

PREA Facility Audit Report: Final

Name of Facility: Tecumseh State Correctional Institution

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 08/01/2022

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input checked="" type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input checked="" 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 checked="" type="checkbox"/>
Auditor Full Name as Signed: Karen d. Murray	Date of Signature: 08/01/2022

AUDITOR INFORMATION	
Auditor name:	Murray, Karen
Email:	kdmconsults1@gmail.com
Start Date of On-Site Audit:	06/27/2022
End Date of On-Site Audit:	06/29/2022

FACILITY INFORMATION	
Facility name:	Tecumseh State Correctional Institution
Facility physical address:	2725 NE-50, Tecumseh, Nebraska - 68450
Facility mailing address:	2725 N, P.O. BOX 900, Tecumseh, Nebraska - 68346

Primary Contact	
Name:	Luke Morris
Email Address:	luke.morris@nebraska.gov
Telephone Number:	402-335-5116

Warden/Jail Administrator/Sheriff/Director	
Name:	Craig Gable
Email Address:	craig.gable@nebraska.gov
Telephone Number:	402-335-5104

Facility PREA Compliance Manager	
Name:	Luke Morris
Email Address:	luke.morris@nebraska.gov
Telephone Number:	

Facility Health Service Administrator On-site	
Name:	Sara Allen
Email Address:	sara.b.allen@nebraska.gov
Telephone Number:	402-335-5140

Facility Characteristics	
Designed facility capacity:	960
Current population of facility:	1065
Average daily population for the past 12 months:	1044
Has the facility been over capacity at any point in the past 12 months?	Yes
Which population(s) does the facility hold?	Males
Age range of population:	18-87
Facility security levels/inmate custody levels:	Medium/Maximum
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	248
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	24
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	90

AGENCY INFORMATION	
Name of agency:	Nebraska Department of Correctional Services
Governing authority or parent agency (if applicable):	
Physical Address:	801 W Prospector Place, PO Box 94661, Lincoln, Nebraska - 68509
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

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:	
4	<ul style="list-style-type: none"> • 115.11 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator • 115.16 - Inmates with disabilities and inmates who are limited English proficient • 115.17 - Hiring and promotion decisions • 115.81 - Medical and mental health screenings; history of sexual abuse
Number of standards met:	
41	
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:	2022-06-27
2. End date of the onsite portion of the audit:	2022-06-29

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>On 1.28.2022 at 11:49 am the Auditor phoned the hotline at 855.623.7360. A voice recording instructed all callers who were calling to report sexual harassment or sexual assault to leave a message with the opportunity to be anonymous. The Auditor left a detailed message introducing herself and the reason for the call with instructions to please return the call with information on how the system responds to hotline calls. On 1.28.2022 at 1:02 pm, the State of Nebraska PREA Coordinator returned the Auditors call and stated the following would take place upon receipt of a Third Party call.</p> <p>Third parties have two ways to report. They can either call the hotline number or complete the form online.</p> <p>The PREA Coordinator will contact the appropriate facility PREA Compliance Manager and have them conduct a follow up with the alleged victim.</p> <p>The PREA Manager will complete the Sexual Assault Checklist, forward to the PREA Coordinator who will then sign off on the checklist.</p> <p>Based on the information on the Sexual Assault Checklist, the PREA Coordinator may open an investigation if the facts of the Third Party Reporter are accurate.</p> <p>If the facts are not accurate, based on the checklist and the report from the alleged victim, documentation of the Third Party Reporter, the checklist and any information gathered by the PREA Compliance Manager are documented and kept on file in case further details become available or the alleged victim changes his mind and reports otherwise.</p>

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	960
15. Average daily population for the past 12 months:	1044
16. Number of inmate/resident/detainee housing units:	21

<p>17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?</p>	<p> <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) </p>
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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

<p>36. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:</p>	<p>1061</p>
<p>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:</p>	<p>7</p>
<p>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:</p>	<p>14</p>
<p>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:</p>	<p>0</p>
<p>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:</p>	<p>7</p>
<p>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:</p>	<p>48</p>
<p>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:</p>	<p>13</p>
<p>44. Enter the total number of inmates/residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:</p>	<p>9</p>
<p>45. Enter the total number of inmates/residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:</p>	<p>14</p>
<p>46. Enter the total number of inmates/residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>
<p>47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>

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):	No text provided.
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Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit

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:	248
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:	3
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:	0
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:	No text provided.

INTERVIEWS

Inmate/Resident/Detainee Interviews

Random Inmate/Resident/Detainee Interviews

53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:	20
54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)	<input checked="" type="checkbox"/> Age <input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic) <input checked="" type="checkbox"/> Length of time in the facility <input checked="" type="checkbox"/> Housing assignment <input type="checkbox"/> Gender <input type="checkbox"/> Other <input type="checkbox"/> None
55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?	The facility provided inmate rosters by living unit and target status upon arrival. The Auditor randomly chose random and targeted inmates from the lists provided.
56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?	<input checked="" type="radio"/> Yes <input type="radio"/> No

57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):	No text provided.
Targeted Inmate/Resident/Detainee Interviews	
58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:	20
<p>As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".</p>	
60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:	1
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:	3
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:	0
<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>Of the inmate rosters provided the facility, none appeared to be blind. A tour of the facility, where inmate interviews were conducted on or near the living units, none appeared to be blind, and none were mentioned during interviews.</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:	2
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:	4

<p>65. Enter the total number of interviews conducted with inmates/residents/detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>3</p>
<p>66. Enter the total number of interviews conducted with inmates/residents/detainees who identify as transgender or intersex using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>3</p>
<p>67. Enter the total number of interviews conducted with inmates/residents/detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:</p>	<p>4</p>
<p>68. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:</p>	<p>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>Of the inmate rosters provided the facility, none appeared to have disclosed. A tour of the facility, where inmate interviews were conducted on or near the living units, none disclosed past abuse during interviews, and all were asked this question by the Auditor.</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>Of the inmate rosters provided the facility, none had been placed in segregation for PREA purposes. A tour of the facility, where inmate interviews were conducted on or near the living units, none mentioned they were placed in segregation for PREA purposes during interviews.</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>

Staff, Volunteer, and Contractor Interviews

Random Staff Interviews

71. Enter the total number of RANDOM STAFF who were interviewed:

12

72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)

- Length of tenure in the facility
- Shift assignment
- Work assignment
- Rank (or equivalent)
- Other (e.g., gender, race, ethnicity, languages spoken)
- None

73. Were you able to conduct the minimum number of RANDOM STAFF interviews?

- Yes
- No

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):

The facility provided staff shift rosters and the Auditor randomly chose staff from the rosters for the purpose of file review. However, security staff were randomly chosen for interviews during the tour of the facility. Specialized staff were also randomly chosen, during the tour of the facility.

Specialized Staff, Volunteers, and Contractor Interviews

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.

75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):

17

76. Were you able to interview the Agency Head?

- Yes
- No

77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?

- Yes
- No

78. Were you able to interview the PREA Coordinator?

- Yes
- No

<p>79. Were you able to interview the PREA Compliance Manager?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><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)</p>
<p>80. Select which SPECIALIZED STAFF roles were interviewed as part of this audit from the list below: (select all that apply)</p>	<p><input checked="" type="checkbox"/> Agency contract administrator</p> <p><input checked="" type="checkbox"/> Intermediate or higher-level facility staff responsible for conducting and documenting unannounced rounds to identify and deter staff sexual abuse and sexual harassment</p> <p><input type="checkbox"/> Line staff who supervise youthful inmates (if applicable)</p> <p><input type="checkbox"/> Education and program staff who work with youthful inmates (if applicable)</p> <p><input checked="" type="checkbox"/> Medical staff</p> <p><input checked="" type="checkbox"/> Mental health staff</p> <p><input type="checkbox"/> Non-medical staff involved in cross-gender strip or visual searches</p> <p><input checked="" type="checkbox"/> Administrative (human resources) staff</p> <p><input type="checkbox"/> Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) staff</p> <p><input checked="" type="checkbox"/> Investigative staff responsible for conducting administrative investigations</p> <p><input type="checkbox"/> Investigative staff responsible for conducting criminal investigations</p> <p><input checked="" type="checkbox"/> Staff who perform screening for risk of victimization and abusiveness</p> <p><input checked="" type="checkbox"/> Staff who supervise inmates in segregated housing/residents in isolation</p> <p><input checked="" type="checkbox"/> Staff on the sexual abuse incident review team</p> <p><input checked="" type="checkbox"/> Designated staff member charged with monitoring retaliation</p> <p><input type="checkbox"/> First responders, both security and non-security staff</p> <p><input checked="" type="checkbox"/> Intake staff</p> <p><input type="checkbox"/> Other</p>
<p>81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>

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 checked="" type="checkbox"/> Religious <input type="checkbox"/> Other
82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?	<input type="radio"/> Yes <input checked="" type="radio"/> No
83. Provide any additional comments regarding selecting or interviewing specialized staff.	Contract personnel were not at the facility during the onsite review.

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?	<input checked="" type="radio"/> Yes <input type="radio"/> No
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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)?	<input checked="" type="radio"/> Yes <input type="radio"/> 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)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
88. Informal conversations with staff during the site review (encouraged, not required)?	<input checked="" type="radio"/> Yes <input type="radio"/> No

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).	No text provided.
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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.

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?	<input checked="" type="radio"/> Yes <input type="radio"/> No
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91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).	Investigations, staff and inmate files reviews were conducted by utilizing the PREA Audit Prison and Jail File templates.
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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	6	0	6	0
Staff-on-inmate sexual abuse	2	0	2	0
Total	8	0	8	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	3	0	3	0
Staff-on-inmate sexual harassment	3	0	3	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	0	0	0	0	0
Total	0	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	4	3	0	1
Staff-on-inmate sexual abuse	1	0	1	0
Total	5	3	1	1

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	3	0	0	0	0
Staff-on-inmate sexual harassment	3	0	0	0	0
Total	6	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	4	1	0
Staff-on-inmate sexual harassment	0	0	1	0
Total	0	4	2	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
99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files)

Inmate-on-inmate sexual abuse investigation files

100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:	4
101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE 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 inmate-on-inmate sexual abuse investigation files)
102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE 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 inmate-on-inmate sexual abuse investigation files)

Staff-on-inmate sexual abuse investigation files

103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:	1
104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE 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 abuse investigation files)
105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE 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 abuse investigation files)
Sexual Harassment Investigation Files Selected for Review	
106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:	1
107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)
Inmate-on-inmate sexual harassment investigation files	
108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:	0
109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)
110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)
Staff-on-inmate sexual harassment investigation files	
111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:	1

<p>112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT 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 harassment investigation files)</p>
<p>113. Did your sample of STAFF-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 staff-on-inmate sexual harassment investigation files)</p>
<p>114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.</p>	<p>No text provided.</p>

SUPPORT STAFF INFORMATION

DOJ-certified PREA Auditors Support Staff

<p>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.</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p>
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Non-certified Support Staff

<p>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.</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p>
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AUDITING ARRANGEMENTS AND COMPENSATION

<p>121. Who paid you to conduct this audit?</p>	<p><input type="radio"/> The audited facility or its parent agency</p> <p><input type="radio"/> My state/territory or county government employer (if you audit as part of a consortium or circular auditing arrangement, select this option)</p> <p><input checked="" type="radio"/> A third-party auditing entity (e.g., accreditation body, consulting firm)</p> <p><input type="radio"/> Other</p>
<p>Identify the name of the third-party auditing entity</p>	<p>DX Consulting</p>

Standards

Auditor Overall Determination Definitions

- 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

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.

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	Auditor Overall Determination: Exceeds Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Tecumseh State Correctional Institution, Sexual Assault/Abuse Policy 203.11, dated 7.31.2022 4. Nebraska Department of Correctional Services Agency Administration, Organization & Management, dated 9.30.2021 5. Tecumseh State Correctional Institution Operations Division Organizational Chart, not dated <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random Inmates 2. Targeted Inmates 3. Random staff 4. Supervisory staff 5. PREA Compliance Manager <p>Through interviews with inmates and staff and review of inmate and staff files, it is evident that this facility interweaves requirements for this standard in their daily protocols. Both inmates and staff could speak to facility PREA practices and protocols being used as is described in the agency's PREA policy.</p> <p>Site Review Observation:</p> <p>During the tour of the facility, the Auditor witnessed uniform bulletin boards consisting of current agency and facility PREA Zero-Tolerance, Audit Notices, internal and external reporting information for inmates throughout the facility. During the tour the Auditor approached and informally interviewed inmates. Inmates were able to demonstrate how they could access PREA information, access PREA information on the kiosks, contact the PREA Coordinator by following posted instructions, and report externally to hotline numbers.</p> <p>(a) Tecumseh State Correctional Institution PAQ states the agency policy mandates zero-tolerance toward all forms of sexual abuse and sexual harassment in the facility it operates and those directly under contract. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 2, section GENERAL, states, "NDCS expressly prohibits sexual contact or sexual acts between inmates and between inmates and team members, volunteers, official visitors or contractors."</p> <p>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 abuse/assault and sexual harassment on and by inmates. Protecting inmates and safeguarding communities of prison sexual abuse/assault and sexual harassment is a top priority."</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 2, section III A. E., states, "A. Nebraska Revised Statute §28-318 defines sexual contact and sexual penetration as follows: Sexual contact means the intentional touching of the victim's sexual or intimate parts on the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact shall also mean the touching by the victim of the actor's sexual or intimate parts or the clothing covering the immediate area of the actor's sexual or intimate parts when such touching is intentionally caused by the actor. Sexual contact shall include only such conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party. Sexual penetration means sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of the actor's or victim's body or any object manipulated by the actor into the genital or anal opening of the victim's body which can be reasonably construed as being for non-medical, non-health, or non-law enforcement purposes. Sexual penetration shall not require emission of semen.</p> <p>B. Nebraska revised statute 28.322 Sexual abuse of an inmate or parolee defined as follows: Inmate or parolee means any individual in a facility by the Department of Correctional Services or a city or county correctional or jail facility or under parole supervision.</p> <p>C. Nebraska Revised Statute §28-322.01 defines sexual abuse of an inmate or parolee (defined in §28-322) as follows: A person commits the offense of sexual abuse of an inmate or parolee if such person subjects an inmate or parolee to sexual penetration or sexual contact as those terms are defined in section §28-318. It is not a defense to a charge under this section that the inmate or parolee consented to such sexual penetration or sexual contact.</p> <p>D. Nebraska Revised Statute §28-322.02 defines sexual abuse of an inmate or parolee in the first degree as follows: Any person who subjects an inmate or parolee to sexual penetration is guilty of sexual abuse of an inmate or parolee in the first</p>

degree. Sexual abuse of an inmate or parolee in the first degree is a Class IIA felony.

E. Nebraska Revised Statute §28-322.03 defines sexual abuse of an inmate or parolee in the second degree as follows: Any person who subjects an inmate or parolee to sexual contact is guilty of sexual abuse of an inmate or parolee in the second degree. Sexual abuse of an inmate or parolee in the second degree is a Class IIIA felony.”

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 10 section G. states, “NDCS shall not hire or promote anyone who may have contact with inmates, or enlist the services of any contractor who may have contact with inmates, who has engaged in sexual abuse/assault in a prison, jail, lockup, community confinement facility, juvenile facility or other institution; 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 has been civilly or administratively adjudicated to have engaged in such activity. Any incidents of sexual harassment will be taken into consideration when determining whether to hire or promote anyone, or enlist the services of any contractor, who may have contact with inmates. Refer to Policy 112.03, Team Member Selection Policy, for additional details regarding the hiring and promoting processes.”

Tecumseh State Correctional Institution, Sexual Assault/Abuse Policy 203.11, page 2, section II. Policy, states, “TSCI will seek to enhance the prevention of prison sexual assaults and sexual abuse by maintaining a zero-tolerance standard for sexual assaults and sexual abuse on and by inmates. Protecting inmates and safeguarding communities through enhanced standards for detection, prevention, reduction and punishment of prison sexual assaults and sexual abuse is a top priority. TSCI will cooperate in providing required access to team members and inmates, statistical information and data collection with regard to sexual assaults on and sexual abuse of prison inmates.”

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

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 5 section 1. A. 2. states, “An upper-level, agency-wide PREA Coordinator has been designated with sufficient time and authority to develop, implement and oversee agency efforts to comply with PREA standards.”

Nebraska Department of Correctional Services Agency Administration, Organization & Management, page 2, section II. A. second paragraph, states, “The Agency Security Administrator reports to the Chief of Operations. The Agency Security Administrator oversees the following areas:

3. Prison Rape Elimination Act (PREA)”

Page 3, NDCS Organizational Chart demonstrates the PREA/ES Coordinator reports to the Agency Security Administrator who reports to the Chief of Operations who reports to the Director who reports to the Governor.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 5, section 1. A.2., states, “An upper-level, agency-wide PREA Coordinator has been designated with sufficient time and authority to develop, implement and oversee agency efforts to comply with PREA standards.”

(c) Tecumseh State Correctional Institution PAQ states the agency organizational structure designates Danielle Reynolds as the agency PREA / ES Coordinator.

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

Tecumseh State Correctional Institution Operations Division Organizational Chart demonstrates the Administrative Captain serves as the PREA Manager for the facility.

Through such reviews of the multiple standardized and current PREA bulletin boards, the facility exceeds the standard requirements.

115.12	Contracting with other entities for the confinement of inmates
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. County Jail Agreement, dated 2014 3. State of Nebraska Service Contract Award, Hall County Corrections, dated 7.8.2021 4. State of Nebraska Service Contract Award, Lincoln County Sheriff, dated 7.1.2021 5. State of Nebraska Service Contract Award, Phelps County Sheriff, dated 7.1.2021 6. State of Nebraska Service Contract Award, Platte County Sheriff's Department, dated 7.1.2021 7. State of Nebraska Service Contract Award, Buffalo County Sheriff, dated 7.1.2021 8. State of Nebraska Service Contract Award, Dawson County Sheriff, dated 7.1.2021 9. State of Nebraska Service Contract Award, Cherry County, County Sheriff, dated 11.29.2021 <p>Interviews:</p> <ol style="list-style-type: none"> 1. PREA Coordinator <p>During the pre-audit phase, the PREA Coordinator conveyed the agency has privatized contracts.</p> <p>(a-b) The Tecumseh State Correctional Institution PAQ states the facility has seven contracts with private agencies for confinement services of their inmates.</p> <p>The facility provided a County Jail Agreement. Page 1, section 1, states, "NDCS is an agency of the State of Nebraska created by N.R.S. 83-171. The County is a county under the laws of the State of Nebraska N.R.S. 22-102. NDCS and the County establish this Agreement to allow NDCS to house committed felons and misdemeanants with sentences in excess of 12 months within correctional institutions administered by the County in accordance with the terms and conditions of this Agreement."</p> <p>Page 4, section f., states, "NDCS and the County agree that medical information and information required to be kept under PREA standards will accompany inmates transferred to the County and accompany inmates returned to NDCS."</p> <p>The agency provided seven individual contracts for services. Each contract, page 8, section III. Contractor Duties, D., states, "CONTRACTOR shall make its employees aware of the provisions of Neb. Rev. Stat. § 28-322.01, which state that a person commits the offense of sexual abuse of an inmate or parolee if such person subjects an inmate or parolee to sexual penetration or sexual contact, because an inmate or parolee is not legally capable of giving consent to any such relationship. Neb. Rev. Stat, § 28- 322 states that individuals 'Working under contract with the department' are included in the list of persons prohibited from having sexual relations with one or more of NDCS' inmates, CONTRACTOR will promptly notify NDCS if allegations of sexual abuse or contact become known."</p> <p>The agency provided seven individual contracts for services. Each contract, page 3, section f) states, "NDCS and the County agree that medial information and information required to be kept under PREA standards will accompany inmates transferred to the county and accompany inmates returned to NDCS."</p> <p>Page 9, Section IV. A. 3, states,</p> <ol style="list-style-type: none"> i. "The County Jail will provide safe and secure housing for inmates under this agreement in accordance with Nebraska state laws and Constitution, federal Constitution, Prison Rape Elimination Act (PREA), and Nebraska Jail Standards requirements. The County will provide documentation as needed. ii. The County will adopt and comply with all standards under the Prison Rape Elimination Act (PREA) for Adult Prisons and Jails. iii. The County will ensure a PREA audit is conducted by an auditor certified through the Department of Justice (DOJ) according to the established procedures as outlined by the DOJ. A copy of the PREA Auditor Report will be provided to NDCS and posted to the County Jail website annually. The county shall conduct one PREA audit every three years. iv. The County will provide documentation of all PREA allegations brought forth by the NDCS inmates and the subsequent investigation of said allegation to the NDCS Classification Administrator and PREA Coordinator." <p>Through such reviews, the facility meets the standard requirements.</p>

115.13	Supervision and monitoring
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Tecumseh State Correctional Institution Staffing Annual Review of Staffing Assignment and Video Monitoring, dated May 2022 4. Nebraska Department of Correctional Services Memorandum, RE: 115.13, dated 5.24.2022 5. First Shift Supervisor's Check Sheets with Completed Round Documentation, dated 11.2018-6.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random inmates 2. Targeted inmates 3. Random staff 4. Shift Lieutenant 5. PREA Compliance Manager <p>Staff and inmates interviewed could attest to supervisory staff conducting unannounced rounds, each day, often occurring multiple times per day. Supervisors attested to completing unannounced rounds in all areas of the facility. The Lieutenant stated he documents rounds in red ink to demonstrate rounds were documented. The Lieutenant stated he tries not to make announcements of where he is and doesn't give out his extension, when called, so staff are unsure of his location.</p> <p>Site review observation:</p> <p>Unannounced rounds documentation demonstrated rounds are documented several times during all shifts, exceeding the standard requirement. Supervisory staff were noticed on each shift, throughout each shift. Logbook entries of unannounced rounds were witnessed in different color of ink, usually red or blue, in unit logbooks.</p> <p>The following recommendations were provided to facility administration:</p> <ol style="list-style-type: none"> 1. In areas where cameras are not present, staff practice interactive supervision in the areas where inmates' program. (Observation – staff were clustered in offices during the program tour leaving inmates unsupervised in Gymnasium, Laundry and Vocational Shop areas.) <ol style="list-style-type: none"> a. Facility response: This is being addressed by supervisory staff. Team members are expected to provide staff presence supervising inmate activities. 2. Library office had sign “No inmate passes red line”, red line was no longer posted on floor. Replace red line to provide a point of safety for the Librarian's office. <ol style="list-style-type: none"> a. Facility response: Work Order completed to replace red line. 3. Add cameras and or supervision by staff in the classrooms in mental health. <ol style="list-style-type: none"> a. Facility response: Staff assigned to Education/Mental Health make periodic rounds b. Work order for K131 Reading Labe completed. All other classrooms have existing cameras. 4. Staff to have all inmates exit the staff office area in the gym when accessing the back equipment checkout windowless closet door. <ol style="list-style-type: none"> a. Facility response: This room is not currently used for checkout but rather for storage of canned soda in bulk. Recreation team members have been advised to, whenever possible, obtain an additional staff person when accessing this room with an inmate to withdraw soda machine refills. 5. Camera to be added to Music room. Very secluded area, especially if only one staff in the gymnasium. <ol style="list-style-type: none"> a. Facility response: Work order for K144 Music Room completed. Additionally, this camera was previously identified for a future camera installation project. 6. Cameras be added to the staff dining room and back dock in kitchen. <ol style="list-style-type: none"> a. Facility response: Work order for L112 Staff Dining and L124 Dock completed. Food Service has been tasked with rearranging supplies to allow better field-of-view cameras. Additionally, L112 was previously identified for a future camera installation project. 7. Safety Officer to meet with Yard Inmates in an area under camera view and not alone locked in clothing supply/chemical room. Stacks of goods be lowered in order to not block mirror view. <ol style="list-style-type: none"> a. Facility response: The Safety Officer has been advised to obtain additional staff presence for such meetings. 8. Add cameras to maintenance gateway behind (outside) clothing storage. <ol style="list-style-type: none"> a. Facility response: Cameras exit in this area. However, we believe you are referring to the area outside the main entrance door, and a Work Order has been completed. Additionally, this camera was previously identified for a future camera installation project. 9. Add cameras to upper deck in the maintenance area. <ol style="list-style-type: none"> a. Facility response: Work Order completed.

10. Add camera in stain room in the Wood Shop.

a. TSCI reviewed this suggestion with serious consideration as this has been identified by TSCI in the past as well. Cameras in this location are not feasible because of the layer of varnish, paint, etc. deposited by work in this room each time it is used. Such materials hang in the air making immediate removal ineffective. Additional cameras outside of the stain room were previously identified for a future camera project.

(a) The Tecumseh State Correctional Institution PAQ states the agency requires the facility to develop, document and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against abuse. The daily number of inmates, based on the facility website on August 20, 2021, is 1030 with the capacity of 1030 and the staffing plan was predicated on the same number of inmates as is shown on the facility website.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 6, section C. 1. a-j, state, “

1. Each facility shall comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse/assault. Each facility shall, in conjunction with the PREA Coordinator, calculate adequate staffing levels and determine the need for video monitoring by taking the following into consideration:

- a. Generally accepted detention and correctional practices.
- b. Any judicial findings of inadequacy.
- c. Any findings of inadequacy from internal or external oversight bodies.
- d. All components of the facility's physical plant, including blind spots or areas where team members or inmates may be isolated.
- e. The composition of the inmate population.
- f. The number and placement of supervisory team member.
- g. Institutional programs occurring on shifts.
- h. Any applicable State or local laws, regulations or standards.
- i. The prevalence of substantiated and unsubstantiated incidents of sexual abuse/assault and sexual harassment
- j. Any other relevant factors.

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

The facility provided a Tecumseh State Correctional Institution Annual Review of Staffing Assignment and Video Monitoring Plan. The review and plan include the following components:

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

The staffing plan is signed by the Warden and the facility PREA Compliance Manager and the agency PREA Coordinator on 5.26.2022.

(b) The Tecumseh State Correctional Institution PAQ states each time the staffing plan is not complied with, the facility does document and or justifies deviations. The PAQ states the facility does not deviate from the staffing plan.

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

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 7, section 2. a-c., states, “On an annual basis, each facility PREA Compliance Manager will complete an Annual PREA Assessment based on data from the previous calendar year. This assessment will be submitted to the PREA Coordinator on or before February 1st each year, the PREA Coordinator will review all reports. The assessment will address all items in Procedure I.C.1 a-j and shall assess, determine and document whether adjustments are needed to:

- a. The staffing plan.
- b. The facility's deployment of video monitoring systems and other monitoring technology.
- c. The resources available to commit to ensure adherence to the staffing plan."

The facility provided a Nebraska Department of Correctional Services Memorandum, RE: 115.13, from the Captain, to PREA Auditors. The memorandum states, "During the years of 2019, 2020, and 2021 no staffing analysis specifically for PREA was conducted. This was due in part to the NDCS requirement that each facility Warden complete a staffing analysis yearly. This oversight was noted during an audit of another NDCS facility, and PREA Compliance Managers were recently tasked with completing this. TSCI has completed a staffing analysis for 2022."

(d) The Tecumseh State Correctional Institution PAQ states 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.

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

The facility provided First Shift Supervisor's Check Sheets. These check sheets document:

- location with all housing units and departments within the program;
- area check completed
- Fence check
- Logs & Post Orders checked in all areas
- Safety and sanitation checked
- Read and understand all memos and new directives
- Entrance/Exit Procedures checked
- Supervise dining
- Uniform inspections
- Counts cleared at what time
- Emergency/Special count called at?
- Institutional count
- Lists comments, suggestions, problems or recommendations

Completed rounds were documented and provided from November 2018 through June of 2022.

Through such reviews, the facility meets the standard requirements.

115.14	Youthful inmates
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Facility Memorandum, Subject: Youthful Offenders, dated 1.27.2022 <p>Interviews:</p> <ul style="list-style-type: none"> • Youthful inmates • PREA Coordinator <p>Although the facility does not house inmates under 18, the Auditor did request to speak to young inmates. Each of these inmates stated feeling safe, having proper searches conducted, staff being respectable, and having an understanding of reporting protocols.</p> <p>The PAQ provided by the facility stated this facility did not house youthful inmates. Discussions with the PREA Compliance Coordinator demonstrated youthful inmates were not housed at this facility.</p> <p>Site Observation:</p> <p>The facility tour and formal and informal interviews with inmates and staff demonstrated youthful inmates were not housed at the facility.</p> <p>(a-c) The Tecumseh State Correctional Institution PAQ states the facility does not house youthful inmates.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 7, section D. 1-3., states, “</p> <ol style="list-style-type: none"> 1. A youthful inmate shall not be placed in a housing unit in which he or she will have sight, sound or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area or sleeping quarters <ol style="list-style-type: none"> a. In areas outside of housing units, agencies shall either: <ol style="list-style-type: none"> 1) Maintain sight and sound separation between youthful inmates and adult inmates, or 2) Provide direct team member supervision when youthful inmates and adult inmates have sight, sound or physical contact. 1. All best efforts must be made and documented to avoid placing youthful inmates in restrictive housing to comply with the standard 2. Absent exigent circumstances, youthful inmates shall not be denied daily large muscle exercise, any legally required special education services, programs and work opportunities.” <p>The facility PREA Compliance Manager provided a memorandum, addressed to PREA Auditors, stating: “As provided in State Statute 83-905, the Nebraska Department of Correctional Services has oversight and control of the Nebraska Correctional Youth Facility (NCYF). NCYF is a physically secure facility designed to provide confinement, education and treatment to youthful inmates, (males, age 18 and under) who have been committed to NDCS. The Tecumseh State Correctional Institution does not house youthful inmates.</p> <p>During the previous 12 months, there have been no youthful inmates housed at the Tecumseh State Correctional Institution under the age of 19.</p> <p>Youthful male inmates are housed in a separated living location at the Nebraska Youth Facility in Omaha, NE.”</p> <p>Through such reviews, the facility meets the standard requirements.</p>

115.15	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Tecumseh State Correctional Institution, Sexual Assault/Abuse Policy 203.11.01, dated 7.31.2021 4. Nebraska Department of Correctional Services Memorandum, Subject: Standard 115.15 a-2 & 3, dated 1.27.2022 5. Nebraska Department of Correctional Services, Searches Pre-Service Study Guide, dated 01.2019 6. Sexual Assault Abuse PowerPoint, dated 01.2020 7. Nebraska Department of Correctional Services, Staff Training Academy Course Outline, 'Sexual Assault/Abuse, dated 01.2020 8. Nebraska Department of Correctional Services Prison Rape Elimination Act (PREA) of 2003: Information for Those with Direct and Indirect Contact with Inmates 9. Post Audit: Nebraska Department of Corrections Memorandum, RE: 115.15 Limits to Cross Gender Viewing and Searches, dated 7.22.2022 10. Post Audit: State of Nebraska Certificate Example PREA Refresher 115.15 Cross Gender Viewing, dated 7.2.2022 11. Post Audit: Training Progress Summary Pie Chart – PREA Refresher 115.15 Cross Gender Viewing <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random inmates 2. Targeted inmates 3. Random staff 4. Unit Manager's 5. PREA Compliance Manager <p>Inmate interviews demonstrated female staff are not consistently announcing their presence when entering the galleries. Of the 40 inmates interviewed, 35 were asked if they believed search protocols were done respectfully and if they felt safe in the program, each stated searches were respectable, and they felt sexually safe in the program.</p> <p>Staff interviewed attested to pat down searches being the search primarily used at this facility. Staff also stated that they had all been trained on a newer pat down search where the side of the hand is used. This type of pat search is used for transgender, gay, and heterosexual inmates. Staff stated if a transgender preferred an opposite sex staff conduct their search, they would consider the transgender's request.</p> <p>Site Review Observation:</p> <ol style="list-style-type: none"> 1. Intake area 2. Search area <p>During the tour of the facility the Auditor observed Intake Department. The area has two group holding cells and two single holding cells. Toilets in all cells are behind a wall where those passing by cannot view use of toileting. Admissions are searched in the holding cells, which have the bottom half of windows blacked out to again, block the view of anyone else in the area. This area also has standardized PREA bulletin boards with agency PREA information and audit notices. Once admissions are brought in through an outside fenced area they are cleared and educated by the Unit Manager. Lastly, this area is always staffed with two officers, at all times when admissions are outside of holding cells.</p> <p>Action Plan:</p> <ul style="list-style-type: none"> • The facility was requested to provide training to female staff to ensure each announce their presence when entering a gallery. The facility to provide training records of cross-gender announcements. • The facility to write a memorandum stating a sustainable action plan for ongoing compliance. <p>Post Audit: The facility provided a Nebraska Department of Corrections Memorandum, RE: 115.15 Limits to Cross Gender Viewing and Searches, from the facility Warden to DOJ PREA Auditor, stating, "During the June 2022 PREA Audit of TSCI it was identified TSCI needs a sustainable action to meet the requirements that inmates are enabled to shower, perform bodily functions, and change clothing without opposite gender staff viewing their breasts, buttocks, or genitalia. Specifically, inmate interviews indicated female staff are not consistently announcing their presence when entering housing unit galleries,</p> <p>Mandatory training was created and placed on the Department's online education system for all TSCI team members, male and female with a deadline for completion. Training records have been provided."</p> <p>Of note, the Warden provided names of five staff who have not yet been trained due to being in pre-service, out on medical leave, or out on contractor detail.</p> <p>Post Audit: Training Progress Summary Pie Chart – PREA Refresher 115.15 Cross Gender Viewing. This summary</p>

demonstrates 253 staff completed the required training and five staff have been registered, as is described in the Warden's memorandum.

Post Audit: State of Nebraska Certificate Example PREA Refresher 115.15 Cross Gender Viewing. This certificate was provided to staff who completed cross gender training.

(a) The Tecumseh State Correctional Institution PAQ states the facility does not conduct cross-gender strip or cross-gender visual body cavity searches of their inmates. In the past 12 months the facility has conducted zero cross-gender strip or cross-gender visual body cavity searches of inmates.

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

Tecumseh State Correctional Institution, Sexual Assault/Abuse Policy 203.11.01, page 5, section 3., 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 original report shall be maintained by the TSCI PREA Compliance Manager, and a copy shall be provided to the agency PREA Coordinator."

Nebraska Department of Correctional Services Memorandum, Subject: Standard 115.15 a-2 & 3, from the Captain, to PREA Auditors, states, "During the previous 12 months, there have no cross gender strip searches or cross gender body cavity searches at TSCI."

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

Nebraska Department of Correctional Services Memorandum, Subject: Standard 115.15 a-2 & 3, from the Captain, to PREA Auditors, states, "During the previous 12 months, there have no cross gender strip searches or cross gender body cavity searches at TSCI."

TSCI does not house female inmates. Female inmates from the Community Correctional Center – Lincoln may, at times, work in limited areas of the facility and are only searched by female staff. No female inmates have worked at TSCI in the past year."

(c) Tecumseh State Correctional Institution PAQ states the facility policy requires that all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches be documented and justified. The facility does not house female inmates.

Tecumseh State Correctional Institution, Sexual Assault/Abuse Policy 203.11.01, page 5-6, sections 3-4, state,

3. "Limits to Cross-Gender Supervision a., 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 original report shall be maintained by the TSCI PREA Compliance Manager, and a copy shall be provided to the agency PREA Coordinator.

4. Cross Gender Announcements a. 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.

(1) When a female team member is assigned to work a Housing Unit floor at the beginning of each shift a verbal announcement will be made by the Housing Unit Control Station team member. Team members making the announcement shall state, "Female on duty."

(2) An additional announcement will be made by the Housing Unit Control Station team member upon entrance to an area of the housing unit where inmate sleeping/showering quarters are located of any additional female team member who is not assigned to that unit. The announcement will be made in the same manner using the intercom and shall state, "Female on the floor."

b. If the intercom system is ineffective, verbal announcements must be made by team members that will be heard by all inmates in the unit.

c. In the event of an emergency, it is not necessary for female team member to announce their presence prior to entering the unit.

d. Written notice to inmates shall be posted prominently in all units indicating team members of the opposite gender may be present at any time."

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 8, section E. 1, states, "PREA Standard Secured Facility 115.15 a-f / Community Facilities 115.215 a-f Limit to Cross Gender Viewing and Searches: Team members shall not conduct cross-gender safety searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners. All cross-gender safety searches and cross-gender visual body cavity searches will be documented in an Incident Report. The report shall be maintained by the facility PREA Compliance Manager. (ACRS-2C-06)."

(d) Tecumseh State Correctional Institution PAQ states the facility has implemented policies and procedures that enable Inmates to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks (this includes viewing via video camera).

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

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

(e) The Tecumseh State Correctional Institution 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 Tecumseh State Correctional Institution PAQ states 100% of security staff receive training on conducting cross-gender pat-down searches and searches of transgender and intersex Inmates in a professional and respectful manner.

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

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

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

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

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

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

Pages 2-5 speak to search procedures

The facility provided a Nebraska Department of Correctional Services Prison Rape Elimination Act (PREA) of 2003: Information for Those with Direct and Indirect Contact with Inmates. This form serves as an acknowledgment and receipt of training and understanding of the NDCS Policy and procedures and the Departments Zero Tolerance Standard for all forms of sexual abuse. This form requires the employee, contractor or volunteer printed name, signature and date.

Through such reviews, the facility meets the standard requirements.

115.16	Inmates with disabilities and inmates who are limited English proficient
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion

Document Review:

1. Tecumseh State Correctional Institution PAQ
2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021
3. Nebraska Department of Correctional Services, ADA – Inmates and the Public Policy 004.01, dated 10.31.2021
4. Nebraska Department of Correctional Services, Sexual Assault Awareness Brochure, dated 2.1.2022 (English and Spanish)

Interviews:

1. Targeted inmates
2. Interpreter

During interviews with targeted inmates who were disabled either cognitively, physically or language English proficient, each could articulate their understanding of PREA protocols. An interpreter was used for two Spanish speaking inmates. The interpreter is hired solely for the purpose of providing services to inmates who do not speak English. An informal interview with the interpreter demonstrated he provides the Administration a listing of all non-English speaking inmates, each month, and provides extra services for these individuals. The interpreter, in some cases, is the only person some of these inmates have to converse with in the facility

(a) The Tecumseh State Correctional Institution 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. 1-2., state,

1. "Information will be provided in formats accessible to all inmates, including those who are deaf or hard of hearing, visually impaired or otherwise disabled; those who have intellectual, psychiatric or speech disabilities; as well as to inmates who have limited reading skills and who are limited English proficient. (This provision is also listed in PREA Standard secure facility 115.33 / community facility 115.233 Inmate Education.) (ACI-3D-09).

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

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

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

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

(b) The Tecumseh State Correctional Institution 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 Tecumseh State Correctional Institution PAQ states the agency prohibits the use of inmate interpreters. In the last 12 months the facility has had zero instances where inmates were used for interpreters. Policy compliance can be found in provision (a) of this standard.

Through such reviews and interview with the Interpreter and the interpreter going above and beyond for these inmates, the facility exceeds the standard requirements.

115.17	Hiring and promotion decisions
	Auditor Overall Determination: Exceeds Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Nebraska Department of Correctional Services, Team Member Selection Policy 112.03, dated 9.30.2021 4. Reference Check form, dated 11.2013 5. Employment Reference Check (by another agency), dated 1.26.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Human Resource Senior/HR Business Partner <p>Interviews with the Human Resource staff demonstrated the initial criminal history check was completed before hire, every five years through the Central Office and administrative adjudication questions are asked during the application and hiring process. Institutional reference checks are completed for all applicable employees and when an internal state employee is promoted and from another state facility, another institutional reference is completed.</p> <p>Site Review Observation:</p> <p>During review of 16 staff personnel files, this Auditor noted that institutional references were completed for all applicable staff, reviewed. File review also demonstrated each had been asked adjudication questions during the completion of employment application and at promotion. Criminal history checks were done upon hire and institutional checks were completed for the one applicable staff.</p> <p>(a) The Tecumseh State Correctional Institution PAQ states the agency policy prohibits hiring or promoting anyone who may have contact with inmates and prohibits enlisting the services of any contractor who may have contact with inmates who has engaged in or been convicted in or administratively adjudicated in sexual activity described in paragraph (a)(2) of this standard.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 10-11, section G. states, "NDCS shall not hire or promote anyone who may have contact with inmates, or enlist the services of any contractor who may have contact with inmates, who has engaged in sexual abuse/assault in a prison, jail, lockup, community confinement facility, juvenile facility or other institution; 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 has been civilly or administratively adjudicated to have engaged in such activity. Any incidents of sexual harassment will be taken into consideration when determining whether to hire or promote anyone, or enlist the services of any contractor, who may have contact with inmates. Refer to Policy 112.03, Team Member Selection Policy, for additional details regarding the hiring and promoting processes."</p> <p>(b) The Tecumseh State Correctional Institution 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.</p> <p>(c) The Tecumseh State Correctional Institution PAQ states Agency policy requires background checks are conducted with all new hires who have contact with inmates and makes its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse. In the past 12 months 62 persons hired may have contact with an inmate who have had criminal background checks.</p> <p>Nebraska Department of Correctional Services, Team Member Selection Policy 112.03, page 6, section b., states, "The site HR contact will initiate the criminal history review through the established centralized security check process after interviews are conducted. Central Office Human Resources will make decisions if the individual should be considered for employment. If approval is given for consideration, the applicant shall go through the established selection process. Hiring decisions regarding people who served time in the Nebraska Department of Correctional Services will be reviewed the Director/designee. (ACI-1C-14, ACRS-7B-05)"</p> <p>Page 12, section 1. F. third and fourth paragraph, states, "Regardless of employment record, if the candidate has worked for an institutional employer (county jail, prison, school, hospital, military, etc.), current or previous, a reference will be conducted with the institutional employer. All attempts to contact an employment reference shall be documented in writing for the hiring packet."</p> <p>The facility provided a Nebraska Department of Correctional Services, Reference Check Form. Page 2 of the form includes the following questions:</p>

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

(d) The Tecumseh State Correctional Institution PAQ states the agency policy requires that a criminal background records check be completed before enlisting the services of any contractor who may have contact with inmates. In the past 12 months there were one contracts 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 Tecumseh State Correctional Institution PAQ states the agency requires background checks to be completed every five years. Nebraska Department of Correctional Services, Team Member Selection Policy 112.03, page 14, section 4., states, "NDCS will conduct security checks of current team members every five years."

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

- a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;
- b. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
- c. Has been civilly or administratively adjudicated to have engaged in the activity described in F. 3. A. or b. above;
- d. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

(g) The Tecumseh State Correctional Institution 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 ground for termination."

(h) The facility provided a completed reference check completed by an applicant on 12.7.2021 and the institutional reference checks were completed and responded to on 12.9.2021. The County where the applicant was employed provided the following statement, "Due to County policy, I am prohibited from answering most of these questions."

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

Through such reviews of the facility completing institutional reference checks on state employees who may work at other Nebraska state facilities and promoted to Tecumseh, the facility exceeds the standard requirements.

115.18	Upgrades to facilities and technologies
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Nebraska Department of Correctional Services Memorandum, Subject: 115.18a, dated 1.27.2022 4. Nebraska Department of Correctional Services Memorandum, Subject: 115.18b, dated 1.27.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. PREA Compliance Manager 2. PREA Coordinator <p>Interviews with all the PREA Coordinator and PREA Manager demonstrated cameras and staff supervision is used throughout the campus. The facility has completed a camera analysis and has requested additional cameras be added to the facility.</p> <p>Site Review Observation:</p> <p>Multiple cameras were witnessed throughout the facility. Cameras were reviewed and of those that were not operable, an extensive work order spreadsheet has been completed, speaking to the status of those maintenance work orders.</p> <p>(a) The Tecumseh State Correctional Institution PAQ states the facility has not acquired a new facility or made substantial expansions or modifications to existing facilities since the last PREA audit.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 11, section H. 1., states, "When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, NDCS shall consider the effect of the design, acquisition, expansion or modification upon the ability to protect inmates from sexual abuse/assault."</p> <p>The facility provided a Nebraska Department of Correctional Services Memorandum, Subject: 115.18a, from the Captain, to PREA Auditors, states, "During the previous 12 months, the Tecumseh State Correctional Institution has not designed or acquired any new facility. Expansion of the existing facility consisted of an addition to the TSCI Cornhusker State Industries shops building (N3 expansion.) In all cases of significant construction or modification requiring outside construction contractors Captain Morris, the PREA Compliance Manager, was present at pre-bid and pre-construction meetings afterward met with TSCI Executive Staff. During these meetings the effect of design upon the ability to protect inmates from sexual abuse was reviewed and considered."</p> <p>(b) The Tecumseh State Correctional Institution PAQ states the facility has installed one camera in the last 12 months and replaced cameras to digital.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 11, section H. 2., states, "When installing or updating a video monitoring system, electronic surveillance system or other monitoring technology, facilities shall consider how such technology may enhance the ability to protect inmates from sexual abuse/assault."</p> <p>The facility provided a Nebraska Department of Correctional Services Memorandum, Subject: 115.18b, from the Captain, to PREA Auditors, states, "During the previous twelve months, the Tecumseh State Correctional Institution has made improvements to the video surveillance system. Cameras were replaced in several locations. New cameras were installed as part of the Cornhusker State Industries Shops (N3) expansion. Additional data storage for video retention was added.</p> <p>In 2017 a department-wide camera needs survey was initiated and is currently being updated. In that survey TSCI identified approximately two hundred fifty locations in the facility where cameras are desired.</p> <p>Since the previous audit in 2018 TSCI installed fifty-four new, additional cameras; twenty-four in the Special Management Unit (living location,) twelve in the Kitchen (work area,) fifteen in Education, and three in a public area. Many but not all of these cameras are in locations previously identified in the camera needs survey."</p> <p>Through such reviews, the facility meets the standard requirements.</p>

115.21	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Nebraska Medical Sexual Assault Protocol, Nebraska Attorney General's Office, dated 7.2019 4. Nebraska Department of Correctional Services Memorandum, RE: Community Hospital MOU, dated 3.25.2020 5. PREA Coordinator Memorandum, Subject: Advocacy Care for NDCS, dated 3.29.2022 6. Nebraska Revised Statute 81-2005 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Registered Nurse <p>Interview with the Registered Nurse demonstrated forensic exams are not conducted at the facility.</p> <p>Site Review Observation:</p> <p>There were zero forensic exams in the past 12 months.</p> <p>(a) The Tecumseh State Correctional Institution PAQ states the facility is responsible for conducting Administrative Investigations and the Nebraska State Patrol is responsible for conducting criminal sexual abuse investigations (including inmate-on-inmate sexual abuse or staff sexual misconduct.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 12, section J., states, "NDCS shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse/assault and sexual harassment, including third party and anonymous reports, in a prompt, thorough and objective manner. Any outside entities responsible for conducting administrative or criminal investigations of sexual abuse/assault and sexual harassment shall have in place a policy governing the conduct of such investigations that complies with PREA standards and shall provide training pertaining to the investigation of sexual abuse/assault and sexual harassment in confinement settings to the agents and investigators who conduct such investigations. When outside agencies investigate sexual abuse/assault and sexual harassment, NDCS shall cooperate with outside investigators and endeavor to remain informed about the progress of the investigation. (This provision is also listed in PREA Standard 115.71) (ACI-3D-11)"</p> <p>(b) The Tecumseh State Correctional Institution PAQ states the protocol being developmentally is not appropriate for youth.</p> <p>The facility provided the Nebraska Medical Sexual Assault Protocol, Nebraska Attorney General's Office. This protocol demonstrates the Nebraska Revised Statute 84-218 requires the Attorney General to develop and distribute a statewide model anonymous reporting protocol for use by health care providers as provided in Neb. Rev. Stat. 28-902.</p> <p>(c) The Tecumseh State Correctional Institution PAQ states the facility offers all inmates who experience sexual abuse access to forensic medical examinations. Forensic examinations are offered at no cost to the victim. Where possible, all examinations are conducted by SAFE or SANE examiners. There have been zero medical exams, SAFE/SANE exams performed in the last 12 months.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 23, 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. (ACI-6C-14)"</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 11, section I. first paragraph., 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."</p> <p>The facility provided a Nebraska Department of Correctional Services Memorandum, RE: Community Hospital MOU, from the NDCS PREA Coordinator to the PREA Auditor. This memorandum states, "NDCS has not had a Memorandum of Understanding with the community hospital since 2016. This is due to the community hospitals that we utilize are required to have a SANE program that consists of SNE nurses that are available to conduct the SANE examinations. The State Sane Coordinator conducts the training for all Nebraska Hospitals."</p>

(d) The Tecumseh State Correctional Institution 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 does employ qualified staff member to accompany victims.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 11, section I. second paragraph., 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 to be present the facility Shift Supervisor will notify the hospital that a victim advocate was requested and will document on the Facility checklist for incidents of Sexual Assault, Sexual Abuse and Sexual Harassment. The hospital will contact an advocate from a rape crisis center to be present. If an advocate is not available to provide victim advocate services, the facility shall make available a qualified individual from a community-based organization or qualified agency team member. This person shall be an individual who has been screened for appropriateness to serves in this role and has received education concerning sexual abuse/assault and forensic examination issues in general."

The facility provided a PREA Coordinator Memorandum, Subject: Advocacy Care for NDCS. The memorandum is addressed to the info@bridgefromviolence.com. This memorandum demonstrates the agency is attempting to provide advocacy services to their inmate population since their past contract ended March of 2022.

(e) The Tecumseh State Correctional Institution PAQ states a qualified community member accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information and referrals.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 12, section I. first paragraph., 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."

The agency provided Nebraska Revised Statute 81-2005. This statute demonstrates the Nebraska State Patrol's commitment to investigating sexual abuse allegations within their confinement facilities. Section (3) states the following, "To make arrests upon view and without warrant for any violation committed in their presence of any provision of the laws of the state relating to misdemeanors or felonies, if and when designated or called upon to do as provided by law."

(f, g) The Tecumseh State Correctional Institution PAQ states the agency is responsible for administrative investigations. During the pre-audit phase, the PREA Coordinator and the Auditor discussed the following, regarding the external entity conducting criminal investigations. The Nebraska State Patrol is responsible for conducting criminal investigations. Due to the Nebraska State Patrol not being able to complete a criminal investigation, where DNA evidence exists, until such DNA is returned, the PREA Coordinator continually reaches out to the Nebraska State Patrol while a criminal investigation is being conducted to check on the current status of the investigation. In addition, when an investigation is assigned to the Nebraska State Patrol, the PREA Coordinator creates a Case Log of open investigations, which is then shared with the corresponding facility. In occurrences where the Nebraska Highway Patrol is unable to respond to the PREA Coordinator, she documents the attempt in the Sexual Assault Incident Review (SAIR) and begins an administrative investigation at that point.

Through such reviews, the facility meets the standard requirements.

115.22	Policies to ensure referrals of allegations for investigations
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random Inmates 2. Targeted Inmates 3. Random staff 4. Targeted staff <p>Inmate and staff interviews demonstrated each can report incidents of sexual abuse and sexual harassment through the grievance process, kites, reporting to a family member, reporting to staff or utilizing the hotline. Each stated being comfortable reporting incidents of sexual harassment and assault, primarily in person.</p> <p>Site Review Observation:</p> <p>There were 14 investigations reported in the last 12 months. Of those 14 investigations, all were reported timely with the victim and perpetrator separated immediately following the allegation, where appropriate, as some incidents were reported after the fact. Each investigation was reviewed utilizing the PREA Audit – Adult Prisons & Jails Documentation Review – Investigations template. Six of the 14 investigation reviewed were completed thoroughly and within 30 days. Investigations are placed in the agency database, reviewed by appropriate personal in the facility and have been reviewed by the incident review team.</p> <p>(a) The Tecumseh State Correctional Institution PAQ states the agency ensures that an administrative or criminal investigations are completed for all allegations of sexual abuse and sexual harassment. In the past 12 months the facility has had 14 allegations of sexual abuse and sexual harassment that were received. In the past 12 months 14 allegations resulted in an Administrative Investigation. In the past 12 months zero investigations resulted in a Criminal Investigation.</p> <p>(b-c) The Tecumseh State Correctional Institution 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.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 26, section EE. 1-2., states,</p> <p>6. "Upon receipt of an allegation, the PREA Coordinator and the Investigation Coordinator will be immediately notified. The PREA Coordinator will review the report(s) of the complaint and determine if institutional staff may conduct the investigation. If the allegation appears to be criminal in nature the PREA Coordinator will consult with the Investigation Coordinator for assignment to NDCS Criminal investigators and or the Nebraska State Patrol. Where sexual abuse/assault is alleged, investigators who have received special training in sexual abuse/assault investigations will be utilized. If referred back to the facility to investigate, the PREA Coordinator will notify the facility PREA Compliance Manager and assign the investigation a case number in the Investigator's Case Management Data Base. The case number will be given to the facility PREA Compliance Manager so he or she can keep track of the investigation. Once completed, the investigation will be sent to the PREA Coordinator for review and appropriate action. If during the institutional investigation it is determined a crime has been committed, the investigation will stop and the PREA Coordinator and Division of Investigation will be immediately notified.</p> <p>7. In cases where it is probable a crime has been committed, in addition to the notifications in paragraph IV B, the Division of Investigation shall immediately be notified. Potential crime scenes shall be secured. An NDCS Criminal Investigator will be assigned, and he or she shall notify the Nebraska State Patrol, who will then determine their involvement in the subsequent investigation. Facility staff shall not collect evidence unless instructed to do so by the Criminal Investigator. If directed to do so by the Nebraska State Patrol, the NDCS Criminal Investigator will secure and process all evidence according to established procedures. Referrals to the Nebraska State Patrol will be documented in the case file in the Case Management Data Base. Information regarding investigative referrals, including responsibilities of both NDCS and the Nebraska State Patrol, are available on the NDCS website."</p> <p>(d) This standard is not applicable as the facility completes Administrative Investigations and the Nebraska State Patrol is responsible for conducting Criminal Investigations.</p> <p>Through such reviews, the facility meets the standard requirements.</p>

115.31	Employee training
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Tecumseh State Correctional Institution, Sexual Assault/Abuse Policy 203.11.01, dated 7.31.2021 4. Nebraska Department of Correctional Services Memorandum, Subject: Standard 115.15 a-2 & 3, dated 1.27.2022 5. Nebraska Department of Correctional Services, Searches Pre-Service Study Guide, dated 01.2019 6. Sexual Assault Abuse PowerPoint, dated 01.2020 7. Nebraska Department of Correctional Services, Staff Training Academy Course Outline, 'Sexual Assault/Abuse, dated 01.2020 8. Email Communication, Subject: PREA Refresher, dated 4.27.2022 9. Nebraska Department of Correctional Services Prison Rape Elimination Act (PREA) of 2003: Information for Those with Direct and Indirect Contact with Inmates, training acknowledgment, dated by employee on 11.8.2021 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random staff 2. Human Resource Senior/HR Business Partner 3. PREA Compliance Manager <p>Interviews with random and targeted staff demonstrated each were aware of and received initial and annual PREA training. When prompted, staff could speak to various information regarding separating inmates, preserving inmate's persons, posting a staff in the alleged area until the police could arrive to collect evidence and notifying their Unit Manager or the supervisor on duty.</p> <p>Site Observation:</p> <p>Review of personnel files demonstrated staff had received PREA training initially and annually and have each signed an attestation of their PREA training.</p> <p>(a) The Tecumseh State Correctional Institution PAQ states the agency trains all employees who may have contact with Inmates in all required provisions of this standard.</p> <p>The facility provided a Nebraska Department of Correctional Services, Sexual Assault/Abuse PREA Training PowerPoint. The fifth slide states, "The Nebraska Department of Correctional Services has a Zero Tolerance policy regarding sexual assault, sexual abuse, sexual harassment and retaliation for reporting such incidents. Inmates have the right to be free from Sexual Abuse, Sexual Assault and Sexual Harassment. Inmates and Staff have the right to be free from retaliation for reporting Sexual Abuse, Sexual Assault and Sexual Harassment."</p> <p>In total, the PowerPoint Course Overview includes the following:</p> <ul style="list-style-type: none"> • PREA Standards • Zero Tolerance • Prohibited Behaviors • Prevention, detection, reporting and response • Reporting methods for staff and Inmates • Avoiding inappropriate relationships with inmates • Prevention Planning • Responsive Planning • Training and Education • Screening for risk of sexual victimization and abusiveness • Reporting methods • Official response following an inmate report • Investigations • Discipline • Medical and Mental Health Care • Data collection and review • Audits <p>The facility provided a Nebraska Department of Correctional Services, Sexual Assault/Abuse Pre-Service – Study Guide. The Study Guide includes the following topics:</p> <ul style="list-style-type: none"> • Zero Tolerance • Prohibited Behaviors

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

(b) The Tecumseh State Correctional Institution PAQ states training is tailored to the unique needs and attributes and gender of inmates at the facility. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 12, section 2. a-k, state, "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 (Preservice and as needed)."

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

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 12, section 3, states, "NDCS will provide In-service training every year to ensure all team members know the current sexual abuse/assault and sexual harassment policies and procedures. Refresher information on current sexual abuse/assault and sexual harassment policies will be provided as needed. (ACRS-7B-17-1)"

The facility provided a Nebraska Department of Correctional Services, Sexual Assault/Abuse PREA Online In-Service Training PowerPoint. Focus of PREA Standards include:

- Definitions and statutes
- Prohibited Behaviors
- Prevention, detection and response
- Investigations
- Sexual abuse in confinement
- Reporting methods
- Sexual assault advocacy
- Prevention planning
- Responsive planning
- Training and Education
- Screening for risk of sexual victimization and abusiveness
- Reporting
- Official response following an inmate report
- Investigations
- Discipline
- Medical and Mental Health care
- Data collection and review
- Audits

The facility provided a Nebraska Department of Correctional Services, Sexual Assault/Abuse PREA Online In-Service Staff Training Academy Course Outline. Objectives: Upon completion of this course, participants will be able to:

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

The facility provided an Email Communication, Subject: PREA Refresher, from the Captain, to DCS TSCI, stating, "This is for your information and for the purposes of increasing awareness only. There is no training associated or required with these informational brochures. Please make sure you report any allegation of sexual assault/abuse/harassment to the Shift Supervisor immediately. Copies of grievances, Inmate Interview Requests, etc., making such allegations should not be placed in the mail, emailed, etc., as this may cause a delay in responding."

(d) The Tecumseh State Correctional Institution PAQ states the agency documents that employees who may have contact with inmates, understand the training they have received through employee signature or electronic verification.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 13, section 4, states, "Training shall be documented through team member signature that team members understand the training they have received in Pre-service and In-service. (ACRS7B-17, ACRS-7B-17-1) These records shall be maintained in the team member's electronic personnel file at Central Office."

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

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

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

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

The facility provided a Nebraska Department of Correctional Services Prison Rape Elimination Act. This form requires the employee, contractor or volunteer printed name, signature and date.

Through such reviews, the facility meets the standard requirements.

115.32	Volunteer and contractor training
	<p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 435 300">Document Review:</p> <ol data-bbox="240 304 1458 564" style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Nebraska Department of Correctional Services, Community Partner Orientation PowerPoint, dated 2.2021 4. Nebraska Department of Correctional Services, Volunteer Orientation Handbook, dated 2.2018 5. Inmate Sexual Assault/Abuse Agreement for Volunteers and Contractors, not dated 6. Nebraska Department of Correctional Services, Letter to Approved Volunteer, dated 5.13.2022 7. Nebraska Department of Correctional Services Prison Rape Elimination Act (PREA) of 2003: Information for Those with Direct and Indirect Contact with Inmates <p data-bbox="240 600 352 627">Interviews:</p> <ol data-bbox="240 631 438 689" style="list-style-type: none"> 1. Mental Health 2. Clergy Volunteer <p data-bbox="240 694 1485 792">Mental health and the Clergy volunteer reported having initial and annual training that is given to all staff. Both could attest to completing training on communicating components, counseling communications when working through an assault situation, and detecting signs and changes in inmates.</p> <p data-bbox="240 819 1453 949">(a) The Tecumseh State Correctional Institution 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. 113, 24 contracted for medical services and 90 volunteers, who have contact with Inmates, have completed the required training.</p> <p data-bbox="240 976 1474 1075">Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 14, section L. 1., states, "NDCS shall ensure all volunteers and contractors who have contact with inmates have been trained on their responsibilities regarding policies and procedures on sexual abuse/assault and sexual harassment prevention, detection and response."</p> <p data-bbox="240 1102 1433 1200">The facility provided a Nebraska Department of Correctional Services, Community Partner Orientation PowerPoint. The purpose of the training is to prepare volunteers and contractors to be successful in the correctional environment. Topics include:</p> <ul data-bbox="240 1205 751 1335" style="list-style-type: none"> • The eight points of Volunteer Pledge • The three points of the Volunteer Waiver • The PREA Agreement • The 17 topics from the Volunteer Training Record <p data-bbox="240 1361 1493 1460">(b) The Tecumseh State Correctional Institution PAQ states all volunteers and contractors who have contact with Inmates have been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.</p> <p data-bbox="240 1487 1485 1617">Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 14, section L. 2., states, "All volunteers and contractors who have contact with inmates shall be notified of NDCS's zero tolerance policy regarding sexual abuse/assault and sexual harassment and informed how to report such incidents. The level and type of training provided shall be based on the services they provide and level of contact they have with inmates."</p> <p data-bbox="240 1644 1426 1774">(c) The Tecumseh State Correctional Institution PAQ states the agency maintains documentation confirming that the volunteers and contractors understand the training they have received. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 14, section L. 3., states, "NDCS shall maintain documentation confirming volunteers and contractors understand the training they have received."</p> <p data-bbox="240 1800 1485 1998">The facility provided an Inmate Sexual Assault/Abuse Agreement for Volunteers and Contractors. The first paragraph of the agreement states, "The Nebraska Department of Correctional Services has adopted a ZERO-TOLERANCE standard for sexual abuse in its prison, community corrections facilities and parole. The intent of The Prison Rape Elimination Act (PREA) is to ensure a safe, humane and appropriately secure environment, where inmates. Offenders have the right to be free from sexual abuse, sexual harassment and retaliation for reporting such incidents or cooperating in investigation of such incidents."</p> <p data-bbox="240 2024 1465 2123">The facility provided a Nebraska Department of Correctional Services, Letter to Approved Volunteer, from the NDCS Volunteer Services Coordinator. The letter states, "Welcome! Thank you for your interest in becoming an NDCS Volunteer. This letter is to inform you that you have completed the required steps and are an approved NDCS community partner.</p>

You were previously issued an NDCS Volunteer ID badge. You are required to have it with you while on NDCS premises. Please always keep this card secure. Loss of this card must be reported immediately to DCS.VolunteerServices@nebraska.gov. Thank you!"

The facility provided a Nebraska Department of Correctional Services Prison Rape Elimination Act (PREA) of 2003: Information for Those with Direct and Indirect Contact with Inmates. This form serves as an acknowledgment and receipt of training and understanding of the NDCS Policy and procedures and the Departments Zero Tolerance Standard for all forms of sexual abuse. This form requires the employee, contractor or volunteer printed name, signature and date.

Through such reviews, the facility meets the standard requirements.

115.33	Inmate education
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Tecumseh State Correctional Institution, Reception and Orientation, Policy 201.02.01, dated 11.30.2020 4. Nebraska Department of Corrections, Sexual Assault Awareness Flyer, English and Spanish, dated 4.2021 5. Nebraska Department of Correctional Services Sexual Assault Orientation, not dated <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random Inmates 2. Targeted Inmates 3. Intake staff 4. PREA Compliance Manager <p>Interviews with each of the random and targeted inmates reported their knowledge on PREA, reporting options to staff, writing a grievance, telling a friend, notifying a family member and the hotline numbers posted on Zero-tolerance Posters throughout the facility. Interpreters were used for non-English speaking inmates who were able to attest to knowing and understanding the PREA education each had received.</p> <p>Site Observation:</p> <p>Of the 25 Inmate files reviewed, each demonstrated evidence of PREA education within 72 hours of intake and again within 30 days of intake. Documentation of training within 72 hours was documented.</p> <p>(a) The Tecumseh State Correctional Institution PAQ states inmates receive information at time of intake about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment. 2249 inmates admitted in the past 12 months were given information at intake.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 14, 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 and sexual harassment, and retaliation for reporting such incidents and how to report incidents or suspicions of sexual abuse/assault or sexual harassment (Attachment B). (ACI3D-09)"</p> <p>(b) The Tecumseh State Correctional Institution PAQ states within the past 12 months, 1933 inmates received age appropriate PREA education within 30 days of intake.</p> <p>Tecumseh State Correctional Institution, Reception and Orientation, Policy 201.02.01, page 1, section Policy, states "All inmates committed to TSCI will participate in an orientation program during the first week of their confinement. Signed acknowledgement of receipt of the rulebook is maintained in the inmate's file. When a literacy or language problem prevents an inmate from understanding the rulebook, a team member or translator assists the inmate in understanding the rules."</p> <p>Page 1-2, section A. 10-11, state,</p> <ol style="list-style-type: none"> 10. "Documenting reception and orientation procedures completed at each reception facility. 11. Providing information on the Prison Rape Elimination Act (PREA), including zero tolerance policy, prevention/intervention/self-protection, reporting sexual abuse/assault and treatment and counseling. A PREA screening is conducted within 24 hours to identify potential vulnerabilities or tendencies of acting out with sexually aggressive behavior in order to make housing assignments. See Policy 201.03, "Identification of Potential Aggressors and Victims" (5- 30-09, 5-30-10)" <p>Page 4, section B. 1-3, state,</p> <ol style="list-style-type: none"> 1. Within seven days of admission, orientation shall be provided to give inmates transferring to TSCI an understanding of what is expected of them and what they may expect from the institution and the department. (5-5A-05) Inmates shall receive orientation in their own language from a team member, audio recordings, literature and/or other appropriate sources. Where a literacy problem exists, a team member will assist the inmate in understanding the orientation materials. Completion of such orientation shall be documented by signing and dating a statement to that effect. (5-5A-03, 5-5A-04 and 5- 5A-05) 2. Each inmate is assigned to a staff member to ensure supervision and personal Contact; a unit management team may perform this function. (5-58-05) 3. A record of the new inmate's attendance at the orientation program will be documented on the Institutional Orientation Checklist (Attachment #5). The Orientation Coordinator (or designee) presenting the information on grievances will ensure the checklist is completed on each inmate in attendance." <p>The final page of the policy contains the Tecumseh State Correctional Institution Mental Health Intake and Orientation Receipt. This receipt includes the following:</p>

"Mental health intake and orientation was completed today with the individual named below. In addition to general assessment of mental health status completed at intake, this individual was oriented to the following mental health areas:

- All mental health programming available through the Nebraska Department of Corrections and how recommendations are made to the various programs.
- Mental health, psychological, and psychiatric services available to the individuals and how to contact the various providers of these services.
- Information in regard to Inmate Sexual Assault/ Abuse Awareness including the Sexual Assault Awareness brochure, Attachment D to NDCS Administrative Regulation 203.11, Sexual Assault.
- Information in regard to confidentiality and release of mental health information.
- Individual's questions/concerns related to mental health were addressed."

The receipt includes the name and signature of the Mental Health staff providing the orientation, Inmate name and number and inmate signature acknowledging "I have received mental health intake and orientation services as stated above."

(c) The Tecumseh State Correctional Institution PAQ states of those who were not educated during 30 days of intake, all inmates have been educated subsequently. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 14, 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."

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

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 14, 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. (ACI-3D-09)"

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

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

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

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

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

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

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 15, section M. 6., states, "In addition to providing such education, NDCS shall ensure key information is continuously and readily available or visible to inmates through posters, inmate handbooks or other written formats."

Through such reviews the facility meets the standard requirements.

115.34	Specialized training: Investigations
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Specialized Investigative Training: PREA, not dated 4. Specialized Investigative Training: PREA Investigating Sexual Abuse in a Confinement Setting Instructor Outline, not dated 5. PREA Investigator Training Records 6. Trained Investigator Training Listing by Nebraska Facility, not dated 7. Nebraska Department of Correctional Services, Memorandum RE: Investigator Training/Certification Process, dated 7.14.2021 8. PREA Investigators Training Records TSCI <p>Interviews and on-site file review:</p> <ol style="list-style-type: none"> 1. Facility Investigator <p>Interview with facility investigator and personnel file review demonstrated that the investigator had completed annual investigator training and annual training provided to all staff as is required of §115.31.</p> <p>(a-b) The Tecumseh State Correctional Institution PAQ states the agency policy requires that investigators are trained in conducting sexual abuse investigations in confinement settings.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 15, section N. 1. a-d states, "In addition to the general training provided to all team members, investigators will receive training in conducting investigations in confinement settings, to include:</p> <ol style="list-style-type: none"> a. Techniques for interviewing victims of sexual abuse/assault. b. Proper use of Miranda and Garrity warnings. c. Sexual abuse/assault evidence collection in confinement settings. d. Criteria and evidence required to substantiate a case for administrative action or prosecution referral." <p>The facility provided Specialized Investigative Training: PREA Investigating Sexual Abuse in a Confinement Setting PowerPoint. Training curriculum includes:</p> <ul style="list-style-type: none"> • Background of PREA • Investigation basics • Working with victims • Trauma informed approach • Interviewing • False reports • Culture • Practical exercise <p>The facility provided PREA Instructor Outline for Specialized Investigative Training: PREA Investigating Sexual Abuse in a Confinement Setting Instructor Outline. This course overview includes:</p> <ul style="list-style-type: none"> • PREA Standard 115.21/115.221 • PREA Standard 115.34/115.234 • PREA Standard 115.71/115.271 • PREA Standard 115.72/115.272 • Investigation Basics • Assignment of Investigation • Criminal V Administrative • Basic Investigation Steps • Initial Response • Investigation • Determination of Findings • Prosecutorial Referral • Investigative Report Packet • Working with Victims • Understanding Victim's Background • Biological Impact of Trauma • Trauma's Effect on Brain

- Immediate Reaction
- Being Very Impressive
- Remaining Controlled, Numb
- Associated Problems
- Short-Term Aftermath
- Long-Term Aftermath
- Confinement Setting Aftermath Issues
- Additional Male Aftermath Issues
- Additional Female Aftermath Issues
- PTSD
- Trauma Informed Approach
- Avoid Additional Harm
- Avoid Secondary Harm
- Delayed Reporting
- Delayed Reporting in Youth
- Hesitant Victims
- Staff Aggressors
- Interviewing
- Personal Biases
- Managing Biases
- Initial Interviewing
- Soft Interviewing
- Hard Interviewing
- Communication: Female Inmates/Male Inmates/Minority Populations
- Hostile or Uncooperative Victims
- When to Interview Victim
- Negative Effects of Repeated Interviews
- Handling False Reports
- False Reports
- Sexualized Work Environment
- Signs of Sexual Abuse Perpetrated by Inmates
- Staff Sexual Misconduct
- Red Flags of Sexual Abuse Perpetrated by Staff
- Red Flags Exhibited by Staff
- Influences of Reporting Culture
- Reporting
- Inmate Code of Silence
- Staff Code of Silence
- Strategies for Changing Culture
- Investigators Influence

(c) The Tecumseh State Correctional Institution PAQ states the agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. The PAQ states employees and the agency has 92 employees who have completed investigator training.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 15, section N. 2. states, "NDCS shall maintain documentation confirming investigators have received specialized training in conducting sexual abuse/assault investigations."

The facility provided a trained investigator spreadsheet. This spreadsheet is organized by facility. The 'TSCI' section demonstrates the Tecumseh State Correctional Institution has 18 fully trained investigators.

The facility provided a PREA Investigators Training Records TSCI. Records demonstrate 23 employees completed and 8-hour course through the NDCS – PREA Investigation Training.

Through such reviews the facility meets the standard requirements.

115.35	Specialized training: Medical and mental health care
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Prison Rape Elimination Act NDCS Director of Nursing Medical Training Curriculum, not dated 4. Nebraska Department of Correctional Services, Inmate Sexual Assault/Abuse Information for Volunteers and Contractors Acknowledgment, not dated 5. Nebraska Department of Correctional Services, Nurse Treatment Protocol 43 – Sexual Assault Form, dated 3.2021 6. PREA Training Checklist Record <p>Interviews:</p> <ol style="list-style-type: none"> 1. Behavioral Health Supervisor II 2. Registered Nurse <p>Medical and mental health staff report receiving PREA annual training through the Relias Learning Management System. Staff reported training included reporting responsibilities, reactions to abuse and what happens after an allegation is reported, providing emergent and follow up services.</p> <p>Site Observation:</p> <p>File review of the mental health staff training records demonstrated each had completed specialized medical and mental health training as well as initial and annual training.</p> <p>(a) The Tecumseh State Correctional Institution PAQ states the agency has a policy related to the training of medical and mental health practitioners who work regularly in its facilities. The facility has 21 (100%) contractors who work at the facility have received training required by agency policy.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy, page 15, section O. 1. a-c, state, "All full and part-time medical and mental health care practitioners will receive training in the following:</p> <ol style="list-style-type: none"> a. Detecting and assessing signs of sexual abuse/assault and sexual harassment. b. Preserving physical evidence of sexual abuse/assault. c. Responding effectively and professionally to victims of sexual abuse/assault and sexual harassment. d. Reporting allegations or suspicions of sexual abuse/assault or sexual harassment." <p>The facility provided a Prison Rape Elimination Act NDCS Director of Nursing Medical Training Curriculum. The curriculum goals are to:</p> <ul style="list-style-type: none"> • Detect and assess signs of sexual abuse and sexual harassment • Preserving physical evidence of sexual abuse • Responding effectively and professionally to victims of sexual abuse and sexual harassment • Reporting allegations or suspicions of sexual abuse or sexual harassment <p>(b) The Tecumseh State Correctional Institution PAQ states their medical staff do not conduct forensic medical exams.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy, page 23, 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. (ACI-6C-14)"</p> <p>(c) The Tecumseh State Correctional Institution PAQ states the agency maintains documentation showing that medical and mental health practitioners have completed the required training.</p> <p>The facility provided Nebraska Department of Correctional Services, Inmate Sexual Assault/Abuse Information for Volunteers and Contractors Acknowledgment. This four-page document includes information on:</p> <ul style="list-style-type: none"> • PREA • Definitions • Nebraska Statutes • Implementing the Sexual Assault/Abuse Prevention Policy • Information for those with Direct and Indirect Contact with Inmates • Reporting • Acknowledgment with signature

The facility provided a Nebraska Department of Correctional Services, Nurse Treatment Protocol 43 – Sexual Assault Form. This six-page form documents all required victim/perpetrator information.

The facility provided a PREA Training Checklist Record. This checklist documents:

- Name
- PREA PowerPoint 1 completion date
- PREA PowerPoint 2 completion date
- Policy 203.11 completion date
- Procedure 203.11.01 completion date
- Medical Protocol completion date
- Nurse Procedure completion date
- Nurse Treatment Protocol completion date
- Handouts completion date
- PRAE Study Guide/Tests completion date
- PREA Agreement completion date

The Checklist demonstrates 100% of those listed on the list have completed all required trainings and acknowledgments.

Through such reviews the facility meets the standard requirements.

115.41	Screening for risk of victimization and abusiveness
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims Policy 201.03, dated 7.31.2021 4. Nebraska Department of Correctional Services, Potential for Sexual Assault/Sexual Victimization Screening Instrument, dated 2.1.2022 5. Post Audit: Nebraska Department of Correctional Services, Memorandum, RE: 115.41 Screening for risk of victimization and abusiveness, dated 7.7.2022 6. Post Audit: Email Communication, Subject: PREA Assessment Policy/Procedure Changes, dated 6.30.2022 7. Post Audit: Inmate Intake Completed Assessments from 7.5.2022 – 7.20.2022 8. Post Audit: Inmate 30-day Completed Assessments from 7.7.2022 – 7.15.2022 9. Post Audit: Inmate Intake and 30-day Assessments Completed from 6.1.2022 - 7.22.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random inmates 2. Targeted inmates 3. Unit Managers 4. PREA Coordinator <p>Interviews with the Unit Manager demonstrated that he is currently the only staff completing assessments. Interview with the PREA Coordinator demonstrated the agency has recognized issues with the Risk Screenings being completed on time as the current system does not allow assessments to be completed in the agency database until the following day, therefore, the date they are entered into the system could perhaps document completion outside the 72-hour requirement. In addition, the screening tool has been rebuilt to include the required components and is currently in the last testing stages.</p> <p>Site Observation:</p> <p>Inmate file review demonstrated inmates are asked if they have experienced sexual abuse in an institution as opposed to whether the inmate has previously experienced sexual victimization. Of the 25 files reviewed, eight inmates were in the facility longer than 12 months; 17 inmates had been admitted within the last audit cycle. Of those inmates 10 were missing the initial screening within 72-hours and eight were missing the 30-day requirement of admission into the facility</p> <p>Action Plan:</p> <ul style="list-style-type: none"> • The facility will ensure the assessment includes question (d)(8) on the risk assessment. The facility to complete 30-day assessments that have not been completed for applicable inmates. • The facility to complete assessments on each new assessment in the next 30 days and provide a roster of admissions and risk assessments completed. • The facility to write a memorandum providing a sustainable action plan to ensure initial assessment is completed within the 72-hour and 30-day requirements. <p>Post Audit: The facility provided a Nebraska Department of Correctional Services, Memorandum, RE: 115.41 Screening for risk of victimization and abusiveness, from the facility Warden to the DOJ PREA Auditor, stating, "During the June 2022 PREA audit of TSCI it was identified TSCI needs a sustainable action plan to meet the requirements that initial assessment is completed within 72-hours of an inmate's arrival at TSCI with follow-up assessments within 30-days.</p> <p>A room directly adjacent to the intake area has been designated as an interview room for the purposes of conducted interviews in a confidential setting immediately upon intake to include PREA Assessments The room is equipped with intranet so that assessments can be immediately entered into NICAMS (NDCS's records interface) and considered prior to placement in a housing until (115.42).</p> <p>The correct access level in NICAMS was identified to allow staff conducting intake screenings to enter them immediately. They have been instructed to enter assessments during or immediately following the assessment interview prior to considering that information for housing assignments.</p> <p>Shift Lieutenants have been granted similar access and received instruction in the use of the assessment tool Though unplanned transfers are very rare the Shift Lieutenants have been tasked with completing intake assessments during days and time regular screening personnel are not at the facility (after hours on Fridays and any time on weekends and holiday.) Current practice already dictates that any time an unscheduled intake occurs the Warden is to be notified. This allows another check-and-balance to make sure assessments are utilized.</p>

Team members conducting assessments have been instructed to inquire if the inmate has previously experienced sexual victimization and note such in the comments section of the assessment.

Intakes from the previous day will be review each morning Monday through Friday at the Incident Review Team meeting each day to make sure assessments ae being completed and utilized. This meeting includes Wardens, Unit Management, and Security leadership. Moving forward the Unit Administrator will track inmate intakes and provide notification to housing unit management to ensue follow-up assessments are completed within 30 days.

Post Audit: The facility provided an email communication, Subject: PREA Assessment Policy/Procedure Changes, from the facility Captain to Unit Management Administration personnel. This email communication states,

“Back in March we were notified that whenever an Assessment is completed the interviewer MUST ask the inmate if they have ever committed a sex offense against a child

Another shortcoming in our risk assessments was identified during our PREA audit this week. Moving forward interviewer must also ask whether the inmate has previously experienced sexual victimization, be it within NDCS or otherwise. No memo/policy is out yet, but it should be coming soon. We as the audited facility, need to start now.

Responses to BOTH these questions need to be noted in the Comments section. If there is no response note which questions was asked and that the inmate declined to answer.

Additionally, all assessments at intake will now need to be entered into NICAMSat the time of intake. Everyone in this email should now have access to do this; regardless of whether the inmate’s facility has changed yet in NICAMS. Please check to make sure you have this access (i.e., try an NSP/RTC/OCC inmate as if you have the ADD button.)

The paper instrument will not be used. Property/Intake staff and Shift Supervisors will have keys to allow use of the interview room for privacy and a network connection. I’ll be working on getting a laptop but for now please use yours or borrow one from Training etc.

Houseman will be working on sending out follow up assessments that must be done within 30 days of intake. They can be done at any time after intake but should normally occur at least two weeks later.

There are processes happening that should give us tools to do this more efficiently in the future. For now it will be critical in the coming months to make sure these are being completed.

Thank you for making sure this happens and for all that you do.”

Post Audit: The facility provided inmate Intake completed assessments from 7.5.2022 – 7.20.2022. Assessments were completed for 10 inmates, to include to compilation of the following, for each of the 10 inmates.

- ID Number
- Inmate Name
- Facility received from
- From Housing Unit
- From Effective Date
- From Release Date
- To Received Center
- To Effective Date
- To Housing Unit

Post Audit: The facility provided inmate 30-day completed assessments from 7.7.2022 – 7.15.2022. Assessments were completed for 19 inmates, to include the compilation of the following, for each of the 19 inmates:

- ID Number
- Inmate Name
- Facility received from
- From Housing Unit
- From Effective Date
- From Release Date
- To Received Center
- To Effective Date
- To Housing Unit

Post Audit: The facility provided inmate intake and 30-day assessments completed from 6.1.2022 - 7.22.2022. Assessments were completed for 40 inmates, to include the compilation of the following, for each of the 40 inmates:

(a) The Tecumseh State Correctional Institution PAQ states the facility has a policy that requires screening, upon admission or transfer, for risk of sexual abuse victimization or sexual abusiveness toward other Inmates.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 16, section P., states, "Each inmate will be assessed using the PREA Screening Assessment located in NICAMS, the PREA Screening Assessment will be completed during the intake process at each facility to determine the inmate risk of being sexually abused by another inmate or sexually abusive towards other inmates. This screening will consider prior acts of sexual abuse/assault, prior convictions for violent offenses and history of prior institutional violence or sexual abuse/assault as known to NDCS. When the PREA Screening assessment indicates an inmate has experienced prior sexual victimization or has previously perpetrated sexual abuse, Mental Health staff will meet with the inmate within 14 days and complete the Mental Health PREA screening form. Additional criteria for when a PREA Screening Assessment needs to be completed and the criteria for determining risk of being sexual abused or sexually abusive towards others is detailed in policy 201.03, Identification of Potential Aggressors and Victims. (ACI-3D-13)"

(b) The Tecumseh State Correctional Institution 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 624.

Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims Policy 201.03, page 1, 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 abused/assaulted by other inmates or sexually abusive toward other inmates. This screening shall ordinarily take place within 72 hours of arrival at the facility and be conducted using an objective screening instrument. NDCS shall implement appropriate controls on the dissemination of this information within facilities in order to ensure sensitive information is not exploited to an inmate's detriment by staff or other inmates."

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

(c) The Tecumseh State Correctional Institution PAQ states the facility conducts risk assessments by using an objective screening instrument.

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

Criminal History Check:

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

Need to ask inmate the below questions

- Have you been previously incarcerated?
- How many times?
- Number of convictions that are of a violent nature include sexual violence.
- How may convictions for sexual violence?
- How many convictions for sexual violence against a child?
- How many convictions for sexual violence against an adult?
- Age of individual
- Height of individual
- Build of individual
- Are you willing to tell me if you've ever been a survivor/victim of sexual abuse?
- Are you a survivor of sex assault/abuse?
- Can you tell me if the sexual assault/abuse happened in: an institution/the community? (If answers yes to any of the above as the inmate if they would like to speak to a mental health staff member.) (Mental health referral completed)
- Do you have any fears for your safety while incarcerated? What are those fears?
- What is your gender Identity? (male/female/transgender male/transgender female/Intersex/gender non-conforming/other/chooses not to answer)
- What is your sexual orientation? (lesbian/gay/bisexual/heterosexual/other/chooses not to answer)

(d) The Tecumseh State Correctional Institution 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 469. Policy compliance can be found in provision (a) of this standard.

(e) Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims Policy 201.03, page 5-6, section V. A-F, state, "The Potential for Sexual Assault/Sexual Victimization Screening Instrument should be reviewed and re-scored as necessary by designated unit staff when warranted due to a referral, request, incident of sexual abuse or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. Each rescreening will be posted to Data Entry and Inquiry (NICaMS). For tracking purposes, a new entry should be made in Data Entry and Inquiry (NICaMS), rather than editing a previous entry.

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

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

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

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

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

F. Review and rescore each known transgender inmate twice a year.

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

If an inmate's behavior indicates that he or she should no longer be classified as a Potential Aggressor/Victim, unit staff and mental health staff should make recommendations if an inmate's behavior indicates that he or she should no longer be classified as a Potential

Aggressor/Victim, unit staff and mental health staff should make recommendations during the annual screenings and forward to the Institutional Classification Committee. The Warden shall be the final authority, as outlined in the override provisions.

When facility staff are made aware of any inmate-on-inmate abuse incidents, a referral must be made to mental health staff upon learning of such abuse history. Treatment will be provided as deemed necessary by mental health staff.

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

(f) The Tecumseh State Correctional Institution PAQ states the policy requires that the facility reassess each inmate's risk of victimization or abusiveness within a set time period, not to exceed 30 days after the inmate's arrival at the facility, based upon any additional, relevant information received by the facility since the intake screening. The number of inmates entering the facility (either through intake or transfer) within the past 12 months whose length of stay in the facility was for 30 days or more and who were reassessed for their risk of sexual victimization or of being sexually abusive within 30 days after their arrival at the facility based upon any additional, relevant information received since intake was 469.

Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims Policy 201.03, page 3, section C., last paragraph, states, "Inmates may not be disciplined for refusing to answer or not disclosing complete information in response to the aforementioned questions. (PREA standard Secured facilities 115.41h/ Community facilities 115.241h)"

(g) The Tecumseh State Correctional Institution PAQ states the policy requires that an inmate's risk level be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.

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

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

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

- C. Review and rescore upon receipt of a substantiated PREA investigation.
- D. Review and rescore upon receipt of an aggressive misconduct report.
- E. Review and rescore if the new conviction was sexual or violent in nature or if additional significant information regarding a current offense is received.
- F. Review and rescore each known transgender inmate twice a year. If this rescore suggests any change in the inmate's aggression or victimization potential, changes to the inmate's housing, programming and work assignments shall be made as appropriate. "

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

Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims Policy 201.03, page 3, section 12., second paragraph, states, "Inmates may not be disciplined for refusing to answer or not disclosing complete information in response to the aforementioned questions."

Through such reviews, the facility meets the standard requirements.

115.42	Use of screening information
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Post Audit: Nebraska Department of Correctional Services Memorandum, RE: 115.42 Use of Screening Information, dated 7.7.2022 4. Post Audit: Master Intake Form, Initial Classification Committee Action, not dated <p>Interviews:</p> <ol style="list-style-type: none"> 1. Targeted Inmates 2. Random Inmates 3. Random Staff 4. Targeted Staff 5. Unit Managers <p>Formal and informal interviews with staff demonstrated inmate's risk level is not shared with departmental staff as potential victims and or perpetrators are not housed or programmed together on the front end to alleviate concerns in the facility.</p> <p>Targeted and random inmates speak to the intake process being respectable. Targeted inmates interviewed stated they did not request to be searched by specific staff.</p> <p>On Site Observation:</p> <p>Inmate file review demonstrated inmates were missing the initial screening within 72-hours and 30-day requirement of admission therefore not using risk assessment information to determine housing, bed, work, education and program assignments with the goal of keeping separate those inmates as is described in provisions (a) and (b) of this standard.</p> <p>Action Plan:</p> <p>The facility to write a memorandum providing a sustainable action plan to explain and incorporate the use of the risk screening assessment when placing inmates in bed, housing, work and education assignments.</p> <p>Post audit the facility provided a Nebraska Department of Correctional Services Memorandum, RE: 115.42 Use of Screening Information, from the facility Warden to the DOJ PREA Auditor, stating, "During the June 2022 PREA Audit of TSCI it was identified TSCI needs a sustainable action plan to meet the requirements that the agency shall make individualized determinations about how to ensure the safety of each inmate.</p> <p>As noted in the Memorandum regarding standard 115.41 measures have been taken to ensure intake screenings are completed and made available for review immediately</p> <p>As a result, this data will be immediately available in MIAMS (NDCS: s records interface) and will be considered prior to placement in a housing unit (115.42). to ensure this, a section has been added to the intake checklist used by unit management to not that PREA screening data has been reviewed and considered."</p> <p>Post audit the facility provided a Master Intake Form, Initial Classification Committee Action. This form demonstrates the following is compiled:</p> <ul style="list-style-type: none"> • Number • Name • Race • Living Quarters – From/To • Present Assignment • Reassigned • PREA Assessment Reviewed • Custody – From/To <p>This form is signed by the Committed Chairperson and Committee members. Distribution of this form is sent to: Records, Deputy Warden, Business Manager, TSCI Medical, Central Control, Associate Warden, Education, A&R, Mental Health, Unit Administrator, TSCI Food Service, Library, Canteen, SAU Captain.</p> <p>(a) The Tecumseh State Correctional Institution 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.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 17, section 1., "Facilities will</p>

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. (ACI3D-10, ACI-3D-12)"

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

(c) The Tecumseh State Correctional Institution 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 16, section Q. 2-5., state,
2. "In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, NDCS shall consider on a case-by-case basis whether a placement would ensure the inmates health and safety, and whether the placement would present management or security problems."
3. Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year and shall consider any threats to safety experienced by the inmate. The PREA Compliance Manager will also complete an in-person assessment and submit a written report that will be maintained in the inmates file indicating a review was conducted.
4. A transgender or intersex inmate's own view with respect to the inmate's own safety shall be given serious consideration.
5. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.
6. NDCS shall not place lesbian, gay, bisexual, transgender or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgement for the purpose of protecting such inmates."

(d-g) Policy compliance is found in provision (c) of this standard.

Through such reviews the facility meets the standard requirements.

115.43	Protective Custody
Auditor Overall Determination: Meets Standard	
Auditor Discussion	
<p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Targeted inmates 2. Random staff 3. Targeted staff 4. Unit Manager – Restricted Housing <p>Through interviews this Auditor learned placement of inmates in seclusion is typically done only as a result of an allegation and primarily at the request of the inmate. Two targeted inmates interviewed where currently in protective custody at their request. The interview with the Unit Manager demonstrated there are very limited jobs opportunities is offered for inmates under the age of 22; however, they would work with education, if applicable, to ensure a continuity of education. The Unit Manager also offered inmates are housed alone and are staffed by him or the Warden and each are communicated with on how long they would be housed at lease within 30 days. Inmates housed longer than 30 days is due to that inmate refusing to leave.</p> <p>115.43</p> <p>(a) The Tecumseh State Correctional Institution PAQ states the agency has a policy prohibiting the placement of inmates at high risk for sexual victimization in involuntary segregated housing unless and an assessment of all available alternatives has been made and a determination has been made that there is not available alternative means of separation from likely abusers. The number of inmates at risk of sexual victimization who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completion of assessment is zero.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 17, section R. 1., states, “Inmates at high risk for sexual victimization and those alleged to have suffered sexual abuse/assault shall not be placed in involuntary restrictive housing unless an assessment of all available alternatives has been conducted and a determination has been made there is no available alternative means of separation from likely abusers. (ACI-3D-13)</p> <p>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.”</p> <p>(b) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 17, section R. 2-3 state, “</p> <ol style="list-style-type: none"> 2. Inmates who remain in restrictive housing for this purpose shall: <ol style="list-style-type: none"> a. Have access to programs, privileges, education and work opportunities to the extent possible. <p>If this access is restricted the facility shall document:</p> <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. <ol style="list-style-type: none"> b. Be assigned to involuntary restrictive housing only until an alternative means of separation from likely abusers can be arranged. <p>Such an assignment shall not ordinarily exceed 30 days.”</p> <ol style="list-style-type: none"> 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>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>(c) The Tecumseh State Correctional Institution 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.</p> 	

(d) The Tecumseh State Correctional Institution 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 reasons why alternative means of separation could not be arranged was zero.

(e) The Tecumseh State Correctional Institution 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.

Through such reviews, the facility meets the standard requirements.

115.51	Inmate reporting
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Nebraska Department of Correctional Services, Inmate Calling System Policy 205.03, dated 5.31.2021 4. Tecumseh State Correctional Institution, Sexual Assault/Abuse Policy 203.11.01, dated 7.31.2021 5. Ombudsman Email Communication, dated 2.4.2022 6. Prison Rape Elimination Act Administrative regulation 203.11 Sexual Assault/Abuse Training PowerPoint, not dated <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random inmates 2. Targeted inmates 3. Random staff <p>Staff and inmates were comfortable reporting verbally to any staff; however, each interviewed knew the PREA Compliance Manager by name and were comfortable approaching him with questions throughout our three days at the facility. Inmates were also aware of calling the hotline numbers posted throughout above the payphones in the living units.</p> <p>Site Observations:</p> <p>During the tour and informal inmate interviews, inmates were able to demonstrate how they could make hotline calls, file emergency grievances through the kiosk system and or verbally report to staff. Inmates were able to demonstrate through the pay phones how they could call the hotline number that rang to the PREA Coordinator who was able to demonstrate the call came to her email. Calls received via the email did not contain the inmate facility, call pin code or phone number where the call was received from.</p> <p>(a) The Tecumseh State Correctional Institution PAQ states the agency has established procedures allowing for multiple internal ways for Inmates to report privately to agency officials about sexual harassment, abuse, retaliation and or any type of neglect.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 18, section 1., states, "Inmates shall be provided with multiple ways to privately report sexual abuse/assault and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse/assault and sexual harassment and staff neglect or violation of responsibilities that may have contributed to such incidents.</p> <ol style="list-style-type: none"> a. Inmates may verbally report the incident to any staff member (ACI-3D-15) b. Inmates may utilize the established hotline number (855-623-7360) to report an allegation anonymously. this number shall be included on all inmates Inmate Calling System (ICS) automatically. the number is a generic pin for all inmates 0-111-111-111 and speed dial 08#. These calls shall not be subject to monitoring. Upon receipt of a voice message, a system generated email is forwarded to the PREA Coordinator. See (Attachment C) for directions on c. Inmates may report the incident in writing through an Inmate Interview Request or Grievance form. (ACI-3D-15)" <p>(b) The Tecumseh State Correctional Institution PAQ states facility provides at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency. The agency does not have a policy requiring inmates detained solely for civil immigration purposes be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security.</p> <p>Nebraska Department of Correctional Services, Inmate Calling System Policy 205.03, page 1, section IX, states, "CONFIDENTIAL CALL STATUS – Calls to the Office of the Public Counsel (Ombudsman and Inspector General) shall have confidential call status and are not recorded by ICS equipment or monitored.</p> <p>NOTE: Inmates are not required to submit a registration from to make calls to the Office of Public Counsel (Ombudsman and Inspector General). Speed-dial 01# is provided to allow an inmate to call the Office of Public Counsel (Ombudsman and Inspector General) free of charge. Calls to the Office of the Public Counsel (Ombudsman and Inspector General) have the same duration limits and confidential status as attorney/client calls."</p> <p>Tecumseh State Correctional Institution, Sexual Assault/Abuse Policy 203.11.01, page 11, section h., states, "Inmates may report incidents to an official entity outside NDCS by contacting the Ombudsman's office."</p> <p>The facility provided an Ombudsman's email communication. This email demonstrates an inmate contacted to the Ombudsman to report sexual misconduct at the facility and requests the facility conduct an investigation and be updated on the conclusion.</p>

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

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 18, section 2., states, "Third Party includes fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse/assault and sexual harassment and shall also be permitted to file such requests on behalf of the inmate. Options include, but are not limited to (This provision is also listed in PREA Standard secure facility 115.52 / 115.54 and community facility 115.252 / 115.254)

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

Page 18, section 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."

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

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 18-19, section 4., states, "Staff has the option of privately reporting sexual abuse/assault and sexual "harassment of inmates and retaliation against inmates and staff by directly notifying the agency PREA Coordinator (402-479-5660) or utilizing the established hotline number (855-623-7360)."

Tecumseh State Correctional Institution, Sexual Assault/Abuse Policy 203.11.01, page 11, section 6., states, "Team Member Private Reporting Team members have the option of privately reporting sexual abuse and sexual harassment of inmates and retaliation against inmates and team members by directly notifying the NDCS PREA Coordinator (402-479-5660) or utilizing the established hotline number (PIN: 0-111-111-111)."

Prison Rape Elimination Act Administrative regulation 203.11 Sexual Assault/Abuse Training PowerPoint, slide 26, states, "

Report sexual assault, sexual abuse or sexual harassment immediately:

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

Staff will accept all reports

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

Through such reviews, the facility meets the standard requirements.

115.52	Exhaustion of administrative remedies
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Nebraska Department of Correctional Services, Inmate Grievance Procedures Policy 217.02, dated 12.31.2020 4. Tecumseh State Correctional Institution, Sexual Assault/Abuse Policy 203.11.01, dated 7.31.2021 5. Nebraska Department of Correctional Services Informal Grievance Resolution Form, Unit Staff, completed 6. Email communication to Facility Security Administrator, RE: Other, dated 12.15.2021 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random Inmates 2. Targeted Inmates 3. PREA Compliance Manager <p>Inmates interviewed were aware of the grievance procedures and understood they could complete a grievance, if necessary.</p> <p>(a) The Tecumseh State Correctional Institution PAQ states the agency has an administrative procedure for dealing with Inmate grievances regarding sexual abuse.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 19, section T. states, "Inmates will not be disciplined for filing a grievance related to alleged sexual abuse/assault or sexual harassment unless the facility demonstrates the grievance was deliberately filed in bad faith.</p> <p>NDCS does not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse/assault or sexual harassment. Applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse/assault or sexual harassment will be followed per policy. An inmate is not required to use any informal grievance process (i.e., an inmate may submit a Step I Grievance without an Informal Grievance attached) or otherwise attempt to resolve an alleged incident of sexual abuse/assault or sexual harassment with staff.</p> <p>An inmate who alleges sexual abuse/assault or sexual harassment may file a grievance without submitting it to a staff member who is the subject of the complaint. A grievance will not be referred to a staff member who is the subject of the complaint.</p> <p>A final response to the grievance will be issued within 90 days of the initial filing. This does not include time consumed by inmates preparing an administrative appeal. An extension of up to 70 days may be requested if there is insufficient time to make an appropriate decision. Inmates will be notified in writing of the extension and be provided a date by which the decision will be made. If the inmate does not receive a response or notification of extension, he or she may consider the absence of a response to be a denial at that level.</p> <p>An inmate may also file an emergency grievance if he or she feels there is a substantial risk of imminent sexual abuse/assault.</p> <p>The emergency grievance will immediately be forwarded to the Shift Supervisor, who will take immediate corrective action. An initial response shall be provided within 48 hours and a final decision will be issued within five calendar days. The initial response and final decision will serve as documentation determining whether the inmate is at substantial risk of imminent sexual abuse/assault and the action taken in response to the emergency grievance."</p> <p>(b) Agency policy does not require an inmate to use an informal grievance process, or otherwise to attempt to resolve with staff, an alleged incident of sexual abuse.</p> <p>Nebraska Department of Correctional Services, Inmate Grievance Procedures Policy 217.02, page 17, section T., second paragraph, states, "NDCS does not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse/assault or sexual harassment. Applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse/assault or sexual harassment will be followed per policy. An inmate is not required to use any informal grievance process (i.e., an inmate may submit a Step I Grievance without an Informal Grievance attached) or otherwise attempt to resolve an alleged incident of sexual abuse/assault or sexual harassment with staff."</p> <p>(c) The Tecumseh State Correctional Institution 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</p>

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) of this standard.

Nebraska Department of Correctional Services, Inmate Grievance Procedures Policy 217.02, page 17, section T., third paragraph, states, "An inmate who alleges sexual abuse/assault or sexual harassment may file a grievance without submitting it to a staff member who is the subject of the complaint. A grievance will not be referred to a staff member who is the subject of the complaint."

Tecumseh State Correctional Institution, Sexual Assault/Abuse Policy 203.11.01, page 10, section d., states, "An inmate who alleges sexual abuse may file a grievance without submitting it to a team member who is the subject of the complaint. A grievance will not be referred to a team member who is the subject of the complaint."

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

- there have been two grievances filed alleging sexual abuse;
- zero grievances alleging sexual abuse that involved extensions because final decision was not reached within 90 days.

Policy compliance regarding grievances answered within five days can be found in provision (a) of this standard.

Nebraska Department of Correctional Services, Inmate Grievance Procedures Policy 217.02, page 17, section T., fourth paragraph, states, "A final response to the grievance will be issued within 90 days of the initial filing. This does not include time consumed by inmates preparing an administrative appeal. An extension of up to 70 days may be requested if there is insufficient time to make an appropriate decision. Inmates will be notified in writing of the extension and be provided a date by which the decision will be made. If the inmate does not receive a response or notification of extension, he or she may consider the absence of a response to be a denial at that level."

Nebraska Department of Correctional Services Memorandum RE: Inmate #XXXXXX, from Lieutenant, to Security Administrator, dated 12.14.2021. This communication demonstrates the emergency grievance was found on the officer's desk. The inmate was immediately questioned in regard to his belief of sexual harassment. Notifications were made to the facility Security Administrator and Captain.

Email communication to Facility Security Administrator, RE: Other, from Shift Supervisor on 12.15.2021. This email communication documents an inmates' submittal of a grievance reporting sexual abuse, timelines and preliminary information, as was reported. The PREA Coordinator and Facility Administrative Captain were notified, in the communication.

(e) The Tecumseh State Correctional Institution 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.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 19, section Third Party Reporting, states, "Third Party includes fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse/assault or sexual harassment and shall also be permitted to file such requests on behalf of the inmate. (This provision is also listed in PREA Standard secure facility 115.51/ 115.54 community facility 115.251/115.254)"

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 21, section V. 2., states, "If a third party files such a request, the facility may require as a condition of processing the request 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. If the inmate declines to have the request processed on his or her behalf the decision will be documented."

Tecumseh State Correctional Institution, Sexual Assault/Abuse Policy 203.11.01, page 11, section 4., states, "Third Party Reporting Reports of abuse and harassment may be made by a third party (outside NDCS custody or employment) on an inmate's behalf. Options include, but are not limited to, utilizing the established hotline number (855-623-7360) or filling out a reporting form online. Procedures for third party reporting can be found on NDCS's website."

(f) The Tecumseh State Correctional Institution PAQ states the facility has a policy and established procedures for filing an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse. The facilities policy and procedures for emergency grievances alleging substantial risk of imminent sexual abuse require an initial response within 48 hours. The facilities policy and procedure for emergency grievances alleging substantial risk of imminent sexual

abuse require that a final agency decision be issued within 5 days. One grievance was received alleging substantial risk of imminent sexual abuse, that were filed in the past 12 months, reached final decisions within 40 days.

Policy compliance regarding grievances answered within five days can be found in provision (a) of this standard

Nebraska Department of Correctional Services, Inmate Grievance Procedures Policy 217.02, page 17, section T., fifth and sixth paragraphs, state, "An inmate may also file an emergency grievance if he or she feels there is a substantial risk of imminent sexual abuse/assault.

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

(g) The Tecumseh State Correctional Institution 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.

Nebraska Department of Correctional Services, Inmate Grievance Procedures Policy 217.02, page 17, section T., first paragraph, states, "Inmates will not be disciplined for filing a grievance related to alleged sexual abuse/assault or sexual harassment unless the facility demonstrates the grievance was deliberately filed in bad faith."

Through such reviews, the facility meets the standard requirements.

115.53	Inmate access to outside confidential support services
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Email communication, Subject: Advocacy Care for NDCS, dated 3.27.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random Inmates 2. Targeted Inmates 3. Random staff 4. Specialized staff <p>Staff and inmates interviewed informally and formally were aware of outside reporting agencies and spoke to the information being posted in their living areas also known as galleries and throughout programmatic areas of the facility.</p> <p>Site Observation:</p> <p>During the tour and an informal interview with an inmate, he was able to demonstrate he could dial 011.111.1111 which resulted in a voicemail message to the PREA hotline. In addition, inmates have access to kiosk stations where they can email staff in the building.</p> <p>(a) The Tecumseh State Correctional Institution PAQ states the facility provides inmates with access to outside victim advocates for emotional support services related to sexual abuse by:</p> <ul style="list-style-type: none"> • Giving inmates (by providing, posting, or otherwise making accessible) mailing addresses and telephone numbers (including toll-free hotline numbers where available) of local, State, or national victim advocacy or rape crisis organizations. • Does not give inmates mailing addresses and telephone number (including toll-free hotline numbers where available) for immigrant services agencies for persons detained solely for civil immigration purposes; and • Enables reasonable communication between inmates and these organizations, in as confidential manner as possible. <p>Inmates will be informed of the extent such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws prior to having access to support services.</p> <p>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. 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. (ACI-3D15)</p> <p>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."</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 18, section 2, states, "Third Party includes fellow inmates, staff members, family members, attorneys and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse/assault and sexual harassment and shall also be permitted to file such requests on behalf of the inmate. Options include, but are not limited to (This provision is also listed in PREA Standard secure facility 115.52 / 115.54 and community facility 115.252 / 115.254)</p> <ol style="list-style-type: none"> a. Hotline number (855) 623-7360 b. Submitting an online reporting form. Procedures for third party reporting can be found on the NDCS website. c. PREA Hotline on the Inmate Calling System Generic Pin 0-111-111-111 speed dial 08#" <p>(b) The Tecumseh State Correctional Institution 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.</p>

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

(c) The Tecumseh State Correctional Institution 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.

Email communication, Subject: Advocacy Care for NDCS, from the State PREA Coordinator to the Bridge from Violence. This email communication is an attempt for advocacy services as the State of Nebraska's past advocate ended advocacy services March 31, 2022.

Through such reviews, the facility meets the standard requirements.

115.54	Third-party reporting
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random Inmates 2. Targeted Inmates 3. Random staff 4. Targeted staff 5. PREA Compliance Manager <p>Inmates and staff interviewed demonstrated their reporting knowledge of third-party reporting stating that inmate family members, friends and or legal counsel could report sexual harassment or sexual abuse allegations.</p> <p>Site Observation:</p> <p>During tours of visitation area, standardized outside reporting flyers with PREA information were available to include third party reporting information. In addition, inmates have access to tablets. Hotline numbers and or third-party information was posted throughout the facility and in each gallery. The visitation area also had a standardized PREA bulletin board.</p> <p>(a) The Tecumseh State Correctional Institution 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.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 21, section 1-2, states, “</p> <ol style="list-style-type: none"> 1. Third Party includes fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse/assault and sexual harassment and shall also be permitted to file such requests on behalf of the inmate. Options include, but are not limited to (This provision is also listed in PREA Standard secure facility 115.52/ 115.54, community facility 115.252/115.254) <ol style="list-style-type: none"> a. Hotline number (855) 623-7360 b. Submitting an online reporting form. Procedures for third party reporting can be found on the NDCS website. c. PREA hotline on the inmate calling system generic PIN 0-111-111-111 speed dial 08# <p>On 1.28.2022 at 11:49 am the Auditor phoned the hotline at 855.623.7360. A voice recording instructed all callers who were calling to report sexual harassment or sexual assault to leave a message with the opportunity to be anonymous. The Auditor left a detailed message introducing herself and the reason for the call with instructions to please return the call with information on how the system responds to hotline calls. On 1.28.2022 at 1:02 pm, the State of Nebraska PREA Coordinator returned the Auditors call and stated the following would take place upon receipt of a Third-Party call.</p> <ul style="list-style-type: none"> • Third parties have two ways to report. They can either call the hotline number or complete the form online. • The PREA Coordinator will contact the appropriate facility PREA Compliance Manager and have them conduct a follow up with the alleged victim. • The PREA Manager will complete the Sexual Assault Checklist, forward to the PREA Coordinator who will then sign off on the checklist. • Based on the information on the Sexual Assault Checklist, the PREA Coordinator may open an investigation if the facts of the Third-Party Reporter are accurate. • If the facts are not accurate, based on the checklist and the report from the alleged victim, documentation of the Third-Party Reporter, the checklist and any information gathered by the PREA Compliance Manager are documented and kept on file in case further details become available or the alleged victim changes his mind and reports otherwise. <p>2. If a third-party file such a request, the facility may require as a condition of processing the request 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. If the inmate declines to have the request processed on his or her behalf the decision will be documented.”</p> <p>Third party information can be found on the agency website at: https://corrections.nebraska.gov/</p> <p>Through such reviews, the facility meets the standard requirements.</p>

115.61	Staff and agency reporting duties
	<p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 210 451 239">Auditor Discussion</p> <p data-bbox="242 271 435 300">Document Review:</p> <ol data-bbox="242 304 1283 365" style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 <p data-bbox="242 396 352 425">Interviews:</p> <ol data-bbox="242 430 552 591" style="list-style-type: none"> 1. Random inmates 2. Targeted inmates 3. Random staff 4. Specialized Staff 5. PREA Compliance Manager <p data-bbox="242 595 1398 656">Interviews with the facility staff and inmates demonstrated each actively practices and understood the importance of immediately reporting all allegations of sexual abuse and sexual harassment.</p> <p data-bbox="242 687 429 716">Site Observations:</p> <p data-bbox="242 721 1437 815">Staff reporting documentation of inmate information, incident reports and investigations being completed in the facility database demonstrated reports of allegation are addressed timely. The PREA Compliance Manager was able to access reported allegation of abuse and or harassment quickly by accessing the agency database.</p> <p data-bbox="242 846 1485 1039">(a) The Tecumseh State Correctional Institution 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.</p> <p data-bbox="242 1070 1453 1131">Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 21, section W. 1-3, states, 'All NDCS staff are required to report immediately and according to policy any knowledge, suspicion or information regarding:</p> <ol data-bbox="242 1171 1485 1299" style="list-style-type: none"> 1. An incident of sexual abuse/assault or sexual harassment that occurred in a facility, whether or not it is part of the agency. 2. Retaliation against inmates or staff who reported such an incident. 3. Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. <p data-bbox="242 1330 1461 1458">(b) The Tecumseh State Correctional Institution PAQ states, "Apart from reporting to designated supervisors or official and designated state or local service agencies, agency policy prohibits staff from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.</p> <p data-bbox="242 1489 1469 1583">Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 22, second paragraph, states, "Staff shall not reveal any information related to a sexual abuse/assault report to anyone other than to the extent necessary as specified in NDCS policy, to make treatment, investigations, and other security decisions."</p> <p data-bbox="242 1615 1461 1709">(e) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 21, last paragraph, states, "Medical and mental health staff are obligated to report sexual abuse/assault and inform inmates of their duty to report and the limitations of confidentiality at the initiation of services."</p> <p data-bbox="242 1740 1493 1836">(d) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 22, first paragraph, states, "If the alleged victim is under 18 years old or considered a vulnerable adult, the allegations will be reported to the Department of Health and Human Services under applicable mandatory reporting laws."</p> <p data-bbox="242 1868 1493 2031">(e) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 21, section d. states, "All occurrences, allegations or threats of sexual abuse/assault or harassment, staff relationships with inmates or any actions that may meet PREA criteria, including third party and anonymous reports, will be reported immediately to the designated facility PREA Compliance Manager during business hours. The facility PREA Compliance Manager will review the complaint or allegation and immediately notify the agency PREA Coordinator."</p> <p data-bbox="242 2063 919 2092">Through such reviews, the facility meets the standard requirements.</p>

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. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Targeted inmates 2. PREA Compliance Manager 3. Facility Investigator <p>Interviews with the targeted inmates, PREA Compliance Manager and the facility Investigator demonstrated the facility staff act promptly and responds properly at the discovery of any incident involving sexual harassment and sexual abuse. Inmates interviewed who had reported allegations of abuse, concurred allegations were responded to promptly and thoroughly and were satisfied with the facilities response protocols.</p> <p>(a) The Tecumseh State Correctional Institution 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 Inmate being subject to substantial risk, the facility immediately separates the victim from the perpetrator, made notification and completed incident reporting requirements.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11. page 22, section X., states, "When NDCS learns that an inmate is subject to a substantial risk of imminent sexual abuse/assault, it shall take immediate action to protect them. To assess and implement appropriate protective measures without unreasonable delay."</p> <p>Through such reviews the facility meets the standard requirements.</p>

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Tecumseh State Correctional Institution PAQ
2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021
3. Investigative Case Log Report, dated 2.8.2022
4. Agency Head Notification, dated 7.30.2020

Interviews:

1. Warden

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

Site Observation:

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

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

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 22, 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 agency PREA Coordinator. Such notification shall be documented. The agency PREA Coordinator will ensure an investigation is completed according to policy."

The facility provided an Investigative Case Log Report. This report demonstrates the following is document:

- Case #
- Logging Date:
- Investigator
- Facility
- Report Date
- Incident Date
- Case Type
- Nature of Case
- Case Status
- Case Notes
- PREA Allegation Category

The facility provided a sample of a head of agency notification to the head of an agency. The email communication demonstrates the following is communicated:

- From
- Sent
- To
- CC
- Subject
- Attachments
- Compliant/Allegation
- Standard language for 115.63

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

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

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

Through such reviews, the facility meets the standard requirements.

115.64	Staff first responder duties
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Sexual Abuse Incident Reviews for three investigations <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random staff 2. Specialized staff 3. PREA Compliance Manager <p>Informal and formal interviews with staff demonstrated each were aware of their first responder responsibilities. Staff stated reporting information is posted on standardized bulletin boards in each gallery and that those boards always contained current information. Staff also stated they would have one staff preserve the area where the incident was alleged to have occurred while the victim and suspect were being separated and preserved by themselves or another officer. Each staff interviewed stated they would make proper notifications to supervisory staff and complete a report documenting details of any incident or reported allegation.</p> <p>Site Observation:</p> <p>Documentation review of the allegations of sexual abuse reported, each demonstrated staff responded accurately and promptly. The facility staff are aware of the facilities coordinated response to ensure all protocols are followed as designed.</p> <p>(a) The Tecumseh State Correctional Institution 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.</p> <p>In the past 12 months, eight allegations occurred where an inmate was sexually abused.</p> <p>Of these allegations of sexual abuse in the past 12 months, the number of times the first security staff member to respond to the report separated the alleged victim and abuser was eight.</p> <p>In the past 12 months, the number of allegations where staff were notified within a time period that still allowed for the collection of physical evidence was three.</p> <p>Of these allegations in the past 12 months where staff were notified within a time period that still allowed for the collection of physical evidence, the number of times the first security staff member to respond to the report requested that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating was three.</p> <p>Of these allegations in the past 12 months where staff were notified within a time period that still allowed for the collection of physical evidence, the number of times the first security staff member to respond to the report ensured that the alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating was zero.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 22, section Z. 1.a. states, "Upon learning of an allegation an inmate was sexually assaulted, the first security staff member (team members primarily responsible for the supervision and control of inmates, including but not limited to custody, housing unit, mental health, Activities and Recreation (A & R), maintenance, teachers, etc.) to respond to the report shall be required to:</p> <ol style="list-style-type: none"> 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."

The facility provided three sexual abuse incident reviews. Investigations included a verbal, anonymous and staff witness of sexual abuse. The Auditor reviewed each investigation and found them to be answered timely, thoroughly, objectively with completed incident reviews and inmate notifications, when applicable.

(b) The Tecumseh State Correctional Institution 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 two. Both were reports of occurrences where no physical evidence would have existed. One incident was voyeurism, and one was a touch over clothing.

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

Through such reviews, the facility meets the standard requirements.

115.65	Coordinated response
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Facility Checklist for Incidents of Sexual Assault Sexual Abuse and Sexual Harassment, not dated 4. Eight (8) completed Facility Checklist for Incidents of Sexual Abuse and Sexual Harassment <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random staff 2. Specialized staff 3. PREA Compliance Manager <p>Interviews with the PREA Compliance Manager and facility staff demonstrated the response to allegations of sexual assault is written to coordinate actions taken in response to sexual abuse and sexual harassment incidents.</p> <p>Site Observation:</p> <p>Review of the Facility Checklist for Incidents demonstrates clear direction to staff to ensure first responder duties are fulfilled.</p> <p>(a) The Tecumseh State Correctional Institution PAQ states the facility developed a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 24, 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.</p> <p>The community health care provided will take the inmates medical history prior to the physical injury and the need for additional medical care. If an inmate requests a victim advocate to be present, the Community Hospital shall also 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)</p> <p>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.”</p> <p>The facility provided a Facility Checklist for Incidents of Sexual Assault Sexual Abuse and Sexual Harassment. The checklist ensures the following information is completed and or directives are followed upon an allegation of sexual assault, sexual abuse and or sexual harassment.</p> <ul style="list-style-type: none"> • Date facility incident occurred/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 <p>Steps to ensure a coordinated response for sexual Assault, Sexual Abuse and Sexual Harassment</p> <p>Each of the following steps must be answered with a yes, no, Initial and time</p> <ul style="list-style-type: none"> • Alleged victim separated from alleged abuser • Crime scene preserved and protected if applicable <p>If incident is Sexual Assault (to include rape or any allegation whereas DNA evidence, physical injury, etc. may have occurred)</p> <ul style="list-style-type: none"> • Request alleged victim not to take any actions that could destroy evidence • Ensure alleged abuser does not take any actions that could destroy evidence • Notify Medical for the completion of an on-site assessment of alleged victim’s acute medical needs and initiation of medical protocols • Alleged victims advise of the benefits of a forensic exam and offered the opportunity to undergo an exam (if within 120

hours of incident)

- If consenting, alleged victim taken to a community medical facility for initial treatment and evidence collection during examination by a SAFE or SANE
- Alleged victim offered the presence of a victim advocate for the exam.
- If the inmate has requested a victim advocate, once the inmate is in route to the hospital the Shift Supervisor notifies the hospital of victim advocate request
- Escorting staff briefed regarding procedures and advised to document names of any victim advocate and any law enforcement/investigators
- Upon return to the facility, victim is placed on 15-minute observation checks. Evaluation by mental health staff should be conducted. Alleged Victim is given the opportunity to use a phone to contact the victim advocate hotline or contact personal support person.

Always ensure the following is completed:

- The Shift Supervisor completes a Mental Health Referral Form for both the alleged victim and alleged perpetrator, before the end of the shift. The Shift Supervisor contact Mental Health for the completion of an on-site assessment for both the alleged victim and aggressor.
- The Shift Supervisor must complete a cover letter and collect reports from reporting employee, other first responders, Mental Health and Medical. obtain inmate statements from alleged victim and alleged aggressor and completed checklist. Submit packet to the Security Administrator and PREA Compliance Manager before the end of the shift.

Through such reviews, the facility meets the standard requirements.

115.66	<p>Preservation of ability to protect inmates from contact with abusers</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. The State of Nebraska and the Teachers Bargaining Unit, dated 7.1.2021 – 6.30.2023 4. The Nebraska Association of Public Employees Local 61 of the American Federation of State, County and Municipal Employees, dated 7.1.2021 – 6.30.2023 5. The State of Nebraska and Protective Services, dated 7.1.2021 – 6.30.2023 <p>(a) The Tecumseh State Correctional Institution PAQ states the agency, facility, or any other governmental entity responsible for collective bargaining on the agency's behalf has entered into or renewed any collective bargaining agreement or other agreement since August 20, 2012, or since the last PREA audit, whichever is later.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 24, 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 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 four collective bargaining agreements. Agreements include the following:</p> <ul style="list-style-type: none"> • The State of Nebraska and the Teachers Bargaining Unit, represented by the State Code Agencies Teachers Association (SCATA) • The Nebraska Association of Public Employees Local 61 of the American Federation of State, County and Municipal Employees (NAPE/AFSCME) • The State of Nebraska and Protective Services, represented by Fraternal Order of Police, Nebraska Protective Services, Lodge 88 (FOP 88) <p>The facility also provided contracts preceding the above current contracts for years 2017 through 2021.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.67	Agency protection against retaliation
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Protection Against Retaliation – Inmates Retaliation Monitoring Log, not dated <p>Interviews:</p> <ol style="list-style-type: none"> 1. PREA Compliance Manager <p>Interviews PREA Compliance Manager demonstrated that he would complete retaliation monitoring. Retaliation would be completed by checking in with inmates on at least a monthly basis and documented for at least 90 days and or as long as may be necessary.</p> <p>(a) The Tecumseh State Correctional Institution PAQ states the agency has a policy to protect all Inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other Inmates or staff. The agency designates PREA Compliance Manager with monitoring for possible retaliation.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 25-26, section CC. 1., states, “NDCS has an obligation to protect all inmates and staff who report sexual abuse/assault or sexual harassment or cooperate with sexual abuse/assault or sexual harassment investigations from retaliation by other inmates or staff. Examples of acts of retaliation include but are not limited to unnecessary discipline, intimidation, unnecessary changes in work or program assignments, unjustified transfers or placements and unjustified denials of privileges or services. The facility PREA Compliance Manager is responsible for monitoring retaliation against inmates and the PREA Coordinator is responsible for monitoring retaliation against staff. Monitoring shall begin upon receipt of an allegation.”</p> <p>(b) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 26, section CC. 2., states, “Facilities shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse/assault or sexual harassment or for cooperating with investigations. Monitoring of inmates will include status checks.”</p> <p>(c) The Tecumseh State Correctional Institution PAQ states the facility monitors the conduct or treatment of Inmates or staff who reported sexual abuse and of Inmates who were reported to have suffered sexual abuse to ascertain if there are any changes that may suggest possible retaliation by Inmates or staff. The facility will monitor conduct or treatment until the Inmate is discharged. The facility acts promptly to remedy any such retaliation. In the past 12 months, the facility has had zero incidents of retaliation.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 26, section CC. 3., states, “The conduct and treatment of inmates or staff who report sexual abuse/assault and of inmates who were reported to have suffered sexual abuse shall be monitored for at least 90 days to determine if there are changes that may suggest possible retaliation by inmates or staff. Immediate action will be taken to remedy any retaliation. The facility will continue monitoring beyond 90 days if the initial monitoring indicates a continuing need.</p> <p>a. Items that should be monitored include any inmate disciplinary reports, housing or program changes or negative performance reviews or reassignments of staff.</p> <p>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.</p> <p>The facility provided a Protection Against Retaliation – Inmates Retaliation Monitoring Log. This log documents the following:</p> <ul style="list-style-type: none"> • Inmate Name/Number • Incident Date • Date Monitoring Began • Initial Review (reason) • Initial Protection Measures • Notes

- Investigation Results
- Log of Contact Notes/Comments with times and staff monitoring initials

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

(e) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 26, section CC. 4., "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: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random Inmates 2. Targeted Inmates 3. Specialized staff 4. PREA Compliance Manager <p>Random and targeted Inmate interviews conducted demonstrated that inmates are placed in protective custody typically at their own choosing and or during investigations to keep inmates safe.</p> <p>Site Observation:</p> <p>Targeted inmates are placed in isolation cells in restricted housing either during an investigation or at their own request.</p> <p>115.68</p> <p>(a) The Tecumseh State Correctional Institution PAQ states the agency has a policy prohibiting the placement of inmates who allege to have suffered sexual abuse in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. The number of inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completion of assessment was zero. The number of inmates who allege to have suffered sexual abuse who were assigned to involuntary segregated housing in the past 12 months for longer than 30 days while awaiting alternative placement was zero. From a review of case files of inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months, the number of case files that include BOTH (a) a statement of the basis for facility's concern for the inmate's safety, and (b) the reason or reasons why alternative means of separation could not be arranged was zero. 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. During the pre-audit phase, the PREA Compliance Manager stated, "inmates are not placed in Restrictive Housing for PREA but any restricted housing placement is reviewed by 21 days for LTRH determination."</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 17, section R. 1., states, "Inmates at high risk for sexual victimization and those alleged to have suffered sexual abuse/assault shall not be placed in involuntary restrictive housing unless an assessment of all available alternatives has been conducted and a determination has been made there is no available alternative means of separation from likely abusers. (ACI-3D-13)</p> <p>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."</p> <p>Page 25, section 1., states, "NDCS has an obligation to protect all inmates and staff who report sexual abuse/assault or sexual harassment or cooperate with sexual abuse/assault or sexual harassment investigations from retaliation by other inmates or staff. Examples of acts of retaliation include but are not limited to unnecessary discipline, intimidation, unnecessary changes in work or program assignments, unjustified transfers or placements and unjustified denials of privileges or services. The facility PREA Compliance Manager is responsible for monitoring retaliation against inmates and the PREA Coordinator is responsible for monitoring retaliation against staff. Monitoring shall begin upon receipt of an allegation."</p> <p>Page 18, section 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.</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, the facility meets the standard requirements.</p>

115.71	Criminal and administrative agency investigations
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Targeted inmates 2. Facility Investigator 3. PREA Compliance Manager <p>Interviews with the facility investigator demonstrated he had completed specialized investigator training. The investigator clearly articulated processes required during an investigation, to include the notification requirements to victims.</p> <p>Site Observation:</p> <p>Review of the six Administrative Investigations reviewed, each demonstrated each were completed thoroughly and within 30 days of the initial report. Each investigation included interviews with victims, abusers, witnesses and staff in the area where the allegation took place.</p> <p>(a) The Tecumseh State Correctional Institution PAQ states the agency/facility has a policy related to criminal and administrative agency investigations.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 26, section EE. 1-2, states, "NDCS shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse/assault and sexual harassment, including third party and anonymous reports, in a prompt, thorough and objective manner. Any outside entities responsible for conducting administrative or criminal investigations of sexual abuse/assault shall have in place a policy governing the conduct of such investigations that complies with PREA standards and shall provide training pertaining to the investigation of sexual abuse/assault in confinement settings to the agents and investigators who conduct such investigations. When outside agencies investigate sexual abuse/assault, NDCS shall cooperate with outside investigators and endeavor to remain informed about the progress of the investigation. (ACI-3D-11)</p> <ol style="list-style-type: none"> 1. Upon receipt of an allegation, the PREA Coordinator and the Investigation Coordinator will be immediately notified. The PREA Coordinator will review the report(s) of the complaint and determine if institutional staff may conduct the investigation. If the allegation appears to be criminal in nature the PREA Coordinator will consult with the Investigation Coordinator for assignment to NDCS Criminal investigators and or the Nebraska State Patrol. Where sexual abuse/assault is alleged, investigators who have received special training in sexual abuse/assault investigations will be utilized. If referred back to the facility to investigate, the PREA Coordinator will notify the facility PREA Compliance Manager and assign the investigation a case number in the Investigator's Case Management Data Base. The case number will be given to the facility PREA Compliance Manager so he or she can keep track of the investigation. Once completed, the investigation will be sent to the PREA Coordinator for review and appropriate action. If during the institutional investigation it is determined a crime has been committed, the investigation will stop and the PREA Coordinator and Division of Investigation will be immediately notified. 2. In cases where it is probable a crime has been committed, in addition to the notifications in paragraph IV B, the Division of Investigation shall immediately be notified. Potential crime scenes shall be secured. An NDCS Criminal Investigator will be assigned, and he or she shall notify the Nebraska State Patrol, who will then determine their involvement in the subsequent investigation. Facility staff shall not collect evidence unless instructed to do so by the Criminal Investigator. If directed to do so by the Nebraska State Patrol, the NDCS Criminal Investigator will secure and process all evidence according to established procedures. Referrals to the Nebraska State Patrol will be documented in the case file in the Case Management Data Base. Information regarding investigative referrals, including responsibilities of both NDCS and the Nebraska State Patrol, are available on the NDCS website." <p>(b) Policy compliance can be found in provision (a) of this standard.</p> <p>(c) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 26-27, section 2. 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 abuse/assault involving the suspected perpetrator will be reviewed."</p> <p>(d) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 27, section 2. 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."</p>

(e) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 27, section 3., states, "The credibility of an alleged victim, suspect or witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff. Inmates who allege sexual abuse/assault will not be submitted to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation."

(f) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 27, section 4. a-b., 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.

(g) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 27, section 5., 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) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 28, section 8., states, "NDCS Criminal Investigators and/or the Nebraska State Patrol shall file results of their investigation, including substantiated allegations of conduct that appears to be criminal, with the county attorney to seek prosecution of identified perpetrators of sexual abuse or sexual assault of an inmate. The decision to prosecute is that of the county attorney. Inmate disciplinary sanctions and administrative sanctions against staff, volunteers or contractors will be taken, as appropriate, in addition to criminal prosecution."

The Tecumseh State Correctional Institution PAQ states there has been zero allegations of conduct that appears to be criminal that was referred for prosecution, since the last audit date.

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

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 33, section 4., 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."

(j) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 27 section 6., 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."

(l) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 27-28 section 7. a., states, "An administrative investigation assigned to an NDCS Investigator at the facility level will be submitted to the agency PREA Coordinator within 30 working days of the date of "assignment. (The date the report is logged in the Investigator's Case Management Data Base and assigned an investigative case number) based on the evidence available and the possibility of obtaining additional evidence or information. A Criminal investigation assigned to an agency Criminal Investigator will submit their report to the Investigation Coordinator upon completion. The Investigation Coordinator will consult with the PREA Coordinator upon findings.

- a. NDCS investigator at the facility level that is not completed within 30 days will request an extension prior to the 30-day deadline. The facility Warden be advised of the request for an extension from a NDCS Investigator prior to approval of the extension. The PREA Coordinator must be notified of the extension once the extension is approved. When an extension is requested the granting authority will ensure that the investigation is proceeding in an appropriate direction, the information is gathered in a timely manner and all avenues are available to the investigator.

Through such reviews, the facility meets the standard requirements.

115.72	Evidentiary standard for administrative investigations
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Facility Investigator <p>The interview with the facility 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 Tecumseh State Correctional Institution 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 27, section 4. c., states, “Administrative Investigations shall: Impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse/assault or sexual harassment are substantiated.</p> <p>Through such reviews, the facility meets the standard requirements.</p>

115.73	Reporting to inmates
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. NDCS/PREA Post Investigation Inmate Notification (115.73), not dated 4. Eight completed Inmate PREA Notification Forms 5. Investigation Packet 6. Memorandum from PREA Coordinator, RE: Standard 115.73, dated 2.28.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Targeted inmates 2. Facility Investigator <p>Interviews with the facility investigator demonstrated notification requirements to victims was given verbally and in writing. Documentation of notifications are documented in the agency database used for investigations. Notifications to victims are documented in the agency database. Inmates interviewed who had reported attested to receiving written notifications with the outcome of the investigation in which they were involved.</p> <p>Site Observation:</p> <p>During the review of investigations, it was determined occurred in five of the six interviews reviewed during the onsite review. The one investigation that did not have a notification was due to both parties consenting to the allegation and neither were considered victims.</p> <ol style="list-style-type: none"> 1. Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. 2. If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate. 3. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever: <ol style="list-style-type: none"> a. The staff member is no longer posted within the inmate's unit; b. The staff member is no longer employed at the facility; c. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or d. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility. 4. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever: <ol style="list-style-type: none"> a. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or b. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility. (e) <p>All such notifications or attempted notification shall be documented."</p> <p>(a) The Tecumseh State Correctional Institution PAQ states the agency has a policy requiring that any inmate who makes an allegation that he or she suffered sexual abuse in an agency facility is informed, verbally or in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation by the agency. The number of criminal and/or administrative investigations of alleged inmate sexual abuse that were completed by the agency/facility in the past 12 months was eight.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 28, section GG. 1., states, "Following an investigation into an inmate's allegation that he or she suffered sexual abuse/assault or harassment, the inmate shall be informed as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded. If NDCS did not conduct the investigation, it shall request the relevant information from the Nebraska State Patrol in order to inform the inmate. All notifications or attempts shall be made by the facility PREA Compliance Manager or designee and documented. The obligation to report is terminated if the inmate is released from NDCS custody."</p> <p>The facility provided an eight completed Inmate PREA Notification Form. This form provides notification to inmates when the investigation has been determined to be substantiated, unsubstantiated, unfounded or pending State Patrol Investigation.</p> <p>The facility provided a NDCS / PREA Post Investigation Resident Notification. This notification documents the following:</p> <ul style="list-style-type: none"> • Recipient of Notice/Date of Notification • Nature of Allegation • Allegation Category

- Name of Agency if investigation included outside agency
- Date Investigation began and ended
- Finding of investigation
- Sanction imposed – unless unfounded
- Suspect (staff or resident) removed from Resident's unit
- Staff Suspect no longer employed
- Resident Suspect no longer in program
- Suspect (staff or Resident) indicted
- Suspect (staff or Resident) convicted
- Resident Signature/Date/Time
- Unit Manager printed name/signature/date
- PREA Coordinator printed name/signature/date

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

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

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

There has not been a substantiated or unsubstantiated complaint of sexual abuse committed by staff against an inmate in the last 12 months.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 29, section 2. states, "Upon completion of the investigation (including the final review) of an inmate's allegation that a staff member has committed sexual abuse/assault against the inmate (unless it is determined the allegation was unfounded), he or she will be informed whenever:

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

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

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

(d) The Tecumseh State Correctional Institution 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 29, section 3., states, "Upon completion of the investigation (including the final review) of an inmate's allegation that another inmate has committed sexual abuse/assault against the inmate, he or she will be informed whenever:

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

(e) The Tecumseh State Correctional Institution PAQ states the agency has a policy that all notifications to inmates

described under this standard are documented. In the past 12 months, there has been seven notifications to an inmate, pursuant to this standard. Of those notifications made in the past 12 months, the number that were documented was seven. 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="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 210 451 239">Auditor Discussion</p> <p data-bbox="242 271 435 300">Document Review:</p> <ol data-bbox="242 304 1283 365" style="list-style-type: none"> <li data-bbox="242 304 719 333">1. Tecumseh State Correctional Institution PAQ <li data-bbox="242 336 1283 365">2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 <p data-bbox="242 396 352 425">Interviews:</p> <ol data-bbox="242 430 552 459" style="list-style-type: none"> <li data-bbox="242 430 552 459">1. PREA Compliance Manager <p data-bbox="242 463 1493 524">Interview with the PREA Compliance Manager demonstrated the employee would be placed on Administrative Leave until the investigation was completed. Depending on the outcome, would depend on disciplinary action that would take place.</p> <p data-bbox="242 555 416 584">Site Observation:</p> <p data-bbox="242 589 1493 649">In the last 12 months, the facility did not have any staff who were disciplined for violation of an agency sexual abuse or sexual harassment policy.</p> <p data-bbox="242 680 316 710">115.76</p> <p data-bbox="242 714 1426 775">(a) The Tecumseh State Correctional Institution PAQ states staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.</p> <p data-bbox="242 801 1477 1099">Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 29, section HH., states, "Team members shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse/assault or sexual harassment policies. Disciplinary sanctions for violations of agency policies relating to sexual abuse/assault or sexual harassment (other than actually engaging in sexual abuse/assault) shall be commensurate with the nature and circumstances of the acts committed, the team member's disciplinary history and the sanctions imposed for comparable offenses by other staff with similar histories. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse/assault. All terminations for violations of agency sexual abuse/assault or sexual harassment policies, or resignations by staff who would have been 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."</p> <p data-bbox="242 1126 1473 1187">(b) The Tecumseh State Correctional Institution PAQ states in the last 12 months, there has been zero staff from the facility that had violated agency sexual abuse or sexual harassment policies.</p> <p data-bbox="242 1218 1477 1379">(c) The Tecumseh State Correctional Institution PAQ states disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. In the past 12 months there was zero staff requiring discipline for sexual abuse or sexual harassment.</p> <p data-bbox="242 1411 1477 1538">(d) The Tecumseh State Correctional Institution 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.</p> <p data-bbox="242 1570 919 1599">Through such reviews, the facility meets the standard requirements.</p>

115.77	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 <p>Interviews:</p> <ol style="list-style-type: none"> 1. PREA Compliance Manager <p>The interview with the PREA Compliance Manager demonstrated any volunteer or contractor who engaged in sexual abuse would be removed from the facility and reported to law enforcement.</p> <p>Site Observation:</p> <p>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.</p> <p>(a) The Tecumseh State Correctional Institution 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.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 30, first paragraph, states, "Any contractor or volunteer who engages in sexual abuse/assault shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. The facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse/assault or sexual harassment policies by a contractor or volunteer."</p> <p>(b) The Tecumseh State Correctional Institution PAQ states the facility takes appropriate remedial measures and considers whether to prohibit further contact with Inmates in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. Policy compliance can be found in provision (a) of this standard.</p> <p>Through such reviews, the facility meets the standard requirements.</p>

115.78	Disciplinary sanctions for inmates
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Title 68 – Department of Correctional Services, Chapter 6 – Inmate Disciplinary Procedures, not dated <p>Interviews:</p> <ol style="list-style-type: none"> 1. PREA Compliance Manager <p>Interviews with the PRAE Compliance Manager demonstrated inmates who falsely reported PREA allegations would typically be moved to another housing unit and or facility due to safety reasons for the inmate.</p> <p>(a) The Tecumseh State Correctional Institution PAQ states inmates are subject to disciplinary sanctions only pursuant to a formal disciplinary process following a criminal finding of guilt for inmate-on-inmate sexual abuse. Inmates are subject to disciplinary sanctions only pursuant to a formal disciplinary process following a criminal finding of guilt for inmate-on-inmate sexual abuse. In the past 12 months there have been eight administrative findings of inmate-on-inmate sexual abuse that have occurred at the facility. In the past 12 months there have been no criminal findings of guilt for inmate-on-inmate sexual abuse, occurring at the facility.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 30, 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 abuse/assault or sexual harassment or following a criminal finding of guilt for inmate-on-inmate sexual abuse/assault.”</p> <p>(b) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 30, section JJ. 2., states, “Sanctions shall be administered following the guidelines set forth in the Code of Offenses Chapter 6 and shall be commensurate with the nature and circumstances of the abuse committed, the inmate’s disciplinary history and the sanctions imposed for comparable offenses by other inmates with similar histories.”</p> <p>Due to the agency policy referencing the Code of Offenses, Chapter 6, the Auditor requested the document for review. Although the Code of Offenses does not speak to PREA, the code does speak to the regulation of disciplinary action. Title 68 – Department of Correctional Services, Chapter 6 – Inmate Disciplinary Procedures, section 004.01 states, “Disciplinary action is used to regulate an inmate’s behavior within acceptable limits. Disciplinary sanctions are imposed to punish the inmate for his/her misconduct and to deter that inmate and other inmates from engaging in similar misconduct in the future. Each disciplinary sanction imposed must be proportionate to the seriousness of the inmate’s misconduct, giving consideration to all aggravating and mitigating circumstances and prior offenses for the same or similar behavior.”</p> <p>(c) Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 30, 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.”</p> <p>(d) The Tecumseh State Correctional Institution PAQ states the facility does not offer therapy, counseling, or other interventions designed to address and correct the underlying reasons or motivations for abuse.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 30, 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.”</p> <p>(e) The Tecumseh State Correctional Institution PAQ states the agency disciplines inmates for sexual contact with staff only upon finding that the staff member did not consent to such contact.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 30, 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.”</p> <p>(f) The Tecumseh State Correctional Institution 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.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 30, section JJ. 6., states, “For the</p>

purpose of disciplinary action, a report of sexual abuse/assault or sexual harassment made in good faith based upon a reasonable belief the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.”

(g) The Tecumseh State Correctional Institution 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 31, 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: Exceeds Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Nebraska Department of Correctional Services, Mental Health Services Policy 115.23, dated 7.31.2021 4. Nebraska Department of Correctional Services, Behavioral Health Contract, dated 10.8.2021 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Targeted Inmates 2. Intake Staff 3. Random staff 4. Behavioral Supervisor II <p>Interviews with the mental health staff and targeted inmates demonstrated disclosure reports are reported directly to medical and mental health staff as they are present at the time of the intake and ask the sensitive questions at the time of intake. Follow up mental health care is offered and completed at the time of intake.</p> <p>Site Observation:</p> <p>A review of inmate files demonstrated inmate disclosure is documented and follow up medical and or mental health appointments are offered and documented.</p> <p>(a, c) The Tecumseh State Correctional Institution PAQ states all Inmates at this facility who have disclosed any prior sexual victimization during a screening pursuant to §115.341 are offered a follow-up meeting with a medical or mental health practitioner. Follow up meetings are offered within 14 days of the intake screening. In the past 12 months 100% of inmates who disclosed prior victimization during the intake screening were offered a follow-up meeting with a medical or mental health provider. Medical and mental health staff maintain secondary materials, documenting compliance with the above required services.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 31, section KK, first paragraph states, "If the Screening pursuant to PREA Standard 115.41 indicates that a prison/jail inmates has experienced prior sexual victimization, or has perpetrated sexual abuse/assault whether it occurred in an institutional setting or in the community, staff shall ensure that the inmates offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. Any information related to sexual victimization or abusiveness is strictly limited to medical and mental health practitioners and staff as necessary for treatment plans, security, housing, work education and program assignments. (ACI-3D-13)"</p> <p>(b) The Tecumseh State Correctional Institution PAQ states all Inmates who have previously perpetrated sexual abuse, as indicated during the screening pursuant to § 115.341, are offered a follow-up meeting with a mental health practitioner. All Inmates are allowed a follow-up meeting offered within 14 days of the intake screening. In the past 12 months 100% of inmates who disclosed previously perpetrated sexual abuse, as indicated during the screening process.</p> <p>Nebraska Department of Correctional Services, Mental Health Services Policy 115.23, page 1-2, section II. A., states, "Within 14 days of admission to a Diagnostic and Evaluation Center or transfer inter- or intrastate (to include Parole Revocations, County Safekeepers, and/or Returnees from Community corrections), each inmate is provided a formal appraisal process. The MHA 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 use, and the QMHP's observation of appearance.</p> <p>Page 4, section C. states, "Patients referred for mental health treatment will receive a comprehensive evaluation by QMHP. The evaluation is to be completed within 14 days of the referral receipt date and include at least the following:</p> <ol style="list-style-type: none"> 2. Development of an overall treatment/management plan with appropriate referral to include transfer to mental health facility for patients whose psychiatric needs exceed the treatment capability of the facility." <p>(d) The Tecumseh State Correctional Institution PAQ states, Information related to sexual victimization or abusiveness that occurred in an institutional setting is not strictly limited to medical and mental health practitioners. Policy compliance can be found in provision (a) of this standard.</p> <p>(e) The Tecumseh State Correctional Institution PAQ states, Medical and mental health practitioners do not 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.</p>

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 31, section KK, second paragraph states, "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. "

Through such reviews and the interview with the mental health staff demonstrating follow up mental health services are offered and conducted at intake, the facility exceeds the standard requirements.

115.82	Access to emergency medical and mental health services
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Targeted Inmates 2. Random staff 3. Mental Health Staff <p>Interviews with staff and targeted inmates demonstrated that inmates are aware of access to emergency medical and mental health services and such services have been offered and accepted.</p> <p>(a-b) The Tecumseh State Correctional Institution 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</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 31, section LL, first paragraph 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."</p> <p>(c) The Tecumseh State Correctional Institution PAQ states Inmate victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 31, section LL, second paragraph states, "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."</p> <p>(d) The Tecumseh State Correctional Institution PAQ states Treatment services are provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. Policy compliance can be found in provision (c) of this provision.</p> <p>Through such reviews, the facility meets the standard requirements.</p>

115.83	Ongoing medical and mental health care for sexual abuse victims and abusers
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Nebraska Department of Correctional Services, Mental Health Services Policy 115.23, dated 7.31.2021 4. Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims Policy 201.03, dated 7.31.2021 5. Nebraska Department of Correctional Services Mental Health/Medical Referral Form, dated 12.2012 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Targeted Inmates 2. Random staff 3. Mental Health Staff <p>Interviews with staff and inmates demonstrated that each interviewed are aware of access to emergency medical and mental health services.</p> <p>(a-c) The Tecumseh State Correctional Institution PAQ states the facility offers medical and mental health evaluation and, as appropriate, treatment to all Inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 31-32, section MM, first paragraph states, "All inmates shall be offered medical and mental health evaluations and as appropriate, treatment if they have been the victim of sexual assault/abuse. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans and, when necessary, referrals for continued care following their transfer to, or placement in other facilities or their release from custody. Services shall be consistent with community level of care. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident."</p> <p>(d-e) This provision is not applicable as the facility does not serve female clients.</p> <p>(f) The Tecumseh State Correctional Institution PAQ states Inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 31-32, section MM, second paragraph states, "All inmates alleging they are victims of sexual assault shall be offered tests for sexually transmitted infections as medically appropriate. Medical staff will provide appropriate counseling and information relative to sexually transmitted infections. Preventive treatment and follow-up for sexually transmitted infections will be offered to all victims as appropriate. Inmate victims of sexually abusive vaginal penetration shall be offered pregnancy tests. If pregnancy results from the incident, the victim shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services."</p> <p>(g) The Tecumseh State Correctional Institution 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.</p> <p>(h) Nebraska Department of Correctional Services, Mental Health Services Policy 115.23, page 4, section C., states, "NDCS staff may initiate a referral for patients to Mental Health using the Mental Health/Medical Referral/Form. Patients referred for mental health treatment will receive a comprehensive evaluation by a QMHP. The evaluation is to be completed within 14 days of the referral receipt date..."</p> <p>Nebraska Department of Correctional Services, Identification of Potential Aggressors and Victims Policy 201.03, page 5, second paragraph, states, "When facility staff are made aware of any inmate-on-inmate abuse incidents, a referral must be made to mental health staff upon learning of such abuse history. Treatment will be provided as deemed necessary by mental health staff."</p> <p>The facility provided Nebraska Department of Correctional Services Mental Health/Medical Referral Form. The referral form referrals are not individual to victims and or abusers. Referral types are the following:</p> <ul style="list-style-type: none"> • In-Patient Mental Health Program • In-Patient Sex Offender Program • Psychiatric Consult • Medical

- Socially & Developmentally Impaired Program
- Crisis Intervention
- Mental Health Counseling/Assessment
- Other

Through such reviews, the facility meets the standard requirements.

115.86	Sexual abuse incident reviews
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Tecumseh State Correctional Institution Sexual Abuse Incident Review <p>Interviews:</p> <ol style="list-style-type: none"> 1. PREA Compliance Manager <p>The team on-site were aware of the requirements to document and safeguard investigations. Incident reviews are completed by the facility with follow up review by the incident response team for the overall facility.</p> <p>(a) The Tecumseh State Correctional Institution 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 six administrative investigations of alleged sexual abuse completed at the facility,</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 32, section NN. 1., states, "The facility shall conduct a Sexual Abuse Incident Review at the conclusion of every sexual abuse/assault investigation for all substantiated and unsubstantiated allegations. It is not necessary to complete Incident Reviews for occurrences or allegations of sexual harassment."</p> <p>The facility provided a Sexual Abuse Incident Review. The review is completed by the Facility PREA Compliance Manager and demonstrates the following is completed for sexual abuse incident reviews.</p> <ul style="list-style-type: none"> • Executive Summary • Summary of the Incident • Incident Events and Synopsis • Analysis of Incident • Recommendations for Improvement • Conclusions <p>(b) The Tecumseh State Correctional Institution PAQ states sexual abuse incident reviews are ordinarily conducted within 30 days of concluding the criminal or administrative investigation.</p> <p>In the past 12 months, the number of criminal and/or administrative investigations of alleged sexual abuse completed at the facility that were followed by a sexual abuse incident review within 30 days, excluding only "unfounded" incidents was six.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 32, 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:</p> <ol style="list-style-type: none"> 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 <p>(c) The Tecumseh State Correctional Institution PAQ states the sexual abuse incident review team includes upper-level management officials and allows for input from line supervisors, investigators, and medical or mental health practitioners. Compliance can be found in provision (b) of this standard.</p> <p>(d) The Tecumseh State Correctional Institution 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.</p> <p>Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 32-33, section NN. 3., states, "The review team shall:</p> <ol style="list-style-type: none"> b. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse/assault. c. 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 was motivated or otherwise caused by other group dynamics at the facility, including retaliation for prior incidents or allegations of sexual assault/abuse.

- d. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- e. Assess the adequacy of staffing levels in that area during different shifts.
- f. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
- g. 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.

(e) The Tecumseh State Correctional Institution PAQ states, the facility implements the recommendations for improvement or documents its reasons for not doing so. Compliance can be found in provision (d) of this standard.

Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 32-33, section NN. 4., states, "The facility shall implement the recommendations for improvement or shall document its reasons for not doing so."

Through such reviews, the facility meets the standard requirements.

115.87	Data collection
	<p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 210 451 239">Auditor Discussion</p> <p data-bbox="242 271 435 300">Document Review:</p> <ol data-bbox="242 304 1283 365" style="list-style-type: none"> <li data-bbox="242 304 719 333">1. Tecumseh State Correctional Institution PAQ <li data-bbox="242 336 1283 365">2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 <p data-bbox="242 396 344 425">(a)/(c)-1,2</p> <p data-bbox="242 430 1484 557">The Tecumseh State Correctional Institution PAQ states the agency collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice.</p> <p data-bbox="242 589 1493 680">Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 34, section OO. 1., states, "NDCS shall collect accurate, uniform data for every allegation of sexual abuse/assault at all facilities using a standardized instrument and set of definitions. This data shall be aggregated at least annually.</p> <ol data-bbox="242 719 1469 779" style="list-style-type: none"> <li data-bbox="242 719 1469 779">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. <p data-bbox="242 810 1452 871">(b) The Tecumseh State Correctional Institution PAQ states the annual report includes a comparison of the current year's data and corrective action from prior years. Policy compliance can be found in provision (a) of this standard.</p> <p data-bbox="242 902 1493 963">(d) The Tecumseh State Correctional Institution 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.</p> <p data-bbox="242 994 1493 1086">Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 34, section OO. 2., states, "NDCS shall maintain, review and collect data as needed from all available incident-based documents, including reports, investigation files and Sexual Abuse/Assault Incident Reviews."</p> <p data-bbox="242 1117 1466 1209">(e) The Tecumseh State Correctional Institution PAQ states N/A as the agency does not contract with private facilities. The contracting sources identified in 115.42 are county contracts and contract language for those facilities is inclusive of PREA Audit requirements.</p> <p data-bbox="242 1240 1444 1301">(f) The Tecumseh State Correctional Institution PAQ states the Department of Justice has requested agency data for the previous calendar year.</p> <p data-bbox="242 1332 919 1361">Through such reviews, the facility meets the standard requirements.</p>

115.88	Data review for corrective action
	<p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 435 300">Document Review:</p> <ol data-bbox="240 304 1283 533" style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 3. Tecumseh State Correctional Institution Annual PREA Assessment, 2021 4. Tecumseh State Correctional Institution Annual PREA Assessment, 2020 5. Tecumseh State Correctional Institution Annual PREA Assessment, 2019 6. Tecumseh State Correctional Institution Annual PREA Assessment, 2018 7. Agency website agency report: agency_year_report.pdf (nebraska.gov) <p data-bbox="240 564 1474 658">(a) The Tecumseh State Correctional Institution PAQ states the agency reviews data collected and aggregated pursuant to §115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, and training, including:</p> <ul data-bbox="240 663 1441 792" style="list-style-type: none"> • Identifying problem areas; • Taking corrective action on an ongoing basis; and • Preparing an annual report of its findings from its data review and any corrective actions for each facility, as well as the agency as a whole. <p data-bbox="240 819 1457 913">Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, page 35, section PP, states, “NDCS Shall review data in order to assess and improve the effectiveness of NDCS’s sexual abuse/assault prevention, detection and response policies, practices and training by:</p> <ol data-bbox="240 918 1481 1182" style="list-style-type: none"> 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 <ol data-bbox="240 1021 1481 1182" style="list-style-type: none"> 1) These reports shall include a comparison of the current year’s data and corrective actions with those from prior years and shall provide an assessment of NDCS’s progress in addressing sexual abuse/assault. 2) The reports shall be approved by the Director/designee and made readily available to the public through its website. 3) NDCS may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility but must indicate the nature of the material redacted. <p data-bbox="240 1214 1481 1308">(b) The Tecumseh State Correctional Institution 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.</p> <p data-bbox="240 1339 1417 1397">The facility provided the Tecumseh State Correctional Institution Annual Report s for 2018, 2019, 2020 and 2021. The assessment demonstrates the following is documented.</p> <ul data-bbox="240 1402 1043 2136" style="list-style-type: none"> • Section 1 <ul data-bbox="240 1438 456 1496" style="list-style-type: none"> o Document Purpose o Document Use • Section II <ul data-bbox="240 1541 545 1568" style="list-style-type: none"> o Inmate Population Overview • Section III <ul data-bbox="240 1608 833 1733" style="list-style-type: none"> o Assessment of Staff o Explanation of Vacant Positions o Resources Needed to Ensure Adherence to Staffing Plan o Plan of Action to Ensure Staffing Plan is Fully Met o Staff Training • Section IV <ul data-bbox="240 1809 1043 1935" style="list-style-type: none"> o Assessment of Video Monitoring/Technology o Update of Video Monitoring/Communications Systems o Improvements to Existing Video Monitoring/Communications Systems Needed o Upgrades to Video Monitoring/Communications Systems Planned • Section V <ul data-bbox="240 1975 533 2069" style="list-style-type: none"> o Internal/External Oversight o External PREA Audit o ACA Audit o Potentially damaging litigation • Section VI

- o PREA Investigations, by staff and inmates, by type
 - Section VII
- o Assessment of Problem Areas
 - Data Collection
- o Previous Year/Current Year

This assessment is signed by the Captain/PREA Compliance Manager, Warden and PREA Coordinator.

(c) The Tecumseh State Correctional Institution PAQ states the agency makes its annual report readily available to the public, at least annually, through its website. Annual reports are approved by the agency head. The following is the agency website where the annual reports for the last seven years are located is [agency_year_report.pdf](#) ([nebraska.gov](#))

(d) The Tecumseh State Correctional Institution PAQ states when the agency redacts material from an annual report for publication, the redactions are limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility. Policy compliance can be found in provision (a) of this standard.

Through such reviews, the facility meets the standard requirements.

115.89	Data storage, publication, and destruction
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Tecumseh State Correctional Institution PAQ 2. Nebraska Department of Correctional Services, Sexual Assault/Abuse Policy 203.11, dated 7.31.2021 <p>(a) The Tecumseh State Correctional Institution 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 36, section QQ, states, "The data collected shall be securely retained. All aggregated sexual abuse/assault data shall be made readily available to the public at least annually through the agency's website; all personal identifiers will be removed prior to making the information available to the public. The PREA Coordinator shall be responsible for collection and retention of said data. NDCS shall maintain sexual abuse/assault data collected for at least 10 years after the date of the initial collection unless Federal, State or local law requires otherwise. (ACI-3D16) "</p> <p>(b) The Tecumseh State Correctional Institution PAQ states agency policy requires that aggregated sexual abuse data from facilities under its direct control and private facilities with which it contracts be made readily available to the public at least annually through its website. Policy compliance can be found in provision (a) of this standard.</p> <p>(c) The Tecumseh State Correctional Institution PAQ states before making aggregated sexual abuse data publicly available, the agency removes all personal identifiers. Policy compliance can be found in provision (a) of this standard.</p> <p>Through such reviews, the facility meets the standard requirements.</p>

115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	<p data-bbox="244 210 453 237">Auditor Discussion</p> <p data-bbox="244 271 1334 297">(a) During the prior three-year audit period, the agency ensured that each facility operated was audited, once.</p> <p data-bbox="244 331 1362 358">(b) This is the third audit cycle for Tecumseh State Correctional Facility and the third year of the third audit cycle.</p> <p data-bbox="244 392 1222 418">(h) The Auditor was granted complete access to, and the ability to observe, all areas of the facility.</p> <p data-bbox="244 452 1414 510">(i) The Auditor was permitted to request and receive copies of any relevant documents (including electronically stored information).</p> <p data-bbox="244 544 987 571">(m) The Auditor was permitted to conduct private interviews with residents.</p> <p data-bbox="244 604 1490 663">(n) Residents permitted to send confidential information or correspondence to the Auditor in the same manner as if they were communicating with legal counsel.</p> <p data-bbox="244 696 932 723">Through such reviews, the facility meets the standards requirements.</p>

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	(b) The agency has posted the current 2019 PREA audit report, on their website. Through such reviews, the facility meets the standards requirements.

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 that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	yes

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 consideration: Any applicable State or local laws, regulations, or standards?	yes
	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 facility does not have female inmates.)	na
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 with inmates with disabilities including inmates who: Have intellectual disabilities?	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: 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 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
	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 Garrity warnings? (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 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 suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
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 screening instrument?	yes

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) Whether the inmate is detained solely for civil immigration purposes?	yes
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 information is not exploited to the inmate's detriment by staff or other inmates?	yes
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 present management or security problems?	yes

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 solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
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 anonymous upon request?	yes
	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 this standard.)	yes
	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, 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.)	na
	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 abuse or sexual harassment or retaliation?	yes
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 response to an incident of sexual abuse?	yes
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 sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	yes
	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 of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
	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 abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	yes
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 evidence sufficient to substantiate the allegation?	yes
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 sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	yes
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.)	na
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 to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	yes
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.)	na
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	yes
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 (f)	Audit contents and findings	
	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