



PRISON RAPE ELIMINATION ACT (PREA)

2018 Annual Report

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Background of PREA and Identification of State Facilities:

In 2003, the Prison Rape Elimination Act (PREA) was signed into law. The Department of Justice (DOJ) began the development of a set of national standards, with input from the National Prison Rape Elimination Commission created by the Act, the general public, federal, state, and local correctional organizations and private individuals and organizations. The intended purpose of these standards was to provide comprehensive guidelines for preventing, detecting, and eliminating incidents of sexual abuse and sexual harassment involving youth and adult inmates in detention and correctional facilities. The DOJ published the resulting final PREA Standards on August 20, 2012.

Nevada began implementation of PREA Standards in early 2014 for all state-operated juvenile correctional facilities. Currently, there are three juvenile correctional facilities in Nevada, administered by the Division of Child and Family Services (DCFS), including:

Caliente Youth Center (CYC), located in Caliente, is Nevada's low-security, staff-secure facility for both male and female youth. Currently, CYC is budgeted for 120 youth, including up to 48 females. CYC operates a full-time accredited high school in cooperation with the Lincoln County School District; vocational training; treatment and rehabilitation; and programming, including the Voices program for female youth, to match the gender specific needs of the youth.

Nevada Youth Training Center (NYTC), located in Elko, is Nevada's medium-security, staff-secure facility for male youth. NYTC has a budgeted capacity for 60 youth. First opened in 1915, NYTC operates a full-time accredited high school and offers vocational training; competitive sports programs; treatment and rehabilitation; and other programming to match the needs of the youth.

Summit View Youth Center (SVYC), located in Las Vegas, is Nevada's maximum-security facility-secure center for male youth. SVYC re-opened under state-control on February 26, 2016. SVYC has a budgeted capacity for 48 youth who assess as the highest risk for reoffending. SVYC, in cooperation with Clark County School District, operates school programs that offer both required and elective academic subjects, remedial programs, and special education programs; vocational programs; recreational programming; and treatment and rehabilitation.

All correctional facilities offer medical and mental health services, counseling services, treatment planning and utilize the *Forward Thinking* program, an evidence-based cognitive behavioral program model, to help youth succeed upon release.

In addition, all correctional facilities participate in Performance-based Standards (PbS), an evidence-based, continuous improvement program that strengthens a variety of areas within the facilities, including sexual safety by gaining input from youth via confidential surveys.

PREA Definitions for Sexual Abuse:

1. Sexual abuse (staff-on-youth) includes any of the following acts, with or without consent of the youth:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Contact between the mouth and any body part where the staff member, contractor, volunteer, or intern has the intent to abuse, arouse, or gratify sexual desire;
 - d. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument;
 - e. Any act of intentional contact, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person, excluding contact incidental to a physical alternation;
 - f. Any attempt, threat, or request by a staff member, contractor, volunteer, or intern to engage in activities described in 1) through 5) of this section;
 - g. Any display by a staff member, contractor, volunteer, or intern of his/her uncovered genitalia, buttocks, or breast in the presence of a youth;
 - h. Voyeurism by a staff member, contractor, volunteer, or intern. Voyeurism means an invasion of privacy of a youth for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his/her room/cell to perform bodily functions; requiring a youth to expose his/her buttocks, genitals, or breasts; or taking images of all or part of a youth's naked body or of the youth performing bodily functions.

2. Sexual abuse (youth-on-youth) 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:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument;
or
 - d. Any act of intentional contact, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person, excluding contact incidental to a physical alternation.

PREA Definitions for Sexual Harassment:

1. Sexual harassment (youth-on-youth) includes:

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;

2. Sexual harassment (staff-on-youth) includes:

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 the agency can effectively prevent, detect, and respond to sexual abuse and sexual harassment, all correctional facility 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;
- Calling the PREA Coordinator at 1-888-421-9971;
- Calling 2-1-1 (Nevada 211);
- Reporting online at <http://dcfs.nv.gov/Programs/JJS/PREAHome/>

Written correspondence can also be sent directly to the PREA Coordinator at 751 Ryland Street, Reno, Nevada, 89502.

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. All facilities have Memorandum of Understanding (MOU) agreements with the law enforcement entity in their jurisdiction.
- 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 law enforcement.

- 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 and Comparison:

Nevada began data collection for state-operated juvenile correctional facilities and contracted entities in 2015.

In 2015, there were a total of 33 PREA investigations conducted statewide within the juvenile correctional facilities. This includes data from two correctional facilities as Summit View was not operational in 2015. There was a total of 1 PREA investigation conducted at DCFS contracted youth camps.

In 2016, there were a total of 18 PREA investigations conducted statewide within the juvenile correctional facilities. There was a total of 1 PREA investigation conducted at DCFS contracted county youth camps.

In 2017, there were a total of 15 PREA investigations conducted statewide within the juvenile correctional facilities. There was a total of 4 PREA investigations conducted at DCFS contracted county youth camps.

In 2018, there were a total of 26 PREA investigations conducted statewide within the juvenile correctional facilities. There was a total of 6 PREA investigations conducted at DCFS contracted county youth camps.

DCFS has prioritized staff and youth PREA training; assesses a youth's risk for victimization and/or perpetration through risk assessments upon admission; has utilized Department of Justice guidance through the PREA Standards in Focus; and has gained an increased understanding through PREA audits on how to best implement the standards.

Historical Comparisons

Correctional Facilities

Substantiated allegations:

- No substantiated allegations of sexual abuse have occurred in 2015, 2016, 2017 or 2018.
- In 2015, there were 10 substantiated allegations, all involving youth on youth sexual harassment incidents.
- In 2016, there were 3 substantiated allegations, all involving youth on youth sexual harassment incidents.
- In 2017, there was 1 substantiated allegation involving a youth on youth sexual harassment incident.
- In 2018, there were 2 substantiated allegations involving youth on youth sexual harassment incidents.

Unsubstantiated allegations:

- In 2015, there were 15 unsubstantiated allegations, 13 involving youth on youth sexual harassment and 2 involving youth on youth sexual abuse.
- In 2016, there were 7 unsubstantiated allegations, 2 involving youth on youth sexual abuse and 5 involving youth on youth sexual harassment.
- In 2017, there were 8 unsubstantiated allegations, 3 involving youth on youth sexual harassment, 3 involving youth on youth sexual abuse and 2 involving staff on youth sexual harassment.
- In 2018, there were 13 unsubstantiated allegations, 10 involving youth on youth sexual harassment, 2 involving youth on youth sexual abuse and 1 involving staff on youth sexual abuse.

Unfounded allegations:

- In 2015, there were 8 unfounded allegations, 1 involving youth on youth sexual abuse; 6 involving youth on youth sexual harassment; and 1 involving staff on youth sexual harassment.
- In 2016, there were 8 unfounded allegations, 4 involving youth on youth sexual abuse, 1 involving youth on youth sexual harassment, and 3 involving staff on youth sexual abuse.
- In 2017, there were 6 unfounded allegations, 1 involving youth on youth sexual abuse, 1 involving youth on youth sexual harassment, and 4 involving staff on youth sexual abuse.
- In 2018, there were 10 unfounded allegations, 4 involving youth on youth sexual abuse, 1 involving youth on youth sexual harassment, 3 involving staff on youth sexual abuse, and 2 involving staff on youth sexual harassment.

Unfinished allegation:

In 2018, there was an allegation of staff on youth sexual abuse and sexual harassment at Caliente Youth Center that was made after the alleged youth victim was released from the facility. The assigned investigator has been unable to locate the alleged youth victim for an interview; therefore, has been unable to make a determination and close the case.

Youth Camps

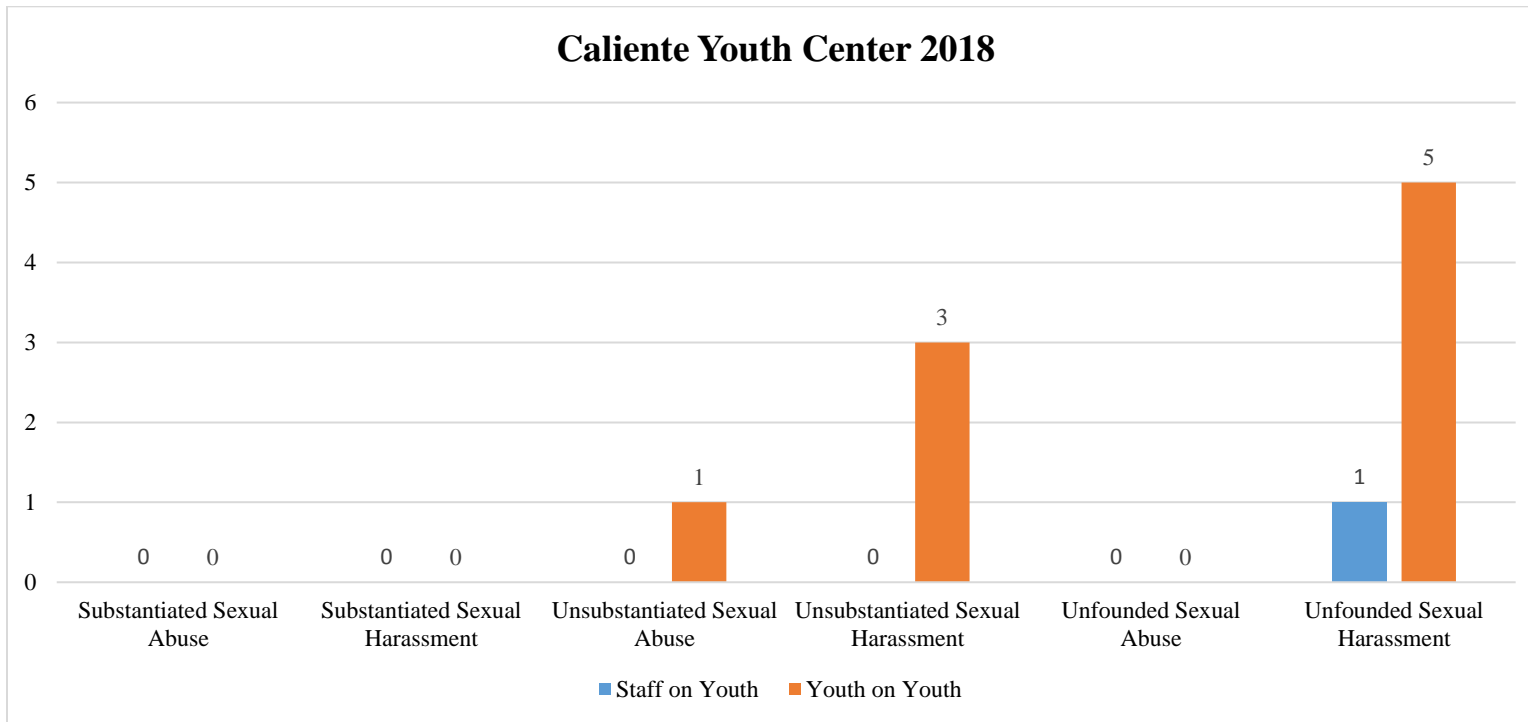
DCFS contracts with Douglas and Clark Counties for the purpose of residential care for youth committed to DCFS, specifically at China Spring Youth Camp (Douglas County) and Spring Mountain Youth Camp (Clark County). Per PREA Standards 115.312 and 115.387, DCFS has oversight of their compliance with PREA.

Below is a historical look at youth camp allegations:

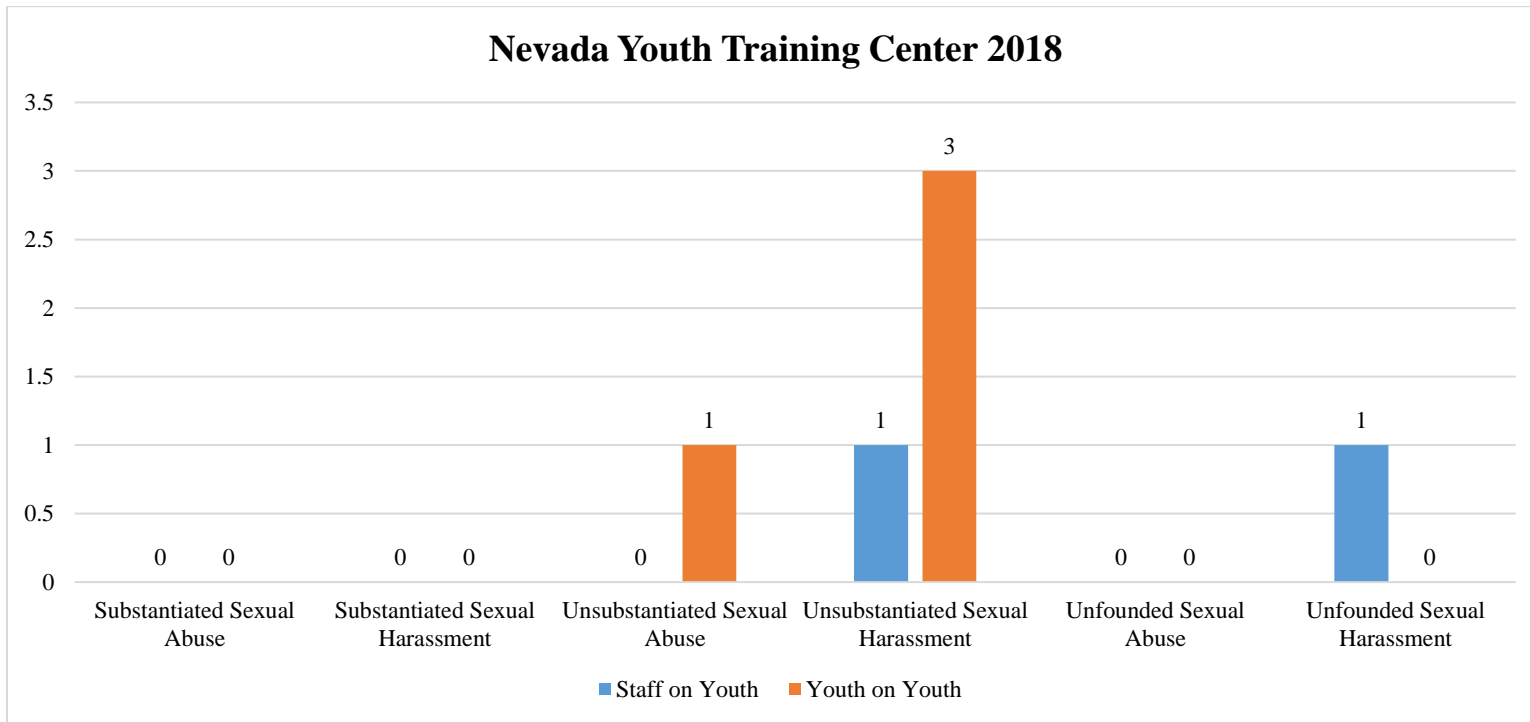
- In 2015, there was 1 unsubstantiated staff on youth sexual harassment allegation at China Spring. There were no reported allegations at Spring Mountain.

- In 2016, there was 1 substantiated youth on youth sexual harassment allegation at China Spring. There were no reported allegations at Spring Mountain.
- In 2017, there was 1 unfounded staff on youth sexual abuse allegation at China Spring. There were 3 substantiated youth on youth sexual harassment allegations at Spring Mountain.
- In 2018, there were 2 substantiated youth on youth sexual harassment allegations at China Spring. There were 4 substantiated youth on youth sexual harassment allegations at Spring Mountain.

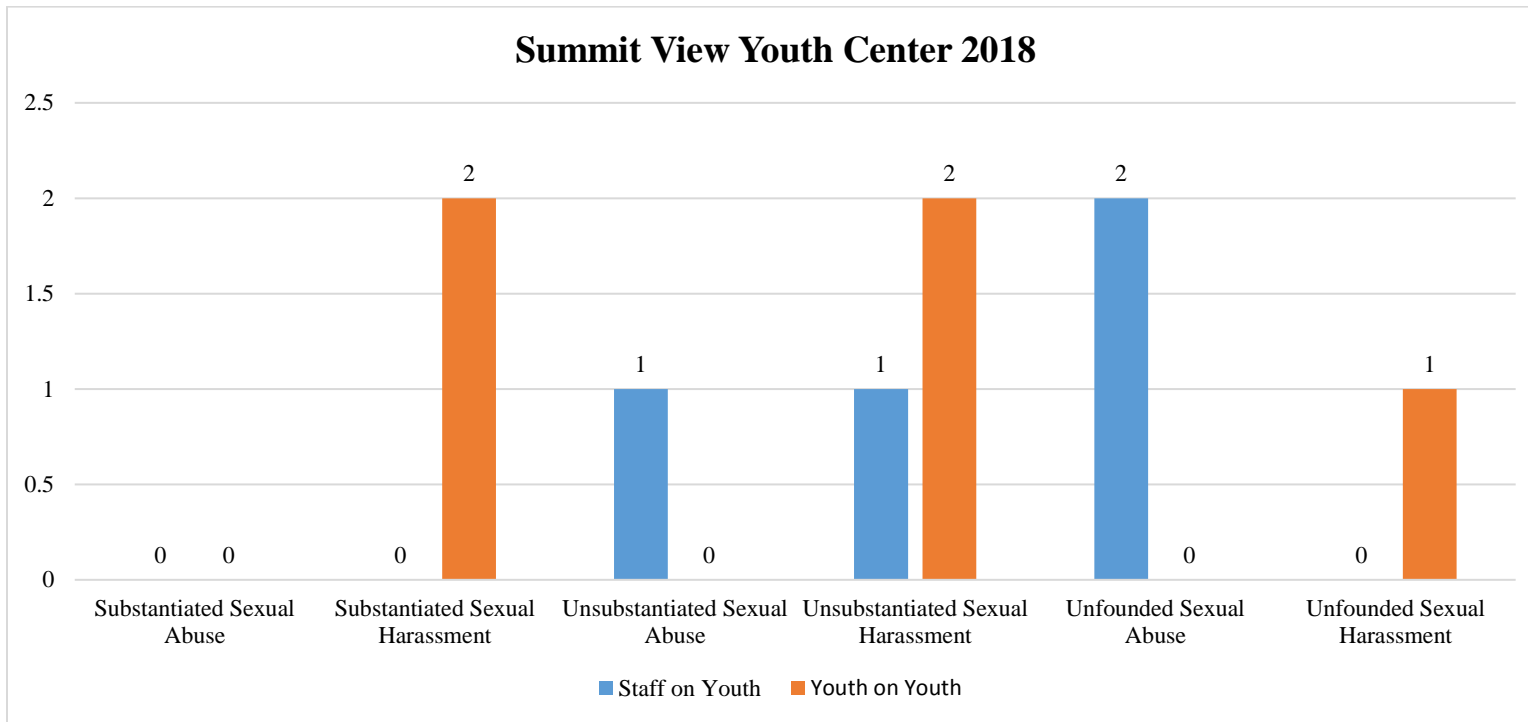
2018 PREA Correctional Facility data:



- Substantiated – There were no substantiated allegations.
- Unsubstantiated – Four allegations were unsubstantiated, including three involving youth on youth sexual harassment and one involving youth on youth sexual abuse.
- Unfounded – Six allegations were unfounded, including one involving staff on youth sexual harassment and five involving youth on youth sexual harassment.

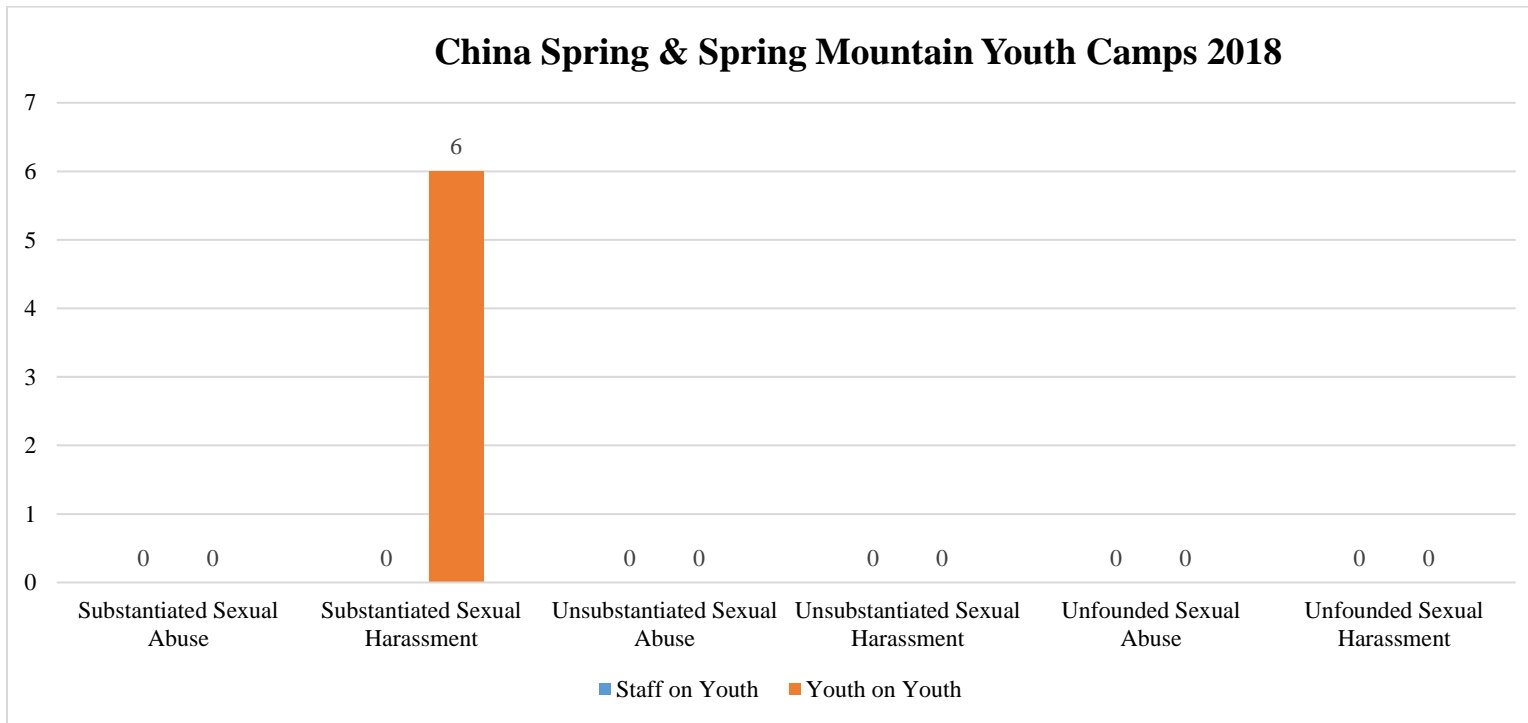


- Substantiated – There were no substantiated allegations.
- Unsubstantiated – Five allegations were unsubstantiated, including one youth on youth sexual abuse allegations, one staff on youth sexual harassment allegation, and three youth on youth sexual harassment allegations.
- Unfounded – One allegation was unfounded involving staff on youth sexual harassment.



- Substantiated – Two allegations were substantiated involving youth on youth sexual harassment.
- Unsubstantiated – Four allegations were unsubstantiated, including one staff on youth sexual abuse allegation, one staff on youth sexual harassment allegation, and two youth on youth sexual harassment allegations.
- Unfounded – Three allegations were unfounded, including two staff on youth sexual abuse allegations and one youth on youth sexual harassment allegation.

2018 PREA Youth Camp data:



- Substantiated – There were six substantiated allegations of youth on youth sexual harassment, two at China Spring Youth Camp and four at Spring Mountain Youth Camp.
- Unsubstantiated – There were no unsubstantiated allegations.
- Unfounded – There were no unfounded allegations.

PREA Accomplishments in 2018:

- Nevada Youth Training Center was found in compliance per their PREA Audit Final Report.
- A Memorandum of Understanding was established between Summit View Youth Center and North Las Vegas Police Department.
- A Memorandum of Understanding was continued between Summit View Youth Center and The Rape Crisis Center.
- During the Department of Justice's annual certification, the Governor certified Nevada as working towards PREA compliance.
- Internal PREA audits were completed at Summit View Youth Center and Caliente Youth Center.
- DCFS adopted a new case management software program, Caseload PRO, allowing for more PREA forms to be completed electronically.
- Facility PREA Standard Operating Procedures continue to be updated based on Department of Justice and audit guidance.

PREA Action Steps for 2019:

- DCFS legislative budget requests include creating a PREA Investigator position and adding security staff for all three correctional facilities to better meet PREA staffing ratios.
- Completing the installation of video surveillance technology at Caliente Youth Center and Nevada Youth Training Center. Completing the video surveillance enhancements at Summit View Youth Center.
- Securing a contract for body cameras for all three correctional facilities.
- Formalizing a new contract with a PREA auditor.
- Setting audit dates and obtaining PREA compliance at the agency-level and Summit View Youth Center.
- PREA compliance at China Spring Youth Camp and Spring Mountain Youth Camp during their upcoming PREA audits.
- Completing internal PREA audits of DCFS Administration (HR functions) and Nevada Youth Training Center.
- Reviewing the statewide PREA policy and facility standard operating procedures and making revisions, as necessary.

References:

- Data Sources:
 - Juvenile Correctional Facility Investigative Reports
 - Contracted Youth Camp Investigative Reports
- Information Sources:
 - PREA Resource Center: <http://www.prearesourcecenter.org/>
 - Department of Justice Prison Rape Elimination Act Juvenile Facility Standards: <https://www.prearesourcecenter.org/sites/default/files/library/preafinalstandardstype-juveniles.pdf>