Prison Rape Elimination Act (PREA)
Safety Standards for Nevada Youth Training Center

Section 1.4.1 Administrative Considerations

Subject: Zero Tolerance (Standard 115.311)

POLICY

The Nevada Youth Training Center has a ZERO TOLERANCE policy against all forms of sexual abuse and sexual harassment. No individual is allowed to enter the detention side of the facility without having PREA Training. Emergency Personnel are exempt when responding to an emergency.

PROCEDURE

Sexual abuse by a staff member, contractor or volunteer is defined as:

1. Any completed, threatened, or requested touching of the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks that is unrelated to official duties or where the staff member, contractor or volunteer has the intent to arouse or gratify sexual desire.
2. Any act of exposing the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks.
3. Voyeurism by a staff member, contractor or volunteer which means an invasion of privacy of a youth for reasons unrelated to official duties, such as peering at a youth who is using a toilet in his/her cell or requiring a youth to expose his or her buttocks, genitals or breasts.
4. Any act of photographing, videotaping, filming, digitally recording or otherwise viewing, with or without a device, a youth with the intent to arouse or gratify sexual desire.

Staff that has been found to have participated in any of the above behaviors will be terminated from employment and the matter will be reported to law enforcement and the Division of Child and Family Services, Child Protective Services and Systems Advocate Unit. Volunteers and contractors will be reported to law enforcement and prohibited any further contact with any youth.

Sexual abuse of a youth by another youth is defined as:

1. Any completed, threatened, or requested touching of the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks with the intent to arouse of gratify sexual desire.
2. Any act of exposing the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks.
3. Any act of intentional touching, 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.

Youths that have been found to have participated in any of the above behaviors will be reported to law enforcement for formal investigation and then referred to the Disciplinary Hearing Committee. An immediate response to any youth who is under investigation for any alleged sexual abuse will be the following:

1. Remove the alleged perpetrator away from victim (both sight and sound)
2. Determine if the perpetrator is a risk to others; if yes, they must be isolated
3. Refer to Sexual Assault Form A and Form B
4. Adhere to confidentiality

Sanctions could include placement of the perpetrator on Administrative Segregation/Room Confinement and a petition being filed.

Sexual harassment includes:

1. Repeated and unwelcomed sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive nature by one youth directed towards another youth; and
2. Repeated verbal comments or gestures or a sexual nature to a youth 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 sanctions for participating in sexual harassment can include disciplinary action up to and including termination. Sanctions for contractors and volunteers will include prohibition from further contact with youths.

Subject: PREA Coordinator (Standard 115.311)

POLICY

Nevada Youth Training Center will assign and train an upper level, agency wide staff member to assume the duties of PREA Coordinator. The responsibilities of this assignment include (but are not limited to) assisting in the development, implementation and oversight of the PREA standards within the facility. The PREA coordinator will be afforded the sufficient time and authority to develop, implement and oversee facility efforts to comply with PREA standards.

PROCEDURE

In addition to above responsibilities, Administration and the PREA Coordinator will provide initial and annual training to all staff on PREA standards.

The PREA Coordinator, along with the Superintendent, will conduct an annual assessment to determine if staffing patterns, facility deployment of video monitoring systems and other technologies and the resources the facility has available to commit to ensure adherence to the staffing plan in order to ensure the protection of residents against sexual abuse. **(115.313)**

Staffing patterns must take into account the resident population, the composition of the resident population and applicable Federal, State and local laws. The facility must maintain a staffing ratio of 1:8 during resident waking hours and 1:16 during resident sleeping hours, except during limited and discrete exigent circumstances. Such circumstances must be documented. **(115.313)**

The facility will maintain a staffing plan that provides for adequate levels of staffing to ensure for the protection of each youth against sexual abuse. Staff will comply with facility policy where whenever they are with a youth they can be observed by another staff member directly or through video monitoring system. In situations where additional staffing is needed, the Superintendent will be notified and additional staff will be made available **(115.313)**.

When the facility is calculating the appropriate staffing ratios and need for video monitoring, the following items considered:

- Generally accepted juvenile detention and correctional/secure residential practices
- Any judicial findings of inadequacy
- Any findings of inadequacy from federal investigative bodies
- Any findings of inadequacy from internal or external oversight bodies
- All components of the facility's physical plant(including "blind spots" or areas where staff or residents may be isolated
- The composition of the resident population
- The number and placement of supervisory staff
- Institution programs occurring on a particular shift
- Any applicable State or local laws, regulations or standards
- The prevalence of substantiated and unsubstantiated incidents of sexual abuse

When installing or updating a video monitoring system, the electronic surveillance system or other monitoring technology- NYTC must consider how such technology may enhance the agency's ability to protect residents from sexual abuse. **115.318**

Subject: Hiring Requirements (Standard 115.317)

POLICY

The Nevada Youth Training Center requires every candidate for employment, including contractors, within the facility to undergo and pass a complete background check, to include state and federal entities as well as the Nevada Child Abuse and Neglect (CAN) system check prior to hiring. Every employee is required to undergo an additional background check every five years.

Every volunteer will have a basic (State of Nevada , including F.B.I.) background check conducted, prior to volunteering in the facility and is to NEVER be left alone with a juvenile without at least sight observation by staff.

PROCEDURE

Disqualification for employment includes:

- Engaged in sexual abuse in a prison, jail, lock up, community confinement facility, juvenile facility or other institution defined in 42 U.S.C. 1997.
- Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force or coercion, or if the victim did not consent or was unable to consent or refuse.
- Been civilly or administratively adjudicated or have engaged in the activity described above.
- Any substantiated allegations of sexual abuse or a history of sexual activity facilitated by force, the threat of force or coercion.
- Convicted for domestic violence.
- Convicted for child abuse.
- Convicted for stalking.
- Convicted for any sexual offense.
- Convicted of any felony.

All applicants for employment that will have contact with youths will be asked during the interview process about the conduct described above. In addition, any employee having contact with youths who is considered for promotion will be interviewed about the conduct described above; and all employees having contact with youths will be asked about such conduct during their annual evaluation process.

Disqualification for contractors includes:

- Engaged in sexual abuse in a prison, jail, lock up, community confinement facility, juvenile facility or other institution defined in 42 U.S.C. 1997.
- Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force or coercion, or if the victim did not consent or was unable to consent or refuse.

- Been civilly or administratively adjudicated or have engaged the activity described above.
- Any substantiated allegations of sexual abuse or a history of sexual activity facilitated by force, the threat of force or coercion.
- Convicted for domestic violence.
- Convicted for child abuse.
- Convicted for stalking.
- Convicted for any sexual offense.
- Convicted of any felony.

All applicants for employment that will have contact with youths will be asked during the interview process about the conduct described above. Employees who withhold information regarding such misconduct on application materials will be terminated. In addition, employees that have contact with youths are required to sign a form stating that they have not been involved in such conduct and will disclose any allegations of such conduct if they occur in the future.

In addition, any employee having contact with youths who is considered for promotion will be interviewed about the conduct described above; and all employees having contact with youths will be asked about such conduct during their annual evaluation process.

Substantiated sexual harassment will be considered regarding employment or promotion for anyone who may have contact with youths.

Any contractor or volunteer who engages in sexual abuse is prohibited from contact with residents and will be reported to the appropriate law enforcement agency and relevant licensing bodies.

115.317- NYTC make its best effort to contact all prior institutional employers for information in substantiated allegations of sexual abuse or any resignation made during a pending investigation of an allegation of sexual abuse (consistent with Federal, State and local laws) before hiring a new employee who may have contact with residents.

115.317- NYTC will provide information on substantiated allegations of sexual abuse and sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work, unless prohibited by law.

115-377- Nevada Youth Training Center takes every allegation seriously. Staff disciplinary sanctions for violations or agency policies relating to sexual abuse or sexual harassment (other than engaging in sexual abuse) commensurate with the following:

- The nature and circumstances of the act committed
- The staff member’s disciplinary history
- The sanctions imposed for comparable offenses by other staff with similar histories

In the case of any other violation of agency sexual abuse or sexual harassment policy by a contractor or volunteer, the Nevada youth Training Center takes appropriate remedial measures and considerations where to prohibit further contact with residents.

Subject: Agreements with External Entities (Standard 115.312 - 115.366 & 115.376)

POLICY

The Nevada Youth Training Center will ensure that each and every private entity or other government agency that provides contractual services within the facility will adopt and comply with PREA standards.

PROCEDURE

All terminations of contractual employment for violations of agency sexual abuse or sexual harassment policies, or resignations by staff that would have been terminated if not for their resignations, will be reported to the appropriate law enforcement agency and any relevant licensing body.

115.312- Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards. In addition all contracts will be monitored biannually to ensure compliance.

115.366- Nevada Youth Training Center nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the Nevada Youth Training Center ability to remove alleged staff sexual abusers from contact with residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.
Nothing in this standard shall restrict the entering into or renewal of agreements that govern:
(1) The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §§115.372 and 115.376; or

- (2) Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.

Note: This standard does not restrict the entering into or renewal of agreements governing the conduct of the disciplinary process (consistent with 115.372 and 115.376) or whether the no-contact assignment that is imposed pending the outcome of the investigation shall be expunged from or retained in the staff member’s personnel file following a determination that the allegation of sexual abuse is not substantiated.

115.353- NYTC maintains Memoranda of Understanding (MOU) or other agreements with community services providers that are able to provide residents with emotional support services related to sexual abuse and maintains copies of those agreements in the PREA Compliance Monitor’s office.

Section 1.5.1-Resident Management and Services Self-Assessment

Subject: Supervising Residents (Standard 115.313)

POLICY

The Head Group Supervisor/Assistant Head Group Supervisor, PREA Compliance Monitor, Statewide PREA Coordinator, or designee, who is at least an intermediate supervisor, shall conduct unannounced rounds on all shifts to identify and deter staff from sexual misconduct and sexual abuse.

PROCEDURE

Unannounced visits shall be noted in daily log. All staff is prohibited from alerting other staff members that these rounds are being conducted.

PREA Standard 115.315

POLICY

The Nevada Youth Training Center prohibits cross-gender strip searches, meaning a search of the anal or genital opening, unless conducted by a qualified medical person and justifiable reasons exist.

PROCEDURE

When a cross-gender strip search is conducted by medical personnel it will be conducted in a private setting and documented in the daily log.

POLICY

Nevada Youth Training Center prohibits cross gender pat down searches except under exigent circumstances.

PROCEDURE

Cross gender pat down will be allowed under exigent circumstances such as when probable cause exists that leads one to believe the resident is carrying a weapon or the resident is carrying illegal drugs. All cross gender pat down's will be documented in the daily log and be justified. Justified would be times when security of the department is in jeopardy or suspected drug concealment.

POLICY

Nevada Youth Training Center prohibits Staff of the opposite sex to view residents showering and prohibits staff of the opposite sex to view residents changing clothes or performing bodily functions except when such view is incidental during routine cell (bed) checks.

PROCEDURE

Residents shall verbally request to staff when they need to change clothes or use the latrine. When staff is entering opposite sex housing units they will announce their presence where residents are likely to be performing bodily functions or changing their clothes.

PREA Standard 115.342

Residents who are lesbian, gay, bisexual, transgender, or intersex shall be allowed to shower separately. This facility does not have discrete housing units.

Subject: Victim Services: General (Standard 115.353)

POLICY

Nevada Youth Training Center will provide mental health services to victims of alleged sexual assault.

PROCEDURE

Mental health service will be provided immediately for assaultive cases, if staff is unable to contact one of our contract providers they shall take victim to the emergency room for such services. Furthermore, if the victim would like to seek supportive help from an outside agency they may contact the Superintendent. The phone number of the shelter (Committee Against Domestic Violence/ CADV) during week days, 9:00AM to 5:00PM, (775) 738-9454 and all other times the number is 1-888-738-9454.

If at any time a victim of an alleged sexual assault requests to speak with the Domestic Violence Service they may do so and in a manner that is confidential between the two parties. Also the address of the domestic violence shelter is available in the residents hand book.

Prior to giving residents access to outside services the Nevada Youth Training Center Superintendent or designee shall inform resident that reports of abuse will be forwarded to authorities in accordance to the mandatory reporting laws.

The Nevada Youth Training Center Superintendent or designee will advise residents they will have access to their attorney or other legal representatives and they will have reasonable access to their parents or legal guardians.

The Nevada Youth Training Center does not detain solely for immigration purposes.

Subject: Victim Services: Immediate Response (Standard 115.382)

POLICY

At any time when staff is notified of a sexual assault the staff member will immediately take action to protect victim and to seek professional assistance.

PROCEDURE

Once a NYTC Staff Member is, by any source, informed of a sexual assault on a resident, they shall immediately contact one of our contracted mental health providers for an emergency assessment. Also, the Head Group Supervisor/Assistant Head Group Supervisor or designee shall take preliminary steps to protect the victim from the alleged perpetrator. This could mean separating the victim from perpetrator by means of housing. If the alleged perpetrator is a staff, the Head Group Supervisor/Assistant Head group Supervisor or designee shall immediately notify the Superintendent who will then contact law enforcement. The immediate supervisor shall take the necessary steps to remove the alleged perpetrator from the facility until a preliminary investigation has been completed. The PREA Compliance Manager will be notified immediately.

The victim of a sexual abuse shall receive immediate unimpeded access to emergency medical treatment and crisis intervention services. The initial step will be a staff member transporting the victim to the Northeastern Nevada Regional Hospital for any emergency care and crisis intervention services. The Hospital will make a medical assessment to determine emergency care. A forensic exam will be offered to the victim by the emergency mental health provider or medical practitioner. The type of emergency services will be determined by the emergency mental health provider or medical practitioner. The forensic exam will be conducted by professionals who are certified in sexual assaults. Sparks Nevada is one example of a qualifying forensic hospital. The service will be offered whether the victim cooperates in the investigation or not. The burden of the financial cost will be assumed by the Nevada Youth Training Center **(115.321)**.

Staff shall document all pertinent information in the incident report regarding efforts to provide proper professional care, including a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) from a certified sexual assault facility and professionals.

Northeastern Nevada Regional Hospital will offer information about emergency contraceptive and sexually transmitted infections prophylaxis, where medically appropriate, in accordance to professionally accepted standards of care. **(115.382)**

Nevada Youth Training Center shall make an attempt to provide the victim of sexual assault a victim advocate from the local crisis center. The phone number of the shelter during week days, 9:00AM to 5:00PM, (775) 738-9454 and all other times the number is 1-888-738-9454.

Northeastern Nevada Regional Hospital is not a part of the criminal justice system. The agency offers a comparable level of confidentiality as a nongovernmental entity that provides

similar victim services. Northeastern Nevada Regional Hospital documents efforts to secure services from the rape crisis center. **(115.321)**

Northeastern Nevada Regional Hospital is a qualified crisis support agency who provides victim services, their staff members are qualified to accompany and support the victim through the forensic medical exam process and the investigatory interviews. Northeastern Nevada Regional Hospital personnel will also provide emotional support, crisis intervention, information, and referrals, as requested by the victim.

Subject: Victim Services: Ongoing (Standard 115.383)

POLICY

Nevada Youth Training Center offers medical and mental health evaluations for residents who have been sexually abused in any prison or lock up facility.

PROCEDURE

Treatment service will be provided at no cost to the victim regardless if the victim names the abuser or cooperates with the investigation. Pregnancy test or Sexually transmitted disease (STD) tests will be offered to residents who wish to be tested at no cost. Also, any follow up services, treatment plans, or referral for continued care will be encouraged upon release or transfer to other facilities.

If a pregnancy results from a resident suffering from sexually abusive vaginal penetration while incarcerated, the victim will receive timely comprehensive information about and timely access to all lawful pregnancy-related medical service.

All residents who have been a victim of sexual abuse at Nevada Youth Training Center or another agency are offered tests for sexually transmitted infection, as medically appropriate. Any evaluation and treatment of such victims following their transfer to, placement in, other facilities, or their release from custody, will include follow-up services, treatment plans, and referrals for continued care.

Section 1.6.1- Resident Screening

Section: Intake and Obtaining Information from Residents (Standard 115.315 & 115.341)

POLICY

Nevada Youth Training Center Staff shall not perform any searches to determine resident's genital status. When genital status is unknown, staff will converse with the resident or use medical records to make a determination of genital status. If those attempts fail to determine genital status a more comprehensive medical exam will be conducted by a certified medical practitioner.

PROCEDURE

Within 72 hours of the resident's arrival at Nevada Youth Training Center a Mental Health Counselor II will conduct a more thorough intake screening to reduce the risk of sexual abuse by or upon the resident. The screen will consist of a self-reporting questionnaire. The questionnaire will ask about prior victimizations, abuse, past charges, and the resident's own perception of vulnerability. Also this screening process will use offense history, age, level of emotional and cognitive development, physical disabilities, or any specific information that would lead one to believe additional supervision is necessary or separation from other youth is necessary. Additional information can be gathered by reviewing court records and juvenile probation case files, staff shall request this information from a Parole Officer or an Administrator. Furthermore, the screening process will take into consideration any specific information about individual residents that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents. Lastly through conversations with residents during the intake process and medical and mental health screening information will help ascertain information to reduce the chances of victimization. During the conversation staff should look for any gender non-conforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the resident may therefore be vulnerable to sexual abuse. Also staff will take into account physical size, stature, intellectual and developmental disabilities that will help ascertain information to reduce the chances of victimization. This screening process is performed by an objective screening instrument.

Also, within 72 hours the resident will watch a video on sexual assaults and read the residents handbook. If necessary, staff will read the resident handbook and questionnaire with the resident. The goal of this department is to provide a safe environment for residents while adjudicated at Nevada Youth Training Center.

Subject: Use of Information (Standard 115.342)

POLICY

Nevada Youth Training Center will use information in the intake process and screening process to determine housing, bed, program, education, and work assignments.

PROCEDURE

The goal is to keep all residents safe and free from sexual abuse. Nevada Youth Training Center prohibits placing lesbians, gay, bisexual, transgender, and inter-sex residents in particular housing, bed, or other assignments solely on the basis of such identification or status.

Nevada Youth Training Center shall consider on a case by case basis whether assigning a transgender or intersex resident to a facility for male or female residents (and making other housing and programming assignments) would ensure the resident's health and safety, whether the placement would present management or security problems. Placement and programming assignments of a transgender or intersex resident will be reassessed at least twice each year to review any threats to safety experienced by the resident. Transgender or intersex resident's own views with respect to his or her own safety will be given serious consideration. Nevada Youth Training Center prohibits considering lesbians, gay, bisexual, transgender, or intersex identification or status as an indicator of the likelihood of being sexually abusive.

Nevada Youth Training Center residents shall only be isolated from group if resident is a danger to others or for protection from others. If for the later reason, then all other options will have been exhausted. If any resident is isolated from the group for reason of safety every 7 days the reason for the isolation will be reevaluated to determine if threat still exists and is there a better solution to the separation.

All residents who are isolated from the group will have a minimum of one hour outside of their room for exercises. If the isolation is to protect the resident from others then they will have access to educational programming, daily visits from a medical or mental health clinician, work opportunities to the extent possible, any other programs that Nevada Youth training Center offers to the extent possible. Also, if behavior reports warrant phone call privileges will be allowed when staff is able.

The Superintendent or his designee will make daily contact with isolated residents and assess their wellness.

If the resident is isolated for protection Superintendent or his designee will clearly document the facilities concern for safety and the reason why no alternative means of separation can be arranged.

Any room confinement more than 2 hours for safety reasons shall have a written report explaining the reasons for the confinement, reason why no alternative means of separation was used and an expected time of terminating the isolation restriction.

If the intake screening process indicates that a resident has experienced prior sexual assault victimization, whether it occurred in an institutional setting or in the community, Nevada Youth Training Center will ensure that the resident is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

If the intake screening process indicates that a resident has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, Nevada Youth Training Center will ensure resident is offered a meeting with a medical or mental health practitioner within 14 days of the intake screening process.

If it is determined a resident is a sexual abuser (resident on resident) a mental health evaluation will be attempted within the first 60 days of confinement. Also, this facility will offer resident on resident abusers mental health treatment when a qualified mental health practitioner has deemed such treatment is needed.

Subject: Information Management (PREA Standard 115.341 & 115.381)

POLICY

Nevada Youth Training Center Staff shall only disseminate responses to the intake screening questions within the facility in order to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents.

PROCEDURE

All intake screening questions regarding residents Medical Information and Sexual Orientation will be maintained in the resident's medical file. This file is kept in the Control Room and only used to determine programming needs and medical care. Also information regarding sexual victimization or abusiveness history is maintained in the resident's facility file which is maintained in the Administration Building and only used for security management, treatment plans, education, and program assignments. The facility file and the medical file is strictly limited to staff, mental health practitioners, and the residents Parole Officer, Chief Parole Officer, youth's attorney or counselor. Nevada Youth Training Center will strictly limit information regarding residents otherwise required by Federal, State, or local law.

All medical and mental health practitioners shall obtain informed consent from residents before disseminating information about prior victimization that did not occur in an institutional setting unless under the age of 18.

Section 1.7.1- Reporting of Allegations

Subject: Resident Reporting of Allegations (Standard 115.351)

POLICY

Nevada Youth Training Center takes seriously all reports of sexual abuse, regardless of the form or format in which the report is conveyed. Staff is required to report any observed or suspected sexual abuse to the Superintendent and PREA Compliance Monitor of the facility. Failure to report can result in termination. All allegations, regardless of source, will be investigated.

PROCEDURE

Reporting Systems (115.351)

The facility provides multiple ways for the juvenile youths to report sexual abuse, sexual harassment, retaliation and/or staff negligence or violation of policies that may contribute to an incident of sexual abuse and/or sexual harassment:

1. Direct reporting to a staff member.
2. Use of the grievance box.
3. Written correspondence to a specific staff member.
4. Request to speak to the Facility Director or the Senior Deputy.
5. Request to speak to outside clergy, counselor or attorney.
6. Through medical or mental health staff.
7. Anonymously through a third party.

All youths will have access to tools necessary to make a written report.

Civil Immigration (115.351)

NYTC does not detain youth solely for civil immigration purposes.

Confidential Access (115.351)

All youths are provided with reasonable and confidential access to their attorney, parent (or guardian), case worker, spiritual advisor, psychologist, psychiatrist and probation/parole officer.

Information (115.316)

Youths who have disabilities (including, for example youths who are deaf, or hard of hearing, blind or have low vision, or who have intellectual, psychiatric or speech disabilities) will have an equal opportunity to participate and benefit from all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to include:

- Ensuring effective communication with youths who are deaf or hard of hearing by providing interpreters.

- Ensuring that written materials provided are in formats and methods that ensure effective communication with youths with disabilities such as intellectual disabilities, limited readings skills, blind or low vision.

The Nevada Youth Training Center will take reasonable steps to ensure accessibility to an interpreter for youths who are Limited English Proficient (LEP).

115.351- All staff members are required to accept sexual assault reports that are made verbally, in writing, anonymously, and through a third party. Staff will immediately document all verbal reports.

All staff members affiliated with Nevada Youth Training Center are required to immediately report any observed or suspected cases of sexual abuse to the Facility Director. Cases involving staff and a juvenile will be reported to the Facility Director. The Facility Director will be responsible for reporting the sexual assault to the Division of Child and Family Services and local law enforcement agency.

115.352- Youth can submit a grievance regarding sexual abuse and/or sexual harassment at any time, free from a time limit to submit.

Nevada Youth Training Center will ensure that the youth filing the grievance will not be subject to resolve the grievance informally with the alleged staff or resident. Youth can submit a grievance regarding sexual abuse and/or sexual harassment to any staff, excluding the staff that may be named in the grievance.

Nevada Youth Training Center will also allow the following third parties to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse:

- Fellow residents
- Staff members
- Family members
- Attorneys
- Outside Youth Advocates

Any reports of sexual abuse made in good faith by a youth that prove to be unsubstantiated will not constitute falsely reporting an incident or lying. Any reports of sexual abuse and/or sexual harassment found to be made in bad faith will be appropriately addressed following disciplinary policies and procedures (Disciplinary Process- DCFS-JS-14.2)

115.352

If the resident declines to have the request processed on his or her behalf, the Nevada Youth Training Center will document the resident's decision. A parent or legal guardian of a juvenile shall be allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such juvenile. Such a grievance shall not be conditioned upon the juvenile agreeing to have the request filed on his or her behalf and all allegations will be investigated.

The agency shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. Computation of the 90-day time period shall not include time consumed by residents in preparing any administrative appeal. The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the resident in writing of any such extension and provide a date by which a decision will be made.

After receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, the following steps will be taken immediately:

- Immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to the Nevada Youth Training Center Superintendent and PREA Compliance Manager or designee for immediate corrective action.
- Provide an initial response within 48 hours
- Provide a completed final agency decision within 5 calendar days. This may be verbal but must be followed by a written decision.
- Documentation of the agency determination of whether the resident is in substantial risk of imminent sexual abuse.
- Documentation of the action taken in response to the emergency grievance.

At any level of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extension, the resident may consider the absence of a response to be a denial at that level.

115.362- Nevada Youth Training Center will immediately take action to protect a resident upon learning the resident may be at risk for imminent sexual abuse.

Subject: Staff and Third-Party Reporting (Standard 115.361 and 115.354)

POLICY

Nevada Youth Training requires all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

PROCEDURE

The facility provides multiple ways for the staff, volunteer and contractors to report sexual abuse, sexual harassment, retaliation and/or staff negligence or violation of policies that may contribute to an incident of sexual abuse and/or sexual harassment:

1. Direct reporting to a staff member.
2. Use of the grievance box.
3. Written correspondence to a specific staff member.
4. Request to speak to the Facility Director or the Senior Deputy.
5. Request to speak to outside clergy, counselor or attorney.
6. Through medical or mental health staff.
7. Anonymously and/or through a third party.

115.354- NYTC provides a method to receive third party reports of sexual abuse and sexual harassment. This is available via the Juvenile Justice Programs Office website at www.dcfs.nv.gov/Programs/JJS/ProgramsOffice

The PREA Compliance Monitor investigates all third-party reports of sexual abuse and refers all third-party reports of sexual abuse to the Elko County Sheriff's Department - local law enforcement agency.

115.361- All staff employed, contracted or volunteering at Nevada Youth Training Center are mandated reporters for child abuse, neglect, sexual harassment and sexual abuse per NRS 432B.220 Section 4. Any person who knowingly and willfully violates the provisions of NRS 432B.220 is guilty of a misdemeanor and subject to termination

All medical and mental health practitioners that provide services at Nevada Youth Training Center are required to immediately report to the Superintendent and/or PREA Compliance Monitor any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurs within the facility: any knowledge, suspicion or information they receive regarding retaliation against staff or residents who report such incidents and any staff negligence or violation of responsibilities or polices that may contribute to an incident or retaliation.

All staff, apart from reporting to designated supervisors or officials and designated State or local services agencies, are prohibited from revealing any information related to a sexual

abuse report to anyone other than to the extent necessary to complete the investigation effectively.

Medical practitioners are required to inform residents at the initiation of services their duty to report and the limitations of confidentiality unless otherwise precluded by Federal, State and local laws.

Information on the specific allegation will be shared on a need to know basis. Medical and Mental Health staff will receive the information needed to provide victim services. Head Group/Assistant Head Group staff will be notified in order to provide safety and security for the alleged victim and perpetrator.

Subject: Protection against Retaliation (Standard 115.367)

POLICY

Nevada Youth Training Center takes seriously all reports of sexual abuse and protects juveniles and staff from retaliation for reporting sexual abuse.

All employees and youth are prohibited from retaliating against other employees or youth for reporting allegations of sexual abuse, activity and/or assault. Employees and/or youth who are found to have violated this prohibition shall be subject to disciplinary action.

PROCEDURE

The Superintendent and PREA Compliance Monitor will take the following actions to guard against retaliation:

1. Separate the juvenile victim from the juvenile abuser by moving them into separate pods while making every effort to minimize the disruption to the juveniles' daily life, including access to education, programs and other facility privileges. However, the involved juveniles will not have recreation together nor attend programming together.
2. If the allegations involve staff or a volunteer they will be placed on administrative leave or be reassigned until the investigation is concluded. They will have no contact with youth at this time.
3. Provide mental health counseling for those juveniles who may need emotional support.
4. Refers the staff member to the employee assistance service program if needed.
5. Monitor treatment of the staff and/or juvenile who have reported sexual abuse or cooperated with investigators for at least 90 days after the reported incident (monitoring may continue beyond 90 days if the initial monitoring indicates the need). If changes are noted, those changes will be addressed with the staff and/or juvenile to determine if retaliation is taking place. If retaliation is confirmed, immediate steps will be taken to protect the juvenile or staff member.
6. If any other individual who cooperated with an investigation expresses a fear of retaliation, the Superintendent will take the appropriate measures to protect that individual.
7. Monitoring for retaliation against staff will include negative staff evaluations and reassignments.
8. Monitoring for retaliation against youths will include:
    - Any disciplinary reports
    - Any incident reports
    - Daily grades
    - Housing changes
    - Program changes

Section 1.8.1- Investigations

Subject: General Considerations for Administrative Investigations (Standard 115.321 & 115.371)

POLICY

The Nevada Youth Training Center does not conduct criminal investigations of sexual abuse. Criminal investigations are conducted by the Elko Police Department and/ or Elko County Sheriff Department. Nevada Youth Training Center will cooperate with outside investigators and remain informed about the process of the investigation.

PROCEDURE

The Nevada Youth Training Center conducts its own administrative investigations into allegations of sexual abuse and sexual harassment. Investigations are conducted:

- Promptly
- Thoroughly
- Objectively
- Using investigators who have received special training in sexual abuse investigations pursuant to **115.334**

The PREA Compliance Monitor and/or the Statewide PREA Coordinator will conduct an administrative investigation in any matter involving a staff member, volunteer or juvenile who is alleged to have committed sexual assault. This also includes sexual comments, gestures, or harassment. Care will be taken not to co-mingle the administrative case with a criminal case.

In the event that there is physical evidence or a crime scene exists, all pertinent areas and contents must be contained and controlled until the responding Police investigative agency is able to take control of the area/materials.

An investigation will also be conducted for an employee or volunteer failing to report an incident of sexual abuse, or limiting information regarding an investigation of sexual abuse, engaging in retaliation and/or any other violation of PREA.

All staff will fully cooperate with any investigation of reported sexual abuse. Any administrative investigation will be fully documented. That documentation will include a description of the physical and testimonial evidence.

The agency will be required to file an initial finding or update regarding any alleged sexual abuse within 90 days of the filing of the initial complaint. If the agency is unable to complete the report by the 90 days, a written explanation must be given to the victim or their representative explaining the delay and asking for an extension.

Subject: Response to Report of Allegations (Standards 115.368-115.322-115.361-115.363-115.365-115.371-115.373)

115.368
Nevada Youth Training Center will make its best effort to maintain youth in the general public and provide the following:

- Daily large-muscle exercise is provided
- Legally required educational programming and special education services are provided
- While isolated, residents receive daily visits from a medical or mental health clinician
- Residents have access to other programs and work opportunities to the extent possible
- Isolation is used only as a last resort when other less restrictive measures are inadequate

115.322
Nevada Youth Training Center will ensure that an administrative or criminal investigation is completed for every allegation of sexual abuse and/or sexual harassment.

115.322- Nevada Youth Training Center refers all allegations of sexual abuse or sexual harassment for investigation to the Elko Police Department, the Elko County Sherriff Department or the Nevada Division of Investigations, unless the allegation does not involve potentially criminal behaviors. All referral to the investigating agency will be documented by the Nevada Youth Training Center. The facility's policy on PREA is accessible to staff and state agencies through the state's share drive. These Policies are also posted on the following website: www.dcfs.nv.gov/Programs/JJS/ProgramsOffice/

115.361- Staff of Nevada Youth Training Center will report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports to the Superintendent and PREA Compliance Monitor.

Upon receiving any allegation of sexual abuse and/or sexual harassment, staff will immediately notify the Superintendent, or his or her designee. The Superintendent, or his or her designee will notify the victim's parents or legal guardians, unless the facility has official documentation showing the parents or legal guardians shall not be notified of any information regarding the youth. If the victim has a caseworker/ social worker, the Director or designee shall notify the caseworker/social worker of the allegation. If the Juvenile court retains jurisdiction over the alleged victim, the Superintendent, or designee will report the allegation to the juvenile's attorney or legal representative of record within 7 days of receiving the allegation.

115.363- All staff, contractors and volunteers are responsible to immediately report to the Superintendent or designee reports of allegations that a youth was sexually abused while confined at another facility. The Superintendent or designee will notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and the appropriate investigating agency. This notification will be provided as soon as possible, not to exceed 72 hours after receiving the allegation. The Superintendent or designee will document the time, date and person receiving the allegation.

115.365- Nevada Youth Training Center has developed a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators and administration. The plan includes the following actions:

1. Assessment of the victim's acute needs
2. Informing the victim of his or her rights under relevant Federal or State Law
3. Explanation of the need for a forensic medical exam and offering the victim the option of receiving one
4. Offering the presence of a victim advocate or a qualified member to be present during the exam
5. Providing crisis intervention counseling
6. Interviewing the victim and any witnesses
7. Collecting evidence
8. Providing for any special needs the victim may have

This plan needs to specify which entities within the facility are responsible for which action, how actions should be sequenced and which actions can occur concurrently with other actions.

115.371- Nevada Youth Training Center will not terminate an investigation of sexual abuse and/or sexual harassment solely because the source of the allegation recants the allegation. Each and every allegation will be fully and completely investigated.

115.373- Nevada Youth Training Center conducts its own internal administrative investigations. Following an investigation into a youth's allegation of sexual abuse, Nevada Youth Training Center will inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

Except when an allegation has been determined to be unfounded, following a resident's allegation that a staff member has committed sexual abuse against the resident, does the agency subsequently inform the resident whenever the following situations exist?

- The staff member is no longer posted within the resident's unit
- The staff member is no longer employed at the facility
- The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility
- The agency learns the staff member has been convicted on a charge related to sexual abuse within the facility.
- Does the agency document all such notifications or attempted notifications of the previous four bullets

Note: the agency's obligation to report under this standard terminates if the resident is released from the agency's custody

Following a resident's allegation he or she has been sexually abused by another resident, does the agency subsequently inform the resident whenever either of the following occur?

- The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility

- The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility
- Does the agency document all such notifications or attempted notifications of the previous two bullets

Note: the agency's obligation to report this under this standard terminates if the resident is released from the agency's custody

115.363- Nevada Youth Training Center will ensure that an allegation received from another facility or agency reporting that a resident alleged being sexually abused and/or sexually harassed in another facility, will be investigated following the same standards outline within this policy.

115.364- Upon learning of an allegation that a resident was sexually abused, the Group Supervisor is the first to respond. The Assistant Head Group Supervisor/Head Group Supervisor or designee will ensure that the victim and alleged abuser are separated and that the crime scene is preserved and protected until appropriate steps can be taken to collect evidence. If the abuse occurred within a time period that still allows for the collection of physical evidence, the Assistant Head Group Supervisor/Head Group Supervisor or designee will instruct the alleged victim not to take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating. This instruction will also be giving to the alleged abuser.

If the first staff responding is not security staff, the staff should request the alleged victim and abuser not take any actions that could destroy physical evidence and then notify security staff that have training in maintaining a crime scene.

Actions of the Responding Staff

When responding to an incident of sexual assault staff is NOT to investigate the alleged offense. However, staff will refer to Sexual Assault Form A and Sexual Assault Form B. Staff will only ask the questions found on Sexual Assault Form A and will check off every box found on Sexual Assault Form B after completing it.

This information will be further covered during the orientation process.

Adhering to confidentiality is of the utmost importance. Any additional talk, gossip, joking, personal opinions or inappropriate remarks will not be tolerated. All information is deemed as confidential and should not be discussed outside the scope of the investigation.

Subject: Investigators and Investigation Procedure (Standard 115.334-115.371 & 115.372)

POLICY

Nevada Youth Training Center conducts its own investigations into allegations of sexual abuse and sexual harassment that do not rise to a criminal level. If during the investigation, it is identified that the allegation is criminal in nature, the allegation will be referred to law enforcement. Investigations are conducted promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. Where sexual abuse is alleged, NYTC ensures investigators have received special training in sexual abuse investigations involving juvenile victims pursuant to §**115.334**.

PROCEDURE

Nevada Youth Training Center maintains documentation of the agencies investigator's specialized training in conducting sexual abuse investigations. Specialized training includes:

- Techniques for interviewing sexual abuse victims.
- Proper use of Miranda and Garrity warnings.
- Sexual abuse evidence collection in confinement settings.
- The criteria and evidence required to substantiate a case for administrative action or prosecution referral.

115.371- The investigator investigates all allegations of sexual abuse, including third-party and anonymous reports. Based on the investigation, the investigator will conduct the following:

- Gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data.
- Interview alleged victims, suspected perpetrators, and witnesses.
- Review prior complaints and reports of sexual abuse involving the suspected perpetrator.

In the event quality of evidence supports criminal prosecution, the Nevada Youth Training Center will conclude the internal investigation and will not conduct compelled interviews. The investigator will assess the credibility of an alleged victim, suspect or witness on an individual basis and not determined by the person's status as a resident or staff. The Nevada Youth Training Center doesn't prohibit requiring a resident who alleges sexual abuse to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such allegation. The Nevada Youth Training Center continues with the investigation into allegation to competition of findings, even if the alleged abuser or victim has resigned from the employment or departed from the facility. In determining whether allegations of sexual abuse or sexual harassment are substantiated, the Nevada Youth Training Center will not impose standards higher than a preponderance of evidence.

Subject: Garrity

POLICY

All employees and volunteers of the Nevada Youth Training Center will cooperate with any internal investigation conducted by the facility's Administration.

PROCEDURE

Garrity requires all public employees to fully cooperate and participate in any investigation that is being conducted internally. Failure to do so will result in disciplinary action up to and including termination.

Garrity v. New Jersey 385 U.S. 493.87S.Ct.616 [1966]

The Garrity Warning

The Garrity rights, Garrity rule or *Garrity warning* is a protection that is utilized by many law enforcement officers each year. Simply, Garrity is an invocation that may be made by an officer being questioned regarding actions that may result in criminal prosecution.

The Garrity rule goes by several different names including the Garrity Right, the Garrity Law, the Garrity Rule, the Garrity Advisement and the Garrity Warning.

By invoking the Garrity rule, the officer is invoking his or her right against self-incrimination. Any statements made after invoking Garrity, may only be used for department investigation purposes and not for criminal prosecution purposes. The Garrity Rule stems from the court case Garrity v. New Jersey, 385 U.S. 493 (1967), which was decided in 1966 by the United States Supreme Court. It was a traffic ticket fixing case of all things.

Officers were advised that they had to answer questions subjecting them to criminal prosecution or lose their jobs. The Court held that this was Unconstitutional.

Technically, there are two prongs under the Garrity rights. First, if an officer is compelled to answer questions as a condition of employment, the officer's answers and the fruits of those answers may not be used against the officer in a subsequent criminal prosecution. Second, the department becomes limited as to what they may ask. Such questions must be specifically, narrowly, and directly tailored to the officer's job.

Thus, the basic thrust of the Garrity Rights or Garrity Rule is that a department member may be compelled to give statements under threat of discipline or discharge but those statements may not be used in the criminal prosecution of the individual officer. This means that the Garrity Rule only protects a department member from criminal prosecution based upon statements he or she might make under threat of discipline or discharge.

Also, the Garrity Rule is not automatically triggered simply because questioning is taking place. The officer must announce that he or she wants the protections under Garrity. The above statement should be prepared in writing, and the officer should obtain a copy of it. If a written statement is being taken from an officer, the officer should insist that the Garrity Warning actually be typed in the statement. Consult your attorney and union delegate for the laws regarding Garrity in your state before providing any statement.

Below is the actual **Garrity Warning**:

1. I am being questioned as part of an investigation by this agency into potential violations of department rules and regulations, or for my fitness for duty. This investigation concerns

_____

_____

2. I have invoked my Miranda rights on the grounds that I might incriminate myself in a criminal matter.

3. I have been granted use immunity. No answer given by me, nor evidence derived from the answer, may be used against me in any criminal proceeding, except for perjury or false swearing.

4. I understand that I must now answer questions specifically, directly and narrowly related to the performance of my official duties or my fitness for office.

5. If I refuse to answer, I may be subject to discipline for that refusal which can result in my dismissal from this agency.

6. Anything I say may be used against me in any subsequent department charges.

7. I have the right to consult with a representative of my collective bargaining unit, or another representative of my choice, and have him or her present during the interview.

Assistant Prosecutor/Deputy Attorney General Authorizing: _____

Signature:_____
Date:_____ Time:_____
Location:_____

Witnessed by: _____
_____

These are sometimes referred to as the Garrity rights.

Subject: Investigation Aftermath (Standard 115.371)

POLICY

Once the Nevada Youth Training Center has completed an administrative investigation, the Incident Review Team will meet to determine whether staff actions or failures to act contributed to the abuse.

PROCEDURE

All administrative investigations will include a written report that includes a description of the physical and testimonial evidence, the reasoning behind credibility assessments and the investigative findings.

All criminal investigations will include a written report that includes a thorough description of physical, testimonial and documentary evidence. Attached copies of all documentary evidence will be attached to this written report.

The Nevada Youth Training Center will refer all substantiated allegations of conduct that appear to be criminal forward for prosecution.

The Nevada Youth Training Center will retain all written reports of administrative investigations and criminal investigations as long as the alleged abuser in incarcerated or employed by the agency, plus five years, unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention.

Subject: Disciplinary Sanctions (PREA Standard 115.378)

POLICY

Imposing significant disciplinary sanctions for sexual assault is a critical component of the Nevada Youth Training Center's Zero Tolerance Policy.

PROCEDURE

Staff and Volunteers

All staff and volunteers are subject to disciplinary sanctions when the facility's sexual abuse polices have been violated. The disciplinary action for staff members and volunteers who commit sexual assault will be terminated and prosecuted.

Juveniles (115.378)

Juveniles through a formal investigative process are found to have engaged in juvenile-on-juveniles sexual abuse will receive appropriate interventions to include prosecution. Juveniles who are not formally prosecuted will be referred to a disciplinary hearing.

Any disciplinary measures provided will take into account the offense committed, the circumstances of the offense, the youth's disciplinary history and a review of the sanctions provided to other youths who have committed similar offenses and with similar histories. The disciplinary team will also consider if the youth has a mental disability or mental illness that may have contributed to his/her behavior. At minimum the youth will be referred to the facility mental health counselor for a risk assessment and possible counseling. (Considerations: does the facility consider whether to require the offending resident to participate in such interventions as a condition of access to programming or other benefits? Example: the agency may require participation in such interventions as a condition of access to any rewards-based behavior management system or other behavior based incentives) (participation in education should continue as long as safety and security is not jeopardized)

In the event that the sanctions provided to the youth include isolation, that youth will be provided with one hour of recreation a day, access to school, access to medical services and access to other programming to the extent possible.

In the event the sexual contact was with a staff member, disciplinary action will only be taken on the youth IF the staff member did not consent or initiate such contact.

The Nevada Youth Training Center prohibits youth-on-youth sexual activity and federal law identifies that youth on youth sexual activity cannot be ignored if consensual. Federal definition states that youth in confinement settings cannot consent to any sexual activity. In situations where there is a report of youth-on-youth sexual activity it will first be determined through the investigative process if the activity was consensual in terms of no force or violence was involved. As consensual sex is NOT abuse, the manner in which it is addressed will through the normal disciplinary process and appropriate actions and sanctions imposed. (Best practice recommends the policy clearly outline the entity that is authorized to determine whether or not resident-on-resident sexual activity is consensual)

Any reports of sexual abuse made in good faith by a youth that prove to be unsubstantiated will not constitute falsely reporting an incident or lying.

Subject: Incident Review Team (Standard 115.386)

POLICY

The *PREA Incident Review Team* (PIRT) will conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation; including those allegations that were unsubstantiated.

PROCEDURE

The team will consist of the PREA Coordinator and three staff members selected by the Superintendent. This team will consist of the School Principal, Mental Health Coordinator, Medical Nurse and PREA Coordinator. The team will conduct a review within 30 days of the conclusion of the investigation. They will seek input from staff, investigators and involved medical personal.

The team will do the following:

1. Consider whether the allegations or investigation indicates a need to change policy to better prevent, detect or respond to sexual abuse.
2. Consider whether the incident or allegation was motivated or otherwise caused by the perpetrator or victim's race; ethnicity; gender identity; sexual identify; gang affiliation or any other status or group dynamics within the facility.
3. Examine the area where the incident allegedly occurred to assess whether physical barriers in the area may have enabled the abuse.
4. Assess the adequacy of staffing levels in that area during the different shifts.
5. Assess whether monitoring technology should be deployed to supplement supervision by staff.
6. Prepare a report of its findings (including 1-5 above) and any recommendations for improvement. This report will be submitted to the Superintendent.

The Superintendent will review the findings of the Team and will take one of the following actions:

1. Implement the recommendations as made.
2. Implement a modification of the recommendations made and document the reason for the modification.
3. Take no action and document the reason for no action for each recommendation.

Section 1.9.1 Training and Education

Subject: Employee Training (Standard 115.331)

POLICY

In order to promote Nevada Youth Training Center's Zero Tolerance policy against sexual abuse, continuous training is imperative. Every employee of Nevada Youth Training Center will receive PREA training initially and annually thereafter. When additional staff is hired they will immediately receive the comprehensive PREA Training. Every contractor and volunteer will also receive PREA training. All staff, contractors, and volunteers will be required to complete the PREA training before they are permitted to work in Nevada Youth Training Center.

PROCEDURE

Staff Training 115.331

The Superintendent/Head Group Supervisor of the Nevada Youth Training Center is responsible to train every employee initially and annually on PREA. Initial and annual training will consist of a presentation created by the National Curriculum and Training Institute and an online PREA Course. Staff will also be trained on how to appropriately interact with detained juveniles and how to identify the red flags related to inappropriate conduct.

Attendance records will be kept on file of every staff member who attends the PREA Presentation. Additionally, all staff will sign the training form that verifies their understanding of the training.

The online PREA Course requires all participants to take a comprehensive exam at the end of the online training and has a minimum passing score of 80%. Upon successfully passing the exam, the National Institute of Corrections provides every participant with a signed certificate of completion. Each participant will be required to print out the PREA Course Information Sheet that shows the date and time he/she started the program, completed the program, and the score he/she received on the test. Both the Certificate of Completion and the PREA Course Information Sheet will be kept on file.

All employees will receive additional training in the following areas prior to having contact with any resident:

- Zero tolerance policy for sexual abuse and sexual harassment
- How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures
- Resident's right to be free from sexual abuse and sexual harassments
- The right of the residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment
- The dynamics of sexual abuse and sexual harassment in confinement
- The common reactions of sexual abuse and sexual harassment by juvenile victims

- 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 relationship with residents
- How to communicate effectively and professional with residents, including lesbian, gay, bisexual, transgender, intersex or gender non-conforming residents
- Relevant laws regarding applicable age of consent
- Gender specific training
- Unique needs and attributes of juvenile residents in correctional settings

115.335

All full and part-time medical and mental health care practitioners, included volunteers and contractors, who work **regularly** in the facility, will be trained on the following:

- How to detect and assess signs of sexual abuse and sexual harassment
- How to preserve physical evidence of sexual abuse
- How to respond effectively and professionally to victims of sexual abuse and sexual harassment
- How and to whom to report allegations or suspicions of sexual abuse and sexual harassment
- Zero tolerance policy for sexual abuse and sexual harassment
- How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures
- Resident's right to be free from sexual abuse and sexual harassments
- The right of the residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment
- The dynamics of sexual abuse and sexual harassment in confinement
- The common reactions of sexual abuse and sexual harassment by juvenile victims
- 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 relationship with residents
- How to communicate effectively and professional with residents, including lesbian, gay, bisexual, transgender, intersex or gender non-conforming residents
- Relevant laws regarding applicable age of consent
- Gender specific training
- Unique needs and attributes of juvenile residents in correctional settings

For medical staff employed and/or contracted by Nevada Youth Training Center, specialized training and documentation of that training is needed to conduct forensic examinations.

Volunteers and Contractors 115.332

The Superintendent of the Nevada Youth Training Center is responsible for ensuring all contractors and volunteers working in the facility are trained on PREA. Contractors will read and sign the PREA Contract stating that they understand that Nevada Youth Training Center has a Zero Tolerance Policy against sexual assault and sexual harassment. Additionally, all volunteers and contractors will be trained on how to report sexual abuse and sexual harassment.

The facility will keep documentation that staff understands the training they have received.

Training levels and duration will be based on the level of contact the contractor or volunteer will have with the resident. All training will be documented in training files within the facility.

Emergency Personnel

All emergency personnel responding to an emergency are exempt from not being able to enter the detention side of the facility without having signed the PREA Contract.

115.315

Nevada Youth Training Center facility requires security staff receive training in how to conduct cross-gender pat-down searches, and searches of transgender and intersex residents, in a professional and respectful manner and in the least intrusive manner possible consistent with the facility security needs.

Subject: Resident Orientation and Education (Standard 115.333)

Juveniles
Every juvenile will participate in a language appropriate PREA Orientation Form. This orientation must be read to every juvenile and should be done during the intake process. The staff member conducting the orientation will initial each statement to confirm it was read to the juvenile. The juvenile will then initial each statement after he/she is able to repeat it in his/her own words. Both the staff and juvenile will sign and date the PREA Orientation form after all 20 statements are initialed. Every juvenile must go through the PREA Orientation every time he/she is detained, regardless of being previously detained and previously completing the PREA Orientation. This form will be kept on file for every juvenile.

NYTC will provide resident orientation and all subsequent education in formats accessible to all residents, including those who are limited English proficient, deaf, visually impaired or otherwise disabled.

PREA Posters must be posted in visible areas throughout the facility where youth are present.

	JUVENILE PREA INTAKE ORIENTATION	**Staff Initial** *After reading policy*	**Juvenile Initial** *After repeating policy*
	This facility has a **ZERO TOLERANCE** policy against all forms of sexual abuse and sexual harassment.		
2	Sexual assault can happen to males and females		
3	Sexual Abuse can occur physically or verbally		
4	Physical sexual abuse occurs when a person physically touches or tries to touch another person's private parts; either on top or under the clothes. It can also include penetration with an object, exposing one's private parts to others, or viewing, photographing, or peering at a detainee when he or she is not fully clothed, unless it is related to the official duties of the staff.		
5	Verbal sexual abuse occurs when a person verbally threatens to touch the private parts of another person		
6	Private parts include the: penis, vagina, inner thigh, buttocks or breast		
7	Sexual assault can be reported to a friend, a staff member or someone you trust. It can also be reported by utilizing the grievance box.		
8	Sexual abuse by a peer would involve any of the above acts if the victim does not consent to it, is coerced by real or implied threats, or is unable to consent or refuse. (Consensual sexual activity between detainees is not allowed, and will result in disciplinary action, but it is not necessarily considered to be sexual abuse).		
9	All persons are expected to IMMEDIATELY report any sexual assault or sexual harassment, even if the assault happens to another person		
10	Reporting a sexual assault is a serious allegation		
11	ALL sexual assault will be investigated		
12	Anyone who sexually assaults another person WILL face criminal charges		
13	Retaliation against a victim or the person who reported the sexual assault will NOT be tolerated		
14	All victims and informants will be protected		
15	False reporting of a sexual assault WILL have consequences		
16	Sexual Harassment includes repeated and unwelcomed sexual advances.		
17	Verbal comments or gestures of a sexual nature that include demeaning references to gender, sexually suggestive or derogatory comments about body or clothing or obscene language or gestures will NOT be tolerated.		
18	Staff or youths who engage in sexual harassment are to be reported to a trusted staff member.		
19	You have the right to be free from sexual abuse and sexual harassment		
20	You have the right to be free from retaliation for reporting such abuse		

_____ DATE_____

Juvenile Signature

_____ D ATE_____

Staff Signature

Original: Juvenile's File Scan into Facility File

Section 1.10.1- Data Collection

Subject: Data Collection (Standard 115.387)

POLICY

The Administrative or Management personnel of the Nevada Youth Training Center are required to collect accurate, uniform data for every incident of sexual abuse using the standardized system identified below:

PROCEDURE

The information that must be collected includes:

Victim Information

1. Gender and sexual orientation
2. Race/ethnicity
3. Age
4. Security Level
5. Height and weight
6. Classification assignment
7. Previous sexual victimization
8. Previous sexually abusive behavior
9. Prior relationship with the alleged perpetrator
10. Gang affiliation
11. HIV/AIDS status
12. Level of education

Juvenile Perpetrator

1. Gender and sexual orientation
2. Race/ethnicity
3. Age
4. Security Level
5. Height and weight
6. Classification assignment
7. Previous sexual victimization
8. Previous sexually abusive behavior
9. Prior relationship with the victim
10. Gang affiliation
11. HIV/AIDS status
12. Level of education

Staff Perpetrator

1. Gender and sexual orientation
2. Race/ethnicity
3. Age
4. Position held in the facility
5. Relationship with the victim

6. Prior history of allegations and/or substantiated incidents of sexual abuse or harassment in current and prior employment
7. Prior history or failure to comply with the facility's sexual abuse policy

Other Incident Information

1. The date and time of the report
2. The date and time and location of the incident
3. The reporting mechanism used
4. Who made the report
5. To whom the report was made
6. Details of the incident alleged to have occurred
7. The time lapse between when the incident took place and when the report was made
8. The time lapse between when the report was made and when an investigation was initiated
9. The time lapse between when the report was made when the resident received medical/mental health care, if applicable
10. Whether the victim received medical and/or mental health care
11. Any injuries sustained by the victim
12. Type of investigation pursued: criminal and/or administrative and/or child abuse investigation by the Division of Child and Family Services
13. Name of investigator(s)
14. Dates of the initiation and conclusion of the investigation(s)
15. Outcome of the investigation(s), if the investigation(s) is ongoing
16. Violations of administrative and/or criminal codes
17. If the case is referred for prosecution, whether the prosecutor accepted or declined the investigation and, if accepted, the case disposition
18. If administrative actions against staff member(s) or juvenile(s) are pursued, details about the sanctions

The Administrative or Management personnel of the Nevada youth Training Center will aggregate the incident-based sexual abuse data at least annually. This report will provide the facility with data descriptive of trends and patterns among reported incidents of sexual abuse. That information will be submitted to the Administrative or Management personnel of the Nevada Youth Training Center, state and federal officials.

115.389- All collected sexual abuse data will be stored in a secure manner. All information will be retained for a period of ten years. The agency will submit the aggregated sexual abuse and sexual harassment data to the Juvenile Justice Programs Office by February 15th of each year. All personal identifiers will be removed by the agency and only aggregated data will be available to the public upon request.

- The Nevada Youth Training Center will collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.

- The incident-based data collected will include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice's Bureau of Justice Standards.

- The Nevada Youth Training Center will maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. The juvenile probation department will aggregate all the incident-based sexual abuse data at least annually.

- The Nevada Youth Training Center will also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its residents.

Subject: Data Usage (Standard 115.387 & 115.388)

POLICY

Upon request the juvenile probation department will provide all such data from the previous year to the Department of Justice no later than June 30th of the current year the request is made.

The agency will review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detention, and response policies, practices and training including the identification of problem areas and taking corrective action on an on-going basis. The Superintendent will include this information in the annual report submitted to the Juvenile Justice Programs Office by February 15th of each year. The report will also include a comparison of the current year's data and corrective actions with those from prior years and assessment of the agency's progress in addressing sexual abuse and sexual harassment. This report is available to the public upon request. Specific material will be redacted that would present a clear and specific threat to safety and security of the facility and/or jeopardize the confidentiality of the residents of the facility.

PROCEDURE

The Administrative or Management personnel of the Nevada Youth Training Center will prepare an annual report for the Advisory Board that will include a comparison of the current year's data and corrective actions with those of prior years and provide an assessment of the agency progress in addressing sexual abuse. This report will also be made available to the public through the Facility's web-site. No personal information will be contained in this report