

Boyd Andrew Community Services
Elkhorn Treatment Center
Annual Report for 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024

The Elkhorn Treatment Center (ETC) posts an annual report of PREA investigations and outcomes.

The following are standardized definitions offered by the Prison Rape Elimination Act. This ensures everyone is using the same language and has the same understandings of key terms.

Sexual abuse includes:

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or 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, finger, object, or other instrument; and
- (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 an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- (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) 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;
- (4) 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;
- (5) 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;

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- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above.
- (7) 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
- (8) 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.

Sexual harassment includes—

- (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 inmate, detainee, or resident directed toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or 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.

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.

The following annual reports offer a yearly comparison of the number of PREA Investigations completed based upon receipt of reports/complaints of sexual abuse or sexual harassment. All reports are investigated.

Resident allegations made towards staff in 2014:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2014:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

The ETC has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of 2015.

Resident allegations made towards staff in 2015:

Sexual Abuse: (1) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2015:

Sexual Abuse: (0) Unsubstantiated (1) Substantiated (0) Unfounded

- *One event involved a female resident with another female resident. This event was reported to staff on the Same Date as the incident and was substantiated following camera review by staff. During the incident, a resident grabbed the buttocks of another female resident. The offending resident was removed from the program as a result of the investigation.*

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

ETC has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of 2016.

Resident allegations made towards staff in 2016:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2016:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

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ETC has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of 2017.

Resident allegations made towards staff in 2017:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded (0) Under Investigation

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded (0) Under Investigation

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2017:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (1) Unfounded

- *One event in which a resident accused another of touching her. Camera review and statements confirmed that the resident was not intentionally touched by another during the incident in question.*

ETC has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of 2018.

Resident allegations made towards staff in 2018:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded (0) Under Investigation

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded (0) Under Investigation

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2018:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Findings: ETC management team reviewed the ETC staffing plan during 2018 as required and held. There were zero allegations of sexual abuse, sexual harassment or voyeurism made by residents in 2018.

ETC has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of 2019.

Resident allegations made towards staff in 2019:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded (0) Under Investigation

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded (0) Under Investigation

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2019:

Sexual Abuse: (0) Unsubstantiated (1) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

- *The substantiated report involved one resident pinching the buttocks of another resident. The perpetrating resident received a major rule violation. The victim did not wish to press charges.*

ETC has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of 2020.

Resident allegations made towards staff in 2020:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (1) Unfounded (0) Under Investigation

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded (0) Under Investigation

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

- *The unfounded report against a staff member was regarding a resident feeling violated during a strip search, however, it was the procedure that she felt was a violation, not how the staff member conducted it. The resident reported during investigation that the staff member performing the search was professional and appropriate.*

Resident allegations made towards residents in 2020:

Sexual Abuse: (0) Unsubstantiated (1) Substantiated (0) Unfounded

Sexual Harassment: (1) Unsubstantiated (0) Substantiated (0) Unfounded

- *The substantiated report of resident-on-resident abuse was an incident where a resident touched another resident's buttocks. The PREA standards state that*

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sexual abuse includes: "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."

- *The unsubstantiated report was regarding a resident reporting that another resident was making continued sexual advances despite the reporting resident declining the advances. There was not a preponderance of evidence to substantiate this report.*

ETC has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of **2021**.

Resident allegations made towards staff in 2021:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded (0) Under Investigation

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded (0) Under Investigation

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2021:

Sexual Abuse: (0) Unsubstantiated (1) Substantiated (1) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (1) Unfounded

- *The substantiated resident toward resident case of sexual abuse included a smack on the buttocks of one resident by another. The investigation, including interviews with witnesses and parties involved indicated this incident was inappropriate horse play. Camera review did substantiate the incident, so this case is one of substantiated sexual abuse as defined by PREA standards.*
- *The unfounded resident toward resident case of sexual abuse included another incident of a resident touching the buttocks of another resident. Both the individual who was touched and the individual who touched her peer indicated that the contact was accidental. Having no additional information or witnesses, the matter was considered unfounded.*
- *The unfounded case of sexual harassment by a resident toward another resident occurred when a resident was reported to have opened a shower curtain while another resident was showering. The resident who was reportedly in the shower reported the matter and named multiple witnesses to this incident, but none, stated that the incident took place.*

ETC has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of **2021**.

Resident allegations made towards staff in 2022:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded (0) Under Investigation

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (1) Unfounded (0) Under Investigation

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

- *A resident reported that she was sexually harrassed during her ETC intake. She stated that a male staff at ETC was in the intake room when her strip search and urine testing was conducted. She further indicated that the door to the back room of the intake room was left open and the staff member in question would have seen her nude as she passed to the shower. She felt that the stip search was a violation in an of itself upon admission to the facility. Camera feed of the intake room does not support this report and the recording was provided to the Sheriff's Department. This report was determined to be unfounded.*

Resident allegations made towards residents in 2022:

Sexual Abuse: (0) Unsubstantiated (1) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

- *A resident reported that she had been targeted with inappropriate sexual comments and names. She further stated that she and another resident had been hit, pinched, and slapped in the breasts or genital region of their bodies. The other party confirmed being a victim of this behavior as well. The perpetrator admitted to inappropriate horseplay, and inadvertently swatting a resident's breast. This allegation was substantiated.*

Resident allegations made towards staff in 2023:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (1) Unsubstantiated (0) Substantiated (0) Unfounded

- *A resident reported that a male staff person was flirting with another resident. Following multiple interviews with the parties involved and other witnesses this report was found to be unsubstantiated.*

Resident allegations made towards residents in 2023:

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Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded (0) Under Investigation

Sexual Harassment: (0) Unsubstantiated (2) Substantiated (0) Unfounded (0) Under Investigation

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

- *A resident reported that that she was sexually harrassed by another resident. The victim reported that the resident across the hall called to get her attention. When she turned to face the other party she had bared her breasts to her. This behavior was unwanted, reported, and an investigation found the report to be substantiated based upon the preponderance of the evidence.*
- *A resident reported that another ETC resident stroked her arm in a suggestive way. Camera review confirmed this which led to the matter being substantiated.*

Resident allegations made towards staff in 2024:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (1) Unsubstantiated (1) Substantiated (0) Unfounded

- *A resident reported that a male staff person made inappropriate comments with sexual undertones. It was further reported that this staff had inappropriate interactions in general with other residents due to poor boundaries. This report was found to be unsubstantiated.*

Resident allegations made towards residents in 2024:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded (0) Under Investigation

Sexual Harassment: (1) Unsubstantiated (0) Substantiated (0) Unfounded (0) Under Investigation

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

- *A resident reported that her roommate was repeatedly poking her butt. No additional witnesses were named and cameras are not located in resident rooms. Following investigation this report was deemed unsubstantiated.*

As a requirement and at least on an annual basis, ETC Program management team including the Chief Operations Officer Program, PREA Coordinator, Deputy Director of Corrections, Security Coordinator, and the Clinical Director will meet and review the staffing plan for adequate level of staffing and video monitoring to protect Resident's

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against sexual abuse and sexual harassment. The review includes the physical layout of the facility, population, substantiated and unsubstantiated incidents of sexual abuse and sexual harassment and any other relevant factors.

ETC Program Currently has 53 cameras which are located both inside and outside the facility. Recorded video is accessible for approximately 80 days.


ETC staff receive annual training on PREA. Our training curriculum includes Transgender and Cross gender Pat Searches, PREA power point presentations containing information from the PREA Resource Center website and PREA policies review. ETC Specialized services such as Mental Health, Medical and investigative staff have all received specialized PREA training from the NIC Website. The ETC Program revised its PREA policies in 2017 to meet and comply with all PREA Standards.

ETC trains all contractors, volunteers, victim advocates and visitors on PREA as stated per PREA training policy.


ETC had its first audit in October of 2017, our second audit in 2020, and our most recent audit in 2023, the final results are posted on our website.


PREA Coordinator

3-1-2024
Date


COO, PREA Manager

2/28/25
Date


Chief Executive Officer

3-3-25
Date

