

**Nebraska Department of Health and Human  
Services – Office of Juvenile Services**

**2015 Annual Prison Rape Elimination Act Report**



**July 2016**

**Nebraska DHHS – OJS**  
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The Nebraska Department of Health and Human Services – Office of Juvenile Services (DHHS-OJS) is pleased to publish its 2015 Annual Report. This report reflects the efforts, commitment, and changes made in 2015 as the Department continued toward compliance with the Prison Rape Elimination Act (PREA) Juvenile Standards. The DHHS-OJS is committed to keeping the youth we serve at the Youth Rehabilitation and Treatment Center (YRTC's) safe and free from harm and has zero tolerance for sexual abuse and sexual harassment.

In September of 2003, President Bush signed the Prison Rape Elimination Act. In August 2012, the PREA Standards promulgated by the United States Department of Justice went into effect. Those standards are available for reference on the PREA Resource Center website. Since the standards went into effect, staff throughout the Department have taken action to prevent, detect, reduce to sexual abuse and sexual harassment in the YRTC's located in Geneva and Kearney.

**Staffing**

Protecting youth residents from sexual abuse and harassment and compliance with the PREA Standards is a priority for the DHHS-OJS and staff from the Department have been involved in achieving these goals. The Deputy Director for the Office of Juvenile Services has assigned a Central Office Program Manager who supervises a State PREA Coordinator that oversees the agency's PREA efforts. The YRTC-Geneva has assigned PREA Co-Compliance Managers and the YRTC-Kearney has assigned a PREA Compliance Manager.

In 2015, these staff, and others have worked to update and revise existing Agency Administrative Regulations and Facility Operational Memorandums to support compliance with the PREA Standards and protect the youth residents from sexual abuse and sexual harassment.

**Training**

Throughout 2015, the DHHS-OJS and the YRTC staff have participated in training conducted and/or designed by the PREA Resource Center, the National Institute of Corrections, the Moss Group and the Department of Justice. PREA specific training attended by staff of the YRTC's in 2015 include the following:

- American Correctional Association Winter Conference – Long Beach, CA  
January 7<sup>st</sup> – 10<sup>th</sup>  
DHHS-OJS PREA Coordinator, PREA Compliance Managers and PREA team members
- American Correctional Association Summer Conference – Indianapolis, IN  
August 14<sup>th</sup> - August 18<sup>th</sup>  
DHHS-OJS PREA Coordinator
- Correctional Accreditation Managers Association - Columbus, OH  
May 30<sup>th</sup>- June 1<sup>st</sup>  
DHHS-OJS PREA Coordinator, PREA Compliance Managers
- Conducting Serious Incident Investigations – Grand Island, NE / Lincoln, NE  
July 29<sup>th</sup>-30<sup>th</sup> and November 17<sup>th</sup>-10<sup>th</sup>  
DHHS-OJS PREA Coordinator, PREA Compliance Managers and PREA team members

Pursuant to PREA Standard 115.331 Employee Training, the DHHS-OJS facilities developed and implemented pre-service and in-service training for all staff, volunteers and contractors that have contact with youth residents.

- Pre-Service Introduction to PREA training – Geneva and Kearney, NE  
Monthly  
Facilitated by PREA Compliance Managers for new employees, volunteers and contractors
- In-Service PREA training – Geneva and Kearney, NE  
Monthly  
Facilitated by PREA Compliance Managers for employees, volunteers and contractors

Additionally, specialized trainings were held for facility staff pursuant to PREA standards 115.334 and 115.315. To ensure compliance with the intent of each standard, select facility staff received training in conducting PREA incident investigations and all staff received training in how to conduct pat searches.

### **Policies**

Beginning in 2013 and continuing through 2015, Administrative Regulations and Operational Memorandums, consistent with PREA requirements, have been put in place to ensure sexual safety. The policies include the Zero-tolerance policy and requires facilities to provide youth residents sexual abuse and sexual harassment reporting information, PREA training requirements, and to assess youth residents for risk of perpetration or victimization. These policies also outlines facility response and investigation requirements for reports of sexual abuse / harassment. In order to demonstrate continued commitment to improvement, these policies will be reviewed and revised as needed in 2016.

### **Support Services**

Pursuant to PREA Standards 115.321 - Evidence Protocol and Forensic Examinations and 115.353 – Access to Outside Confidential Support Services; the YRTC’s have agreements with the local hospitals (Fillmore County Hospital – Geneva) and CHI Good Samaritan Hospital – Kearney) for treatment needs of the youth residents as it relates to a PREA allegation / incident. The YRTC’s are also supported by the Hope Crisis Centers, Rape Crisis Centers, Child Advocacy Center, and Family Advocacy Network.

### **Audits**

Pursuant to PREA Standard 115.401 the YRTC’s both participated in audits during October of 2015. We are pleased to report that both facilities passed with no corrective action period necessary. The Audit Reports are available on our public website for review.

## **2014 Sexual Incident Investigations & Reviews**

### **Data Review for Corrective Action and Publication**

In compliance with PREA Standard 115.388, facility PREA Compliance Managers have reviewed data collected and aggregated pursuant to PREA Standard 115.387 and incident specific data in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training including;

- Identifying problem areas;
- Taking corrective action on an ongoing basis; and
- Preparing an annual report of its findings and corrective actions,

Also, in compliance with PREA Standard 115.389, the DHHS-OJS will make all aggregated sexual abuse data readily available to the public at least annually by publishing data in a report and linking it the Department’s website.

## **General Definitions as defined by the PREA Standard 115.5**

***Substantiated allegation*** - means an allegation that was investigated and determined to have occurred.

***Unfounded allegation*** - means an allegation that was investigated and determined not to have occurred.

***Unsubstantiated allegation*** - means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

## **Definitions related to SEXUAL ABUSE as defined by PREA Standard 115.6**

**Sexual abuse of a (youth) resident by another (youth) resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:**

- 1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- 2) Contact between the mouth and the penis, vulva, or anus;
- 3) Penetration of the anal or genital opening of another person, however slight, by a hand,
- 4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

**Sexual abuse of a resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:**

- a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- b) Contact between the mouth and the penis, vulva, or anus;
- c) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- d) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- e) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- f) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (a)-(e) of this section;
- g) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- h) Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

## **Definitions related to SEXUAL HARASSMENT as defined by PREA Standard 115.6**

- 1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one resident directed toward another; and
- 2) Repeated verbal comments or gestures of a sexual nature to a resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

**YOUTH REHABILITATION AND TREATMENT CENTER – GENEVA**  
**Reported Incidents of Sexual Abuse: January 1, 2014 to December 31, 2014**

	<b>Youth-on-Youth Allegations</b>			
	<b>Reported</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>
Sexual Abuse (Sub-section 1)	0	0	0	0
Sexual Abuse (Sub-section 2)	0	0	0	0
Sexual Abuse (Sub-section 3)	0	0	0	0
Sexual Abuse (Sub-section 4)	2	0	2	0
<b>TOTAL ALLEGATIONS</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>

	<b>Staff-on-Youth Allegations</b>			
	<b>Reported</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>
Sexual Abuse (Sub-section a)	0	0	0	0
Sexual Abuse (Sub-section b)	0	0	0	0
Sexual Abuse (Sub-section c)	0	0	0	0
Sexual Abuse (Sub-section d)	0	0	0	0
Sexual Abuse (Sub-section e)	0	0	0	0
Sexual Abuse (Sub-section f)	0	0	0	0
Sexual Abuse (Sub-section g)	0	0	0	0
Sexual Abuse (Sub-section h)	1	0	0	1
<b>TOTAL ALLEGATIONS</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>

**YOUTH REHABILITATION AND TREATMENT CENTER – GENEVA**  
**Reported Incidents of Sexual Abuse: January 1, 2015 to December 31, 2015**

	<b>Youth-on-Youth Allegations</b>			
	<b>Reported</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>
Sexual Abuse (Sub-section 1)	0	0	0	0
Sexual Abuse (Sub-section 2)	0	0	0	0
Sexual Abuse (Sub-section 3)	0	0	0	0
Sexual Abuse (Sub-section 4)	10	6	2	2
<b>TOTAL ALLEGATIONS</b>	<b>10</b>	<b>6</b>	<b>2</b>	<b>2</b>

	<b>Staff-on-Youth Allegations</b>			
	<b>Reported</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>
Sexual Abuse (Sub-section a)	0	0	0	0
Sexual Abuse (Sub-section b)	0	0	0	0
Sexual Abuse (Sub-section c)	0	0	0	0
Sexual Abuse (Sub-section d)	0	0	0	0
Sexual Abuse (Sub-section e)	1	0	0	1
Sexual Abuse (Sub-section f)	1	0	0	1
Sexual Abuse (Sub-section g)	0	0	0	0
Sexual Abuse (Sub-section h)	0	0	0	0
<b>TOTAL ALLEGATIONS</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>

The Youth Rehabilitation and Treatment Center – Geneva (YRTC-G) received 2 allegations of youth on youth sexual abuse and 1 allegation of staff on youth sexual abuse during the calendar year 2014. In 2015, the YRTC-G received 10 allegations of youth on youth sexual abuse and 2 allegations of staff on youth sexual abuse. It is hypothesized that the rise in incidents is as a result of advancements in reporting procedures.

One of our goals throughout the implementation of PREA has been to create an environment where our staff and youth feel safe coming forward with any concerns. A culture that supports reporting is a culture that supports safety. All reports made are taken seriously and looked into and the facility is responsive to the needs of those impacted by an incident. With each incident, the facility has sought to improve its process.

**YOUTH REHABILITATION AND TREATMENT CENTER – GENEVA**  
**Reported Incidents of Sexual Harassment: January 1, 2014 to December 31, 2014**

	<b>Youth-on-Youth Allegations</b>			
	<b>Reported</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>
Sexual Harassment (Sub-section 1)	3	0	0	3
<b>TOTAL ALLEGATIONS</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>

	<b>Staff-on-Youth Allegations</b>			
	<b>Reported</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>
Sexual Harassment (Sub-section 2)	0	0	0	0
<b>TOTAL ALLEGATIONS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**YOUTH REHABILITATION AND TREATMENT CENTER – GENEVA**  
**Reported Incidents of Sexual Harassment: January 1, 2015 to December 31, 2015**

	<b>Youth-on-Youth Allegations</b>			
	<b>Reported</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>
Sexual Harassment (Sub-section 1)	16	2	7	7
<b>TOTAL ALLEGATIONS</b>	<b>16</b>	<b>2</b>	<b>7</b>	<b>7</b>

	<b>Staff-on-Youth Allegations</b>			
	<b>Reported</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>
Sexual Harassment (Sub-section 2)	1	0	0	1
<b>TOTAL ALLEGATIONS</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>

The Youth Rehabilitation and Treatment Center – Geneva (YRTC-G) received 3 allegations of youth on youth sexual harassment during the calendar year 2014 and no staff on youth allegations. In 2015, YRTC-G received 16 allegations of youth on youth sexual harassment and 1 allegation of staff on youth sexual harassment. Many of the youth on youth allegations of sexual harassment noted above as unfounded were assessed and found to not meet the definition of repeated or unwelcomed, however, were included in the data as a result of an assessment occurring. In other instances, wherein inappropriate verbal comments were made among youth, youth reported during the interview that they were “just joking.” These specific occasions were substantiated, and proved to be valuable teaching opportunities for our youth regarding sexual harassment and appropriate boundaries. With continued commitment to educating our staff and youth on the importance of understanding PREA, it is hoped that we will see a decrease in such instances.

**YOUTH REHABILITATION AND TREATMENT CENTER – KEARNEY**  
**Reported Incidents: January 1, 2014 to December 31, 2014**

	<b>Youth-on-Youth Allegations</b>			
	<b>Reported</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>
Sexual Abuse (Sub-section 1)	1	0	0	1
Sexual Abuse (Sub-section 2)	0	0	0	0
Sexual Abuse (Sub-section 3)	0	0	0	0
Sexual Abuse (Sub-section 4)	5	3	1	1
<b>TOTAL ALLEGATIONS</b>	<b>6</b>	<b>3</b>	<b>1</b>	<b>2</b>

	<b>Staff-on-Youth Allegations</b>			
	<b>Reported</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>
Sexual Abuse (Sub-section a)	0	0	0	0
Sexual Abuse (Sub-section b)	0	0	0	0
Sexual Abuse (Sub-section c)	0	0	0	0
Sexual Abuse (Sub-section d)	0	0	0	0
Sexual Abuse (Sub-section e)	0	0	0	0
Sexual Abuse (Sub-section f)	0	0	0	0
Sexual Abuse (Sub-section g)	0	0	0	0
Sexual Abuse (Sub-section h)	0	0	0	0
<b>TOTAL ALLEGATIONS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**YOUTH REHABILITATION AND TREATMENT CENTER – KEARNEY**  
**Reported Incidents: January 1, 2015 to December 31, 2015**

	<b>Youth-on-Youth Allegations</b>			
	<b>Reported</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>
Sexual Abuse (Sub-section 1)	0	0	0	0
Sexual Abuse (Sub-section 2)	0	0	0	0
Sexual Abuse (Sub-section 3)	0	0	0	0
Sexual Abuse (Sub-section 4)	10	6	2	2
<b>TOTAL ALLEGATIONS</b>	<b>10</b>	<b>6</b>	<b>2</b>	<b>2</b>

	<b>Staff-on-Youth Allegations</b>			
	<b>Reported</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>
Sexual Abuse (Sub-section a)	0	0	0	0
Sexual Abuse (Sub-section b)	0	0	0	0
Sexual Abuse (Sub-section c)	0	0	0	0
Sexual Abuse (Sub-section d)	0	0	0	0
Sexual Abuse (Sub-section e)	0	0	0	0
Sexual Abuse (Sub-section f)	0	0	0	0
Sexual Abuse (Sub-section g)	0	0	0	0
Sexual Abuse (Sub-section h)	0	0	0	0
<b>TOTAL ALLEGATIONS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

The Youth Rehabilitation and Treatment Center – Kearney (YRTC-K) received 6 allegations of youth-on-youth sexual abuse and 0 allegations of staff-on-youth sexual abuse during the calendar year of 2014. YRTC-

K received 10 allegations of youth-on-youth sexual abuse and 0 allegations of staff-on-youth sexual abuse in 2015. We believe that a major factor in the rise in reported allegations is a result of youth and staff awareness of the PREA standards/definitions as well as reporting procedures. YRTC-K primary goal throughout the implementation of PREA has been to create an environment where our staff and youth feel safe coming forward with any concerns. A culture that supports reporting is a culture that supports safety. All reports made are taken seriously and looked into and addressed with a variety of consequences for their behaviors, ranging from re-training on the importance of sexual safety to major rule violations. The YRTC-K is committed to providing the youth it serves a safe and secure environment and therefore documents all allegations of sexual abuse, regardless of the intent of the comment or gesture.

**YOUTH REHABILITATION AND TREATMENT CENTER – KEARNEY**  
**Reported Incidents of Sexual Harassment: January 1, 2014 to December 31, 2014**

	<b>Youth-on-Youth Allegations</b>			
	<b>Reported</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>
Sexual Harassment (Sub-section 1)	24	11	6	7
<b>TOTAL ALLEGATIONS</b>	<b>24</b>	<b>11</b>	<b>6</b>	<b>7</b>

	<b>Staff-on-Youth Allegations</b>			
	<b>Reported</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>
Sexual Harassment (Sub-section 2)	0	0	0	0
<b>TOTAL ALLEGATIONS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**YOUTH REHABILITATION AND TREATMENT CENTER – KEARNEY**  
**Reported Incidents of Sexual Harassment: January 1, 2015 to December 31, 2015**

	<b>Youth-on-Youth Allegations</b>			
	<b>Reported</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>
Sexual Harassment (Sub-section 1)	24	3	3	18
<b>TOTAL ALLEGATIONS</b>	<b>24</b>	<b>3</b>	<b>3</b>	<b>18</b>

	<b>Staff-on-Youth Allegations</b>			
	<b>Reported</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>
Sexual Harassment (Sub-section 2)	0	0	0	0
<b>TOTAL ALLEGATIONS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

The Youth Rehabilitation and Treatment Center – Kearney (YRTC-K) received 24 allegations of youth-on-youth sexual harassment and 0 allegations of staff-on-youth sexual harassment during the calendar year of 2014. YRTC-K received 24 allegations of youth-on-youth sexual harassment and 0 allegations of staff-on-youth sexual harassment in 2015. YRTC-K did not see a drop in the total number of allegations reported, but did see a drop in the number of allegations that were substantiated. I believe this is due the facilities stance on the seriousness of PREA and looking into every reported allegation. Most of the sexual harassment allegations made in 2015, did not meet the definition as outlined by the PREA standards, thus the increased number of unfounded sexual harassment allegations. YRTC-K youth received a variety of consequences for their comments and behaviors, as well as multiple teaching and training sessions were held with individual youth or groups that were having problems.

## **Conclusion**

The Nebraska Department of Health and Human Services – Office of Juvenile Services (DHHS-OJS) is committed to providing for the safety of and well-being of the youth we serve. As we progress, we remain committed to this important initiative as evidenced in the resources we have invested to educate our youth and staff, the operating procedures that we have modified to ensure strong policy and procedure, and the upgrades that have occurred to our camera monitoring technology and physical plants. The prevention, detection, reporting, and investigating of all forms of sexual abuse and/or sexual harassment remain a priority for our facilities. Continued growth and support in this area is anticipated in the coming year.