

Clark County Department of Juvenile Justice Services

Prison Rape Elimination Act (PREA) 2020 Annual Report

Prepared by Benjamin Mattingly

Approved by Richard Nelson Clark County DJJS PREA coordinator

Background of PREA and County owned facilities:

The following is a brief background of PREA (Prison Rape Elimination Act) as provided by <https://www.prearesourcecenter.org>.

“The Prison Rape Elimination Act (PREA) was passed in 2003 with unanimous support from both parties in Congress. The purpose of the act was to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.” (Prison Rape Elimination Act, 2003). In addition to creating a mandate for significant research from the Bureau of Justice Statistics and through the National Institute of Justice, funding through the Bureau of Justice Assistance and the National Institute of Corrections supported major efforts in many state correctional, juvenile detention, community corrections, and jail systems.

The act also created the National Prison Rape Elimination Commission and charged it with developing draft standards for the elimination of prison rape. Those standards were published in June 2009, and were turned over to the Department of Justice for review and passage as a final rule. That final rule became effective August 20, 2012.

In 2010, the Bureau of Justice Assistance funded the National PREA Resource Center to continue to provide federally funded training and technical assistance to states and localities, as well as to serve as a single-stop resource for leading research and tools for all those in the field working to come into compliance with the federal standards.” (prearesourcecenter.org)

The department of Juvenile Justice Services began to implement PREA standards in 2013. There are currently 2 facilities that follow PREA standards, including:

Spring Mountain Youth Camp. SMYC is a juvenile facility, which houses male youth between the ages of 12 and 18 who have been adjudicated for delinquent acts by the Juvenile Court Judge. This division provides for the therapeutic, educational, social, medical and recreational needs of approximately 240 young men each year. SMYC is located at Angels Peak in the Mt. Charleston Recreational/Toiyabe National Forest Area. It sits at an elevation of 8,470 feet and has a capacity of 100 youth. The average length of stay is approximately six months and the average age is 15 1/2 years.

Spring Mountain School is operated by the Clark County School District. All youth are required to attend structured educational programming while at SMYC. Spring Mountain athletic teams compete against other schools of similar size. The "Spring Mountain Golden Eagles" participate in baseball, football, wrestling, track & field and basketball.

Youths at Spring Mountain Youth Camp also have an opportunity to participate in Sports such as boxing as it is provided by the BEST program and Soccer.

Youths placed at SMYC participate in a variety of programs, such as substance abuse, parenting and social skill development. The DJJS Mental Health Treatment Team provides group, individual and specialized counseling sessions.

There are also job development programs available to youths at camp as well. During the summer the youths at the camp have an opportunity to participate in the Summer Forestry program where, in conjunction with the USFS and the organization Friends of Nevada Wilderness the youths clean, maintain and add new construction to already existing trails in the Mt. Charleston area.

Finally, the youths also have opportunities to participate in the Hospitality International Training where, by the end of the program they will have all needed certifications to work in the food service industry.

Juvenile Detention Services provides a temporary, secure, holding facility that ensures the safe custody of juvenile's ages 8 to 18 who are accused of conduct subject to the jurisdiction of the Court and require a restricted environment for their own or the community's protection while pending legal action. Juvenile Detention provides a wide range of services which support the juvenile's physical, emotional and social development. This Division is the largest within the Department of Juvenile Justice Services (DJJS), and has a maximum bed capacity for one hundred ninety two (192) youth.

Programs offered by Detention Staff include: Self-Esteem, Drug Awareness, Guidelines to Positive Behavior, Health and Hygiene, Gang Intervention, Life Skills Training, Conflict Resolution, Current Events, Arts and Crafts, Yoga and Cultural Awareness.

The Clark County School District provides educational services that include the standard core subjects, as well as Physical Education, Special Education and Adult Education. A school counselor and second language services are provided within the Detention School program.

Both facilities offer medical and mental health services, and counseling services.

In addition, both facilities participate in Performance-based Standards (PBS), a program designed specifically for Juvenile Justice Agencies to "monitor and improve conditions and rehabilitation services provided to youths using national standards and outcome measures" (<https://cjca.net>). This is done by getting input via confidential surveys from both youths in facilities and the staff that work the facilities as well.

PREA Definitions for Sexual Abuse and Harassment

The following definitions will need to be known when observing the collected data regarding instances of Sexual Abuse and Harassment at both Juvenile Detention Services and Spring Mountain Youth Camp. The following definitions are quoted directly from <https://www.prearesourcecenter.org>.

§ 115.6 Definitions related to sexual abuse

For purposes of this part, the term—

Sexual abuse includes—

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

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

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

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

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- (8) Voyeurism by a staff member, contractor, or volunteer.

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

Sexual harassment includes—

(1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and

(2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Staff Training:

To ensure that both facilities can effectively prevent, detect, and respond to sexual abuse and sexual harassment, all staff receive PREA training at hire and annually. PREA training components include:

- The state's zero tolerance policy and laws regarding sexual harassment and sexual assault;
- How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- Residents' right to be free from sexual abuse and sexual harassment;
- The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- The dynamics of sexual abuse and sexual harassment in juvenile facilities;
- The common reactions of juvenile victims of sexual abuse and sexual harassment;
- How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents;
- How to avoid inappropriate relationships with residents;
- How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents; and
- How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Youth Education:

To ensure youth are well informed about PREA, education is provided within 10 days of their admission to ensure youth:

- Understand the agency's zero tolerance policy regarding sexual abuse and sexual harassment;

- Understand the definitions of sexual abuse and sexual harassment;
- Understand how to report incidents or suspicions of sexual abuse and sexual harassment;
- Understand their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents;
- Understand the agency's policies and procedures for responding to such incidents.

PREA Reporting Mechanisms

Staff must immediately report all PREA allegations to their supervisor. Youth and third parties have many ways to report sexual abuse and sexual harassment, including:

- Telling any staff member;
- Filling out a grievance form;
- Using the designated PREA phones with a direct connection to a PREA hotline.

PREA Investigations:

- All allegations of sexual abuse and sexual harassment are fully investigated.
- When an allegation of sexual abuse is made, local law enforcement will be notified. Both Juvenile Detention services and Spring Mountain Youth Camp have policies in place stating this and staff at the respective facilities have received training on their PREA policies.
- When an allegation of sexual harassment is made, specially trained investigatory staff complete an administrative investigation.
- Sexual harassment rising to the level of criminal conduct will be referred to the DJJS Professional Standards Unit.
- In addition, an administrative investigation will be conducted for after criminal investigations have been finalized.
- Investigative outcomes are based on a preponderance of evidence (more likely to have occurred than not) to include:
 - * Substantiated - the investigation determined that the event occurred or most likely occurred.
 - * Unsubstantiated - the investigation determined that evidence was insufficient to determine whether or not the event occurred.
 - * Unfounded - the investigation determined that the event did not occur.
- Facility staff monitor for retaliation for at least 90 days from the report of an incident that has been substantiated or unsubstantiated, to ensure reporters of sexual abuse and sexual harassment do not suffer retaliatory actions.
- Youth victims are informed of the outcome of their reported investigation.

- An Incident Review Team will complete a review of the event, for all administrative investigations ending in a substantiated or unsubstantiated finding, to determine the causes of the incident and if any changes in policy or procedure are needed.
- The PREA Coordinator reviews all investigations for completeness and policy adherence.

Data Collection:

The following definitions need to be known when observing the gathered data:

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

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

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

<https://www.prearesourcecenter.org/ec-item/1168/1155-general-definitions>

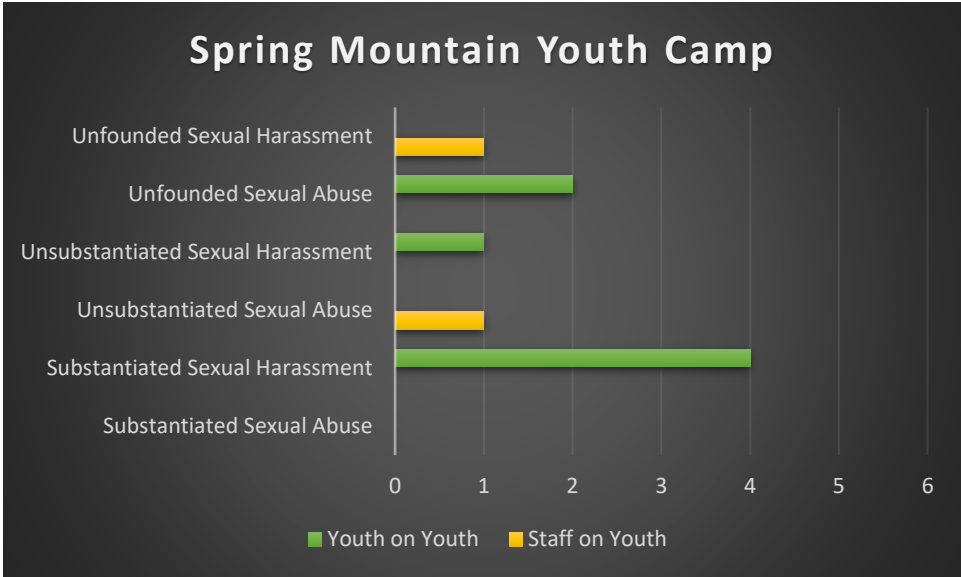
In the year 2020 Clark County’s Department of Juvenile Justice collected sexual abuse and sexual harassment data on Juvenile Detention Services and Spring Mountain Youth Camp.

There were a total of 15 sexual abuse and sexual harassment investigations, 4 Substantiated allegations, 3 unsubstantiated allegations, and 8 unfounded allegations.

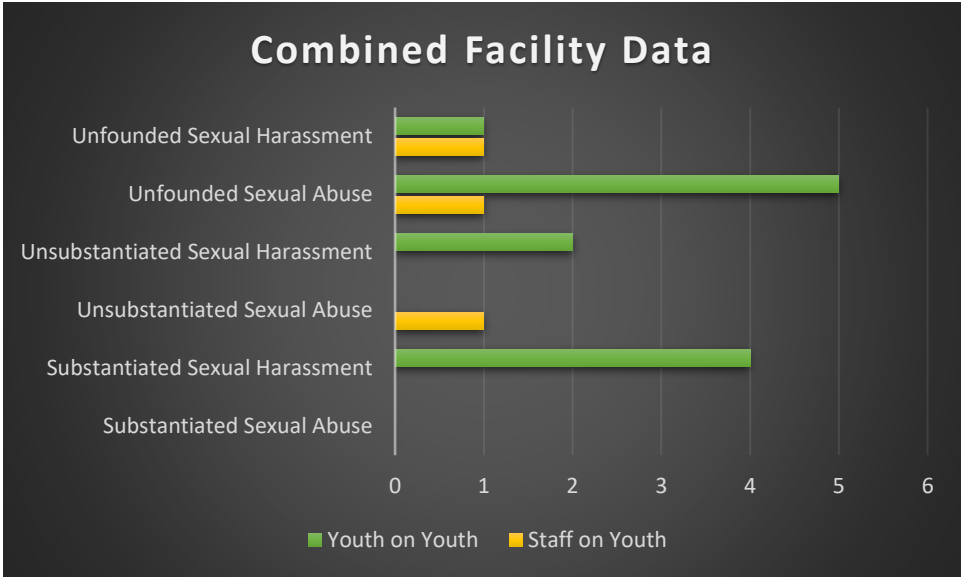
Data for Juvenile Detention Services



Data for Spring Mountain Youth Camp



Combined Facility data for Spring Mountain Youth Camp and Juvenile Detention Services



Historical Data: SMYC and Detention combined

UF=Unfounded UN=Unsubstantiated SU=Substantiated YY=Youth on Youth SY=Staff on Youth
 SA=Sexual Abuse SH=Sexual Harassment (example UFYSA=Unfounded Youth on Youth Sexual Abuse)

	UFYYSH	UFSYSH	UFYYSA	UFSYSA	UNYYSH	UNSYSH	UNYYSA	UNSYSA	SUYYSH	SUSYSH	SUYYSA	SUSYSA
2018	0	0	0	0	0	3	0	0	5	0	1	0
2019	1	4	0	2	4	1	2	0	3	0	1	0
2020	1	1	5	1	2	0	0	1	4	0	0	0

2020's unique effects on allegations

It is unknown exactly how COVID 19 affected allegations that were made and investigated. DJJS will continue to track allegations of sexual abuse and harassment and their investigative outcomes. Results from future years will be compared against the results from 2020. It needs to be noted that overall average resident population in Detention was lower in 2020 than it was in years past.

Although it wasn't due to COVID 19 The Spring Mountain Youth Camp site was closed. The SMYC's residents temporarily moved to the Detention Services site in June. Also, as a result of the move the average number of SMYC residents reduced from about 100 residents (SMYC's maximum number of residents to about 60. At the conclusion of the year 2020 the SMYC site remained closed and the SMYC residents continue to reside at the Detention Services location. These changes may have an impact on allegations and their investigative outcomes as well. When Spring Mountain Youth Camp opens changes in the allegations made and their investigative outcomes will be monitored.

PREA accomplishments for 2020

Detention started the auditing process. The audit will not be completed until June 2021

Sexual abuse incident review procedures and documentation was created. This will allow DJJS to review incidents of sexual abuse and implement measures to mitigate the possibility of future incidents of sexual abuse from occurring.

The background check process was expanded. DJJS will contact former employers of prospective new employees that worked in either an adult prison/jail, lockup, community confinement, or juvenile facility. The reason for this contact will be to see if the prospective new employee ever engaged in sexual abuse at a previous facility. If the prospective new employee did engage in sexual abuse at a facility, then the person will not be hired.

PREA goals for 2021

Detention to pass the PREA audit that was started in 2020.

Create more avenues for third parties to report allegations of sexual abuse and harassment on behalf of a resident at either SMYC or Detention.

Better educate residents on the multiple ways to report sexual abuse and sexual harassment and who they can make a report to.

