

# Nebraska's Strategic Plan for Victims and Survivors of Crime 2015 - 2020

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# EXECUTIVE SUMMARY

The goal of Nebraska's 2015 – 2020 Strategic Plan for Victims and Survivors of Crime (NSPVSC) is to provide recommendations to permanently improve and enhance services available to all victims of crime in Nebraska. The University of Nebraska Omaha, School of Criminology and Criminal Justice, Juvenile Justice Institute began the comprehensive planning process in March 2015. In the nine months that followed, we received input from many individuals and agencies serving victims of crime in the state of Nebraska.

To collect feedback, we held focus groups, attended individual meetings, surveyed agencies, surveyed victims, spoke on the phone with advocates, and met with administrators. The intent of this process was to listen closely to the people who work directly with victims and survivors day in and day out, to answer the question "How can Nebraska better serve victims and survivors of crime in the state?"

Based on focus groups and individual meetings, six priority areas were identified:

1. Sexual assault
2. Domestic violence
3. Child abuse, neglect and sexual assault
4. Human trafficking
5. Stalking
6. Assault and other crimes

For each priority area, the NSPVSC includes data, recent and current efforts in Nebraska, current issues, and recommendations based on those issues.

In many of the forthcoming chapters, we note that quality victim advocacy requires the collaboration of multi systems and cross disciplinary professions. Nebraska's victim services must be structured in such a way that they augment one another and work together collaboratively.

**To this end, we begin with an overarching recommendation that Nebraska develop a statewide Victim Advocacy Office, with oversight of victim-focused agencies, related funding streams, and associated data collection across Nebraska.**

# OVERARCHING RECOMMENDATION

## Statewide Coordination

Due to the multi-layered complexity of victim services, the authors of this report recommend one, statewide Victim Advocacy Office, where *all* victim-focused efforts are centralized. The statewide Victim Advocacy Office should be structured in a manner that allows for the advocacy of any necessary legislative changes.

In the Stanford Social Innovation Review, Kania & Kramer (2011) introduced the concept of collective impact and described it as highly structured collaborative efforts that achieve substantial impact on large scale social problems. The collective impact approach provides a framework for creating a more effective process for social change. The approach has been applied by organizations and individuals across disciplines and shows great promise in creating large scale, lasting improvements. Collective impact principles are key to developing and maintaining an effective response to victimization. Five conditions must be present for true collective impact to occur:

- I. **Common agenda:** All of the focus group participants we met had a vision for change, including an understanding of the problem as they saw it. A stronger approach is to bring together all of the victim service agencies with a joint approach to victimization through agreed-upon actions. Through our many discussions, it appears that many victim advocates and Victim Witness Unit directors in Nebraska have a vision for how services should be delivered. There must be genuine discussion about whether differing philosophical approaches can come to some agreement on a common agenda.
- II. **Shared measurement:** Collecting data and measuring results consistently across all participants ensures efforts remain aligned and participants hold each other accountable. Data collection on many types of victimization is problematic statewide (i.e., human trafficking, sexual assault, child abuse and neglect, and stalking). Not all law enforcement report their data to the Commission on Law Enforcement and Criminal Justice. A statewide Victim Advocacy Office should:
  - a. Work across various victim-focused agencies to establish common terminology and definitions of data, persons served, and services rendered; and

- b. Be willing to insist that data is collected, according to statute, prior to funds being awarded in that jurisdiction.

**III. Mutually reinforcing activities:** Participant activities must be differentiated while still being coordinated through a mutually reinforcing plan of action. Nebraska has a number of agencies and entities that provide victim services. At this time, agencies and services appear to be clearly differentiated. It is critical that agencies select their niche, then collaborate with their fellow advocacy agencies. A statewide Victim Advocacy Office should:

- a. Work across the various agencies to establish a core set of best practices and evidence-based approaches.

**IV. Continuous communication:** Consistent and open communication is needed across players to build trust, assure mutual objectives, and create common motivation. A statewide Victim Advocacy Office should:

- a. Ensure statewide accountability by designating a clear lead agency for each type of victimization;
- b. Establish clear minimum expectations regarding evidence-based approaches;
- c. Provide training on confidentiality and best practices; and
- d. Require communication regarding coordinated service delivery.

**V. Backbone support:** Creating and managing collective impact requires a separate organization(s) with staff and a specific set of skills to serve as the backbone for the entire initiative and coordinate participating organizations and agencies. A statewide Victim Advocacy Office could ensure enhanced services to victims by increasing accountability and improving services to victims in Nebraska.

# INTRODUCTION

In 2015, the Nebraska Commission on Law Enforcement and Criminal Justice (Nebraska Crime Commission or NCC) comprehensively examined victim services in the state of Nebraska. Like *Vision 21*, which was the first comprehensive federal assessment of victim assistance in over a decade, Nebraska examined its own victim services in an effort to create a strategic plan that contained informed recommendations for areas of improvement. The goal of Nebraska's 2015 – 2020 Strategic Plan for Victims and Survivors of Crime (NSPVSC) is to provide recommendations to permanently improve and enhance services available to all victims of crime in Nebraska.

Nebraska's comprehensive endeavor is designed to incorporate the diverse areas of victimization and to streamline policy efforts whenever practical. To this end, the NCC hired the University of Nebraska Omaha, School of Criminology and Criminal Justice, Juvenile Justice Institute (UNO JJI) to assist with strategically and neutrally examining how well Nebraska currently assists victims. Additionally, the NCC requested that UNO JJI researchers survey service providers to prioritize areas of service to victims. This plan overlaps and incorporates some of the efforts occurring under the Victims of Crime Act (VOCA).

Currently, the NCC receives money from two of the various grant programs funded under the Victims of Crime Act (VOCA); the VOCA Victim Assistance Grant and the VOCA Victims Compensation Grant. The Victim Assistance funds support direct services across the state, whereas the Victims Compensation funds support the Crime Victim's Reparations (CVR) program. Pursuant to the 1984 Victims of Crime Act, fines paid in federal criminal cases are set aside to the federal Crime Victims Fund. Annually, about \$3.5 billion is paid into this fund. In 2000, due to fluctuation in deposits, Congress elected to cap the amount that the fund can distribute annually to support efforts authorized by the VOCA statute. Although the cap varied from \$500 million to \$635 million from 2000 to 2009, for FY2012 the funding cap was \$705 million (Office for Victims of Crime, 2015).

In FY2015, there was a fourfold increase in the VOCA Victim Assistance Fund to \$2.361 billion (Office for Victims of Crime, FY 2015). However, there is already some indication that Congress may cut VOCA Victim Assistance funds from \$2.361 billion to \$1.2 billion for FY2016 (personal communication, November 5, 2015). Even though states received increased federal VOCA Victim Assistance funds, the VOCA CVR had no increase in funding.

In FY2014, the State of Nebraska received just over 3 million dollars in federal VOCA Victim Assistance funding. These Victim Assistance funds supported 39 projects, including:

- Victim Information and Notification Everyday (VINE);
- A statewide Victim Services Advocate through the Nebraska Attorney General's Office;
- Three Child Advocacy Centers;
- Sixteen Victim/Witness Units; and
- Twenty member agencies of the Nebraska Network of Domestic Violence/Sexual Assault Programs.

In FY2015, Nebraska saw a 291% increase in federal VOCA Victim Assistance monies, totaling \$11,760,309. Although states receive funds based on a federal formula, a number of states have “stepped up their game through surveys, focus meetings, and talking to providers about how to best use the additional funds they will be entitled to” (Tabachnick, 2015). Although increased funding can greatly assist the organizations and structures that already serve victims of crime, it is unclear whether the increase in VOCA funding made available to states will be repeated next year; “the big question is: what about next year? Are we going to be able to sustain?” (Tabachnick, 2015).

Nebraska also has a current STOP Violence Against Women Act (VAWA) State Implementation Plan 2014 - 2016, which identifies twenty priority areas (see Appendix C). The current NSPVSC highlights some of the priorities identified under VOCA and VAWA; however, we understand that some recommendations may not be eligible under VAWA, and may only apply to VOCA funds. The authors' task in writing the NSPVSC was to identify issues and highlight areas where the State of Nebraska can better serve victims, regardless of the funding source.

To gauge progress on the priorities outlined under these existing plans, we interviewed agencies serving persons who are victimized. Some of the issues raised were identical to those raised during the Victims of Crime Act (VOCA) planning process; others were not. This strategic plan incorporates those issues herein and pinpoints concerns that came up repeatedly.

The objective of the NSPVSC is to examine the state of victim services in Nebraska and provide recommendations based upon these findings. It is our hope that victim advocates in Nebraska will use this plan to coordinate existing services, address any gaps in services and, overall, enhance services to victims in the state of Nebraska.



## ENVIRONMENTAL CONTEXT

According to 2014 Census data, Nebraska has an estimated population of 1,881,503 and spans 77,359 square miles, making it the 16<sup>th</sup> largest state geographically. The state is predominantly rural, with 93 counties, many of which are sparsely populated. Agriculture and ranching are primary industries, but in recent decades there has been an increase in manufacturing and processing.

Victimization and violence are linked to a number of risk factors, including poverty and unemployment. Persons at or below the Federal Poverty Level have more than double the rate of violent victimization (39.8 per 1,000) as persons in high-income households (16.9 per 1,000) (Harrell, Langton, Berzofsky, Couzens, & Smiley-McDonald, 2014).

Although Nebraska has one of the lowest civilian unemployment rates of only 3.18%, and a median household income of \$48,271.35, an estimated 12.4% of Nebraskans and 15.8% of Nebraska children live below the Federal Poverty Level (U.S. Census, 2014). Table 1 (below) displays a further breakdown of the statewide demographic data.

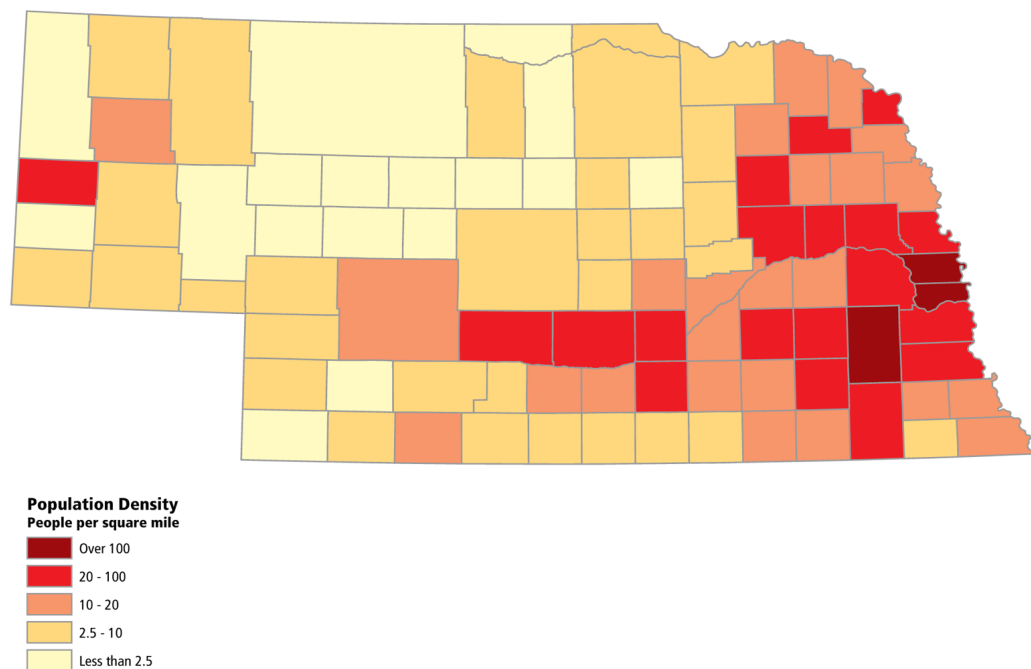
Table 1: Statewide Demographic Data						
District	Pop. Est. (2012)	% Non-White (2012)	% HS Grad or Higher (2012)	Median Household Income (2012)	% All Ages in Poverty (2012)	% Civilian Unemp. (2012)
1	89,023	8.57	89.98	\$42,897.00	12.77	3.37
2	206,670	12.74	93.37	\$61,721.67	8.13	3.77
3	293,400	14.17	93.60	\$51,810.00	14.30	4.40
4	531,208	26.56	89.88	\$53,295.00	14.00	4.90
5	134,298	10.27	89.49	\$50,985.55	10.24	2.98
6	106,029	19.14	86.45	\$48,069.29	12.80	3.86
7	82,087	11.32	91.06	\$46,354.43	11.89	2.67
8	54,204	3.70	92.40	\$41,476.00	12.97	1.21
9	107,794	20.65	87.56	\$49,175.50	13.60	3.35
10	57,488	8.04	91.77	\$46,325.00	11.15	2.28
11	105,021	14.43	91.77	\$45,877.12	10.15	2.21
12	88,128	16.92	90.50	\$41,269.67	14.92	3.14
Statewide	1,855,350	13.88	90.40	\$48,271.35	12.24	3.18

Source: Nebraska Center for Justice Research 2014 Trend Report

From 2008 to 2012, the population of Nebraska increased a mere 3%. Nebraska has 12 legal districts and 11 of them experienced a modicum of growth, ranging from a 1% to 7% population increase. District 10, which comprises some of the poorest counties in the U.S., was the only Nebraska District to experience a population decline.

As Figure 1 (below) illustrates, the majority of Nebraska's population is concentrated in the Eastern part of the State and predominantly resides in the three largest counties. The majority of the state, however, is sparsely populated. The rural nature of the state offers some benefits, but also poses some practical obstacles to reaching victims.

Figure 1. Population Density of Nebraska



Source: Rand McNally and company

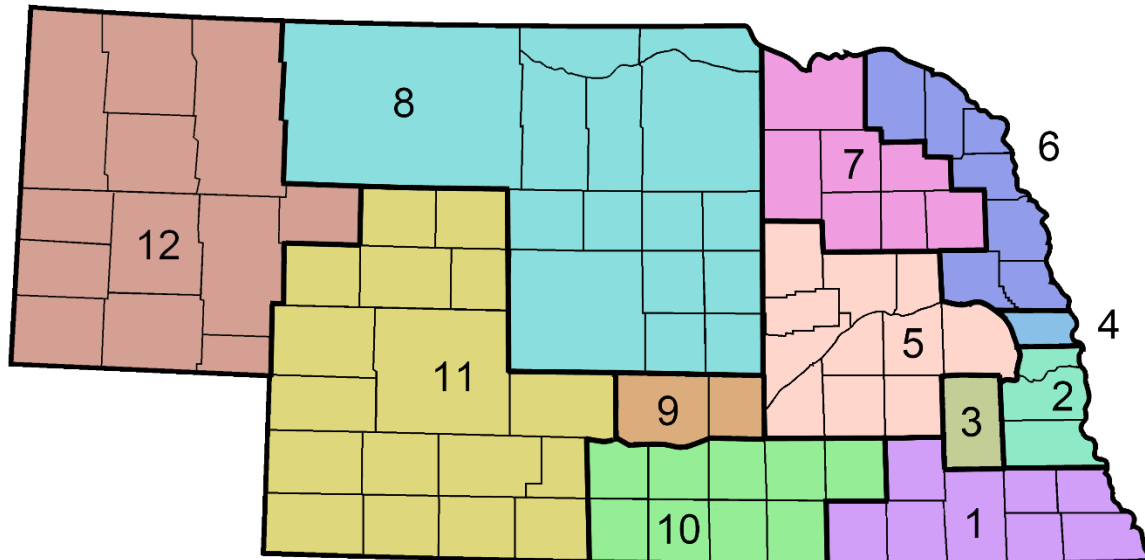
Most Nebraskans living in or near communities with populations of less than 10,000 report few worries about crime in their community (Vogt, Burkhart-Kriesel, Cantrell, and Lubben, 2014). The perception that rural areas are generally safer than urban areas may also be supported by data in Nebraska as “crime rates in smaller communities showed a smaller increase over the past year than did rates in larger communities” (Vogt, et al, 2014, p. 5). In fact, “trust also remains high in the rural areas. Most rural Nebraskans say they count on their neighbors to watch their property while they are away” (Vogt, et al, 2014, p. 18).

Rural areas are not without problems, especially for certain types of victimization. Victims of crimes that occur within families and behind closed doors may go unreported. According to the Rural Assistance Center's website (2014), "close-knit rural communities can make it more difficult for rural victims of intimate partner violence to seek and get help."

Rural areas face additional challenges, including: isolated victims, increased law enforcement response time, and fewer officers available to respond. Prosecutors may also struggle with prosecuting a case when victims are afraid to testify in small, interdependent farming communities (Vogel and Weber, 2012). In addition, in smaller communities prosecutors may never have tried the particular type of case (domestic violence, child abuse); and judges may not have presided over them. In addition, our discussions in rural areas of Nebraska revealed a consistent theme in the lack of available services for victims.

Criminal justice and court data are tracked across Nebraska's 12 judicial districts (see Figure 2 below).

Figure 2. Nebraska's Judicial Districts



Source: State of Nebraska Judicial Branch

Data regarding overall crime rates was supplied to the Nebraska Center for Justice Research (NCJR) by the NCC. At the time of this report the most current data available was from 2013 (see Table 2).

**Table 2: Criminal Offenses Reported in Nebraska<sup>1</sup>**

District	2010				2013				% Change 2010-2013	
	Violent Offenses	Violent Rate per 1000	Property Offenses	Property Rate per 1000	Violent Offenses	Violent Rate per 1000	Property Offenses	Property Rate per 1000	Violent Offenses	Property Offenses
1	89	.78	1234	11.63	95	.76	1253	13.86	6.74	1.54
2	150	.52	3266	13.77	122	.46	2749	12.47	-18.67	-15.83
3	1290	4.51	10812	37.79	1023	3.44	9949	33.49	-20.70	-7.98
4	2423	4.67	18803	36.26	2572	4.79	20530	38.21	6.15	9.18
5	114	.81	1428	9.14	60	.48	1488	10.99	-47.37	4.20
6	104	.91	1562	10.93	90	.67	1436	11.02	-13.46	-8.07
7	72	.63	1083	8.16	43	.52	1122	7.42	-40.28	3.60
8	38	.91	265	5.37	16	.59	198	4.79	-57.89	-25.28
9	250	2.30	3685	33.95	209	1.86	3686	32.69	-16.40	.03
10	58	.97	1184	15.05	66	.86	1327	15.22	13.79	12.08
11	148	1.45	2300	14.54	121	1.21	2233	11.79	-18.24	-2.91
12	119	1.49	1826	15.01	111	1.64	1648	12.52	-6.72	-9.75
NE	4855	2.65	47448	25.93	4528	2.42	47619	25.48	-6.74	0.36

Data Source: Nebraska Commission on Law Enforcement and Criminal Justice

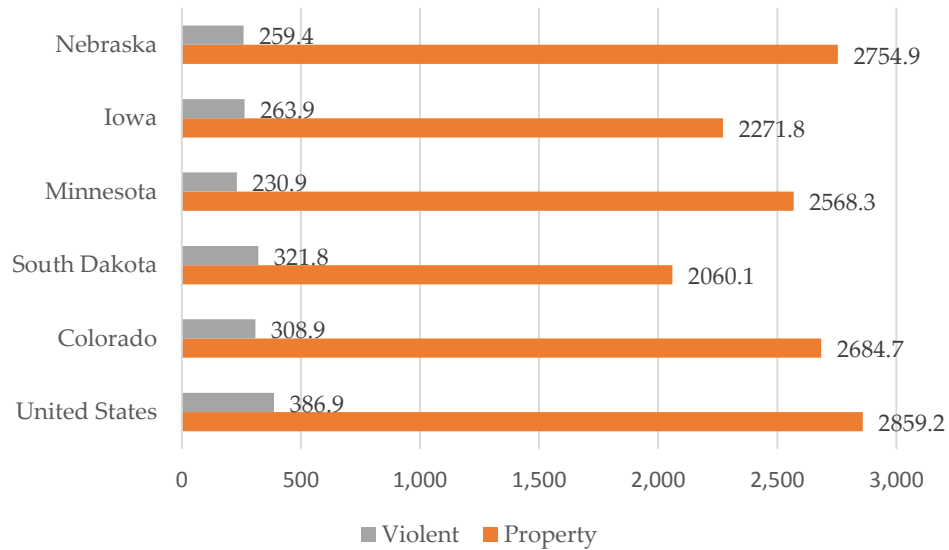
Overall, Nebraska saw a 6.74 % decrease in reported violent crime between 2010 and 2013, but a 0.36% increase in property crime. Although most districts had a decrease in violent crime from 2010 to 2014, District 1 (Gage, Richardson, and Jefferson) experienced the greatest increase in reported violent crime. Omaha, which encompasses District 4, also had an increase in reported violent crime. <sup>2</sup> Approximately half of the districts had an increase in property crime, with District 10 (nine counties in the Hastings area) and District 4 having the largest increases. When compared to similar states, Nebraska has one of the lowest overall rates of violent crime per resident. However, it does rank among the highest in this region for property crimes. Figure 3

<sup>1</sup> Offense data are based on crimes reported or known to the police as designated by the Uniform Crime Report. These offenses include the violent crimes of homicide, rape, robbery, and aggravated assault, and the property crimes of burglary, larceny, motor vehicle theft, and arson.

<sup>2</sup> The distinction between reported crime and other violent occurrences is made here to highlight the fact that many of the crimes addressed in this strategic plan go unreported.

compares six states in the Midwest on rates of reported property and violent offenses per 10,000 residents.

Figure 3. Reported Offenses per 100,000 Residents



Source: Nebraska Center for Justice Research 2014 Trend Report



# THE PLANNING PROCESS

## **Identification of Priority Areas**

To identify a primary group of crime victimization priority areas, UNO JJI began by researching past and existing victim services assessments and plans. Research included needs assessments, plans focused on specific types of crime victimization (e.g., domestic violence strategic plans), national-level reports and strategic plans, and other state plans identifying victim services.

From this information, UNO JJI compiled a list of crime victimization types, then narrowed the list down to ten priority areas to be considered for Nebraska's 2015 – 2020 Strategic Plan for Victims and Survivors of Crime (NSPVSC):

1. Domestic Violence
2. Sexual Assault
3. Stalking
4. Child/Youth Abuse, Neglect, and/or Sexual Assault
5. Human Trafficking
6. Burglary, Robbery, and Theft
7. Economic and Financial Crime (property crime, fraud, identity theft, and internet-based financial crime)
8. Homicide
9. Hate Crime
10. Assault

## **Planning Process Participants**

UNO JJI contacted stakeholders, including service providers, utilizing the Nebraska Commission on Law Enforcement and Criminal Justice's contact lists and network of agencies. To include victims of crime in the planning process, a number of victim service providers were asked to reach out to individuals they served and inquire if they would be willing to complete surveys and/or participate in an interview with UNO JJI.

UNO JJI employed several means for collecting information from victims of crime and service providers, including a victims of crime survey, victims of crime phone interviews, an interactive phone conference and survey with service providers, a follow-up service provider online survey, two in-person focus groups with service providers, and additional meetings and phone calls with stakeholders. Details about

each of these are listed below and results from each are further discussed in the Priority Areas chapter.

### **Victims of Crime Survey**

In May 2015, UNO JJI developed a victims of crime survey for individuals who had experienced crime in Nebraska. At the end of the survey, individuals were asked to include a name and contact number if they were interested in being interviewed about their experiences. Service providers working with victims of crime were contacted via email and asked to distribute information about the victims of crime survey. The email to service providers included a link to an online version of the survey. In addition, service providers were asked to distribute flyers that included information about the survey. Seven different providers requested a total of 695 copies of the flyer. It was decided that only adult victims would be surveyed.

In June 2015, an email about the survey was sent out to a larger group of service providers to gather additional survey responses. Also in June 2015, UNO JJI staff attended the Santee Sioux Health Fair at the Santee Health Clinic in Santee, Nebraska. Staff distributed paper copies of the victims of crime survey and collected completed surveys. During the health fair, two laptops were also made available for individuals to complete the survey electronically.

In July 2015, UNO JJI staff reached out to two large service providers in the Lincoln and Omaha areas to request additional assistance in distributing the victims of crime survey to more individuals. UNO JJI sent a total of 150 paper copies of the survey, along with postage-paid return envelopes, to these agencies. The Lincoln-based agency also reached out to two additional organizations for assistance in distributing the survey, specifically to aid non-English speakers in completing survey questions.

UNO JJI received a total of 96 completed surveys (paper and electronic). Results and details are referenced in various sections of this report.

### **Victims of Crime Interviews**

Individuals who completed the victims of crime survey and indicated they wanted to be interviewed about their experiences were contacted by a UNO JJI graduate student. The graduate student scheduled an interview via phone. Interviews took place from June 1 through August 31, 2015. Only five interviews were conducted, as few individuals wanted to be contacted directly.

### **Interactive Phone Conference and Survey with Service Providers**

On July 7, 2015, UNO JJI held an interactive phone conference that included an online survey using Turning Technologies ResponseWare software. ResponseWare collects participant responses online and provides the results in real time so participants can see and discuss them. Forty-eight providers from across the state registered to attend. During the meeting, UNO JJI outlined the ten priority areas identified above. Via ResponseWare, participants were asked to provide some general information, then assign a priority (high, medium, low) to each priority area.<sup>3</sup>

### **Service Provider Survey**

Following the interactive phone conference and survey on July 7, 2015, UNO JJI developed and distributed an online survey for providers working with victims of crime. At the end of the survey, providers were asked if they were interested in participating in a follow-up focus group; a total of 22 providers indicated they would be interested in doing so.

### **Service Provider Focus Groups & Stakeholder Meetings**

Focus groups and follow-up meetings were held with a wide variety of service providers, including representatives from Domestic Violence/Sexual Assault agencies, Child Advocacy Centers, and Victim/Witness Units, as well as the Attorney General's Human Trafficking Coordinator and Statewide Victim/Witness Specialist. In July 2015, UNO JJI also met with representatives from the Nebraska Commission on Law Enforcement and Criminal Justice's Crime Victim's Reparations Program. In October 2015, JJI attended legislative hearings around the Preventing Sex Trafficking and Strengthening Families Act (also known as the Strengthening Families Act or SFA).

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<sup>3</sup> Three individuals contacted JJI after the conference and indicated they experienced technical difficulties and were unable to participate. Each participant was asked to complete the prioritization process by email; their results were integrated into the group results collected via ResponseWare.

## PRIORITY AREAS

The interactive phone conference described in the previous chapter allowed the participants to vote on their perceptions of services currently provided to victims and prioritize which areas of victimization should be considered the highest priorities within the state. Forty-eight people registered to participate in the interactive phone conference; 38 people logged on to the interactive software. Three individuals reported technical difficulties and completed the survey offline; the data from these three surveys were merged with the results from the interactive conference. As such, the results include 41 total responses.

There are two limitations to the responses. The majority of participants were affiliated with agencies working with victims of domestic violence and sexual assault (Table 3). In addition, as Tables 3 to 5 illustrate, not all participants responded to each question.

<b>Table 3: Agency Affiliation</b>		
	<b>Percent</b>	<b>Count</b>
Domestic Violence/Sexual Assault	47.4%	18
Domestic Violence Only	2.6%	1
Sexual Assault Only	0.0%	0
Law Enforcement	2.6%	1
Child Advocacy	13.2%	5
Victim/Witness Unit	18.4%	7
General Victim Assistance	2.6%	1
All of the above	13.2%	5
<b>Totals</b>	<b>100%</b>	<b>38</b>

### **Geographic Response Patterns**

Despite the agency affiliation limitation, there was excellent representation from across the state of Nebraska. Nine agencies reported providing services statewide. Of the statewide agencies, four of the agencies (44%) indicated that they offer all types of victim services (victim witness, child advocacy, law enforcement, domestic violence, and sexual assault), while the remaining statewide agencies focused more specifically on: domestic violence and sexual assault (1), law enforcement (1), child advocacy (1),

and victim witness unit (2). Agencies that provide statewide services identified services for victims of child abuse, neglect, and/or sexual assault as a foremost need in Nebraska.

### **Eastern Nebraska**

Five agencies reported from Lincoln, representing 10.5% of the sample. Domestic violence and sexual assault were the top priorities for Lincoln area agencies, but half of the agencies were affiliated with domestic abuse and sexual assault (2 of the 4 participants).

Six agencies from Omaha participated, representing 15% of the respondents. Domestic violence and sexual assault were clearly the top priorities for the Omaha area, but again, this may be related to the fact that all six of the participating agencies were affiliated with domestic abuse and sexual assault work.

Five additional responses came from agencies that work predominantly in Northeast Nebraska or Southeast Nebraska (outside the Lincoln or Omaha metro areas). These five agencies focus predominantly on domestic violence and sexual assault (2), child advocacy (1), and victim witness units (2). In these areas of the state, domestic violence and sexual assault were identified as top priorities, along with child abuse, neglect, and sexual assault. Both the Northeast and Southeast regions ranked human trafficking as a top concern.

### **Central Nebraska**

The majority of participating agencies were located in central Nebraska, with 14 agencies (37%). Domestic violence and sexual assault were identified as the top priorities in Central Nebraska. Child abuse, neglect, and sexual assault were ranked third and physical assault was ranked fourth.

### **Panhandle & Western Nebraska**

Four agencies reported from the Panhandle and Western Nebraska, representing 10.5% of the sample. Domestic violence and sexual assault were once again ranked as top priorities for Western Nebraska.

### **Statewide**

Domestic violence and sexual assault were clear statewide priorities. Child abuse, neglect, and sexual assault consistently ranked as the third highest priority, followed by human trafficking, stalking, and assault (Table 4).



<b>Table 4: Priorities Ranked (all agencies interviewed)</b>		
	<b>Responses</b>	
Type of Victimization	<b>Percent</b>	<b>Count</b>
Sexual Assault	23.8%	25
Domestic Violence	22.9%	24
Child Abuse, Neglect, & Sexual Assault	21.9%	23
Human Trafficking	8.6%	9
Stalking	7.6%	8
Assault	4.8%	5
Homicide	4.8%	5
Economic & Financial Crimes/ Internet-based Financial Crimes	3.8%	4
Burglary, Robbery, & Theft	1.9%	2
Hate Crime	0.0%	0
<b>Totals</b>	<b>100.00%</b>	<b>101</b>

Because there was an overrepresentation of agencies working with victims of domestic violence and sexual assault, there was concern this would unduly influence the identified priorities. To address this concern, UNO JJI analyzed responses by agency affiliation and determined that even if responses from domestic violence and/or sexual assault agencies were removed, the top three statewide priorities remained the same (although prioritized in a different order), assault became the 4<sup>th</sup> priority, and stalking and human trafficking tied for the 5<sup>th</sup> priority (Table 5).

<b>Table 5: Priorities Ranked (excluding domestic abuse and sexual assault agencies)</b>		
	<b>Responses</b>	
Type of Victimization	<b>Percent</b>	<b>Count</b>
Child Abuse, Neglect & Sexual Assault	25.0%	10
Sexual Assault	17.5%	7
Domestic Violence	15.0%	6
Assault	12.5%	5
Human Trafficking	7.5%	3
Stalking	7.5%	3
Burglary, Robbery & Theft	5.0%	2
Economic & Financial Crime, including Property Crime, Fraud, Identity Theft & Internet-based Financial Crimes	5.0%	2
Homicide	5.0%	2
Hate Crimes	0.0%	0
<b>Totals</b>	<b>100%</b>	<b>40</b>

Clearly, the lists detailed in Tables 4 and 5 is not an exhaustive list of possible areas of crime victimization. Participants were also asked about other areas they felt should be included in Nebraska's Strategic Plan for Victims and Survivors of Crime. The most consistent addition was bullying and cyber-texting/cyberbullying, but these were not included as priorities.

The chapters that follow address the priority areas that ranked as the top six priorities. In each chapter, we begin with a definition of the topic and any relevant Nebraska statutes or case law. In each chapter, we itemize topics that came up as priority issues or concerns under each category. We intentionally sought feedback from agencies receiving funding to work with victims in each of the prioritized areas. Some areas of victimization have current strategic plans in place. Whenever possible, we reference those plans and have included a copy in the Appendices. We close each chapter with recommendations based upon survey feedback from agencies, victims, focus groups, and stakeholders who reviewed earlier versions of this strategic plan.

# SEXUAL ASSAULT

Many agencies in Nebraska combine services for survivors of sexual assault and domestic violence within one agency. Moreover, the Centers for Disease Control combine domestic violence, sexual assault by a partner, and stalking by a partner under “intimate partner violence.” They define IPV as:

“Physical violence, sexual violence, stalking and psychological aggression (including coercive tactics) by a current or former intimate partner (i.e., spouse, boyfriend/girlfriend, dating partner, or ongoing sexual partner).”

The American Congress of Obstetricians and Gynecologists have added the following: sexual assault can also include “progressive isolation, stalking, deprivation, intimidation, and reproductive coercion” and that “it can occur among heterosexual or same-sex couples and can be experienced by both men and women in every community regardless of age, economic status, race, religion, ethnicity, sexual orientation, or educational background.”

There are also legal provisions that overlap domestic violence and sexual assault. Nebraska is one of thirty-six states that has adopted an address confidentiality program, which protects victims of stalking, domestic violence, sexual assault, and other crimes from perpetrators who use public records (i.e., drivers’ license or voter registration) to locate victims. This program gives the victim a legal substitute address to use in place of their physical address (see link to program in Appendix C). Protection orders also overlap the three categories (Nebraska Judicial Branch, 2013).

For purposes of this report, we address domestic violence and stalking in separate chapters to ensure that each is focused on independently, with due consideration of the unique aspects of each category of victimization. Although we use the term domestic violence, because this is the language used in Nebraska statutes, we are aware that many states are now using the terms intimate partner violence (IPV).

Nebraska agencies ranked sexual assault as one of the priority areas for the state. Amongst all of the ranked priorities, sexual assault was ranked first (or second).<sup>4</sup> According to survey results from victims, about 25% indicated that Nebraska does not serve victims of sexual assault well. Almost half (45%) of providers who completed the

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<sup>4</sup> Sexual assault was ranked first when including the domestic violence/sexual assault agencies and second when these agencies were removed.

survey indicated we serve sexual assault victims well, a quarter (25%) neither agreed nor disagreed, and about one-third (30%) felt Nebraska does not serve sexual assault victims well.

In 2012, U. S. Attorney General Eric Holder announced revisions to the Uniform Crime Report's (UCR) definition of rape:

"The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim" (FBI, 2012)

The Nebraska Criminal Code, Chapter 28 of the Revised Statutes, defines first degree sexual assault under Neb. Rev Stat. §28-319 as:

"Any person who subjects another person to sexual penetration (a) without the consent of the victim, (b) who knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or (c) when the actor is nineteen years of age or older and the victim is at least twelve but less than sixteen years of age."

And second degree sexual assault under Neb. Rev Stat. §28-320 as:

"Any person who subjects another person to sexual contact (a) without consent of the victim, or (b) who knew or should have known that the victim was physically or mentally incapable of resisting or appraising the nature of his or her conduct."

First degree sexual assault is considered a Class II felony Neb. Rev Stat. §28-319; Second degree sexual assault is considered a Class II felony if the actor caused "serious personal injury to the victim" Neb. Rev Stat. §28-320(2); and Third degree sexual assault is a Class I misdemeanor if the actor did not cause "serious personal injury to the victim" Neb. Rev Stat. §28-320(3).

The Nebraska Code for Criminal Procedure §29-110(7), further indicates there is not a statute of limitations for prosecuting first or second degree sexual assault perpetrators under section §28-319 or §28-320.

Furthermore, the Nebraska Code for Cities, Counties, and Other Political Subdivisions, Chapter 13 of the Revised Statutes, outlines the requirements for forensic medical examiners, payments and testing for sexual assault cases. According to Neb. Rev Stat. §13-607(1), expenses accrued in connection with a forensic medical exam should be paid for by the investigating law enforcement agency.

In Nebraska, it is a legal requirement for “Every person engaged in the practice of medicine and surgery, or who is in charge of any emergency room or first-aid station in this state” to report an injury “which appears to have been received in connection with the commission of a criminal offense” Neb. Rev Stat. §28-902(1). The statute requires that the mandatory reporter include the name of the person, the residence and a description of the injury and that any “law or rule of evidence relative to confidential communications is suspended insofar as the provisions of this section are concerned.” Neb. Rev Stat. §28-902(1). Failure to report is a Class III misdemeanor. Neb. Rev Stat. §28-902(2).

## Data

According to the Centers for Disease Control (2012), almost 1 in 5 (18.3%) adult women and 1 in 71 (1.4%) adult men have reported being raped at some point in their lives. In the 12 months prior to the survey, 5.6% of women and 5.3% of men had experienced sexual violence other than rape (e.g., sexual coercion, or unwanted sexual contact). Sexual violence appears to disproportionately affect college-aged and young victims; 37.4% of female victims experienced their first rape between the ages of 18-24; and 42.2% of female victims experienced their first rape *before* the age of 18.

### Sexual Assault in Nebraska

Recent statewide data regarding sexual assault could not be located. The most recent statewide estimates of sexual assault in Nebraska estimate that more than 1 in 8 women in Nebraska has been the victim of sexual assault, but that report is over a decade old (Kilpatrick and Ruggiero, 2003). In 2013, the Domestic Violence Council (DVC) began to coordinate multiple data systems at the county level in Douglas County. They included the Omaha Police Department, the Douglas County Attorney’s Office, and DOTComm to facilitate reporting. The data below was obtained from the Domestic Violence Council’s Data and Evaluation Coordinator, and is an example of how effective data can become when tracked across systems.

Table 6 includes sexual assault data from Douglas County (the highest populated county in Nebraska) and demonstrates that while the number of 911 calls has remained fairly stable over the past three years, arrests have decreased by roughly 20%. Moreover, roughly 91 to 95% of cases reviewed by the Douglas County Attorney are charged, although a third of those are later dismissed. This data is an excellent starting point for how well our system responds and holds offenders accountable; however, this data only reflects statistics in Douglas County. To better understand sexual assault prevalence in Nebraska, the state must develop a comparable data system.



<b>Table 6: Douglas County Sexual Assault Data</b>			
<b>Sexual Assault – Law Enforcement Data</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>911 Calls</b>	314	295	319
<b>Arrests</b>	72	74	58
<b>Sexual Assault Arrests that also involved DV</b>	9	4	11
<b>Repeat Offenders</b>	1	1	0
<b>Females arrested for sexual assault</b>	3	1	0
<b>Sexual Assault - Prosecution &amp; Sentencing</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Cases Reviewed</b>	55	59	50
<b>Cases Charged</b>	50	56	46*
<b>% Charged</b>	<b>91%</b>	<b>95%</b>	<b>92%</b>
<b>Cases Dismissed</b>	17	17	16
<b>% Dismissed</b>	<b>34%</b>	<b>30%</b>	<b>35%</b>
<b>Plead/Convicted</b>	32	35	23
<b>% Plead/Convicted</b>	<b>64%</b>	<b>62%</b>	<b>50%</b>
<b>Sentenced to Jail</b>	25	31	22
<b>% Sentenced to Jail</b>	<b>78%</b>	<b>89%</b>	<b>96%</b>
<b>Sentenced to Probation</b>	5	3	1
<b>% Sentenced to Probation</b>	<b>16%</b>	<b>9%</b>	<b>3%</b>
*7 cases out of 46 charged in 2014 have not yet reached disposition			

Source: Domestic Violence Council's Data and Evaluation Coordinator

### Sexual Assaults on Campus

One in five women is sexually assaulted while in college (Fisher et al., 2009). Most often, the sexual assault occurs during the victim's freshman or sophomore year (Krebs et al., 2007). In the great majority of cases (75-80%), the victim knows her attacker, whether as an acquaintance, classmate, friend or (ex) boyfriend (Krebs et al., 2007). According to the American Association of University Women (2012), roughly 95% of sexual assaults go unreported, terming it the "the silent epidemic" and 42% of college women tell no one about the assault.

From 2008 to 2012, Nebraska colleges and universities reported a total of 88 forcible sexual offenses. In 2012, that amounted to approximately 1.4 per 10,000 students in Nebraska. The state's largest university, the University of Nebraska-Lincoln, reported 10 sexual assaults—the highest for those five years (Howard, 2014). As of January 2015,

the University of Nebraska-Lincoln is 1 of 94 postsecondary institutions with pending title IX Sexual Violence definitions (Kinkade, 2015).

### **Youth and Sexual Assault**

Youth are also victims of sexual assault. According to the Youth Risk Behavior Surveillance survey conducted by the CDC in 2013, 7.3% of students have been forced to have sexual intercourse (Kann, 2014). With respect to dating violence specifically, 74% of students reported dating or going out with someone during the 12 months before the survey. Of this percentage, 10.4% reported sexual dating violence (kissed, touched, or physically forced to have sexual intercourse) in the 12 months prior to the survey; Statistics for Nebraska were 8.6% and 10.1%, respectively (Kann, 2014). In addition to discussing sexual assault of youth in this chapter, it will also be covered in the chapter on Child Abuse, Neglect, and Sexual Assault.

## **Recent and Current Nebraska Efforts**

### **Current Nebraska Statewide Plans**

Nebraska has a current STOP Violence Against Women Act (VAWA) State Implementation Plan 2014 – 2016. The STOP Formula Grant program is Nebraska's primary source of federal funds for efforts to address and serve victims of domestic violence, dating violence, sexual assault, and stalking.

Although now a decade old, the Nebraska Task Force on Sexual Assault Crimes: Report and Recommendations to the Attorney General (NTFSA, 2005) provides a comprehensive plan for addressing sexual assault issues in Nebraska. The report outlines several legislative and non-legislative recommendations. It appears, however, that only a few recommendations have been implemented. While the criminal justice and victims services recommendations have been implemented (i.e., reinstatement of the Nebraska Crime Victim's Reparations Fund, modifying the Nebraska Rules of Evidence to match the Federal Rules of Evidence and allowing past sexual violence as character evidence in court; improving prevention and promotion efforts at schools, universities, and colleges), the medical exam and evidence collection recommendations are still issues in Nebraska (see Issues 2 and 3 below).

The state has also published the Sexual Violence Prevention Plan of Nebraska (SVPPN, 2010), that was created in conjunction with the Nebraska Coalition to End Sexual and Domestic Violence, as a framework for action to prevent sexual violence, as opposed to services that address sexual violence after violence has occurred. The goals of the plan were to improve educational programming about healthy relationships, to increase the

accuracy of statewide and local data sources (see Data section in this chapter), and to increase public and community awareness of sexual violence and sexual violence resources. A discussion of issues related to sexual assault are also included in Nebraska's State Plan Addressing Domestic Violence and Sexual Assault (2012-2013), which this strategic plan mostly discusses in the chapter on Domestic Violence.

### **Anonymous Reporting**

In September 2015, the Lincoln Police Department initiated an anonymous reporting system so that victims may feel less threatened and judged when reporting. The goal of the anonymous reporting system is to improve the accuracy of victimization statistics and to improve victim perceptions of the criminal justice system and eventually make an official report.

### **CRT/SART/SANE Programs**

Nebraska has several CRT/SANE/SART programs across the state. CRT (Coordinated Response Team)/SANE (Sexual Assault Nurse Examiner)/SART (Sexual Assault Response Team) programs include a specially trained team of professionals who work with adult and teen victims of sexual assault. Appendix D contains a list of current CRT/SART/SANE programs in the state.

### **Prison Rape Elimination Act**

Although Nebraska is not in full compliance with the Prison Rape Elimination Act (PREA) it appears the state is closer to becoming compliant in FY2015. The Prison Rape Elimination Act (PREA; 42 U.S.C. § 15607(e)(2) was signed into law in 2003 (compliance with standards effective August 2012) and requires compliance with Federal standards to prevent, detect, and respond to allegations of sexual assault, harassment, and abuse in adult and juvenile confinement facilities. On May 15, 2014, states were required to certify compliance with PREA. While only two had fully complied, 47 provided an assurance they would be working towards compliance and six states indicated they would not be complying. Nebraska was among the 47 states that provided an assurance to comply. As a result, the state received a 5% penalty on its Department of Justice grant funds. Meaning, 5% of those funds had to be dedicated to helping bring the State of Nebraska into compliance with the Federal PREA Act.

For the May 15, 2015 reporting deadline, Governor Pete Ricketts reported that Nebraska would utilize Department of Justice Grants to achieve full compliance with the national PREA standards (Bureau of Justice Assistance, 2015). According to the Nebraska Department of Correctional Services (NDCS) 2014 report, some progress has been made, including reporting methods for inmates, staff, and the public (anonymous

hotline or email where a message is sent to the PREA Coordinator with allegations for investigation); PREA coordination between NDCS and the Nebraska Coalition to End Sexual and Domestic Violence; creation of an auditing consortium; and implementation of training and education. During communications with the PREA Coordinator in Nebraska in October 2015, six out of ten adult facilities are fully compliant with PREA (following audits); the other four will have audits between January 2016 and August 2016; and the two juvenile facilities are working toward becoming compliant. Under the STOP Violence Against Women's Grant Program, the earmarked PREA funds were used to hire a Prison Advocacy Coordinator through the Coalition (Personal Communication with PREA Coordinator, 2015).

There have been recent efforts for school-based sexual assault programs for high school-aged youth and university/college-aged adults. Nebraska passed the Lindsay Ann Burke Act (Neb. Rev. §79-2,138 to §79-2,142) in 2009, which requires schools to incorporate dating violence education into the school program. In 2013, the Obama administration signed the Campus SaVE Act. Under the SaVE Act, most higher education institutions must educate students, faculty, and staff on the prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. The Act also expands the types of crimes to be reported, including domestic violence, dating violence, and stalking (<http://campussaveact.org/>). The University of Nebraska system has implemented programming for students and faculty that includes information on prevention and awareness, bystander intervention, and signs of abusive behavior (Federson, 2014).

## Issues

1. ***Best practices in investigating sexual assault cases:*** Unlike other crimes (e.g., theft, robbery), victims of sexual assault are often not believed, or may even be blamed for the sexual assault. Furthermore, because of the "innocent until proven guilty" belief within the criminal justice system, law enforcement and prosecutors may adopt an attitude of skepticism when working with victims. These attitudes may influence rapport with the victim, the victim's willingness to report, the effectiveness of the investigation, and the trauma/shame the victim experiences.
2. ***Forensic exams:*** There are six noted issues under sexual assault forensic exams (SAFEs): (a) payment of SAFEs, (b) collecting and storing SAFE evidence (c) victim resistance to accessing SAFEs, (d) training/retaining SANEs, (e) inconsistency in SAFE kits across the state, (f) lack of best practices for photographing SA victim's injuries, and (g) policies and procedures for drug facilitated sexual assault:

- a. Currently, forensic exams are statutorily paid for by the investigating law enforcement agency, which means the sexual assault must be reported to law enforcement to access these funds. Both the NTFSA (2005) and the Violence Against Women Act III (§ 3796gg-4) (VAWA), however, specifically express concerns that connecting funds for reimbursement to the criminal justice system may be a barrier for victims to access SAFE kits. Furthermore, the statute only pays for the SAFE kit. Some jurisdictions now pay for the exam even if the victim does not immediately make a report. If a victim needs additional medical care (e.g., antibiotics or anything outside of the SAFE kit), then the victim is responsible for those costs. There are still instances where victims are billed for costs, but agencies need to be involved so this does not happen, as it is not allowable under VAWA.
- b. If a victim decides not to report the sexual assault to law enforcement, there are no statewide policies in place for collecting and storing SAFE kit evidence. As such, the statewide policy should include consideration of the locations for storing wet and dry evidence and the length of time evidence should be stored—especially in light of the unlimited statute of limitations for first and second degree sexual assault cases.
- c. Victims in the state may also have additional barriers for not accessing SAFE kits; therefore, efforts in Nebraska should continue to examine the obstacles that keep victims from accessing forensic exams. Some of these issues may include parental notification for minors, the involvement of alcohol/drugs, a lack of knowledge of what constitutes sexual assault, and cases where the perpetrator is an acquaintance/friend.
- d. The training and retention of Sexual Assault Nurse Examiners (SANEs) is an ongoing concern in Nebraska. Currently, most SANEs are employed full-time as traditional nurses (or other employment). As such, the process of being on-call or being pulled from other employment for a SAFE kit (that could take up to four or more hours), as well as minimal compensation for being on-call, poses some issues for retention. Moreover, there is limited standardized statewide training for nurses in Nebraska to become SANEs, which means there are gaps in the availability of these professionals and the types of responses provided to victims. When SANEs are provided training, they may not see enough cases on an ongoing basis to feel comfortable or competent with conducting a SAFE kit.
- e. Counties in Nebraska are inconsistent in the contents of SAFE kits utilized and the costs of these kits across the state. Moreover, SANE/SARTs have little say in what SAFE kits are purchased or what would be best practices for the SAFE kits' contents.

- f. There is a lack of best practices across the state with respect to the equipment to be used for photographing a sexual assault victim's injuries. Some issues are presented with the use of colposcopes (e.g., expense), while other issues are presented with the use of cameras (e.g., chain of command with the camera card, needing another nurse/tripod for taking photos, or having hands-free methods for the examiner and operated via a foot pedal). Furthermore, significant training is lacking for both methods of photographing injuries.
  - g. Hospitals need to have a detailed policy/procedure for sexual assault victims including drug-facilitated sexual assault so health care personnel know what needs to be included in the exams.
3. ***Mandatory reporting:*** Nebraska requires that any injury received during the commission of a crime must be reported. The reporting requirements include name and other identifying information. As such, this could be a barrier for victims who are not ready to report the sexual assault, in accessing SAFEs.
4. ***Compliance with the Prisoner Rape Elimination Act (PREA):*** Although Nebraska recently reported it is working toward compliance with PREA, stakeholders who attended the focus groups indicated that there are measures that could be taken to improve compliance with PREA.
5. ***Underserved populations:*** To better serve victims of sexual assault, barriers to serving traditionally underserved populations should be identified. Underserved populations in Nebraska include: undocumented immigrants, cultural and religious minorities, victims with disabilities such as those who are deaf and hard of hearing, males, individuals who are LGBT, the elderly, Native Americans, rural populations, and victims of trafficking.
6. ***Dating violence in high school and college-aged students:*** Although the state of Nebraska has several prevention and promotion initiatives for reducing dating violence for youth in high school and the Sexual Violence Prevention Plan of Nebraska (SVPPN, 2010) made several recommendations based on prevention strategies, there are not many services for youth who are perpetrators of violence or victims of violence. Furthermore, we know that college students are most likely to be victims of sexual assault, yet there are few services that directly serve victims on Nebraska campuses.

## Recommendations

1. An overarching recommendation for issues related to sexual assault is to have a statewide Sexual Assault Response Coordinator (SARC). A state coordinator would be responsible for maintaining the consistency and sustainability of SANE/SART programs, especially those in rural communities. Other states have a similar position after which the Nebraska position could be modeled. For instance, in Arizona the state coordinator:
  - a. Develops relationships with newly forming and existing SARTs and forensic nursing programs;
  - b. Trains SARTs and forensic examiners upon request;
  - c. Provides ongoing support and technical assistance to SARTs and forensic nursing programs;
  - d. Maintains expertise related to sexual assault identification and response through training, study, and collaboration with professionals from across the country;
  - e. Co-facilitates a work group to develop a sexual assault best practice protocol related to responding to victims, investigating, and prosecuting sexual assault;
  - f. Co-facilitates a work group to develop a best practice protocol related to medical forensic exams;
  - g. Assists in the development of training videos to accompany the best practice protocols;
  - h. Co-facilitates a statewide conference for police, prosecutors, probation, and parole officers, and judicial officers related to the investigation and prosecution of sexual assault in Arizona;
  - i. Manages and provides technical assistance through the statewide SART and forensic nursing listserves;
  - j. Coordinates annual Roundtables for SART team members from across the state;
  - k. Coordinates forensic nurse examiner 40-hour didactic trainings statewide, including obtaining a venue and disseminating materials;
  - l. Supports systems advocacy efforts when appropriate and relevant to SART issues;
  - m. Develops factsheets and other resources related to SARTs and forensic nursing; and
  - n. Accurately completes required program reports and time and effort reports.

2. **Issue 1.** Investigations of sexual assault should be based on the notion of “belief-based investigations” in which the default practice is to believe victims and then allow case determination following the investigations. The *Start by Believing* public awareness campaign aims to implement belief-based investigations as best practices for sexual assault investigations (see link in Appendix C). As of November 2015, four states (New Mexico, Arizona, Oklahoma, and Utah) have made statewide proclamations to *Start by Believing* and several additional states have local communities that have a *Start by Believing* campaign. Although not documented on the *Start by Believing* website, anecdotally we were told the Lincoln Police Department has implemented features of this campaign.
3. **Issues 2 and 3.** The National Protocol for Sexual Assault Medical Forensic Examinations (SAFE) for Adults/Adolescents second edition (U.S. Department of Justice, 2013) published by the U.S. Department of Justice Office on Violence Against Women provides several recommendations to address these issues:
  - a. Victims should make the decision to report sexual assault to law enforcement. The state should implement alternatives to traditional reporting, such as anonymous or blind reporting. With respect to mandatory reporting requirements, statutes could implement third-party anonymous reporting for mandatory reporters. This allows third-party reporters to share information with law enforcement without sacrificing privacy. It also allows for more accurate statistical information about sexual assault that may otherwise go unreported.
  - b. Designate an agency outside of law enforcement to pay for medical exams so that victims do not have to participate in the criminal justice process. For example, Iowa has funds for medical exams that come from a victim fund housed in the attorney general’s crime victim assistance division and a police report is not needed for reimbursing the exam. (See link to Iowa example in Appendix C).
  - c. There should be policies in place to address evidence storage in cases where patients are undecided about reporting. Local agencies should address challenges and develop procedures for securely storing kits without revealing victim’s identity. Storing the evidence for as long as possible is ideal until the victim reports or the statute of limitations for retaining evidence expires. Due to lack of space, sometimes kits are stored for a limited time but the victim should be informed of this. Some jurisdictions keep the kits until the statute of limitations for reporting the crime is expired; however in Nebraska there is no statute of limitations, which makes storage even more of a concern.



4. **Issues 2 and 3.** It is recommended that SAFEs follow a coordinated, multi-disciplinary approach to minimize trauma, encourage use of community resources, and facilitate investigations and prosecutions. Nebraska currently has programs in larger cities, such as the Family Advocacy Network (FAN) in Kearney and the SANE/SART program at Methodist Hospital in Omaha; however, smaller and rural communities may have difficulty obtaining and retaining SANE or SART programs. There are also several noted costs associated with establishing Sexual Assault Examination Centers, as was noted in the 2004 Nebraska Task Force on Sexual Assault Crimes Report and Recommendations. These costs include purchasing a colposcope that photographs sexual assault injuries and initial and ongoing training of nurses. Regional Sexual Assault Examination Centers, coordinated response teams, and/or mobile health clinics/mobile examiner programs that provide services at multiple exam sites that specialize in sexual assault forensic exams (SAFEs) should be established across the state, similar to the implementation of Child Advocacy Centers. Nurses should be required to undergo training—at least annually—to maintain competency in SANEs, especially in rural areas where they do not conduct SAFEs regularly and may feel less comfortable with the protocols.
5. **Issues 2 and 3.** Nebraska should publish a document that models the Iowa Adult Sexual Assault Protocol published by the Iowa Department of Public Health (see link in Appendix C). This is a good example of a comprehensive resource for the state that includes a centralized list of resources, legislative information, medical exam protocols, information on payment for sexual assault exams, and SANE program resources. Furthermore, we recommend employing experts in Nebraska to provide trainings in these areas.
6. **Issue 4.** One of the goals of PREA is to create zero-tolerance cultures for sexual abuse in confinement institutions. One goal for Nebraska through the PREA Coordinator and the Prison Advocate Coordinator at the Coalition is to create a crisis hotline for prisoners. The PREA Resource Center offers resources such as webinars and documentation for best practices in compliance with PREA (see link in Appendix C). For instance, there are pages to guide professionals in implementing standards for (a) prisons and jails, (b) lockup standards, (c) community confinement, and (d) juvenile facilities.
7. **Issue 1 and 5.** Law enforcement training could focus on garnering competence in (a) sexual assault victims in general, and (b) underserved populations.
  - a. Specialized law enforcement training may be necessary for understanding unique issues related to sexual assault (e.g., acquaintance rape and “consent”

- defenses; sexual assault and domestic violence situations). The Lincoln Police Department does have specially trained officers who conduct sexual assault investigations, but other communities may not have such trained investigators.
- b. In working with underserved and diverse populations, some states have law enforcement undergo trainings about these populations. For instance, cultural competence training may help law enforcement identify barriers for immigrants and cultural/religious minorities. There may also be additional training that could alert law enforcement to the unique issues faced by other underserved groups (LGBT, people with disabilities, elderly, and rural Nebraskans). To better understand what issues underserved populations may have, Nebraska stakeholders may collaborate with agencies that work with these hard to reach populations, such as the Center for Legal Immigration Assistance and the Nebraska Commission for the Deaf and Hard of Hearing. Another solution may be providing the crisis line in multiple languages to reach victims that traditionally have not contacted the hotline. Currently, the Coalition does offer a statewide Spanish crisis line, but there may be a need for additional languages.
8. *Issue 6.* Dating violence and sexual assault in high school and college-aged students result in unique issues specific to that age group. Both statutes and state plans have made significant progress for prevention efforts; however, services and programs specific to this age group are warranted. One avenue for high school-aged youth programming may be partnering with Child Advocacy Programs. For college-aged students, college and university health centers should offer SAFEs, anonymous reporting, and advocates on campus. As a large proportion of sexual assaults occur in the first two years of college, educational efforts should target students that are just entering college and include definitions of sexual assault (e.g., acquaintance sexual assault), anonymous reporting, and myths surrounding involvement of drug/alcohol in sexual assault.

# DOMESTIC VIOLENCE

Domestic violence (DV) consistently ranked as a top priority by victim service providers in Nebraska. In our interviews with victims and survivors, 71% reported experiencing emotional violence; 64% said that they had experienced physical domestic violence. Most of the respondents experienced domestic violence repeatedly (over five times). The Nebraska Department of Health and Human Services defines domestic violence as:

“a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner. Abuse is physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound someone.”

Neb. Rev. Stat. § 42-930 requires that “each law enforcement agency shall develop a system for recording incidents of domestic abuse within its jurisdiction. All incidents of domestic abuse, whether or not an arrest was made, shall be documented with a written incident report form that includes a domestic abuse identifier.” Despite this provision, data is not uniformly collected. The Nebraska Criminal Justice Information System (NCJIS) is a repository of such data, but not all law enforcement agencies report data to the Nebraska Commission on Law Enforcement and Criminal Justice. Some law enforcement agencies report arrest and offense data in the Uniform Crime Reporting (UCR) format; others report using the Nebraska Incident-Based Reporting System (NIBRS) format. Some do not submit anything at all.

The law further states that:

(2) “By January 1, 1998, the Nebraska Commission on Law Enforcement and Criminal Justice shall develop or shall approve a monthly reporting process. Each law enforcement agency shall compile and submit a monthly report to the commission on the number of domestic abuse incidents recorded within its jurisdiction.

(3) The commission shall submit a report annually to the Governor, the Legislature, and the public indicating the total number of incidents of domestic abuse reported by each reporting agency. The report submitted to the Legislature shall be submitted electronically.”

## Data

According to the National Intimate Partner and Sexual Violence Survey (2011), approximately 27.3% of women and 11.5% of men in the U.S. have experienced sexual violence, physical violence, or stalking by an intimate partner (Breiding, Smith, Basile, Walters, Chen, & Merrick, 2011).

### **Domestic Violence in Nebraska**

Although the data for domestic violence in Nebraska is limited, statewide data on domestic violence fatalities is available. On January 1, 2012, the Nebraska State Patrol began tracking domestic violence-related deaths. Data they collected from 2012 to 2013 revealed there were 22<sup>5</sup> deaths related to domestic violence, involving a total of 17 perpetrators. All domestic violence-related deaths occurred within a heterosexual relationship, with a male abuser and a female victim. However, in a number of cases the victim was a child or person close to the abuse victim, and not the direct abuse victim. In all of the cases, the homicide occurred as the victim was ending (or had ended) the relationship. This supports what we know about domestic violence, in that when abusers feel they have nothing left to lose, the situation may become lethal (MacTaggart, 2014). In 45% of the homicides in which a man killed a woman, an immediate precipitating factor was the woman leaving or trying to end the relationship (Block, 2004). It is believed that this triggers feelings of loss of control, and that homicide is a method for regaining control (Campell et al., 2007).

While this data provides verification of when victims are at the highest risk, it does little to help us do a better job of holding both the system and the offender accountable. For example, we know very little about the number of calls that are made before a case gets prosecuted.

In 2013, the Domestic Violence Council (DVC) began to coordinate multiple data systems at the county level. They included the Omaha Police Department, the Douglas County Attorney's Office, and DOTComm to facilitate reporting. The data below was obtained from the Domestic Violence Council's Data and Evaluation Coordinator, and is an example of how effective data can become when tracked across systems.

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<sup>5</sup> As of October 31, 2015, the total number of domestic violence-related deaths was 38. We do not know how many perpetrators this involved.

As the data in Table 7 indicates, the number of 911 calls involving domestic violence in Douglas County increased by 11% from 2012 to 2014. Despite this increase, arrests for domestic violence decreased slightly from 2012 to 2014. Data further demonstrated that only a fraction of the domestic violence 911 calls culminate in an arrest.

<b>Table 7: Douglas County Domestic Violence – 911 and Arrest</b>			
	2012	2013	2014
911 Calls	14,326	14,299	15,856
Arrests	1,954	1,866	1,819
DV Arrests that included violation of protection order	200	264	284
Dual Arrests	73	40	44
Repeat Offenders	525	598	612
Repeat Offenders – Violation of PO	14	16	19
Females arrested for DV	347	350	328
% Dual Arrests	4%	1%	2%
% Repeat DV Offenders	27%	32%	34%
% Repeat Violation PO Offenders	4.4%	3.9%	4.7%
% Females Arrested	18%	19%	18%
% Males Arrested	82%	81%	82%

Source: Domestic Violence Council's Data and Evaluation Coordinator (from DOTComm and 911 Call Data)

Table 8 displays the data for prosecution and sentencing. Over the past three years, Douglas County prosecutors have charged 91 to 93% of all cases that they review; of those, 64 to 68% result in a conviction.

<b>Table 8: Douglas County Domestic Violence - Prosecution &amp; Sentencing</b>			
	2012	2013	2014
Cases Reviewed <sup>6</sup>	1784	1698	1749
Cases Charged	1630	1572	1604
<b>% Charged</b>	<b>91%</b>	<b>93%</b>	<b>92%</b>
Cases Dismissed	501	486	545
<b>% Dismissed</b>	<b>31%</b>	<b>31%</b>	<b>34%</b>
Cases Guilty/Convicted <sup>7</sup>	1112	1065	1030
<b>% Convicted</b>	<b>68%</b>	<b>68%</b>	<b>64%</b>
Cases Involving Jail Sentence <sup>8</sup>	928	881	798
<b>% Sentenced to Jail</b>	<b>83%</b>	<b>83%</b>	<b>77%</b>
Cases Sentenced to Probation – No Jail Time <sup>9</sup>	109	109	154
<b>% Sentenced to Probation</b>	<b>10%</b>	<b>10%</b>	<b>15%</b>
Cases Sentenced to Fine Only <sup>10</sup>	92	43	58
<b>% Sentenced to Fine only</b>	<b>8%</b>	<b>4%</b>	<b>6%</b>
Sentenced to Batterer Intervention Program (BIP)	153	188	100
Pre-Sentence Investigations ordered	94	114	77

Source: Domestic Violence Council's Data and Evaluation Coordinator (from DOTComm and Douglas County Probation). Not all charged cases from each year have reached a final disposition, especially 2014.

The data compiled by the Domestic Violence Council allows cases to be tracked across systems. Data of this type allows for a better understanding of how well we address domestic violence. When the system fails to protect victims, data can help us pinpoint the exact aspect of the system that requires additional resources. For instance, when we see that we dismiss 34% of the cases charged in a jurisdiction, this should prompt us to

<sup>6</sup> These represent unduplicated counts: one case represents one arrest and one offender).

<sup>7</sup> The vast majority of these cases were plea arrangements. To be counted as a conviction required only one count; often counts are pled down.

<sup>8</sup> Many of these were sentenced to only 1 or a few days in jail, but included other sentencing such as probation or fines.

<sup>9</sup> These cases could include other sentences such as fines.

<sup>10</sup> These cases received a fine and no other penalties.

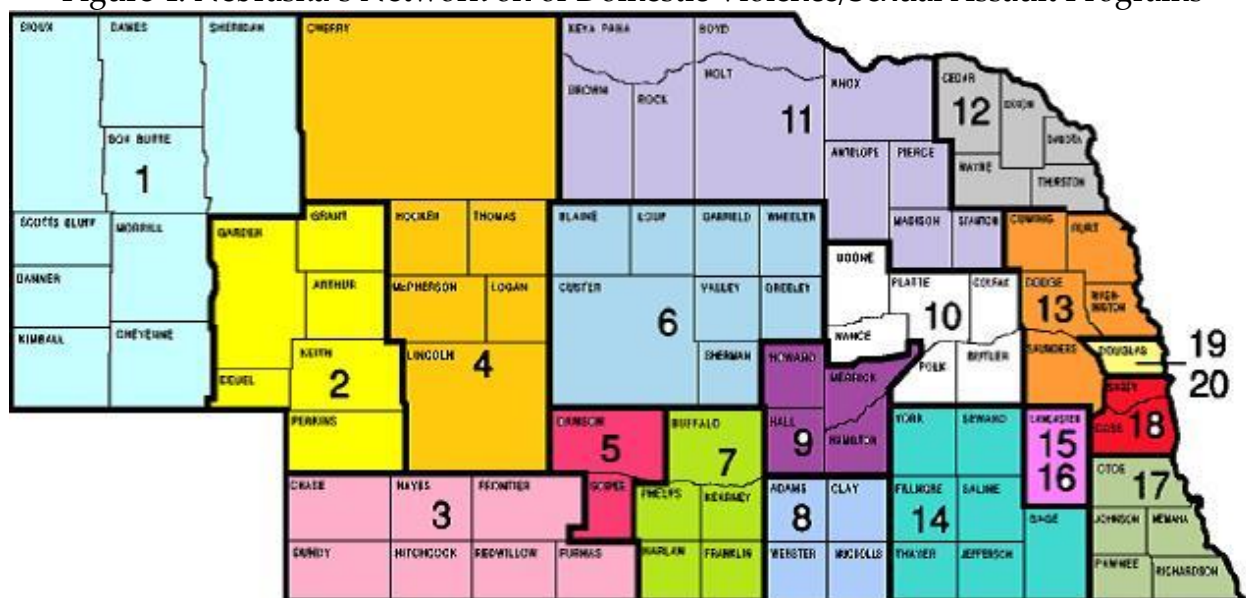
ask why? Programs must learn how to translate data into meaningful stories that help them understand the barriers and successes in their community.

## Recent and Current Nebraska Efforts

### Nebraska Coalition to End Sexual and Domestic Violence

The Nebraska Coalition to End Sexual and Domestic Violence (the Coalition) is a statewide advocacy organization committed to the prevention and elimination of sexual and domestic violence. Their work enhances safety and justice for victims by supporting and building upon services provided 24-hours a day by the network of twenty domestic violence and sexual assault programs available. Figure 4 illustrates the 20 programs by counties served.

Figure 4. Nebraska's Network on of Domestic Violence/Sexual Assault Programs



Source: Nebraska Coalition to End Sexual and Domestic Violence

This network provides training and support to agencies who serve victims. Topics include fundamentals of the dynamics of intimate partner violence, legal advocacy, program sharing, and prevention. The Coalition trains law enforcement, as well as NDHHS protection and safety workers. They also assist programs with capacity building, issuing program standards and conducting site visits to ensure programs adhere to evidence-based approaches. For example, the Coalition:

1. Works with programs to ensure the use of trauma-informed approaches in their work with domestic violence and sexual assault;

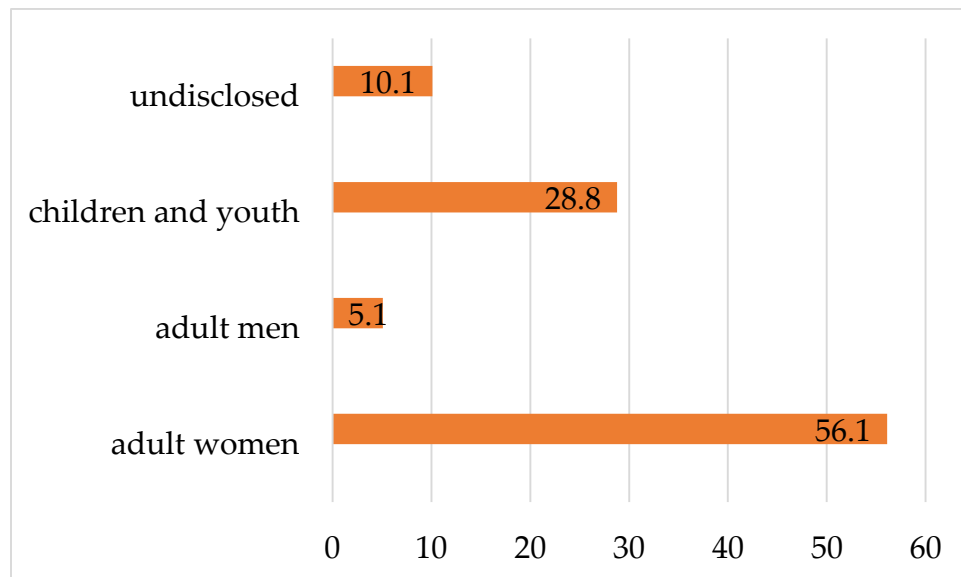
## 2. Helps set statewide standards for Batter Intervention Programs.

As mentioned above, data regarding the number of cases of domestic violence, arrests, prosecutions, and sentencing is nonexistent at the state level. The Coalition is able to document services provided, but the data is about the services received, more than the number of domestic violence and sexual assault calls. In addition, the data below are statistics reported by local domestic violence and sexual assault programs – they do not reflect the actual number of persons who experience intimate partner violence.

From October 1, 2013 - September 30, 2014, a total of 22,655 individuals received direct services.

- A total of 57,485 shelter beds were provided
- 1,266 adults were served in shelter
- 1,306 children and youth received shelter services

Figure 5. Demographics of Persons Served



Source: Nebraska Coalition 2014 Statewide Report

Nationwide we know that there “are epidemic levels of domestic violence on tribal lands.” According to the National Congress of American Indians, 3 out of 5 Native women have been assaulted in their lifetimes, and 34% will be raped. And specifically to the Violence Against Women Act (VAWA) provision, as of 2010, 59% of assaults



against Native women take place at or near a private residence, and 59% of Native women were married to non-Native men (Bendery, 2015). According to the Coalition's 2014 Annual Report, member agencies of the Coalition served 697 American Indian/Alaskan Natives in 2014 (Nebraska Coalition, 2014).

### **Coordinated Response Teams**

Coordinated Response Teams (CRT) are local multi-agency task forces that work collaboratively on domestic violence and/or sexual assault cases. A list of Nebraska CRTs is available in Appendix D. These teams often consist of victim service providers, law enforcement, county attorneys, victim witness units, and parole/probation. While these entities streamline efforts within and often across counties, there is minimal coordination across the 24 CRT Teams. Consequently, it was not possible to get an estimate of progress made on priorities.

Nebraska does have a Statewide Coordinated Response Team, which has provided training for local CRTs in the past. This response team includes members from the Nebraska Coalition to End Sexual and Domestic Violence, Nebraska State Patrol, Nebraska Department of Correctional Services, Nebraska Crime Commission, Nebraska Attorney General's Office and the Administrative Office of the Courts and Probation. Although this group could provide coordination among the local CRTs, this group has limited money or resources, making statewide coordination less feasible.

### **Domestic Violence Death Review Teams**

Due to the high number of deaths related to domestic violence, many states have established Domestic Violence Death Review Teams. According to a document on state policies on domestic violence and health care produced by Family Violence Prevention Fund, Domestic Violence Fatality Review Teams are multi-disciplinary and often come from a broad array of professions, including: government officials, public health professionals, law enforcement, health care providers including mental health professionals, domestic violence advocates, coroners, medical examiners, forensic pathologists, and others (Aiken, 2014; Durborow, 2010).

The goals of a Domestic Violence Death Review Team are to evaluate cases of fatal domestic violence incidents in order to identify trends and patterns associated with domestic violence fatalities. The Death Review Teams make recommendations for domestic violence prevention, intervention, and investigation efforts and often monitor the implementation of those recommendations. The goal of the fatality review process is to examine untimely deaths in an effort to develop important insights regarding risks, intervention, and prevention efforts (Aiken, 2014; Durborow, 2010).

Currently, the State of Nebraska does not have a formal domestic violence death review process in place. The Statewide Coordinated Response Team does conduct informal domestic violence death reviews. The Nebraska State Patrol (partnering with the Statewide Coordinated Response Team) has reviewed and tracked domestic violence related homicides since 2011. They have also created a criteria for a review of deaths that are the result of domestic violence (see a link to these goals in the 2014-2016 Nebraska State Implementation Plan STOP Violence Against Women Act (VAWA)). However, work remains in the ongoing process for formally establishing a domestic violence death review team.

Barriers often exist to establishing these review teams. For instance, agencies often do not feel they can legally share confidential information. Without legislative action to formalize a process, it may not be possible to aid in the reduction of domestic violence deaths by accurately identifying the cause and manner of such deaths. Legislation would best support the development of a formal domestic review process and clarify expectations of the participants. Additionally, it would allow an avenue for policy changes and practices to improve community prevention interventions for domestic violence deaths.

### **VAWA and Domestic Violence**

Nebraska also has a current STOP Violence Against Women Act (VAWA). The STOP Formula Grant program is Nebraska's primary source of federal funds for efforts to address and serve victims of domestic violence, dating violence, sexual assault, and stalking.

## **Issues**

1. ***Data reporting:*** There is clear legislation mandating state data collection and reporting to the Governor. The Nebraska Commission on Law Enforcement and Criminal Justice (NCC) is required to produce an annual report to the Governor and legislature. The data they report, however, is limited. On the whole, law enforcement agencies receive no sanction for failing to report data to the NCC. Local law enforcement may cite a lack of resources to devote to data collection or data entry.
2. ***Defining evidence-based practices and training:*** Although programs across the state use the term "evidence-based," there may not be a common understanding of what

this means. Furthermore, training on domestic violence often does not involve cross systems professionals (law enforcement, prosecutors, agencies, and judges).

3. ***Lack of sanctions for perpetrators of DV:*** Meaningful sanctions, like batterers intervention programs, are not uniformly available across the state. There is currently no batterer intervention program west of North Platte.
4. ***Underserved populations:*** Some focus group members indicated that the state has limited domestic violence shelter options for underserved populations, including (but not limited to) men, immigrant populations, gay and lesbian individuals, youth and teenagers, and transgendered individuals.
5. ***Jurisdiction issues with Native American Tribes:*** Prosecuting perpetrators of violence against Native American women has been difficult historically, due to the jurisdictional issue over non-Native offenders. While there are a number of underserved populations, data shows that Native American populations pose a unique problem when prosecuting domestic violence. If tribes lack jurisdiction, the non-Native abuser escapes prosecution. According to some participant experiences, cooperation with non-tribal authorities also prohibits prosecutions in a number of violent crimes, including DV.
6. ***Domestic Violence Death Review Team:*** Although the Statewide CRT has already done substantial informal work in this area, currently there is not a formal Domestic Violence Death Review Team in Nebraska.

## Recommendations

1. An overarching recommendation for issues related to domestic violence is to have a statewide Domestic Violence (DV) Coordinator. The statewide DV coordinator would be responsible for overseeing and coordinating data collection, as well as victim services. A statewide coordinator would increase accountability and could monitor data to establish baseline effectiveness in order to know whether specific interventions/programs are making a difference. A statewide DV Coordinator would help establish uniform definitions, review quarterly evaluations, and establish accountability.
2. ***Issue 1.*** The State should evaluate data systems in existence and evaluate whether extracting data to a common data warehouse would meet their statutory duty to report. Quality data would allow the state to assess areas of need in the state. A range of variables should be included with each of the recommendations

made below and can be found in Appendix E. To make good use of data, the state of Nebraska must provide guidance to programs on data types and the use of common definitions, as well as set minimum benchmarks and outcomes for programs. Nebraska's college and university systems are available to assist with data interpretation and evaluation of programs. To make good use of data, the state of Nebraska must:

- Provide guidance to programs on the types of data;
- Establish common definitions to use across the state;
- Set minimum benchmarks and outcomes for funded programs; and
- Provide guidance on how to interpret data.

The Domestic Violence Council is an example of one jurisdiction that has begun to do this.

3. **Issue 2.** A uniform statewide assessment tool should be developed to assess the use of evidence-based practices. Programs should be informed of common definitions and expectations regarding evidence-based practices. Training should be reported annually with any request for funding. The statewide coordinator should work closely with the Nebraska Bar Association and/or the Coalition to develop training available to attorneys, especially prosecutors and judges. Funded programs should attend training by national experts on domestic violence.
4. **Issue 3.** Nebraska should expand evidence-based Batterer Intervention Programs so there is greater availability across the state.
5. **Issue 4.** There are a variety of shelter models being used across the state, which are designed to meet the victims' unique needs. Some programs still have stand-alone shelter facilities, some programs only use hotels/motels, some programs have individual apartment units, and some programs offer a rapid rehousing approach where they pay for the first month's rent/utilities on a new location. Most programs have more than one of these options so that they can best meet the individual and immediate needs of the survivor. Programs should work with victims to ask them what they are comfortable with, and then meet their needs based on the resources available. In focus groups some parts of the state indicated a need for additional shelter options to meet victims' needs, but it may be that parts of the state need to document which populations they feel unable to serve, and discuss the availability of options in various parts of the state.

6. **Issue 5.** Lack of coordination between the state and tribes is problematic. Beginning in March 2015, tribes can assert jurisdiction over non-Native individuals who commit crimes of domestic violence or dating violence, or who violate a protection order against a victim who lives on tribal land. The state and tribes should work together to ensure perpetrators are held accountable.
7. **Issue 6.** Legislation creating a formal Domestic Violence Death Review Team should facilitate sharing information for better review of cases. Nebraska has had a Child Death Review Team since 1993, and many of the Nebraska Domestic Violence Death Review goals would be similar: 1) Identify patterns of preventable deaths; 2) Recommend changes in state policy, procedures, and best practices, and 3) Report recommendations on changes that might prevent future deaths.

# CHILD ABUSE, NEGLECT, AND SEXUAL ASSAULT

Child abuse and neglect, including sexual abuse of children, ranked as a top priority for the state of Nebraska. The Child Abuse Prevention and Treatment Act (CAPTA; 2010) defines child abuse and neglect as:

“Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation; or an act or failure to act which presents an imminent risk of serious harm.”

For youth who are covered, the Department of Health and Human Services (DHHS) defines the following forms of abuse:

- **Physical:** Information indicates the existence of an injury that is unexplained, not consistent with the explanation given, or is non-accidental. The information may also only indicate a substantial risk of bodily injury.
- **Emotional:** Information indicates psychopathological or disturbed behavior in a child, which is documented by a psychiatrist, psychologist, or licensed mental health practitioner to be the result of continual scapegoating, rejection, or exposure to violence by the child's parent/caretaker.
- **Sexual:** Information indicates any sexually oriented act, practice, contact, or interaction in which the child is or has been used for the sexual stimulation of a parent, the child, or other person.

Neglect:

- **Emotional neglect:** Information which indicates that the child is suffering or has suffered severe negative effects due to a parent's failure to provide the opportunities for normal experience that produce feelings of being loved, wanted, secure, and worthy. Lack of such opportunities may impair the child's ability to form healthy relationships with others.
- **Physical neglect:** Information indicates the failure of the parent to provide for the basic needs, or provide a safe and sanitary living environment for the child.
- **Medical Neglect of Handicapped Infant:** The withholding of medically indicated treatment (appropriate nutrition, hydration, and medication) from disabled infants with life-threatening conditions. Exceptions include those situations in which the infant is chronically and irreversibly comatose; the provision of this treatment

would merely prolong dying or not be effective in ameliorating or correcting all of the infant's life-threatening conditions, and the provision of the treatment itself under these conditions would be inhumane.

## Data

According to the Kempe Center for the Prevention and Treatment of Child Abuse and Neglect (2013), more than 3 million reports of child maltreatment are received by state and local agencies each year—which is nearly 6 reports every minute.

In 2014, the Nebraska DHHS received 33,803 reports regarding child abuse. Almost half of the complaints of child abuse came from the eastern part of the state. Only 21.2% of cases reported to DHHS in 2014 were substantiated, while 67% were ruled unfounded. As the table below indicates, 3.6% are still in process (Table 8).

<b>Table 8: DHHS Reports of Child Abuse &amp; Neglect Assessed and Substantiated 2014</b>												
<b>Report Status</b>	<b>Central</b>		<b>Eastern</b>		<b>Northern</b>		<b>Southeast</b>		<b>Western</b>		<b>Total</b>	
	#	%	#	%	#	%	#	%	#	%	#	%
Reports Received	3,288		14,444		4,322		8,429		3,320		33,803	
Abuse/ Neglect Reports	3,227	98.1%	12,698	87.9%	4,224	97.7%	8,220	97.5%	3,262	98.2%	31,631	93.6%
Reports Assessed	1,511	46.8%	4,181	32.9%	1,872	44.3%	3,104	37.8%	1,553	47.6%	12,221	38.6%
Reports Substantiated	333	22.0%	1,016	24.3%	375	20.0%	566	18.2%	285	18.4%	2,575	21.1%
Reports Unfounded	1,049	69.4%	2,737	65.5%	1,165	62.2%	2,126	68.5%	1,115	71.8%	8,192	67.0%
Unable to Locate	21	1.4%	110	2.6%	50	2.7%	68	2.2%	26	1.7%	275	2.3%
Dependent Child Reports Assessed	47	3.1%	141	3.4%	65	3.5%	94	3.0%	41	2.6%	388	3.2%
Alternative Response	10	0.7%	14	0.3%	7	0.4%	36	1.2%	5	0.3%	72	0.4%
Assessment in Process	2	0.1%	109	2.6%	130	6.9%	7	0.2%	32	2.1%	280	2.3%
*Law Enforcement In Process	49	3.2%	54	1.3%	80	4.3%	207	6.7%	49	3.2%	439	3.6%

Source: 2014 Nebraska Department of Health and Human Services (DHHS) Annual Report

In 2014, physical neglect was the most common form of substantiated child abuse and neglect in Nebraska, with 3,497 substantiated cases, or 79.1% of all substantiated cases. Those that experience physical abuse are the next most common, with 549 substantiated cases. Victims of sexual assault make up 6.6% of substantiated cases, or 293 cases (Table 9).

<b>Table 9: Substantiated Child Abuse and Neglect in Nebraska in 2014</b>						
<b>Service Area</b>	<b>Physical Abuse</b>	<b>Emotional Abuse</b>	<b>Physical Neglect</b>	<b>Emotional Neglect</b>	<b>Medical Neglect Handicapped Infant</b>	<b>Sexual Abuse</b>
<b>Central</b>	61	4	357	4	0	42
<b>Eastern</b>	269	30	1,766	18	1	131
<b>Northern</b>	94	8	419	4	0	51
<b>Southeast</b>	71	9	626	1	0	26
<b>Western</b>	54	3	329	0	0	43
<b>Total</b>	549	54	3,497	27	1	293

Source: 2014 Nebraska Department of Health and Human Services Annual Report

According to reviewers of the strategic plan, the data we have available for abuse and neglect from the Nebraska Department of Health and Human Services (DHHS) may underestimate child abuse and neglect. Allegations are received by the Hotline on individuals that may or may not be caregivers. If an allegation is accepted for investigation, DHHS will enter a finding of unfounded, agency substantiate or court substantiated on to the central registry. Cases substantiated in 2014 included individuals that may have not been identified to be caregivers. Some reviewers were concerned with the large number of unfounded cases of child abuse and neglect by DHHS.

There are currently cases being prosecuted where a child died despite repeated contacts to the hotline, and DHHS could not substantiate abuse or neglect prior to the death of the child. DHHS is working closely in collaboration with the Inspector General's Office to determine what changes need to occur within the Department and system partners to prevent unfounded cases that later result in a child's death.



# Recent and Current Nebraska Efforts

## **Division of Child and Family Services**

Child abuse and neglect is investigated by the Nebraska Department of Health and Human Services Division of Children and Family Services (DCFS), the entity that oversees child welfare, as well as the youth rehabilitation and treatment centers. Some of the services that DCFS provides under the Protection and Safety Service Areas include: prevention activities and coordination, child protective services, foster care, independent living, and adoption. In July 2015, DCFS released a memo stating that DCFS “believes that collaborating with Child Advocacy Center’s (CAC) provides opportunities to deliver a holistic, coordinated and trauma-informed response to children and families”.

## **Child Advocacy Centers**

Child Advocacy Centers (CAC) are non-profit organizations that use a comprehensive, culturally-competent, multi-disciplinary team approach where agencies and departments responsible for protecting children collaborate on investigating and intervention services. Throughout the United States there are more than 950 centers and the model has been adopted in at least 25 countries. There are seven centers in the State of Nebraska, all of which are accredited, and a part of the Nebraska Alliance of Child Advocacy Centers.

CACs provide a child-friendly atmosphere for conducting forensic interviews, medical exams, advocacy, and services for children who have been abused and their families. The Nebraska Alliance of Child Advocacy Centers summarizes the CAC services in Nebraska:

- Forensic interviews at CAC are recorded and provided to law enforcement, reducing the number of times children have to discuss the abuse.
- Medical exams are conducted for all types of abuse and for children entering the foster care system.
- Advocates assess and refer children to therapy and other support services.
- A team consisting of multiple disciplines regularly reviews cases to discuss general issues and find solutions for problems in reporting and investigating child abuse.

Additional services at some locations include:

- Court school, where youth are able become familiar with the courtroom processes and learn relaxation and coping techniques for court.

- Hair and nail testing for youth who are believed to be exposed to illegal substances.

CACs are a critical response to child abuse in the state of Nebraska. According to the National Children's Alliance, in 2014, a total of 5,149 youth were served across all CACs in Nebraska. Over half (55.2% or 2,843) of the youth who visited a Nebraska CAC were victims of sexual abuse (down from 66% of the cases in 2013). Neglect was the next most common type of victimization (34.2% or 1,763), followed by physical abuse (16.4% or 845), drug endangerment (11.1% or 570), and witnessing violence (6.8% or 351). Roughly 70% of the children served through the CACs are under the age of 12 (National Children's Alliance, 2014).

All seven of Nebraska's CACs belong to the Nebraska Alliance of Child Advocacy Centers, which is a member center of the National Children's Alliance (the accrediting body for CACs). As part of the National Children's Alliance, the Nebraska Alliance serves as a resource for best practices in the children's advocacy center model and training. This coordinated approach allowed the CACs to:

- work together to ensure the same quality of services across the state;
- achieve common outcomes (e.g., increase training in Nebraska), as well as an outcome measurement system;
- provide support services to emerging and existing CACs;
- provide consistent and evidence-based training for CACs and other service providers (e.g., law enforcement, mandatory reporters) across the state; and
- develop and refine the tracking of case information.

### **Court Appointed Special Advocates (CASA)**

CASAs are trained volunteer advocates who are appointed by a judge to speak on behalf of abused or neglected children. The goal of the CASA is to provide well-researched information to the court about the placement of children—whether in home or out-of-home—and to remain with the case until the case is resolved. The Nebraska CASA association is a network of 22 programs that serve 38 counties. The CASA association screens, trains, and supports CASAs. In 2014, there were 656 CASAs serving children in Nebraska and 1,546 children were served by a CASA. Although in 2014, the CASA association reported that more children were served than the year prior, there were still approximately 2,000 children who did not receive an advocate. The Nebraska CASA association also reports there are several benefits for children who have CASAs. Children with CASAs are half as likely to spend time in long-term foster care (3 years or

more); the cases are more likely to be permanently closed; and fewer than 10% of CASAs return to the foster care system (Nebraska CASA, 2015).

### **Child Abuse and Neglect Teams LB1184 Teams**

The 1992 Nebraska legislature established Child Abuse and Neglect Teams (“LB1184 teams”) to provide coordination for child abuse investigations and treatment. Child Abuse teams often consist of prosecutors, law enforcement, social services, medical, and mental health representatives who keep current on all aspects of child abuse. Every county in Nebraska is required to create and maintain an LB1184 team. The teams are responsible for creating protocols to coordinate law enforcement and DHHS investigations; ensure law enforcement participation; reduce harm to children; ensure child safety; and share information among professionals. Currently, the Center on Children, Families, and the Law offer the Resource Center on Child Abuse and Neglect Teams (RCCANT), which provides state-wide help and support for county teams.

### **The Foster Care Review Office (FCRO)**

The FCRO is a neutral source of data regarding Nebraska out-of-home placements. The FCRO was established to provide information and direct reporting to the courts, the Department of Health and Human Services, and the Legislature regarding the foster care system in Nebraska. Fundamentally, the FCRO is to provide oversight of the foster care system and to make recommendations regarding foster care policy to the Legislature (Neb. Rev. Stat. § 43-1302). Ultimately, the goal of the FCRO is to ensure that Nebraska does the best job possible not to victimize children and young people who are removed from their home.

### **The Office of Inspector General (OIG) of Nebraska Child Welfare**

The OIG is designated under statute to provide an independent evaluation of the actions of those individuals and agencies responsible for the care and protection of youth in the child welfare system. The OIG is responsible for responding to and investigating complaints filed by foster or biological parents, parties involved in the juvenile court cases, and the general public. Furthermore, the OIG investigates any incident that results in the death or serious injury of a child within foster homes, private agencies, child care facilities, or other programs under contract with DHHS, as well as cases under the Child Protection Act open for less than a year.

### **Preventing Sex Trafficking and Strengthening Families Act**

In September 2014, Congress passed and President Obama signed the Preventing

Sex Trafficking and Strengthening Families Act (also known as the Strengthening Families Act or SFA). Many states are now trying to respond and implement the federal requirements. This complicated piece of legislation addresses both sex trafficking and “normalcy,” for older teenagers in out-of-home care.

According to Director Doug Weinberg with DHHS’s Nebraska, Child & Family Services (CFS), a number of provisions were implemented in 2015 with regard to out-of-home care and normalcy. He further indicated that on September 25, 2015, CFS submitted an updated plan demonstrating compliance with the Preventing Sex Trafficking and Strengthening Families Act.

In October 2015, Nebraska held a hearing on LR 248 focusing on youth safety, permanency, and well-being. The goal of the legislative process is to empower caregivers to facilitate normalcy for the children in their care.

Other states have taken dramatic steps and legislatively recommended that congregate care no longer be used for multi-year care for youth. Research conducted in California indicated that a move away from long-term, congregate care has created a substantial cost savings (LR 248).

## Issues

The issues surrounding child victimization are multi-faceted and complicated: They range from child abuse to children exposed to violence through family situations to older teens who runaway and end up involved in exploitative sexual relationships or human trafficking. Because of the vast range of subjects, we focus only on topics that came to the forefront during the planning focus groups and meetings. We understand that there may be other areas where youth experience victimization.

1. ***Early intervention.*** Members of the focus groups were concerned that Nebraska was lacking in early interventions for children who have been abused or neglected. A memo distributed by Nebraska DHHS in July 2015 about collaborating with the CAC recommends that CACs be utilized for allegations of “sexual abuse, *serious* physical abuse or neglect; or children identified as being exposed to a drug endangered environment” (italics added). CACs felt that by emphasizing only serious forms of abuse and neglect, this may restrict the types of cases referred to the CAC; however research indicates that early intervention can prevent risk for later physical and sexual assault or abuse, kidnapping, stalking, and suicide. According to researchers, there is a “need for early intervention with abused and neglected

children and their families to prevent subsequent exposure to traumas and victimization experiences” (Widom, Czaja, and Dutton, 2008, pg 4.).

DHHS has a different perspective. While forensic interviews for serious physical abuse and neglect are required by statute to be conducted at CACs, this requirement does not apply to less serious cases. As such, DHHS feels the best response is for a DHHS worker to conduct forensic interviews in cases where they can do so more quickly than a referral to a CAC.

2. ***Children's testimony.*** Focus group participants reported problems shielding children from being re-victimized through the legal process. This is especially true in sexual assault cases. In some parts of the state, programs reported that the County Attorney may drop cases to prevent a child from testifying, or that the inability of the child to testify forces the prosecuting attorney to drop the case. In other instances, victim advocates reported getting push back from defense attorneys, who felt that help from an advocate amounted to coaching.
3. ***Multiple placements for Foster Care Youth.*** Obviously in some instances, youth must be removed from the home and placed in foster care. When this is the only viable solution, the state must be more mindful of multiple disruptions and placements. When children are removed from their homes and then experience placement disruption, this can lead to distress and a sense of loss, which in turn contributes to feelings of distrust and fear, as well as difficulty forming healthy relationship (Center for Human Services, 2008).

The Nebraska FCRO (Quarterly Report, 2015) recently reported that disrupted placements continue to be a concern for the state. Data from the foster care review office indicates that:

- a. Roughly 44 children who are currently in an out-of-home placement in Nebraska involve youth who had been adopted at least once.
- b. The percentage of children having four or more placements over their lifetime has decreased, but 29% of Nebraska children still experienced four or more disruptions in their lives.
- c. Child welfare staff turnover continues to be an issue. The majority (54%) of children in out-of-home placement have had 3 or more case managers over their lifetimes.

4. *Services for runaway and homeless youth.* Runaway and homeless youth are a population that we can prevent from being victimized if we intervene early enough. Youth who repeatedly run away are at high risk of being re-victimized. The Risk Amplification Model (Whitbeck, Hoyt, & Ackley, 1999) is often cited as the mechanism through which runaway youth are exposed to early abuse and coercive relationships that carry over into negative interactions and are eventually adopted by the adolescent. The model specifically posits that risk is additive and that youth who are sexually abused are more likely to run away early, spend more time on the street, and associate with deviant friends. On the streets, these adolescents are more likely to engage in antisocial strategies that will encourage and maintain drug use. Essentially, any pre-existing mental health or stressful conditions that the adolescent may possess are amplified by the unsupervised nature of the streets (Tyler, Hagen, & Melander, 2011).
  - a. In Nebraska, 18 year olds are not considered adults, yet they are also not covered under child welfare statutes. Child Advocacy Centers reported incidences in which County Attorneys may not always file on cases where a youth is 16 or 17 years of age because the youth is about to “age out.” Juvenile probation also experiences parents; a) who refuse to take a youth home when the youth screens too low for detention; b) who refuse to take back the older teen who is returning from YRTC; or c) the adopted teen who reaches adolescence and is more difficult to manage.
  - b. Youth who are out of the home and are on probation (either pre or post adjudication) fall into an especially vulnerable position. Although while on probation they are eligible for services, once they are no longer on probation, they are ineligible for services because they are neither wards of the state nor prior wards of the state. As such, these youth may turn to people who will take them in. Additionally, Nebraska’s Youth Rehabilitation Centers are seeing more 18 year olds committed to the YRTCs.

## Recommendations

1. An overarching recommendation for issues related to child abuse and neglect is to have a statewide Child Abuse and Neglect Coordinator. The statewide Coordinator would be responsible for overseeing and coordinating data collection, as well as working with well-established agencies and services. A statewide coordinator would increase accountability and could monitor data to establish baseline effectiveness in order to know whether specific interventions/programs are making a difference. A statewide Coordinator would help establish uniform definitions, review quarterly evaluations, and establish accountability.

2. *Issues 1 and 2.* Nebraska has excellent resources in the CACs and the Nebraska Alliance, and we should use these to the fullest extent. It is important to prevent the unnecessary removal of children from their homes and parents, but this must be balanced with ensuring children are not put in harm's way. DHHS is interested in having a collaborative relationship with the CACs and the 1184 Teams. A child's removal from their parent's home may be one of their most traumatic experiences. Many of the 1184 Teams meet monthly and some quarterly. DHHS must respond promptly to children and their families to safely return children to their families to reduce trauma associated with removal from the home and family. DHHS should continue to use and evaluate the use of the Structured Decision Making tool to determine if:

- a. Children cannot safely remain in their parent's home;
- b. Children are at risk for future maltreatment; and
- c. Determine when the child(ren) can safely be returned home.

We recommend that 1184 Teams continue to be involved to ensure that youth who are alleging child abuse and neglect are being referred to the CAC for further assessment, according to state statute.

3. *Issue 2.* Nationwide courts are using tools or comfort items to assist children when they are called to testify. While some participants stated they have never had issue with allowing advocates in court or allowing the child to have a comfort item, in other places participants stated that Nebraska's courts seem resistant to allowing advocates or comfort items in court. CACs should partner with the Nebraska Bar Association to ensure that attorneys are trained on evidence-based approaches to child testimony. The Nebraska Alliance should work with the Victim Advocates at the Nebraska Attorney General's Office to ensure that all CAC staff understand the use of depositions and the important advocacy role that staff can play without coaching a witness. In addition, written policy regarding closed circuit testimony should be distributed, to ensure there is common understanding on its use in the state. Additionally, families should meet with CAC staff prior to the day of court, to ensure that the family and child are not traumatized by the legal procedures.
4. *Issue 2.* In January, 2015, LB 459 was introduced by Senator Crawford to allow children (under aged 16) who have a recorded interview at a CAC or law enforcement agency to forgo deposition, if both parties agree to it. If children must

be deposed, the bill also had additional provisions for assisting children during depositions, such as permitting protective orders that guide what can be asked in depositions, allowing support people at the depositions, or excluding the defendant. It appears that LB 459 was discussed at the judiciary committee but has not yet been advanced. It is recommended that LB 459 be reintroduced during the next legislative session.

5. *Issue 3.* Safe foster homes are critical for youth who cannot return home. Healthy homes foster healthy development and reduce disruptions in placement. The requirement of permanency sometimes forces a foster family to agree to placement and/or adoption before they understand the full extent of the commitment. The items listed directly below come from the FCRO June 2015 Quarterly Report, and should be applied to both DHHS and Juvenile Probation:

The entity placing a child in foster care should:

- a. Offer intensive services to parents at the onset of the case, including the specific assessment of a parent's long-term willingness and ability to parent their child.
  - b. Ensure that every assessment of the parent's ongoing progress measures not only the parent's technical compliance with court orders, but also true behavioral changes.
  - c. Ensure that all stakeholders, especially the legal parties in the judicial system, are timely in meeting the needs of children and families.
  - d. Address paternity in a timely manner, preferably very early in the case so that the father's suitability as a caregiver can be assessed.
  - e. Attain all appropriate educational, health, and development information and services at the time of removal to ensure that appropriate oversight of the well-being of all state wards (and youth on probation) occurs from the beginning. This includes the use of medical homes for children and maintaining children in their school of origin unless good cause exists.
  - f. Caseworkers, foster parents, agencies responsible for foster homes, guardians' ad litem, therapists, courts, and other concerned parties should do everything possible to encourage a well-thought-out transition plan for any child that must move between placements.
6. *Issue 3.* The Foster Care Review Office compiles data on why foster placement and adoptions fail to determine points in the system where the State can enhance efforts and allow permanency to children. However, at the same time, parents



who give birth to a child, adopt a child, or become guardians to a child must be held to that commitment until they legally dissolve that obligation.

7. **Issues 4.** Nebraska is in the midst of implementing the Strengthening Families Act (SFA). Nebraska has a number of agencies and commissions that have weighed in on the requirements. Full implementation of its provisions should assist foster parents in deciding what activities youth in their care can participate in (using the Reasonable Prudent Parent Standard, or RPPS). These provisions apply to foster family homes as well as child care institutions, such as group homes. For instance, the Act requires states to implement policies to provide caregivers appropriate liability protection when exercising the RPPS. The Act also requires that the state provide training on these topics. Child and Family Services currently offer liability insurance, but it is unclear whether probation youth in foster homes or other probation-funded institutions have the same liability insurance to cover the new activities envisioned under SFA.

The SFA requires states to eliminate the use of “APPLA” (another planned permanent living arrangement) or independent living, for youth under age 16. The SFA also empowers older youth by requiring that they be involved in the development of their case plans. Plans are supposed to include detailed services needed for the youth to transition into “successful adulthood.” Finally, “the SFA requires that youth in foster care be provided with a list of their rights, with respect to education, health, visitation, court participation, access to important documents such as birth certificate and social security card, as well as their right to stay safe and avoid exploitation.”

# HUMAN TRAFFICKING

Despite the fact that a nationwide crackdown on human trafficking led to the arrest of three pimps and the rescue of two victims in the Omaha area in October 2015, (Nelson, 2015) there are still many Nebraskans who believe that human trafficking is not a problem in this state (Nebraska Human Trafficking Task Force plan).

Agencies that work with victims recognize the growing concern and ranked human trafficking as one of the priority areas for the state. Being ranked as a priority simply means that providers felt that the state should devote resources and funding to this type of victimization. Human trafficking is a complex area of victimization and by most accounts, difficult to identify (Dahl, 2010). According to the Federal Law Enforcement Training Center, law enforcement agencies must be taught to recognize indicators of human trafficking that they may encounter during routine duties. Our data indicate that service agencies must be trained as well. Human trafficking can occur anywhere. In the Strategic Plan recently released through the Nebraska Attorney General's office, it cites a case that involved two teenage victims in an Iowa town of 550 people.

The Nebraska Criminal Code, Chapter 28 of the Revised Statutes, contained four sections that refer to "human trafficking." For purposes of this strategic plan we focus primarily on sex trafficking, and only briefly address issues of labor trafficking. Neb. Rev Stat. §28-830 defines both:

"(13) Sex trafficking means knowingly recruiting, enticing, harboring, transporting, providing, or obtaining by any means or knowingly attempting to recruit, entice, harbor, transport, provide, or obtain by any means a person eighteen years of age or older for the purpose of having such person engage in commercial sexual activity, sexually explicit performance, or the production of pornography or to cause or attempt to cause a person eighteen years of age or older to engage in commercial sexual activity, sexually explicit performance, or the production of pornography."

"(7) Labor trafficking means knowingly recruiting, enticing, harboring, transporting, providing, or obtaining by any means or attempting to recruit, entice, harbor, transport, provide, or obtain by any means a person eighteen years of age or older intending or knowing that the person will be subjected to forced labor or services;"

According to the Strategic Plan and recommendations that went to the Nebraska Attorney General in October 2015, there does not appear to be sufficient expertise to fully implement the labor focus of the Nebraska Human Trafficking Task Force.

Although the remainder of this chapter will focus on sex trafficking, we include one recommendation at the end of the chapter, with regard to labor trafficking.

## Data

Estimates on the number of human trafficking victims and survivors are difficult to ascertain because persons involved may not even fully recognize their participation and victimization (LR 186 Hearing). Nationwide, estimates often include proxy variables, which researchers recognize to be a substantial undercount.

The International Labor Organization (ILO) estimates the human trafficking industry generates \$150 billion in profits annually; “two thirds of the estimated total of US \$150 billion, or US \$99 billion, came from commercial sexual exploitation, while another US \$51 billion resulted from forced economic exploitation, including domestic work, agriculture, and other economic activities” (Geneva, 2014).

### Human Trafficking in Nebraska

In July 2015, the Nebraska Governor’s Task Force on Human Trafficking worked with university researchers and experts in human trafficking to determine if a method could be found to provide a valid estimate of the number of female victims of sex trafficking in Nebraska (Hampton & Ball 2015). The task force’s goal was to provide a reliable estimate of the number of prostituted underage women in Nebraska.

The authors reported that “the *known* number of *Nebraska school girls* who become victims of sex trafficking is at least 47 per year. We are certain, based on the fact that our methodology, in order to avoid any possibility of overestimating, deliberately underestimates the number of Nebraska school girl victims, that the true number is probably double this or greater” (Hampton and Ball, 2015.) We know that young women are not the only victims of this crime, but it was “infeasible to try to estimate the number of adults, males, and non-Nebraskans who are sex trafficking victims,” consequently, “the *total number of sex trafficking victims in the state is certainly much higher*” (Hampton & Ball, 2015).

The Women’s Fund of Omaha recently published a brief on Human Trafficking in Nebraska, which provides recent information on Human Trafficking in Nebraska (see link in Appendix C).

We know that underage victims are especially vulnerable. The Office of Juvenile Justice Delinquency Prevention reported that many children first fall victim to sex trafficking

between the ages of 12 to 14 (Commercial Sexual Exploitation of Children, 2014). Unfortunately, research also suggests that “victims are now increasingly younger because exploiters are worried about contracting HIV or AIDS from victims” (Adams, Owens, and Small, 2010).

Creighton University studied the number of advertisements on *Backpage.com*, a classifieds website often used by buyers and sellers of human beings. According to preliminary results presented at the LR 186 Hearing, they found that on the average day, 45 women are advertised across the five Nebraska cities that have an escort section. Furthermore, Nebraska area codes were present in other states (and other state area codes were present in the Nebraska cities), suggesting that Nebraska is part of a larger national issue.

Stories from service providers and experts during an October 2015 hearing on sex trafficking in Nebraska (LR 186) revealed a substantial underage sex trade related to the I-80 corridor. One service provider explained that I-80 is a popular corridor for sex trafficking and shared the story of a 12-year-old girl sold in Grand Island. The victim reported knocking on truck doors at the truck stop and turning six to eight tricks a day. In addition to truck stops, victims who testified reported there are specific local events where victims are “pimped out,” including Kearney Bike Night, Sturgis, and the College World Series. The Bay, a service provider in Lincoln, reported that of the 125 youth they served last year, an estimated 80% were used in exploitative sex (LR186). Middle and high school students are being used by handlers for the purposes of befriending and gathering more students, and are paid for each new recruit.

Young people who are involved in prostitution are often considered fully responsible for engaging in a criminal act. Congress has indicated that states who do not decriminalize prosecution of minors involved in the sex trade may have their JAG BRYNE Funds reduced. Although Nebraska is ahead of the curve on the issue of decriminalization, there are still professionals who do not recognize that young people involved in the sex trade are not voluntarily engaging in this behavior, but are being lured into it and held under duress.

## Recent and Current Nebraska Efforts

Nebraska has been working to address human trafficking through various entities since 2009 (see link to Nebraska Task Force on Human Trafficking in Appendix C). On October 21, 2015, the Nebraska Attorney General unveiled an ambitious strategic plan to address human trafficking. We echo many of those recommendations in this broader

plan on victimization. The plan is not currently available online, but a copy of the plan may be available by contacting the task force coordinator.

In addition to the newly unveiled task force, there are a number of state and local agencies working on human trafficking in Nebraska:

**Neb. Rev stat. § 81-1430 created a task force** within the Nebraska Commission on Law Enforcement and Criminal Justice for the purposes of investigating and studying human trafficking. The specific role of the task force, outlined in (2) is to:

“examine the extent to which human trafficking is prevalent in this state, the scope of efforts being taken to prevent human trafficking from occurring, and the services available to victims of human trafficking in this state. The task force shall also investigate the limitations upon victims who wish to come forward and seek medical attention; investigate the potential to stop human trafficking; and investigate the potential to promote recovery, to protect families and children who may be profoundly impacted by such abuse, and to save lives.”

The multi-agency, FBI-led “Innocence Lost” Task Force, has for some years been referred to the “Omaha Child Exploitation Task Force.” This effort combines the resources of several law enforcement agencies in the state and centers on high-profile events, like the College World Series, Nebraska football weekends, and the annual Berkshire Hathaway shareholder’s meeting, as sex trafficking venues (Kelly, 2014).

The Women’s Fund of Omaha has a Trafficking Response Coordinator who combats sex trafficking in Nebraska through a comprehensive approach that includes research, victim services, and public awareness. In a recent survey conducted by the Women’s Fund, 36% of providers believed they had encountered victims of human trafficking, but only 21% screened for human trafficking and 85% felt they did not offer services to assist the victim (NHTTF Human Trafficking Plan.)

Nebraska’s major universities are also involved in this critical work. The University of Nebraska-Lincoln holds an annual conference devoted to human trafficking; the conference convenes local, national, and international experts. The University of Nebraska-Lincoln also has a student organization called University Students Against Modern-day Slavery (NUSAMS). Additionally, researchers at Creighton University have conducted important counts of sex trafficking in Nebraska, as detailed above.

At the Federal level, legislation under the Violence Against Women Act (2000) has allowed visas to undocumented immigrants who have been victims of human

trafficking, or crime more generally. According to the legislative findings within the Victims of Trafficking and Violence Prevention Act (VTVPA; Pub. L. No. 106-386) part of the Violence Against Women Act (2000), “immigrant women and children are often targeted to be victims of crimes committed against them, including...rape, torture, kidnapping, trafficking, incest, domestic violence, sexual assault, female genital mutilation, forced prostitution, involuntary servitude.” However, because of their status, undocumented immigrants may be reluctant to report any crimes.

To facilitate reporting of crimes from undocumented immigrants, the VTVPA created a nonimmigrant visa classification called T-Visas (“trafficking” and specific to human trafficking) and U-Visas (“unclassified” for victims of crime, more generally). There are, of course, specific requirements and procedures for obtaining both visas. The Human Trafficking and The State Courts Collaborative provide a detailed overview of immigration benefits available for human trafficking victims and how state courts can assist victims in obtaining these benefits (see Weller & Junck, 2014). Once a U-Visa or T-Visa is approved, the maximum length of stay in the United States is four years (unless extended) and visa holders may apply for lawful permanent residence. The qualifying criminal activities for these visas include both sex-related crimes (i.e., human trafficking), but may also include labor-related crimes (i.e., extortion, forced labor, and fraud in foreign labor contracting).

## Issues

1. ***Multi-system coordinated approach:*** We cannot effectively eradicate an industry that generates \$150 billion in profits and victimizes some 21 million people if we do not fully comprehend the trafficking networks. Nebraska and the I-80 corridor offer a lucrative sex trade market; Nebraska is seen as a destination state (LR186) precisely because of our limited understanding of the signs that a victim is being trafficked. Furthermore, no single system can successfully combat human trafficking and a multi-system, coordinated approach across local, tribal, state, and Federal levels is necessary.
2. ***Seeing victims as victims:*** Often the juvenile justice system and service programs do not recognize when youth or adults are victims, and as such, treat them like criminal offenders. For instance, adult victims may be charged with “masked offenses,” and youth victims may be charged with status offenses, such as being ungovernable or truant. Moreover, some law enforcement officers still bring victims in “for their own safety,” using minor law violations or status offenses to hold the victim in a secure

setting. In Nebraska this could only be done in a staff secure facility, which is considered non-secure but is co-located with detention.

3. ***Services for youth:*** Although Nebraska has decriminalized prostitution for juveniles and now frames prostitution as a minor victimized by sex trafficking; the state lacks specialized services and testimonial procedures to address the needs of youth involved in sex trafficking. Currently, there are no clearly defined best practices on how to connect victims to services or which services have the best outcomes. According to the Protected Innocence Challenge, a comprehensive study of state laws, Nebraska received a “D” grade based on 41 key legislative components (divided into six areas) that respond to domestic juvenile sex trafficking.

One area in which Nebraska scored disproportionately low was Protective Provisions for the Child Victims. The report notes that “housing specifically designed to meet these victims’ needs are not statutorily mandated and victims identified as a status offender may be detained” (Nebraska Report Card, 2014). It is unclear which facility or youth this report was referring to, but perhaps the reason that they report that status offenders are detained (which would be a violation of federal law) is due to the similar appearance and co-location of secure and non-secure detention for youth in Nebraska.

4. ***Testifying in court:*** Furthermore, the Nebraska Report Card published by Sharedhope.org (2014) notes that youth older than 11 are not permitted to have videotaped depositions in lieu of in-person testimony. Also, Nebraska’s rape shield laws are limited to non-commercial sexual offenses, thus those who are involved in commercial sex trafficking are not protected from cross-examination at trial (Nebraska Report Card, 2014). The key findings for Nebraska are available at SharedHope.org.
5. ***Foster youth at high risk:*** There is overlap between the foster care system and human trafficking because traffickers seek out youth with low self-esteem and minimal social support (Clawson et al., 2009), which are common traits of youth in foster care. Anecdotally, youth who have been through multiple placements report that foster care was where they learned that their “value is associated with a pay check” (LR 186 Hearing). Recruitment for sex trafficking often occurs in places where youth involved in the child welfare system are included: youth shelters and group homes (Hay, 2006).

6. ***Legal issues with age of majority:*** Youth who “age out” are also a vulnerable population. In the State of Nebraska, an 18 year old can be abused, abandoned, or sold and the DHHS Children and Family Services does not have jurisdiction to respond if a citizen calls the hotline. On the other hand, those aged 18 are not legal adults in Nebraska (Neb. Rev Stat. §43-2101); and although the 2010 legislature carved out an exception for 18 year-olds to enter into a binding contract or lease, the exception does not apply to those who are a ward of the state (LB 226). Many of these youth for various reasons will end up being unaccounted for. Because they have few options including renting an apartment often they rely on couch surfing and engaging in survival sex.
7. ***Visas for undocumented victims:*** The Department of Homeland Security (DHS)/U.S. Citizenship and Immigration Services (USCIS) can only grant U-Visas to 10,000 principal victims each fiscal year (U.S. Department of State Foreign Affairs Manual on U-Visas) and 5,000 T-Visas each fiscal year. Once USCIS reaches the approved statutory maximum for the fiscal year, the remaining applicants are placed on a waiting list until visas become available again. Each year, however, USCIS reaches the maximum approved U-visas immediately for the year (that begins October 1<sup>st</sup>). For example, in 2014, USCIS received 26,039 petitions for U-Visas and approved 10,020 (USCIS, 2014a). Thus, each year, the number of people on the waiting list compounds; currently there are approximately 46,000 individuals are on the waiting list.

On the other hand, it appears that T-Visas are under-utilized. In fiscal year 2014, USCIS received 944 petitions and 613 applications were approved (USCIS, 2014b). According to a national news report (Li, 2013), the T-Visa may have difficult requirements to meet, there is a lack of awareness about them, and people that are trafficked are often perceived as criminals and not victims. It is thought that the regulations place a lot of stress on victims, including having to testify despite fear and not being allowed to work while waiting for the visa. There may also be stigma surrounding the applications for T-Visas. Furthermore, applicants must provide proof of the crime, for which there is often a lack of evidence (i.e., the name or location of the trafficker) (Li, 2013).

8. ***Labor and Organ trafficking:*** Agencies like the Nebraska Equal Opportunity Commission and Department of Labor are often aware of pattern and practice labor cases; however, little is known about labor and trafficking in the State of Nebraska. Victims of labor trafficking are often undocumented, live in employer provided housing, live in rural areas far from town, and most do not speak English. Organ



trafficking is also not well-known. Often undocumented immigrants and/or refugees have unusual scars from organ trafficking. Many countries have organ brokers for which individuals are recruited for organ removal. Some countries are buying children for the sole purposes of “spare parts”, such as hearts.

## Recommendations

1. Issues surrounding human trafficking were a clear priority in statewide focus groups. We recommend one Statewide Human Trafficking (HT) Coordinator to coordinate the multiple efforts currently under way. In October 2015, the Attorney General’s plan called for the immediate development of the Nebraska Human Trafficking Task Force (NHHTF). There also exists a Nebraska Governor’s Task Force on Human Trafficking, which is organized through the Nebraska Commission on Law Enforcement and Criminal Justice. The Nebraska Alliance of Child Advocacy Centers, the Nebraska Coalition to End Sexual and Domestic Violence, DHHS, the Attorney General, and many other associated groups are members of the NHTTF. The NHTTF seeks victim-oriented, state-wide coalition and collaboration regarding the anti-human trafficking effort in and about Nebraska, and provides an excellent backbone agency.

Nationally, many task forces, as well as the Trafficking Victims Protection Act (TVPA), combat trafficking with a three pronged approach:

- Prevention of human trafficking;
- Protection of victims; and
- Prosecution of those accused of trafficking.

If the multiple initiatives cannot be combined, then efforts should be coordinated, with groups selecting their core missions.

2. **Issue 2.** Screenings and assessments can help to identify victims of human trafficking, so that system players better understand victimization experiences and service needs, and can monitor well-being over time. The U.S. DHHS Administration for Children, Youth and Families (ACYF) published a Guidance to States and Services on Addressing Human Trafficking of Children and Youth, which recommends using best practices screening tools. Although ACYF does not endorse a single best instrument, they do provide examples and they provide a list of specific indicators that could be used for screening victimization (e.g., inability to speak on

one's own behalf, excess amounts of cash on hand, loyalty and positive feelings toward trafficker).

Furthermore, Shared Hope International published a report titled "Traffic Stop," which states that assessments can formulate appropriate victim-centered and trauma-centered plans for services that meet the youth's immediate needs (safety, food, shelter, and medical needs), as well as long-term needs (physical, medical, family, mental health, social, cultural, safety, spiritual) in a friendly environment that encourages the victim to share information. See link to report at in Appendix C.

Training regarding screening/assessment tools is as important as the tools themselves. The NHTTF currently has a committee working on "pre-screening, screening, and assessment" tools and training regarding the use of such tools by various entities at several phases of the process.

3. *Issues 2 and 3.* All service agencies and law enforcement need additional training in the area of sex trafficking and exploitation so they can identify signs of human trafficking. Agencies need to understand that victims of human trafficking may not be culpable for the legal violation due to other legal elements, like force, fraud, or coercion. Philosophically, our attitude toward prostitution must shift from holding the victim accountable to holding the sellers and purchasers of human flesh accountable (LR186).

One approach may be to use diversion programs for those who may have legal issues related to their victimization. Diversion programs allow victims to be connected to appropriate services in lieu of jail-time. For instance, New York State, in collaboration with the Center for Court Innovation, has implemented three pilot Human Trafficking Courts to serve trafficking victims charged with prostitution and trafficking related offenses (Lippman, 2015).

4. *Issue 3.* Shared Hope International provides mentorship, financial support, and technical assistance to local organizations to develop programs that offer long-term services to women and children. Shared Hope International encourages using "best practices" for victim-centered and trauma-informed shelters and service providers. The organization specifically addresses juvenile sex trafficking under JuST (Juvenile Sex Trafficking) Response. The National Colloquium published an executive summary of "An Inventory and Evaluation of the Current Shelter and Services

Response to Domestic Minor Sex Trafficking,” which provides recommendations for shelter and services for youth victims. Recommendations are provided under five umbrella areas: (a) placement and services for youth, (b) licensing and maintaining shelter and programs, (c) identifying sustainable resources, (d) programmatic/therapeutic response, and (e) safety and security. See link to report at in Appendix C. Providers should work closely with University researchers to develop evidence-based approaches and practices. An array of trauma-informed services that include health and mental health providers (at a minimum) must be willing to provide the extended treatment required to restore victims.

5. **Issue 5.** Nebraska must revisit the gap in policy and services for 18 year olds. Without training and services, 18 year old victims are completely abandoned by the system. Nebraska should ensure that all young people have the ability to contract for themselves (for housing or services) because they fit under an established exception. Or, that they can be placed in extended kinship or foster care, or guardianship until they reach the age of majority.
6. **Issue 6.** Nebraska should carve out an exception for undocumented immigrants who have been trafficking victims or victims of a violent crime. One sample bill requires local and state law enforcement agencies to sign certifications for qualified immigrant victims, which are prerequisites for U-Visas and T-Visas.
7. **Issue 7.** In order to gather relevant data on human labor and organ trafficking, The NHTTF should work with agencies who may come in contact with these victims. Agencies who enforce labor laws may see environments that are ripe for labor trafficking. The Nebraska Equal Opportunity Commission has come across fair housing cases where the victims’ housing was contingent upon forced labor. Similarly, the NHTTF should work with the Nebraska Department of Labor and the United States Department of Homeland Security to build expertise on how to spot labor trafficking and collect data. Health care professionals need education for identifying issues related to organ trafficking.

# STALKING

Nebraska agencies ranked stalking as one of the priority areas for the state. Amongst all of the ranked priorities, stalking was ranked fifth (or sixth).<sup>11</sup> According to survey results from victims, about 40% indicated that Nebraska does not serve victims of stalking well. Many of the providers who completed the survey indicated neither agreeing nor disagreeing that Nebraska did a good job of serving stalking victims (45%) and an equal proportion either indicating that they “agree” or “disagree” (23% for each); and relatively few indicating they “strongly agreed” or “strongly disagreed” (2% and 4%, respectively).

The Nebraska Criminal Code, Chapter 28 of the Revised Statutes, defines stalking and harassment under Neb. Rev Stat. §28-311.03 as:

“Any person who willfully harasses another person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate commits the offense of stalking”.

And further defines harass under Neb. Rev Stat. §28-311.02 as:

“(2) (a) A knowing and willful course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose”.

According to the legislative intent of Neb. Rev Stat. §28-311, the statute aims to protect victims from stalking and related behaviors that restrain their personal liberty and constitutionally protected activity. Based on both the legislative intent as found in Neb. Rev Stat. §28-311.02(1) and interpreted *In re Interest of Jeffrey K.*, 273 Neb. 239, 728 N.W.2d 606 (2007), stalking requires both an objective standard for determining whether a perpetrator’s conduct is considered stalking and an objective standard for determining whether the victim feels terrified, threatened, or intimidated. In other words, under current law, what the victim actually experiences is less important than whether a reasonable person in the victim’s circumstances would feel terrified, threatened, or intimidated.

Neb. Rev Stat. §28-311.04 also separates out what constitutes Class I misdemeanor stalking and Class III felony stalking. In general, stalking is a Class I misdemeanor unless one of the exceptions is met. The exceptions include whether: (a) the person has a history of stalking or similar criminal behavior, (b) the victim was under 16, (c) the

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<sup>11</sup> Stalking was ranked fifth when including the domestic violence and sexual assault agencies and sixth when these agencies were removed.

person had a weapon, (d) the person has violated a harassment or domestic violation protection order, or (e) the person was convicted of any felony and the victim was also the victim involved in the previous felony (§ 28-311.04).

## Data

According to a 2012 Special Report produced by the Department of Justice: “An estimated 3.3 million persons age 18 or older were victims of stalking during a 12-month period.” This translates to roughly 1.5% of persons in the U.S. who are older than 18 (Catalano, 2012)<sup>12</sup>

Based upon a supplemental survey (SVS) of the 2006 National Crime Victimization Survey, Catalano (2012) reports that roughly 7 out of 10 stalking victims knew their offender in some capacity. A greater percentage of females were stalked than males. This same report indicates that the highest percentage of stalking victims are individuals “who were divorced or separated (3.3%), compared to those married, never married, or widowed (Catalano, 2012). Stalking is an emerging issue amongst college-aged and high school-aged populations. About half of victims report being stalked before age 25 and about 14% of females and 16% of males experienced stalking between ages 11 and 17 (Stalking Resource Center, 2015).

The SVS and other research now focus on the different types of stalking behaviors. Tracking the different types of stalking behavior can assist a state or program with designing the appropriate intervention. Interventions for stalking in an intimate relationship (marriage, cohabitating, dating/ sexual) may be less effective when employed in a non-intimate relationship (acquaintance, employment-related).

### Stalking in Nebraska

As with domestic violence and sexual assault, we could not locate a source of statewide data related to stalking. We again use the data provided by the Domestic Violence Council of Omaha and Douglas County because 1) they track data related to stalking and 2) they report on the largest jurisdiction in Nebraska, which likely provides us with the best estimate of what stalking data may look like statewide.

The data from the Domestic Violence Council (Tables 10 and 11) indicate that Nebraskans who experience stalking follow some of the same trends that victims do

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<sup>12</sup> This report was revised by Shannan Catalano, Ph.D., and Jennifer L. Truman verified the report. The original report, released in January 2009, was written by Katrina Baum, Ph.D., Shannan Catalano, Ph.D., and Michael Rand, Bureau of Justice Statistics, and Kristina Rose, National Institute of Justice.

nationwide. For instance, no women were arrested for stalking in Douglas County in 2013 and 2014.

Of the 33 calls made to 911 dispatch, the offender was arrested 45.5% of the time (15 cases). Of the 15 cases where the offender was arrested, 86.7% of the time the stalking behaviors included a domestic violence situation. These data do not really tell us how often stalking cases involve domestic violence, rather that stalking committed in the context of domestic violence appears to be more likely to result in the offender's arrest.

<b>Table 10: Calls to 911 and Arrests based upon Stalking in Douglas County</b>			
	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>911 Calls</b>	50	16	33
<b>Arrests</b>	12	16	15
<b>Stalking Arrests that also involved DV</b>	8	11	13
<b>Repeat Offenders</b>	0	0	0
<b>Females arrested for Stalking</b>	1	0	0

Source: Domestic Violence Coalition

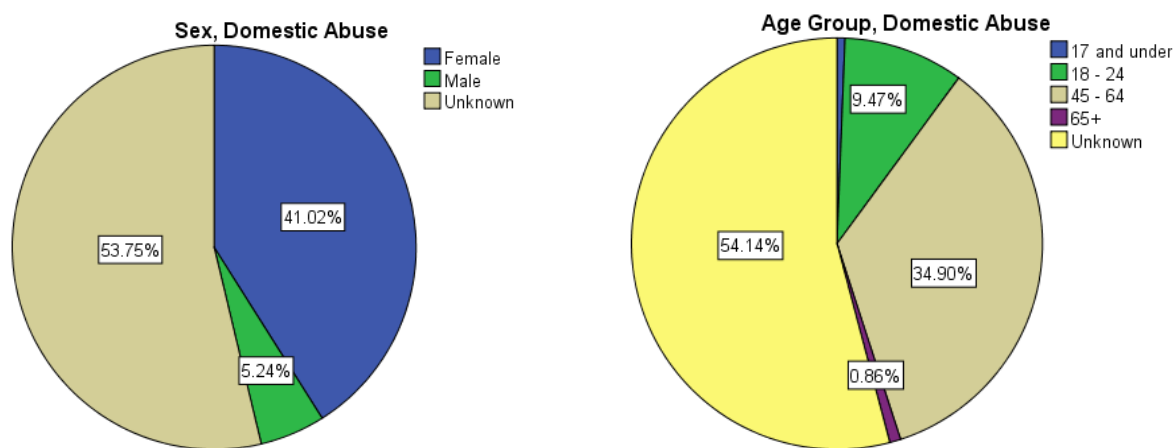
<b>Table 11: Stalking Cases Reviewed, Charged and Sentenced in Douglas County</b>			
	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Cases Reviewed</b>	13	14	12
<b>Cases Charged</b>	11	13	11
<b>% Charged</b>	<b>85%</b>	<b>93%</b>	<b>92%</b>
<b>Cases Dismissed</b>	4	5	2
<b>% Dismissed</b>	<b>36%</b>	<b>38%</b>	<b>18%</b>
<b>Plead/Convicted</b>	7	8	9
<b>% Plead/Convicted</b>	<b>64%</b>	<b>62%</b>	<b>82%</b>
<b>Sentenced to Jail</b>	5	6	5
<b>% Sentenced to Jail</b>	<b>71%</b>	<b>75%</b>	<b>56%</b>
<b>Sentenced to Probation</b>	2	2	4
<b>% Sentenced to Probation</b>	<b>29%</b>	<b>25%</b>	<b>44%</b>

Source: Domestic Violence Coalition

The data also indicate that only about a dozen stalking cases are reviewed by the County Attorney's office annually, most of which result in a plea agreement or conviction.

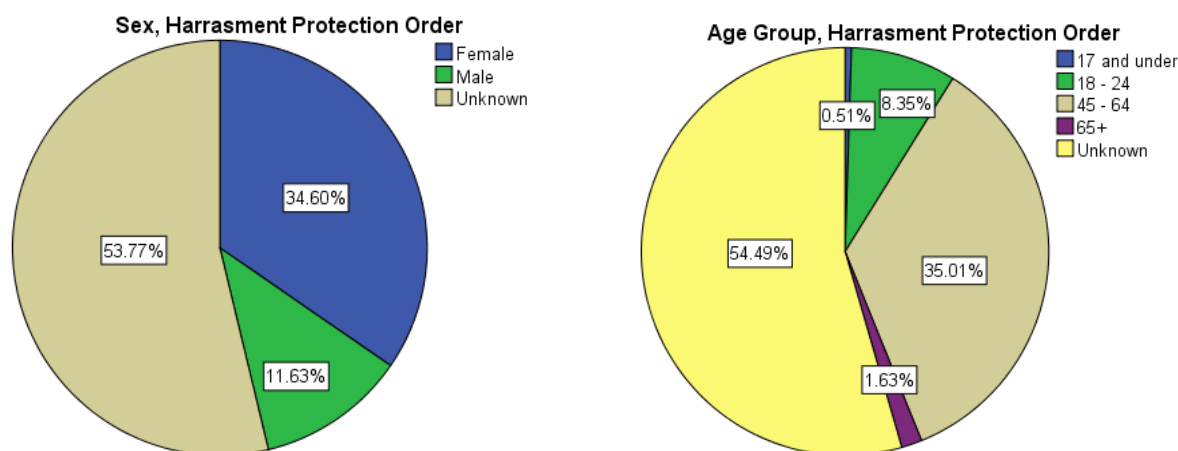
Protection order data may also provide relevant data around stalking behaviors and overlap sexual assault and domestic abuse. We obtained data on frequency of protection orders from JUSTICE for both Domestic Violence and Harassment (Figures 6 and 7). In Nebraska, between 2012-2014, a total of 14,447 petitions for a protection order were granted. Although we collect data on protection orders statewide, missing data is a concern. This indicates a need for additional training for offices entering protection order data.

Figure 6. Protection Orders for Domestic Abuse, by Sex and Age



Source: JUSTICE

Figure 7. Protection Orders for Harassment, by Sex and Age



Source: JUSTICE

Much of the research demonstrates that stalking behavior can escalate to the point where a victim's life is in danger. Seventy-six percent of intimate partner homicide victims were stalked by the intimate partner and 54% of homicide victims reported the stalking to law enforcement before they were killed by their partners (McFarlane, 2002). This trend demonstrates the need for legal systems to allow early intervention in cases, well before they escalate to this point. Data on the number of homicides or fatalities related to stalking were not available for the state of Nebraska.

## Recent and Current Nebraska Efforts

### Introduced Stalking Legislation

In January 2015, Senator Kolowski (District 31, Omaha) introduced LB 307 to amend Neb. Rev Stat. §28-311.02 and Neb. Rev Stat. §28-311.03 after speaking with a constituent who leads the Domestic Violence Council in Omaha. LB 307 proposed several amendments to legislation involving sexual assault, with some specific to stalking. To summarize the language as it would affect the stalking statute, LB 307 would:

- Add language that includes "communicating by electric means" under the definition for "course of conduct" Neb. Rev Stat. §28-311.02(1)(b) to further clarify that stalking may involve electronic means.



- Add language that includes engaging in “course of conduct directly, or indirectly through third parties” to address issues of technology and the ability for stalking behavior through devices and the Internet.
- Remove Neb. Rev Stat. §28-311.02 that describes the legislative intent and instead incorporate that language into the actual definition of stalking under Neb. Rev Stat. §28-311.03. This would remove “willfully” and replace it with “intentionally, knowingly, or recklessly”. This would allow for a lower standard of proof for proving the perpetrator’s conduct.
- Remove the term “seriously” in the definition of harass under Neb. Rev Stat. §28-311.02(1)(a) to reduce the burden of proving that the perpetrator’s behavior caused “serious” terror, threat, or intimidation.

According to personal communications with the senator’s legislative aid, LB 307 was not acted on by the Judiciary Committee in 2015, therefore it will be carried over to the next year and Senator Kolowski hopes to continue advancing the legislation in the next session.

### **National and Local Resources**

The National Center for Victims of Crime provides technical assistance to lawmakers, comments on proposed legislation, and testifies in court. In 2000, the National Center created the Stalking Resource Center, which is a national training and technical assistance center that is focused on stalking (see link in Appendix C). The Stalking Resource Center offers information regarding model statutes, example documents, trainings, and webinars. Another resource is Safety Net, under the National Network to End Domestic Violence, which has a technology and confidentiality toolkit to create safety plans for stalking victims (see link in Appendix C). Safety Net has also worked with social media companies (i.e., Facebook) to create safety manuals for social networking websites.

### **VAWA Act and Stalking**

Nebraska also has a current STOP Violence Against Women Act (VAWA) State Implementation Plan 2014 – 2016. The STOP Formula Grant program is Nebraska’s primary source of federal funds for efforts to address and serve victims of domestic violence, dating violence, sexual assault, and stalking.

## Issues

1. ***Emerging technology:*** Technological advances in recent years have increased the available methods for stalking (i.e., phone apps, text messages, emails, and instant messages) and increased opportunity for stalking (i.e., spycams in the home, spyware on computers to track email and Internet, social media, and devices such as GPS that allow perpetrators to know more information about a victim's whereabouts). Current Nebraska statutes do not include the use of technology in definitions of stalking, nor do statutes account for evolving technology that does not yet exist.
2. ***Investigating stalking:*** Law enforcement face some challenges when investigating stalking. For instance, what may appear to be innocuous behavior to others, may be threatening conduct to the victim (e.g., leaving a gift for the victim). Also, stalking behavior is known to escalate and may lead to physical harm to the victim, therefore, law enforcement needs to intervene as early as possible but may be hindered by lack of documentation. Moreover, some unique evidentiary issues may present themselves when stalking overlaps with domestic violence. For instance, it may be difficult to charge someone with stalking based on some conduct (e.g., placing a GPS on victim's car/phone of which the perpetrator may be part owner, having login information to email and other technology). In intimate partner situations, if the technology is in the former partner's name, then the victim may be unable to shut off certain features, and therefore may not be able to get data from his/her phone to prove the stalking behavior.
3. ***Prosecuting stalking:*** Prosecutors face some challenges when prosecuting stalking cases. Currently, the Nebraska statute for stalking includes both general intent (i.e., "knowing and willful course of conduct") and specific intent (i.e., "with the intent to injure, terrify, threaten, or intimidate") Neb. Rev Stat. §28-311.02(2)(a). Proving specific intent of a stalker, however, may be difficult because specific intent requires proving that the stalker intended to cause a specific reaction in the victim, whereas general intent only requires proving that the stalker intended the actions in which he or she is engaging.
4. ***Protection orders:*** In many cases, the only legal recourse a stalking victim has is a protection order against the stalker. Protection orders are often difficult to enforce and allow the perpetrator to continue victimizing or seriously injure (or kill) the victim.

5. **Youth knowledge of stalking:** With the emergence of technology and the incidence of victims who are under the age of 25, young adults and teenagers (both victims and perpetrators) are often not aware of what constitutes stalking—especially when former partners or acquaintances are involved—and victims are unaware of where to go for help when being stalked.
6. **Data and reporting:** Data regarding stalking is outdated at the national level and largely unavailable on the state level.

## Recommendations

1. **Issue 1.** With increasing use of technology for stalking, keeping those who work with victims (e.g., law enforcement, victim services, prosecutors, or advocates) apprised of these issues on an ongoing basis is important. The Nebraska Coalition to End Sexual and Domestic Violence offers training on stalking and technology. The Stalking Resource Center, for example, offers an online course on the Use of Technology to Stalk. There are also several more training resources available at the Stalking Resource Center's website. Beyond training, the state should identify statewide/local resources for the constantly evolving technology and means of stalking. According to personal communications with the Coalition, technology is present in almost every stalking situation. But there are few people who understand what is being used, how it is being used, and how to help victims stay safe. As such, there should be a network of experts in the state (law enforcement, service providers), similar to what exists for domestic violence and sexual assault, so that professionals working with victims can call for assistance.
2. **Issues 1, 2, and 3.** The National Center for Victims of Crime published *The Model Stalking Code Revisited: Responding to the New Realities of Stalking* in January 2007 as an update to the 1993 Model Anti-Stalking Code. There are several recommendations in the model stalking code that are relevant to Nebraska's issues (see link to Model Stalking Code in Appendix C and the *Model Stalking Code Revisited* publication for more detailed information). Some of these have been addressed in LB 307 and others have not. Some amendments of the Nebraska statute may include:
  - a. Include statutory language for addressing new technologies, as well as technologies yet to be advanced.
  - b. Include statutory language that only requires general intent and not specific intent to address the difficulty for investigating and prosecuting cases.

- c. Codify the Nebraska Supreme Court's interpretation of Neb. Rev Stat. §28-311.03. Currently Nebraska applies the reasonable person standard based on case law *In re Interest Jeffrey K* (2007), which is recommended by the *Model Stalking Code Revisited*. The objective standard reduces the burden that prosecutors and victims have for proving the actual fear victims felt. With that, removing "seriously terrifies" from the current statute would further reduce this burden. Include statutory language that codifies the "reasonable person" standard and further include "in the victim's circumstances" so that the context of the stalker's behavior is evaluated.
3. **Issues 2 and 3.** Documentation and evidence of stalking behavior has been identified as a barrier to investigation and prosecution of cases. Furthermore, scholars have indicated that stalking victims, unlike other victims, often assume the role of proving his/her case against the stalker. In addition, proving the stalking via repetitive questioning by law enforcement can contribute to self-doubt, dropping the charges, and exacerbating trauma associated with stalking (Colins & Wilkas, 2001). As such, providing victims with tools for documentation may facilitate more effective investigation and prosecution, as well as healing from the trauma of being stalked. The Coalition has stalking brochures and incident logs, in both English and Spanish. The Stalking Resource Center offers several documents and examples that could be given to victims for recognizing and documenting stalking behavior:
- a. *Are you Being Stalked?* Brochure. When law enforcement makes initial contact with victims, they can provide a resource that offers examples of stalking behavior, common feelings associated with being stalked, agency information, and important actions such as creating safety plans. The document is currently offered in English and Spanish.
  - b. *Stalking Incident and Behavior Log*. The Resource Center notes that maintaining a log of stalking-related incidents and behavior is important for documenting incidents, bringing criminal or civil cases, and preserving memory about events for later testimony. The information also suggests the types of records and important documents to keep (see example *Stalking Incident and Behavior Log*).
  - c. *Stalking Sacks*. These are actual bags of resources used to document the crime and increase safety. The sacks may include items such as a safety plan, cell phone, flashlight, stalking log, disposable camera, agency information, dead bolt buddy, or personal alarms.
4. **Issue 4.** Other states have passed legislation to improve enforceability of protection orders as a means for early intervention in stalking cases and prevention of bodily

injury or death. On January 1, 2009 the Cindy Bischof law (Public Act 95-0773) went into effect in Illinois, which allows a judge to order a defendant charged or convicted of a violation of an order of protection to wear a GPS monitoring device. Court order protection zones are established with the victim and prohibit the perpetrator from coming within 2500 feet of the victim.

5. *Issues 1 and 5.* To address issues related to stalking in college-aged and high school-aged populations (especially in terms of technology) education for the public and students could include identification of stalking, the negative implications of stalking, and how to seek help.
6. *Issue 6.* Data collected statewide regarding stalking is based solely on the legal violation. To better comprehend stalking, it would be helpful to understand the context in which stalking occurs.

# ASSAULT AND OTHER CRIMES

Individuals who have been victimized by crime have limited options for regaining their property, health, and sense of safety about the community in which they live. Although assault ranked as a top priority among providers surveyed across the state, victims of all crimes experience limited options; therefore this chapter highlights issues specific to victims of assault, but also other crimes such as burglary, robbery, and homicide. During planning focus groups we inquired as to why assault ranked as a higher priority than other, often more serious or violent offenses. Advocates indicated this is due to the sheer volume of victims of assault and relatively few resources available to them, especially for victims of misdemeanor assault.

The data and laws pertaining to assault, burglary, robbery, homicide, etc. are too expansive to include in this section. Instead, we highlight the current efforts, issues, and recommendations.

## Recent and Current Nebraska Efforts

### **Crime Victim's Reparations**

In the aftermath of victimization, victims may need medical and emotional support, shelter, advocacy, and financial and legal aid. Under Neb. Rev Stat. §28-113, victims of several types of crimes can file civil suit against the perpetrator as one means of compensation. Another resource available to crime victims is the Nebraska Crime Victim's Reparation Fund, which was created in 1979 with the passage of Legislative Bill 910. The goal of this program is to provide financial assistance to innocent victims of a crime for specific expenses related to the criminal act.

The Nebraska Commission on Law Enforcement and Criminal Justice (Nebraska Crime Commission or NCC) administers the Nebraska Crime Victim's Reparations (CVR) Program, which is funded through federal Victims of Crime Act (VOCA) dollars, a state general fund appropriation, and cash funds. Nebraska Revised Statutes §81-1801 to §81-1842 and Crime Commission Rules and Regulations Title 80, Chapters 1 to 7 govern the operation of the CVR.

Prior to August 30, 2015, the Nebraska CVR Committee consisted of 7 members. In the 2015 legislative session, the Nebraska legislature updated the CVR Committee requirements, which now include "one public member, who has training and relevant

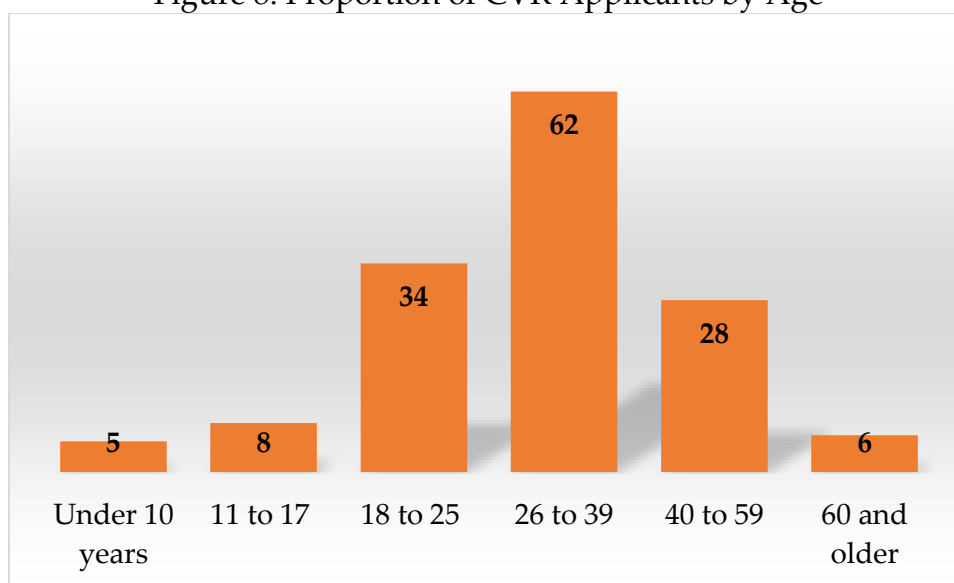
work experience with victims and survivors of crime” (Neb. Rev. Stat. §81-1802). The CVR Committee now consists of 8 members. Although all positions are important, the legislature clearly felt that it was vital to have someone who works directly with victims. Although the Governor recruits for these positions, has a monthly call-in show on KFOR where he/she tells listeners to apply for openings, and has positions listed on the Governor’s website, during focus groups agencies shared they felt the position was not openly advertised beyond the Governor’s Policy and Research Office prior to being filled.

### **CVR Disbursement**

From September 2013 through June 2015, the Nebraska Crime Victim’s Reparation Fund received 144 requests for financial assistance. Individuals requested a total of \$4,407,355.17 in assistance through CVR. The majority of these requests came during the most recent fiscal year; 69% of these requests, or 99 applications, came in during FY2015 (July 1, 2014 to June 30, 2015).

In examining data from September 2013 through June 2015, victims who applied for funds ranged from 1 to 76 years of age, with an average age of 31.5. The majority of CVR applications came from individuals aged 26 to 39 (Figure 8). More males (88 men, or 61%) than females (56 women, or 39%) applied to the CVR Program. A disproportionate number of applicants were Black, in comparison to Nebraska’s general population, which may be related to overall socio-economic patterns.

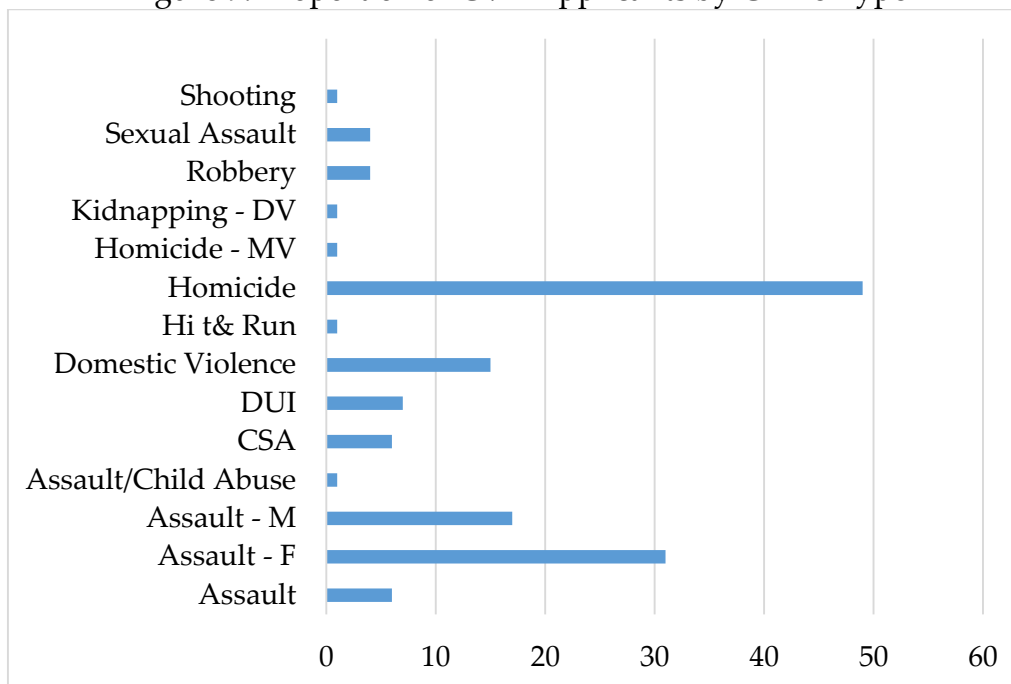
Figure 8. Proportion of CVR Applicants by Age



Data Source: Nebraska Crime Victim’s Reparations Program; September 2013 to June 2015

Victims of the following crimes are eligible to apply for assistance: Homicide, Sexual Assault, Domestic Violence, Child Abuse/Sexual Assault, Kidnapping, Driving under the Influence, Robbery, Arson, and Felony Assault.

Figure 9. Proportion of CVR Applicants by Crime Type



Data Source: Nebraska Crime Victim's Reparations Program; September 2013 to June 2015

As Figure 9 indicates, persons impacted by a homicide were the most likely to seek reparation through the CVR Program, representing almost 50% of applications since September 2013. Assault was the next most common underlying crime for applications. The data on number of applications that we received from the CVR staff separated assault into three categories: felony assault; misdemeanor assault, and domestic-related assaults.

In 2011, felony assault was added as a crime eligible for CVR reimbursement because expenses related to bodily injury are eligible under the CVR program. During focus groups, participants expressed concerns that despite this, victims cannot apply for reparations if the crime is pled down to misdemeanor assault, even though victims sometimes have substantial damages and medical bills. Based upon feedback from the NCC, this is a misunderstanding and additional training must be done by the CVR



Staff. Programs should also be advised that a revised and simplified CVR Claim Form has been available since July 2015 (Contact the NCC for updated form). Focus group members indicated that in some Nebraska jurisdictions, victim advocates have been able to make damages part of the court fees, otherwise the victim would have no hope of receiving assistance.

Other CVR eligibility criteria include: survivors of a dependent or the legal representative of a victim who has been killed as result of a crime; parent or guardian who is responsible for medical expenses of a minor; or a person who is injured while aiding a crime victim or assisting law enforcement.

In addition to eligibility being tied to crime type, victims are also required to report the event to a law enforcement agency within three days of the incident to be eligible for CVR funds. According to §81-1821 Statute of Limitations for Applications, there may be exceptions made if the crime “could not reasonably have been reported in that period” as long as it was reported “within three days of the time when a report could reasonably have been made”.

Other eligibility criteria include filing a CVR program claim within 2 years of the crime, and cooperating with criminal justice officials during investigation and prosecution. There are also exclusionary criteria for eligibility. The Nebraska Crime Victim’s Reparation Fund Guidelines indicate ineligible victims as:

1. Anyone injured in a motor vehicle accident, unless the injury was intentionally inflicted by the operator of the motor vehicle or the offender was charged with DUI;
2. Anyone whose conduct contributed to their injuries;
3. Anyone who aided and abetted the offender in the commission of an unlawful act; and
4. Anyone who is injured or killed while violating a law.

The Nebraska Crime Victim’s Reparations Fund Guidelines also outline what expenses can be covered. Eligible victims may have the following out-of-pocket expenses compensated: medical expenses, loss of wages while under a doctor’s care, funeral expenses, loss of earning power, and counseling expenses, with a maximum award of \$25,000 per incident. Conservatorships may be created for minor children of homicide victims, with maximum compensation of \$10,000 per child. Eligible claims are reduced by insurance, sick leave, workers compensation, and unemployment benefits received.

Some expenses are not covered by CVR; including: loss of property, payment for pain and suffering, expenses not directly related to the crime and any expenses paid by a private or group insurance, public funds, the offender, or other sources.

### **Claims Denied**

In Nebraska, half (50%) of all filed victim requests (including those that were resubmitted) were denied. The primary reason applications were denied (24%), was because applicants did not submit information necessary to file the claim (e.g., copies of invoices from doctors and hospitals showing what amounts have been paid by insurance or written off). The next most common reason for denying the application (23%), was because the underlying crime was not eligible. In most cases, this was because it was a misdemeanor assault (81%). In a smaller proportion, the application was denied because the claimant was not supporting the child at the time of the injury or death (7%). All reasons for denial are listed below in Table 12.

<b>Table 12: Number and Reasons for Cases Denied</b>		
Reason for Denial	Number of Applications	Percent of Cases Denied
Required information not received from the applicant	17	24.3%
Ineligible offense	16	22.9%
Ineligible – not supporting child	5	7.1%
Expenses paid in full by another entity	5	7.1%
No eligible expenses	5	7.1%
No police report or not filed within 3 days	3	4.3%
Not able to establish innocence	3	4.3%
Not Filed within 2 years	1	1.4%
Data Missing	15	21.4%
Total Cases Denied	70	100%

If a victim is dissatisfied with the decision, an appeal may be made within 30 days by writing the CVR Program to request a hearing. Since 2013, seven cases have been appealed and one case was overturned by the CVR Committee. If the CVR Committee upholds the Hearing Officer's decision to deny or reduce a claim, the victim may appeal in district court within 30 days of the CVR Committee's action. No claimants have appealed to the District Court in recent years.

### **Victim/Witness Units**

Outside of the CVR Fund and Committee, other assistance is available to victims of crime by contacting a Victim/Witness Unit, Domestic Violence/Sexual Assault Program, or by contacting local law enforcement. As of 2015, approximately sixteen law enforcement departments have victim witness units included (e.g., City of Lincoln, Sarpy County, City of Kearney, Lincoln County, Offutt Air Force Base).

The Nebraska Attorney General's Office maintains a Statewide Victim/Witness Specialist (SWVS) who is responsible for providing direct assistance to Nebraskans who have suffered physical, sexual, emotional, or financial harm as a result of the commission of a crime. The position is not restricted to one geographic area or office – it is a mobile, active position designed to be ready to respond to victims when and where needed, contingent on the SWVS's availability (See Appendix F for summary of the SWVS's 2014-2015 cases).

The United States Attorney's Office, for the District of Nebraska also maintains two Victim/Witness professionals. These offices provide services, support, and education to victims and witnesses of state or federal crimes. Staff is committed to ensuring that victims and witnesses are treated with fairness and respect and receive information and assistance for relevant services. Some of those services include notification of significant court events, referral to appropriate support services, reasonable protection from the accused, help determining and requesting restitution, and the return of property and information concerning the conviction, sentencing, imprisonment, and release of the offender. Witnesses, upon request, will be notified of significant court events, convictions, and sentences.

### **Victim Information and Notification Everyday**

Nebraskans also have access to VINE (Victim Information and Notification Everyday), which is maintained by an online portal, VineLink. This service allows individuals to determine the custody status of adult inmates in all county jails and state prisons. It is available seven days a week, in English, Spanish, and Vietnamese and is supported by 24-hour operator assistance. By utilizing VINE, a victim will be aware of when the incarcerated offender is transferred or released. VINE does not provide information on federally incarcerated inmates, or an offender in U.S. Immigration and Customs Enforcement (ICE) custody.

In Nebraska, almost all facilities currently report information to VINE. For jails/correctional facilities that report to VINE, information is provided by phone, email, TTY, and text messages. Anyone may call the Nebraska State VINE Hotline as often as

they like, without registering. Callers will be asked for the inmate's name or booking number. The Nebraska VINE number is 1-877-634-8463. For customer service, technical assistance, or to report a possible problem, call the VINE Customer Service Department at 1-800-865-4314.

## Issues

1. ***Lack of multi system collaboration:*** Quality victim centered advocacy requires the collaboration of multi systems and cross disciplinary professions. Such complexity often leads to fragmentation. In addition, quality victim centered service requires collaboration across law enforcement, courtroom personnel, and service providers. The blending of professionals is further intensified by funding, training, prevention, and federal, state, and local legislative requirements. In Nebraska we have a number of dedicated advocates, but they do not seem to work collaboratively or in union. One issue mentioned in our focus groups centered on confidentiality and whether advocates can share information with other agencies that are also working with the victim. Other focus group members expressed concerns about the need for advocates to receive the same training statewide on evidence-based practices.
2. ***Funding of the CVR fund:*** Overall funding of the Crime Victims Reparation Fund has been inadequate in the state of Nebraska. In FY1986, FY1987 and FY1988, Nebraska completely eliminated funding for CVR. LB 598 added the Community Trust Fund (later revised through LB 300). A more recent history of CVR funding shows that the general funds for CVR were reduced by \$190,000 in 2002. In 2010, LB 510 was passed which added a cash fund revenue stream of \$170,000 per year to the CVR program. In federal fiscal year 2003, the reimbursement rate from federal funds increased from 40% to 60%. This means that prior to FY 2003, Nebraska received \$80,000 in federal funds if it expended \$200,000 in state funds. After FY 2003, Nebraska receives \$120,000 in federal funds if it expends \$200,000 in state funds.

Although LB 510 increased the revenues directed to the CVR Fund, the average amount awarded remains far below similarly sized states. This has led to Nebraska being labeled in the media as “the ‘stingiest’ state in the nation when it comes to helping crime victims with expenses” (Stoddard, 2014) because Nebraska has the lowest average rate of compensation of \$25.97 (Justice Fellowship, 2012)<sup>13</sup>. It does appear that since the media report in 2014, Nebraska has increased the average

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<sup>13</sup> The average was calculated by the amount each state's victim compensation fund directly pays to victims of violent crime divided by the number of reported violent crimes per state in 2012. Source: Justicefellowship.org.

award for CVR claims. During the most recent two year period, Nebraska awarded 131 claims and the average award for those claims was \$4,185.

Historically, Nebraska has taken from the CVR fund in lean times and has inadequately deposited into the fund during prosperous times. As part of LB 605, the CVR program received a \$50,000 increase for each of the next two state fiscal years (LB 605). However, we still fall behind most states and offer only limited assistance for certain crime types (i.e., homicide). We also use the term “innocent” when we refer to victims’ eligibility, yet the term is not clearly defined.

3. ***Victim’s obstacles for accessing CVR funds:*** Three primary obstacles exist to victims’ access to the CVR fund, including:
  - 1) The requirement that all crimes must be reported to law enforcement within three days. This may be a barrier for victims of certain crimes, like sexual assault, from applying. Although statutorily there is language that extends the statute of limitations if the victim reports within three days of when “a report could reasonably been made” and anecdotally there may be exceptions made to this, this information may not be known to victims because eligibility for CVR is listed to victims that they “must” report within 3 days, without noting any exceptions on the website or forms. Furthermore, the “reasonableness” standard may be difficult for victims to demonstrate.
  - 2) It appears that some victims and survivors struggle to correctly complete the required CVR application. Furthermore, the application is cumbersome and asks questions that may be irrelevant.
  - 3) The requirement that all victims be “innocent,” is a standard that should include legal innocence.
4. ***Burden on victims:*** Philosophically, policies regarding victim rights in Nebraska tend to place the burden on the victim, rather than the offender. For example, Nebraska imposes a \$1.00 fee on offenders (included in court costs on criminal convictions), which is often waived due to inability to pay once an offender is sentenced to prison. Yet, there are few resources available for victims to assist them with ensuring that paperwork is adequately completed. In other words, there seems to be processes in place for offenders, but fewer processes in place for victims who may have difficulty in completing the required steps because of the victimization (e.g., the application process, compiling paperwork and documentation).

5. ***Programs and Services.*** Currently, there are few effective programs and services for victims of assault and other crimes. Furthermore, there is no standardization of advocacy or service delivery.

## Recommendations

1. ***Issues 1 and 2.*** Victim Witness Units should have bi-annual meetings that focus on cross cutting issues and training.
  - a. A Victim Advocacy Office should have oversight and serve as the backbone agency for the Victim Witness Units.
  - b. Funds should flow from the newly established statewide Victim Advocacy Office and distribution of funds should be contingent upon the agency's ability to demonstrate that they use evidence-based practices, literature-informed approaches, or best practices in victim services.
  - c. A Victim Advocacy Office should promote a victim centered approach, from first contact with a victim, through engaging in the legal process (i.e., investigation and prosecution), to termination of services to the victim.
2. ***Issue 2.*** Nebraska should examine the minimal amount of compensation funding available to victims of crime.

There are a variety of different funding models available for the state to examine, many of which impose a fee. On the low end, Virginia imposes a \$3.00 fee on certain offenses. Although this appears to be a minimal fee, it is still three times the fee that Nebraska imposes. Massachusetts imposes a \$35 fee for misdemeanor offenses and \$65 fee for felony offenses, but only for individuals convicted. Washington State applies a \$500 surcharge for felonies and \$250 for misdemeanors, which generates an estimated \$3 million annually. Alabama leaves the amount to the discretion of the court, but it must fall within the statutory limits of \$25-\$1000 for a misdemeanor and \$50-\$10,000 for a felony offense. Some states impose crime-specific fines and penalties. For example, Indiana imposes a \$100 fine for anyone convicted of sexual assault or attempted sexual assault and the funds collected go into a Sexual Assault Services Fund.

In addition to fines and penalties, some states impose non offender-based fees, such as a surcharge when issuing a marriage license. Indiana uses marriage license fees to fund its general victim/witness unit, while Connecticut uses such fees to fund rape prevention programs (DOJ). These funds are also used to support specific victim assistance programs/services not just CVRs.

3. **Issues 2 and 3.** Policy changes must accompany any increase in CVR funds. Many basic expenses may not be covered (i.e., moving expenses, the cost to change the locks on a house or apartment). In addition, victims of misdemeanor assault are not eligible for any type of reimbursement, despite the fact that they may have significant out-of-pocket costs.
4. **Issues 2 and 3.** Further study and assessment must be completed so that Nebraska can make an informed decision on the amount of compensation funding that is needed to adequately support victims of crime:
  - a. The local Nebraska Victim Witness Units should compile a list of victim types who are currently ineligible for any compensation through the Crime Victim's Reparations Fund.
  - b. The list of ineligible situations and/or individuals should be reviewed by the lead agency for recommendations. The Crime Victim's Reparation Committee should make policy recommendations and submit these, along with a study of other funding models, to the statewide Victim Advocacy Office, described in the first recommendation.
  - c. Funding strategies should be examined for out-of-pocket expenses related to specific areas of victimization, including cases where:
    - 1) No arrest is made;
    - 2) An arrest is made but no restitution is ordered;
    - 3) Restitution is unavailable because the person found guilty of the crime is unemployed; or
    - 4) A crime is one that is unlikely to be reported to law enforcement within the three day reporting requirement.
5. **Issues 3 and 4.** Law enforcement should be trained to list all of the individuals who are impacted by a crime on written reports. Specific training should be directed toward:
  - a. Ensuring that victims are listed in DUI cases that result in harm to persons or property, or that occur on private property; and
  - b. Enhancing an officer's ability to respond more effectively and compassionately to victims of crime.
  - c. Identifying property loss resulting from the crime in police reports so that judges can include restitution in court orders as a means for victims to be compensated; and for legal action to be taken if offenders fail to fulfill restitution orders.

6. **Issues 3 and 4.** Philosophical change will not be easy to accomplish. However, revising policies and regulations may remove some of the burden from victims.
- a. Regarding CVR applications, create a victim advocate position to assist the victim with gathering and completing the required paperwork. This could be funded through VOCA Assistance funds as it would be considered a direct service.
  - b. Eligibility for CVR funds is based on the victim reporting the crime within 3 days. Although Nebraska may make exceptions to this; these exceptions may not be known to victims if it is not listed in documentation, forms, and websites. Other states have explicit exceptions for domestic violence and/or sexual assault cases in their statutes. For example, New Mexico uses a 30 day time frame for all crimes, but has extended the time frame to 180 days for cases of domestic violence and sexual assault. Some states (e.g., Maine, Maryland) allow exceptions for “good cause for the delay.”
  - c. Eligibility for CVR funds is also based on the victim being “innocent” of criminal activity related to the victimization. Other states’ approaches should be studied to ensure that Nebraska is as victim centered as possible. For example, some states contain no ineligibility based on victim contribution to injuries or to the crime (e.g., Maine, New Mexico, Massachusetts, Nevada), while others require a finding of “substantial evidence” that the victim caused, provoked, or contributed to the crime (e.g., Maryland). State Crime Victim Reparation websites are available at the National Association of Crime Victim Compensation (see link in Appendix C). Perhaps another approach would be an objective measure of guilt, i.e., whether the victim was found to be legally responsible for the events.
7. **Issue 5.** Nebraska should examine the current services and programs available to victims of assault and other crimes. Evidenced-based services and programs for victims should be implemented.



# CONCLUSION

There are clearly dedicated individuals and agencies in the state of Nebraska. As researchers, it is often difficult to find persons willing to review a rough draft of a plan or research paper. Almost a dozen people stepped forward and did an in-depth review of this very lengthy plan.

Despite the high level of passion and dedication these service providers have for the work that they do, the one shortcoming that was consistently mentioned in focus groups was the need for better coordination of efforts. Due to the multi-layered complexity of victim services, the authors of this report recommend one centralized state Victim Advocacy Office, where all victim-focused efforts could be systematically and strategically addressed. Within that agency, some of our more specific recommendations, as outlined within each chapter, could be more fully addressed. Although in some instances, our recommendations were quite specific to a particular type of victimization, there were some common themes that emerged across all victimization types.

## **Victim Advocacy Office**

A centralized Victim Advocacy Office would allow for specialized victim coordinators who would focus on a single type of victimization to streamline efforts. Although we identified six priority areas in this plan, we envision that the Victim Advocacy Office would be responsible for identifying ongoing needs in Nebraska and structuring coordinator positions to meet the needs of all types of victims, thereby ensuring that each type of victimization is separately recognized. For example, sexual assault, domestic violence, and stalking may appropriately be handled by the same coordinator, as long as all three types of victimization are equally addressed. Additionally, any task forces or committees should include the appropriate coordinator as a member.

Stakeholders should be convened and surveyed to determine which office can serve as the Victim Advocacy Office. Programs should determine which agency or branch of government is best suited to house this office. There are significant pros and cons to legislative agencies (Nebraska Attorney General) vs executive branch agencies (the Nebraska Commission on Law Enforcement and Criminal Justice). All potential agencies and options should be explored prior to legislation being introduced.

Having a centralized Victim Advocacy Office would promote the structured, collaborative approach under the collective impact model and strive for the five components of collective impact:

- I. Common agenda
- II. Shared measurement
- III. Mutually reinforcing activities
- IV. Continuous communications
- V. Backbone support

Using human trafficking as an example, we describe below how adopting a collective impact model would contribute to better outcomes for victims of human trafficking. We envision a similar process for each coordinator and/or type of victimization housed under the Victim Advocacy Office.

### **Human Trafficking as an Example**

Currently, there are several agencies and committees working on issues related to human trafficking. The Nebraska Attorney General has a human trafficking coordinator and very recently drafted a strategic plan. The Nebraska Commission on Law Enforcement has a Governor's Task Force to address Human Trafficking. There are additional research efforts at Creighton University and the University of Nebraska-Lincoln's Annual Human Trafficking Conference. Furthermore, there are a number of agencies working with victims of human trafficking. Although this work should not be minimized, the number of ongoing efforts is confusing, even to professional partners. Better coordination would place the oversight of all human trafficking issues under one primary human trafficking coordinator at the Victim Advocacy Office. The role of the human trafficking coordinator would be to:

- I. Identify a common agenda: Organize and coordinate training for the multiple victim service agencies by providing a standardized training calendar that focuses on evidence-based approaches and effective service delivery models. Provide a centralized location to advocates and address circumstances when a victim's rights have been violated. Propose and advocate any necessary legislative changes with input from multiple agencies.
- II. Work toward shared measurement: Conduct research and assist in consistency of data collection and data reporting. Hold agencies and law enforcement accountable for collecting data. Work toward common

- definitions, persons served, and services rendered. Coordinate with research institutions to work together on common research projects, conferences, and program evaluation for understanding best-practices.
- III. Ensure activities are mutually reinforcing: Assist agencies across the state in working together to establish a core set of best practices and evidence-based approaches. Coordinate funding efforts to allow for clarity around basic victim services that remain unfunded.
  - IV. Maintain continuous communication: Ensure statewide accountability for things like data collection, facilitate communication across agencies on best-practices, provide training on confidentiality, and work with victims who may be engaged with multiple agencies.
  - V. Create backbone support: Work within the Victim Advocacy Office to ensure enhanced services to victims by increasing accountability and improving services.

To begin establishing the infrastructure for the Victim Advocacy Office, there are resources available at the Collective Impact Forum that provide tools to establish the infrastructure of the backbone organization responsible for maintaining overall strategic coherence and coordination (see Appendix C).

The concept of a Victim Advocacy Program or Office is currently beginning to take shape under the human trafficking task forces, so it will be critical to work collaboratively on efforts to create a system that better serves victims from first contact through the legal process (i.e., investigation and prosecution) to termination of victim services.

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## APPENDIX A: List of Reviewers of the Strategic Plan

While some reviewers commented on the entire strategic plan, many reviewers provided feedback on the chapter directly related to their work.

1. Bridge of Hope Child Advocacy Center, Director Anne Powers
2. Domestic Violence Council, Community Response Coordinator Christon MacTaggart
3. Domestic Violence Council Data and Evaluation Coordinator, Michelle Patterson MPA, MSW
4. Family Advocacy Network, Director Jamie Vetter
5. Lincoln Child Advocacy Center, Director Lynn Ayers
6. Nebraska Alliance of Child Advocacy Centers, Executive Director Ivy Svoboda
7. Nebraska Attorney General's Office, Nebraska Human Trafficking Task Force Coordinator, Child Protection Training Coordinator, Assistant Attorney General Stephen Patrick O'Meara
8. Nebraska Attorney General's Office, Statewide Victim/Witness Specialist Patricia L. Sattler, MSW
9. Nebraska Coalition to End Sexual and Domestic Violence, Executive Director Lynne Lange
10. Nebraska Crime Commission, Budgeting and Accounting Division Chief Bruce Ayers
11. Nebraska Crime Commission, Jail Standards Division Chief Denny Macomber
12. Nebraska Crime Commission, Information Services Division Chief Michael Overton
13. Nebraska Crime Commission, Crime Victims Reparations Staff Sher Schrader
14. Nebraska Crime Commission, Federal Aid Administrator Merry Wills
15. Nebraska Department of Health and Human Services, Children and Family Services, Policy/Regulatory Compliance & Office of Juvenile Services Deputy Director Tony Green
16. Nebraska Wesleyan University, Certified Sexual Assault Nurse Adult and Adolescent Certified Forensic Nurse and Member of the American Academy of Forensic Science (AAFS), Dr. L. Sue Gabriel

## APPENDIX B: Focus Groups, Conference Calls, and Individual Meeting Participants

1. Beatrice/Gage County Victim Assistance, Kerri McGrury
2. Bridge of Hope Child Advocacy Center, Shana Rutherford & Marissa Madden
3. CAPStone Child Advocacy Center, Ingrid Frohbieter & Shelley Thomas
4. Community Domestic Violence Intervention Program, Tonya Folk
5. Court Improvement Project, Katie McLeese Stephenson & Katherine Bass
6. Dakota County Victim Assistance, Amber Hupe-Monney
7. Dawson County Victim Witness Unit, Julie Gilg
8. Domestic Violence Council, Michelle Patterson & Christon MacTaggart
9. Family Advocacy Network, Jamie Vetter
10. Lincoln County Victim Witness Unit, Cindy Korf
11. Lincoln Police Department, JoAnna Briggs
12. Madison County Victim Witness Unit, Joanie Brugger
13. Nebraska Alliance of Child Advocacy Centers, Ivy Svoboda
14. Nebraska Attorney General's Office, Stephen Patrick O'Meara & Patricia L. Sattler, MSW
15. Nebraska Coalition to End Sexual and Domestic Violence, Lynne Lange
16. Nebraska Crime Commission, Merry Wills, Valerie Morris & Michael Hendrickson
17. Nebraska State Patrol, Emily Schoenleber & Melanie Rudy
18. Northeast Nebraska Child Advocacy Center, Kelli Lowe
19. Omaha-Douglas County Victim Assistance, Rhonda Rolles
20. Platte/Colfax County Victim Assistance, Traci Nelson
21. Sarpy County Victim Witness Unit, Jean Brazda
22. Scotts Bluff County Victim Witness Unit, Jacci Koerner
23. Women's Center for Advancement, Justine O'Neill-Hedlund

## APPENDIX C: Links to Additional Strategic Plans and Resources

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## APPENDIX D: Nebraska Coordinated Response Teams (CRT)

1. Lincoln County CRT  
Community Domestic Violence Intervention Program, North Platte, NE
2. Douglas County CRT  
Domestic Violence Council, Omaha, NE
3. Lancaster County CRT  
Family Violence Council, Lincoln, NE
4. Sarpy County CRT  
Heartland Family Service, Papillion, NE
5. Five County CRT (Buffalo, Franklin, Harlan, Kearney & Phelps)  
The S.A.F.E. Center, Kearney, NE
6. Boyd County & Holt County  
Bright Horizons, O'Neill, NE
7. Brown County/Rock County/Keya Paha County CRT  
Bright Horizons, Ainsworth, NE
8. Madison County CRT  
Bright Horizons, Norfolk, NE
9. Antelope County/Knox County/Pierce County CRT  
Bright Horizons, O'Neill, NE
10. Keith County CRT  
Sandhills Crisis Intervention Program (SCIP), Ogallala, NE
11. Hall County CRT  
Crisis Center, Inc., Grand Island, NE
12. Dodge County CRT  
The Bridge, Fremont, NE
13. Boone County CRT  
Center for Sexual Assault and Domestic Violence Survivors, based out of Columbus, NE
14. Butler County CRT  
Center for Sexual Assault and Domestic Violence Survivors, based out of Columbus, NE



15. Colfax County CRT  
Center for Sexual Assault and Domestic Violence Survivors, based out of Columbus, NE
16. Nance County CRT  
Center for Sexual Assault and Domestic Violence Survivors, based out of Columbus, NE
17. Platte County CRT  
Center for Sexual Assault and Domestic Violence Survivors, based out of Columbus, NE
18. Polk County CRT  
Center for Sexual Assault and Domestic Violence Survivors, based out of Columbus, NE
19. Dakota County CRT  
Haven House, Wayne, NE and South Sioux, NE
20. Cedar County CRT  
Haven House, based out of Wayne, NE
21. Dixon County CRT  
Haven House, based out of Wayne, NE
22. Wayne County CRT  
Haven House, Wayne, NE
23. Thurston County CRT  
Haven House, based out of Wayne, NE
24. Adams County CRT  
Spouse Abuse Sexual Assault Crisis Center (SASA), Hastings, NE
25. Nebraska Statewide CRT  
Comprised of members of the Nebraska Coalition to End Sexual and Domestic Violence, Nebraska State Patrol, Nebraska Department of Correctional Services, Nebraska Crime Commission, Nebraska Attorney General's Office and the Administrative Office of the Courts and Probation. All offices are based out of Lincoln, Nebraska, but serve the entire state of Nebraska.

## APPENDIX E: List of Potential Variables for Domestic Violence Data Collection

This information was collected from the August 2015 *Assessing Domestic Violence within the Community: Best Practices and Recommendations for the Domestic Violence Council of Omaha*. Not currently available on-line, if you would like a copy of the entire 25-page report, contact the Domestic Violence Council of Omaha.

### **Recommended data collection from Law Enforcement Agencies:**

- Numbers associated with incident reports
  - The number of incidents that officers respond to each day
  - Offender demographics/information
    - Age, race/ethnicity, gender, zip code
    - Other offender information at time of incident, report, or booking (or in system from previous arrest/incident) such as registered gun possession, drug/alcohol use, military service, homelessness, interpreter needed, sex offender status, marital status, mental illness indicated
    - Number of offenders with previous arrests for DV incidents
    - Number of offenders with prior arrest for any crime
    - Indication of offender using drugs/alcohol
  - Victim demographics/information
    - Age, sex, race/ethnicity, zip code
    - Number of total victims per incident
    - Number of victims who have been victims on previous DV incidents
    - Victim Type from incident report
    - Victim Relationship to Offender from incident report
    - Victim Injury Type Code from incident report
    - Victim Will Prosecute from incident report
    - Indication of victim using drugs/alcohol
  - Offense details
    - Charges, weapons (involved or not involved, type of), date/time of incident
  - Location of the incident (e.g., home, work, retail establishment) for all incidents responded to (zip code, district, etc.)
- Numbers associated with warrants
  - Total number of requested, issued, denied

- Reason for denial
- Numbers associated with arrests
  - Total number of DV related arrests, and by offense type
  - Total number of warrant arrests
  - Number of dual arrests
  - Demographics of offenders and victims at time of arrest (see above list)
- Numbers associated with investigations
  - Statistics related to the number of completed, current, and closed investigations
- Daily reports
  - Statistics related to the daily reports completed at the end of a shift to confirm that incidents that do not result in an arrest are correctly identified as DV

### **Recommended Data Collection from Victim Service Agencies:**

- Total number of:
  - Victims served
    - Broken down by type of service (e.g., legal assistance, workshops, housing assistance)
    - Broken down by number of services each victim used (e.g., Victim A used 3 services: legal assistance, career workshop, housing assistance)
  - Victims served by advocates only
- The total number of:
  - Women who receive service/assistance of any kind within the shelter
    - This total should be broken down by type of service (e.g., overnight stay, advocacy needs, follow-up services)
  - Men who receive service/assistance of any kind within the shelter
    - This total should be broken down by type
  - Children who receive service/assistance within the shelter
  - Nightly bed counts
- Information related to:
  - Housing post-shelter stay (i.e., where did the victim stay after his/her stay at the shelter?)
  - Outcomes of the women serviced
  - Crisis hotline calls
    - Total number of crisis calls taken
    - Reasons for why the victim called the hotline (e.g., information, housing/shelter, legal assistance)
- Outreach program numbers

- Total number of women that utilized the services provided by the Women's Support Group
    - Numbers broken down by types of services within the Women's Support Group
- Victim information
  - Demographics
    - Age, sex, race/ethnicity, socio-economic status (e.g., income), marital status
  - Victim-offender relationship
  - Referral source
    - How was the victim referred to HFS? (e.g., hospital, law enforcement, advertisement, friend/family)
- Crisis hotline calls
  - Total number of crisis calls taken
  - Reasons for why the victim called the hotline (e.g., information, housing/shelter, legal assistance)
- Definitions and policies
  - How is the "victims served" defined?
  - Are hotline calls counted in the "victims served" count?
  - How is primary and dual/secondary victimization determined and counted?
- Client outcome/satisfaction survey information
  - Results from this survey (e.g., awareness of safety plans, community services available, satisfaction ratings)

### **Recommended Data Collection from Batterer's Intervention Programs:**

- Number of offenders enrolled, referral source, and whether or not they are court-ordered.
- Total number of DV offenders who successfully completed the BIP
  - Numbers broken down by BIP class type (if more than one offered)
- Total number of DV offenders that did not complete the BIP
  - Numbers broken down by BIP class type
- Total number of DV offenders that were also noted to have a substance abuse problem

Numbers broken down by BIP class type

# APPENDIX F: Statewide Victim/Witness Specialist Summary of Cases

Page 1 of 2

VOCA Annual Statistics Reporting Form

AGENCY NAME: <u>Nebraska Department of Justice</u>				CITY/TOWN: <u>Statewide</u>				GRANT: <u># 14-VA-236</u>			
Due Date: <u>October 15th</u>											
Reporting Period (12 months): <u>October 1, 2014 through September 30, 2015</u>											

Services Provided		Crisis Counseling	Personal Advocacy	Shelter/Safe Home	Information/Referral (In Person)	Emergency Financial Assistance	Emergency Legal Advocacy	Follow Up Contact (incl. face to face mtgs.)	Therapy	Group Treatment	Criminal Justice Support/Advocacy	Compensation Assistance	Phone Contact (Information/Referral)	Transportation	OTHER (Victim Impact Statement)	Protection Order
ANNUAL TOTAL	*# of Victims Served		137		65			137			137	10	65		45	2
ANNUAL TOTAL	**# of Units Provided		187		65			1505			315	10	65		45	2

\*Indicate the number of unduplicated victims who received each type of service. \*\*Units are the total number of each type of service provided, not number of hours of assistance provided.

Demographics of Those Served	AGE							RACE*							SEX			HANDICAP		
	0-12 YEARS	13-17 YEARS	18-29 YEARS	30-44 YEARS	45-64 YEARS	65+ YEARS	UNKNOWN	WHITE (Not Hispanic)	BLACK (Not Hispanic)	HISPANIC	ASIAN or PACIFIC ISLANDER	AMERICAN INDIAN or ALASKAN NATIVE	UNKNOWN	MALE	FEMALE	UNKNOWN	NO	YES	UNKNOWN	
ANNUAL TOTAL	11	10	23	34	17	7	35	54	6	35	0	10	35	54	83			2	135	

	CASE STATUS				TITLE OF CRIME (*Number of victims served for each crime type)															
	Crime NOT Reported	Crime Reported	Crime Prosecuted	UNKNOWN	Homicide Survivors	Sexual Assault ADULT	Child Abuse PHYSICAL	Child Abuse SEXUAL	Domestic Violence	Adult Survivor of Incest/ Child Abuse	DWI/DUI Victims	Assault	Robbery	Elder Abuse	Burglary	Sex Trafficking Victims	Labor Trafficking Victims	Sex & Labor Trafficking Victims	OTHER (Child Porn)	OTHER (Child Abuse Resulting in Death)
ANNUAL TOTAL **		48	44	4	17	5	5	14	4	1	1	2			1				2	2

Revised 10/11/12

OTHER CATEGORY - Title of Crime Victim																
	Obscene Material	Property Crime/ Criminal Mischief	Terroristic Threats	Harassment/ Intimidation by Phone	Disturbing the Peace	Motor Vehicle Theft	Stalking	Arson	Child Neglect	Deport	Kidnapping	False Imprisonment	Forgery/ Fraud	Theft/Larceny	Identification Theft	Motor Vehicle/Pedestrian Fatality
<b>ANNUAL TOTAL</b>			1						1			1	1	2		1
																2

**\*\* Please note:** the annual total (individuals) reported under “Age,” “Race,” and “Sex” will vary slightly from the annual total reported under “Title of Crime.” This is due to the fact that some victims and witnesses are bi-racial and some cases have multiple elements (e.g., domestic violence, sexual assault, and stalking or child sexual assault and child pornography); so while the victim or witness was counted only once for demographic purposes they were counted once under each respective category for race or crime type.