2020 In compliance (DEC) March 3-6, 2020 In compliance (LCC)	January 10-13 2023
Community Correctional Center – Lincoln	March 15-17, 2021 In compliance	February 13-16 2024
Nebraska State Penitentiary	June 21-24, 2021 In compliance	February 13-16 2024
Omaha Correctional Center	February 7-11 2022 In compliance	February 9-11 2025
Nebraska Correctional Youth Facility	July 6-8, 2020 In compliance	February 16-17 2023
Community Correctional Center – Omaha	August 10-11, 2020 in compliance	February 14-15 2023
Tecumseh State Correctional Institution	June 27-July 1 2022 In compliance	February 17-19 2025

### DX Consultants LLC

[dxconsultants@gmail.com](mailto:dxconsultants@gmail.com)

contract: August 2019- August 2022

Point of Contact: Dorothy Xanos

Auditor: Karen Murray

### KDM Consults

[Kdmconsults1@gmail.com](mailto:Kdmconsults1@gmail.com)

Contract: August 2022-August 2025

Point of Contact: Karen Murray

Auditor: Karen Murray

## PREA INVESTIGATIONS

<b>Total Investigations for 2022</b>	
Substantiated	15
Unsubstantiated	65
Unfounded	30
Open/Active	5
Total number of investigations:	<b>115</b>
<b>Staff Perpetrated Sexual Assault</b>	
Substantiated	3*
Unsubstantiated	2
Unfounded	2
Open/Active	1
Total:	<b>8</b>
<p>Comments:</p> <p>*202212CCL6768 Investigation was referred for prosecution to Lancaster County Attorney's office. Staff was found guilty of unlawful acts by a corrections employee, sentencing scheduled for June 5, 2023.</p> <p>*202212RTC6608 Investigation was referred for prosecution to Lancaster County Attorney's office. Staff member was found guilty of unlawful acts by a corrections employee, was sentenced to 365 days jail time.</p> <p>*202212OCC6781 Investigation referred for prosecution to Douglas County Attorney's office. Waiting on court hearing.</p>	
<b>Staff Perpetrated Sexual Abuse</b>	
Substantiated	0
Unsubstantiated	13
Unfounded	4
Open/Active	0
Total:	<b>17</b>
<b>Staff Perpetrated Exhibitionism</b>	
Substantiated	0
Unsubstantiated	0
Unfounded	0
Open/Active	0
Total:	<b>0</b>
<b>Staff Perpetrated Voyeurism</b>	
Substantiated	0
Unsubstantiated	1
Unfounded	1
Open/Active	0
Total:	<b>2</b>
<b>Staff Perpetrated Sexual Harassment</b>	
Substantiated	0
Unsubstantiated	10
Unfounded	4
Open/Active	0
Total:	<b>14</b>

<b>Inmate Perpetrated Sexual Assault</b>	
Substantiated	1*
Unsubstantiated	5
Unfounded	3
Open/Active	4
<b>Total:</b>	<b>13</b>
Comments: *202212TSC7063 State Patrol referred investigation to Johnson County Attorney office for prosecution.	
<b>Inmate Perpetrated Sexual Abuse</b>	
Substantiated	3
Unsubstantiated	17
Unfounded	6
Open/Active	0
<b>Total:</b>	<b>26</b>
<b>Inmate Perpetrated Sexual Harassment</b>	
Substantiated	8
Unsubstantiated	10
Unfounded	17
Open/Active	0
<b>Total:</b>	<b>35</b>
<b>County Attorney Referrals</b>	
Referred to County Attorney for prosecution	4*
Staff perpetrated sexual assault/ abuse	3*
Inmate perpetrated sexual assault/ abuse	1*
Comments: *202212CCL6768 Investigation was referred for prosecution to Lancaster County Attorney's office. Staff was found guilty of unlawful acts by a corrections employee, sentencing scheduled for June 5, 2023.  *202212RTC6608 Investigation was referred for prosecution to Lancaster County Attorney's office. Staff member was found guilty of unlawful acts by a corrections employee, was sentenced to 365 days jail time.  *202212OCC6781 State Patrol referred investigation to Douglas County Attorney's office for prosecution. Waiting on court hearing.  *202212TSC7063 State Patrol referred investigation to Johnson County Attorney office for prosecution.	



In the institutional year reports on page 5 under Disciplinary Misconduct reports it lists sexual assault rule violations and of those Misconduct reports that were guilty of the sexual assault rule violation.

Below are the institutions who issued Misconduct reports for sexual assault rule violations.

**Nebraska Correctional Center for Women**

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

**Reception and Treatment Center**

- Sexual assault charges filed- 4
- Guilty Sexual Assault charges- 0

**Community Correctional Center Lincoln**

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

**Nebraska State Penitentiary**

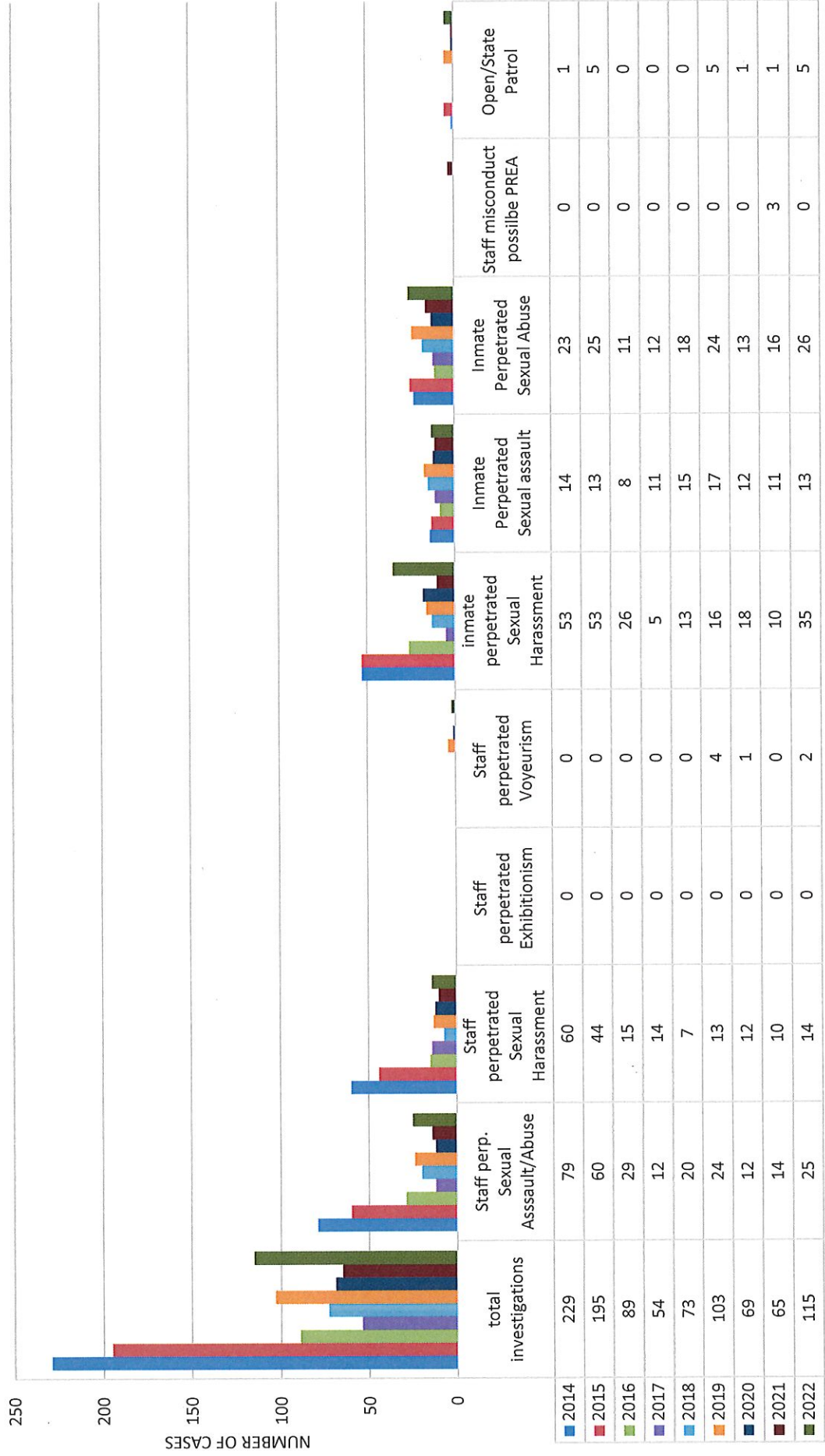
- Sexual assault charges filed- 1
- Guilty Sexual Assault charges- 0

**Omaha Correctional Center**

- Sexual assault charges filed- 3
- Guilty Sexual Assault charges- 0

All data is submitted to the U.S. Department of Justice through the Survey for Sexual Victimization

## INVESTIGATIONS





## **Victim Advocacy**

### **PREA Standard 115.53 / 115.253**

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

#### **Purpose**

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

- NDCS entered into a MOU with the Nebraska Coalition to End Sexual and Domestic Violence in April 2016. The MOU ended in April 2021.
- NDCS entered into a MOU with the Women’s Center for Advancement in July 2021 and ended March 12, 2022.
- NDCS has attempted to enter into a MOU with the below rape Crisis centers
  - enCourage Advocacy Center
  - Trevor Project
  - Women’s Center for Advancement- Lincoln

NDCS became part of a Focus Group in 2023 for the Planning of a National Service Line for Incarcerated Survivors of Sexual Abuse with the Urban Institute (Urban) and the National Sexual Violence Resource Center (NSVRC)

## **Supervision and Monitoring PREA Standard 115.13/115.213**

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

- (1) Generally accepted detention and correctional practices;
- (2) Any judicial findings of inadequacy;
- (3) Any findings of inadequacy from Federal investigative agencies;
- (4) Any findings of inadequacy from internal or external oversight bodies;
- (5) All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);
- (6) The composition of the inmate population;
- (7) The number and placement of supervisory staff;
- (8) Institution programs occurring on a particular shift;
- (9) Any applicable State or local laws, regulations, or standards;
- (10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- (11) Any other relevant factors.

2022 is the first year that each facility developed a facility staffing plan that consists of the above criteria per standard 115.13

## **Nebraska Statewide Coordinated Response Team (CRT)**

The Nebraska CRT is a group of professionals representing both state agency and provider organizations committed to achieving the group's vision and mission.

### **Vision**

"We envision coordinated and collaborative responses to domestic and sexual violence throughout the state, focused on victim safety and offender accountability"

### **Mission**

"The mission of the Nebraska State CRT is to foster the development and sustainability of effective local and statewide responses to domestic and sexual violence. This will be accomplished by offering guidance and resources based on model standards and practices, while recognizing each community's accomplishments, expertise, and needs."

### **CRT members will consist of:**

- State agencies.
- Statewide organizations that work with the local level groups
- A quorum will be represented by a simple majority.

The Nebraska Department of Correctional Services PREA Coordinator represents the department with the Nebraska CRT. Meetings are held in odd months throughout the year.



This document was prepared and submitted by:

  
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Additional information is located in the institutional specific 2022 PREA Assessment