PRIORITY: INDENTIFICATION OF POTENTIAL AGGRESSORS AND VICTIMS

REVISION DATE: December 15, 2019
NUMBER: 201.03
PAGE: 1 of 5

STATEMENT OF AVAILABILITY: Official Distribution Only

SUMMARY of REVISION/REVIEW

Formerly 201.13. No other changes made.

APPROVED:

[Signature]
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PURPOSE

An integral part of the internal classification system is to identify the degree to which each inmate in the Nebraska Department of Correctional Services (NDCS) is likely to behave as an aggressor or victim. This information is used to improve safety in the facilities by separating potential aggressors and victims as much as possible in housing, programs and work assignments.

GENERAL

It is the policy of NDCS to assess inmates for their potential for aggressive behavior, in particular sexual assault, and for their vulnerability to be victimized by such aggressive inmates. NDCS maintains zero tolerance of all forms of sexual abuse within its facilities. Administrators will establish procedures that ensure housing, programming, services and work assignments are organized in a manner to prevent sexual abuse and violence.

PROCEDURE

I. SCREENING PROCEDURES: (PREA standard 115.41a-c Screening for Risk of Victimization and Abusiveness.)

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 by other inmates or sexually abusive toward other inmates. This screening shall normally 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.

A. Designated staff will observe and interview the inmate, using current commitment documents and other institutional records as appropriate, to complete the Potential for Sexual Assault/Sexual Victimization Screening Instrument (Attachment A).

B. The intake screening shall consider, at a minimum, the following criteria to assess inmates for sexual violence potential:

1. Intimidating or aggressive attitude during intake
2. Appears prison-wise or highly familiar with NDCS
3. Appears emotionally cold to his or her current offense
4. Current offense is for violence (including sexual violence) and he or she has one or more prior convictions for these crimes
5. History of violence (or sexual violence) within an institutional setting

C. The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (PREA standard 115.41d Screening for Risk of Victimization and Abusiveness.)
1. Physical condition/weakness makes him/her vulnerable (unrelated to age)
2. Slight physical stature (short and/or thin)
3. Smaller, unassertive, lacks self-confidence, timid or withdrawn
4. Vulnerable to sexual victimization due to nature of his/her crime (sex offender or all non-violent offenses in history)
5. Cognitive concerns/comprehension difficulties (difficulty answering questions/special education placement)
6. Reports history of sexual victimization
7. Age related vulnerability (young/ naïve or older/fragile)
8. Detained for immigration purposes only
9. Inmate concerned about assault, pressuring, victimization
10. Inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming
11. History of serious mental or physical disability
12. Passively acknowledges homosexuality

The initial intake screening shall consider prior acts of sexual abuse, prior convictions, for violent offenses, and history of prior institutional violence of sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive. (PREA standard 115.41e Screening for Risk of Victimization and Abusiveness.)

Inmates may not be disciplined for refusing to answer or not disclosing complete information in response to the aforementioned questions. (PREA standard 115.41h Screening for Risk of Victimization and Abusiveness.)

D. Designated staff will record the information in the NDCS Data Entry and Inquiry (NICaMS).
E. Designated staff will notify housing unit, mental health and case management staff of inmates rated high for aggression or victimization for further review and monitoring.
F. If the screening indicates an inmate has experienced prior sexual victimization or has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, that inmate shall be offered a follow-up meeting with mental health staff within 14 days of the intake screening. Staff shall utilize the PREA Intake Screening form (Attachment B) to document whether a mental health referral was made. The Community Corrections Center-Lincoln and Community Corrections-Center Omaha are not obligated to offer a follow-up meeting with mental health staff.

II. FOLLOW UP ASSESSMENTS (PREA standard 115.41f Screening for Risk of Victimization and Abusiveness.)
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 intake screening.

III. OVERRIDE PROVISIONS

The Potential for Sexual Assault/Sexual Victimization Screening Instrument provides for discretionary overrides by the Warden. Such actions shall clearly specify the reason(s) for the override. Overrides will be processed by unit staff in collaboration with mental health staff.

IV. RE-ADMISSIONS AND TRANSFERS

In order to ensure no changes have occurred to risk factors, mandatory criteria or discretionary override factors, a review of all previously completed screenings shall be completed on all re-admissions and transfers. A new Potential for Sexual Assault/Sexual Victimization Screening Instrument must be updated for all inmates and parolees returned to the Diagnostic and Evaluation Center, Nebraska Correctional Youth Facility, and Nebraska Correctional Center for Women from community centers for rule violations.

V. REASSESSMENTS USING THE POTENTIAL FOR SEXUAL ASSAULT/Sexual VICTIMIZATION SCREENING INSTRUMENT (PREA standard 115.41g Screening for Risk of Victimization and Abusiveness.)

The Potential for Sexual Assault/Sexual Victimization Screening Instrument should be reviewed and re-scored as necessary by 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.

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 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 within 60 days of 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 115.41i Screening for Risk of Victimization and Abusiveness.)

REFERENCE

I. STATUTORY REGERENCE
   B. PREA standard 115.41a-c Screening for Risk of Victimization and Abusiveness
   C. PREA standard 115.41d Screening for Risk of Victimization and Abusiveness
   D. PREA standard 115.41e Screening for Risk of Victimization and Abusiveness
   E. PREA standard 115.41f Screening for Risk of Victimization and Abusiveness
   F. PREA standard 115.41g Screening for Risk of Victimization and Abusiveness
   G. PREA standard 115.41h Screening for Risk of Victimization and Abusiveness
   H. PREA standard 115.41i Screening for Risk of Victimization and Abusiveness

II. NDCS POLICIES – None noted

III. ATTACHMENTS
   A. Potential for Sexual Assault/Sexual Victimization Screening Instrument
   B. PREA Intake Screening Form

IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA) STANDARDS – None noted