	DIVISION OF CHILD AND FAMILY SERVICES Juvenile Justice Services STATEWIDE INSTITUTIONAL POLICY
SUBJECT:	Prison Rape Elimination Act (PREA)
POLICY NUMBER:	DCFS/JJ
EFFECTIVE DATE:	
APPROVED BY: **DATE:**	Ross Armstrong, Deputy Administrator – Juvenile Justice Services
SUPERSEDES:	None
APPROVED BY: **DATE:**	Kelly Wooldridge, Administrator – Division of Child and Family Services
REFERENCES:	Prison Rape Elimination Act of 2003; PREA Juvenile Facility Standards, 28 CFR Part 115; ACA: 4-JCF-3D-01-09, 3-JDF-3A-21,31, 3-JDF-3B-14, 3-JDF-3D-06-1-10, 3-JDF-5B-01-2, 3-JDF-5G-11
ATTACHMENTS:	PREA Report, Juvenile Facility Staffing Plan, PREA Unannounced Round Log, PREA Acknowledge Statement Staff, PREA Acknowledgment Statement Youth, PREA Juvenile Interview Form, Memorandum of Understanding Template

I. SUMMARY:

The Division of Child and Family Services (DCFS) has zero tolerance towards all forms of sexual abuse and sexual harassment of youth under supervision or in custody. This includes youth on youth, and staff, volunteers, visitors, or interns on youth as defined within the Department of Justice Prison Rape Elimination Act Standards, 28 CFR Part 115. Such conduct is punishable by administrative or disciplinary sanctions and/or criminal prosecution.

II. DEFINITIONS:

As used in this document, the following definitions shall apply:

A. Age Appropriate – A way of communicating, explaining, interviewing, and providing services to a youth that is suitable for the youth's age and level of emotional and cognitive development.

B. Allegation – An oral, written, or electronic statement that sexual abuse or sexual harassment has occurred or might occur.

C. Audit – Investigatory reviews of information, including written records and interviews with staff and youth to determine whether and the extent to which an agency and/or facility complies with PREA Standards.

D. Direct Care Staff – Staff responsible for the direct supervision of youth under the care and custody of the Division.

E. Exigent Circumstances - Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

F. Facility - A place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals-pursuant to the juvenile justice or criminal justice system.

G. Garrity – Warning that is notice to the staff member being questioned that his/her statements in and administrative investigation cannot be used against him/her in a criminal proceeding. Failure to participate in an administrative investigation may be grounds for disciplinary action pursuant to NAC 284.650.

H. Gender Identity – A person's internal sense of being male or female, regardless of their assigned gender at birth.

I. Gender Nonconforming - a person whose appearance or manner does not conform to traditional societal gender expectations.

J. Intersex – A person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sexual development.

K. Juvenile Facility – A facility primarily used for the confinement of juveniles--pursuant to the juvenile justice system or criminal justice system.

L. LGBTQ – Lesbian, Gay, Bisexual, Transgender, Questioning. Some definitions or acronyms include intersex.

M. Licensed Mental Health Provider – A licensed psychiatrist, licensed psychologist, licensed clinical social worker, licensed professional counselor, licensed marriage and family therapist or clinical nurse specialist who specialize in the mental health field.

N. Miranda – Advisement of rights administered by law enforcement subject to an investigation to ensure any statements are voluntary.

O. Youth - Any individual who is committed to the Division or a youth correctional facility up to the age of 21 per NRS 62A.030

P. Pat-down-search – Running of the hands over the clothed body of an inmate, youth, or resident by an employee to determine whether the individual possesses contraband.

Q. Prison Rape Elimination Act (PREA) – A federal law passed in 2003 that supports the elimination, reduction, and prevention of sexual assault, sexual harassment and rape within correctional facilities. This law applies to all federal, state, county, local, and private facilities.

R. PREA Coordinator – A full time upper level position that has the authority and responsibilities to develop, implement, and oversee the agency's efforts to comply with PREA Standards.

S. PREA Standards – Guidelines established in 2012 by the United States Department of Justice to prevent, detect, respond, monitor, and erase sexual abuse and sexual harassment in all correctional facilities.

T. Questioning – Those who are questioning their relationship to sexual identity, sexual behavior, or sexual gender identity.

U. Secure Juvenile Facility - A juvenile facility in which the movements and activities of individual residents may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows resident's access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility.

V. Staff – Any employee of the State of Nevada, including medical and mental health personnel, contractors, volunteers, or interns who conduct work related activities in a secure juvenile facility.

W. Substantiated Allegation – An allegation that was investigated and determined to have occurred by a preponderance of the evidence.

X. Transgender – A person whose gender identity is different from the person's biological sex at birth.

Y. Volunteer – An individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency. This includes interns.

Z. Unfounded Allegation – An allegation that was investigated and determined not to have occurred.

AA. Unsubstantiated Allegation – An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

III. STRATEGIES AND RESPONSES TO REDUCE AND PREVENT SEXUAL ABUSE AND SEXUAL HARASSMENT:

A. Definitions Related to Sexual Abuse:

1. Sexual abuse of a youth by a staff member 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 of a youth by another 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.

3. Sexual harassment includes:

a. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth by another youth; and

b. Repeated Verbal comments or gestures of 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.

B. Protection Against Retaliation:

1. The Division of Child and Family Services (Division) will ensure all staff within the Division will cooperate in sexual abuse or sexual harassment investigations, including contractors and volunteers take immediate steps to ensure that youth or staff who report sexual abuse or sexual harassment are free from retaliation.

2. The facility PREA compliance manager will monitor all situations in which this applies and document the steps taken to ensure there is no retaliation. This documentation will be part of the investigative record.

C. The Division will:

1. Employ an upper level, agency wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards.

The PREA coordinator will:

a. Have complete an unrestricted access to any facility under the Division's control or contract, programs, offices, records, staff, and youth at any time in the facility to conduct, coordinate, or review an investigation;

c. Ensure all facility staff are trained in PREA standards;

d. Ensure policy and procedure is updated as required;

e. Inform the Deputy Administrator if there are any allegations of retaliation against anyone who reports sexual abuse and sexual harassment;

f. Gather data on any allegation to include disposition from the facilities and include this data in an annual report. The annual report will be posted on the Division's website;

g. Ensure all federal PREA audits are posted on the Division's website;

h. Conduct monthly meetings with facility PREA compliance managers to staff cases, discuss findings, identify policy needs, or address any other PREA related issues;

i. Train facility PREA compliance managers and provider leadership and guidance as required; and

j. Train facility PREA compliance managers and provider leadership and guidance as required.

D. The Facility will:

1. Employ a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards, and will:

   a. Have complete and unrestricted access to the facility, programs, offices, records, staff, and youth, at any time, to conduct an investigation. The facility PREA compliance manager may have other duties in addition to PREA.

   b. Maintain a locked cabinet for any documents related to a PREA allegation or investigation.

   c. Conduct develop an internal investigation team to investigate any allegation of sexual assault or harassment.

   d. Involve the PREA coordinator in investigations when required.

   e. Notify law enforcement when required.

f. Maintain an accurate spreadsheet with data of any and all PREA allegations to include disposition. Information will include the youths name, race, gender and the alleged offender. The data should also include if the incident involved youth on youth or staff on youth. The facility will provide this information to the PREA Coordinator monthly or when required.

g. After an allegation, maintain PREA required documentation, to include:

i. Medical and mental health follow-up,

ii. 90 day retaliation tracking,

iii. Youth informed about required PREA investigation progress and disposition information,

iv. Referral to law enforcement and investigation progress tracking, and

v. Referral to advocate agency.

2. Each facility training officer will keep a record of training dates for all facility employees to include refresher training. Facility training officer will provide this data to the Division if requested.

IV. SUPERVISION AND MONITORING (FACILITY):

A. Staff and Staffing Ratios:

1. Each facility will develop and implement an approved staffing ratio that provides for adequate levels of staffing and video monitoring capabilities and addresses all required elements of PREA Standards 115.313. Each time the staffing ratio is not met, the facility must document and justify the reasons why.

   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 minimum 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. **Note: This staffing ratio is required to be in effect by October 2017.**

The facility PREA compliance manager, 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.

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.

The facility will provide a staffing plan to the Division annually, or more often if required. The staffing plan must be approved by the PREA Coordinator and the Facility PREA compliance manager. Refer to the Juvenile Facility Staffing Plan attached.

2. The superintendent or designee will make at least three (3) unannounced rounds per month, within a 24 hour period, to verify staffing ratios and to identify any behavior that qualifies as sexual harassment or sexual abuse. One visit per shift is required, and must be completed at random times. Staff shall not alert other staff members that these supervisory rounds are occurring.

   This will be documented on the PREA Unannounced Round Log. Completed logs will be given to the facility PREA compliance manager. The PREA compliance manager will create an annual report with this data.

3. The facility will ensure that all classrooms, day rooms, or offices where youth may interact with other youth or with staff have unobstructed views. Windows may not be covered with posters, blinds, or paper products.

   a. The only exceptions are medical examination rooms, single occupancy restrooms, and personal living quarters. Facilities may have facility specific policy regarding group restrooms and allowances for obstructed views of personal living quarters.

4. The facility will ensure that all parts of the facility will be monitored daily.

5. The facility will ensure that areas such as staff offices, staff restrooms, and janitor closets will be secure with staff following key control policy.

B. Limits to Cross-Gender Viewing and Searches:

1. The facility shall implement policies and procedures that enable residents to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering a resident housing unit. In facilities that do not contain discrete housing units, staff of the opposite gender shall be required to announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing.

2. No staff member, including medical staff, may physically examine the genital area of a transgender or intersex youth solely to determine the sex of the youth.

3. The facility will not conduct cross gender strip or body cavity searches. Cross gender pat down searches are prohibited, except in exigent circumstances, and must be documented.

4. Staff must be trained in conducting cross gender intersex, or transgender pat-down searches in a respectful manner and in the least intrusive manner as possible, and cross-gender pat-downs must be used only in exigent circumstances and must be documented.

C. Lesbian, Gay, Bisexual, Transgender, Intersex or Non-Conforming

1. Staff will allow lesbian, gay, bisexual, transgender, intersex or non-conforming residents/youth to shower and use the bathroom facilities separately.

2. Staff will follow the same policy limits for viewing and searches.

3. Staff will not use any language, or behavior that may put a youth at risk of sexual victimization.
4. Staff will maintain confidentiality when discussing allegations of sexual abuse with family members, courts, lawyers, child welfare workers, or anyone who is not aware of the youth's sexual orientation.

V. TRAINING REQUIREMENTS:

A. Youth Training:

1. During the intake process, youth will receive, at a minimum, age appropriate information, explaining the agency's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse and sexual harassment. The completion date must be noted in the case management system.

2. Within 72 hours of arrival, the agency/facility shall provide comprehensive, age-appropriate education to residents/youth, either in person or through video regarding their right to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency/facility policies and procedures for responding to such incidents. The youth must sign a PREA acknowledgement statement which will be scanned and kept electronically in the case management system.

3. The facility will ensure that PREA information, such as posters or brochures are continuously available and visible to youth.

4. The facility will provide all youth/residents equal opportunity to participate in or benefit from all facility efforts to prevent, detect, and respond to sexual abuse and sexual harassment including formats for youth who are limited English proficient, deaf, visually impaired, or otherwise disabled, or have limited reading skills.

B. Youth with Disabilities or who are Limited English Proficient

1. The facility must make accommodations for a youth who may need an interpreter due to limited proficiency in English or youth who have disabilities. Disabilities may include vision or hearing impaired, those who have intellectual disabilities, or those who have educational special needs.

2. The facility may enter into a Memorandum of Understanding, a Service Provider Agreement, or a contract with a private company or local agency, which can provide interpreter services, including local school districts or any other type of organization that can provide interpreter services.

3. The facility may not use youth interpreters to deliver or discuss PREA related information, unless the lack of an appropriate interpreter could compromise the safety of a youth, the assistance of first responders in an emergency, or an investigation. These circumstance must be documented.

4. The facility must make accommodations in regards to education. Education services and its definitions of disabilities to provide age-appropriate and disability services to youth by special education teachers.

5. Each facility must take appropriate steps to ensure that residents with disabilities (including, for example, residents who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

C. Training:

1. All facility employees, volunteers, interns, and contractors must be trained in PREA standards before contact with youth and at a minimum, every one (1) year.

2. The training must include:

    a. Zero tolerance policy for sexual abuse and sexual harassment

    b. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures

    c. Resident's right to be free from sexual abuse and sexual harassments

    d. The right of the residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment

    e. The dynamics of sexual abuse and sexual harassment in confinement

    f. The common reactions of sexual abuse and sexual harassment by juvenile victims

    g. 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

    h. How to avoid inappropriate relationship with residents

    i. How to communicate effectively and professional with residents, including lesbian, gay, bisexual, transgender, intersex or gender non-conforming residents

    j. Relevant laws regarding applicable age of consent

    k. Gender specific training

    l. Unique needs and attributes of juvenile residents in correctional settings

    Initial training may be face-to-face or conducted through videoconferencing. Refresher or annual training may include online training, individual training, or other training methods, but does not need to be face-to-face.

3. Staff must sign a PREA acknowledgement statement which will be scanned and kept electronically.

4. There must be a written exam to test the competency of staff and all staff must achieve an 80% or better or they must repeat the course until they achieve the passing score. The facility Training Officer will keep a record of passing scores, and make those available upon request. Trainings that do not include a test will include an employee signature or electronic verification that employees understand the training they received.

5. The facility PREA compliance manager will keep records of dates of staff training and will ensure staff receives a refresher training, at a minimum, every one (1) year. The facility PREA compliance manager will provide this data to the Division upon request.

D. Specialized Training for Investigations, Medical, and Mental Health Care:

1. All Division and facility staff who will complete investigations of PREA allegations must receive specialized training in techniques for interviewing juvenile sex abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection, evidence storage, and the criteria and evidence needed to substantiate a case of sexual abuse or sexual harassment. Further, this targeted staff must know the requirements of when to make a referral to local law enforcement. The facility PREA compliance manager or training officer will keep a record of training received by these targeted individuals. The facility PREA compliance manager will provide this data to the Division upon request.

2. Facility medical staff will complete, in addition to employee PREA training, the National Institute of Corrections (NIC) online training titled PREA: Medical Health care for Sexual abuse Victims in a Confinement Setting, within three months of hire date. The facility PREA compliance manager will keep a record of this. The facility PREA compliance manager will provide this data to the Division upon request.

3. Facility mental health staff will complete, in addition to employee PREA training, the National Institute of corrections (NIC) online training titled PREA: Sexual Victimization and Mental Health Interventions, within three months of hire date. The facility PREA compliance manager will keep a record of this. The facility PREA compliance manager will provide this data to the Division upon request.

4. Volunteer and contractor training:

    a. All volunteers and contractors, who have contact with residents/youth, shall have been trained, prior to contact with residents/youth, at a minimum on the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents

    b. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with residents/youth.

c. The facility shall maintain documentation confirming that volunteers and contractors understand the training they have received.

VI. RISK ASSESSMENT HOUSING, BED, PROGRAM, EDUCATION, AND WORK ASSIGNEMENTS

1. Within 72 hours of arrival at the facility and periodically throughout a resident's/youth's time in confinement, the facility shall obtain and use information about each resident's/youth's personal history and behavior to reduce the risk of sexual abuse by or to a youth.

2. The facility will incorporate a PREA risk assessment screening tool within their normal intake protocol and periodically during their placement. (This information shall be ascertained through conversations with youth during the intake process and medical and mental health screenings: during classification assessments; and by reviewing court records, case files, facility behavioral records, and other relevant documentation from the youth files).

3. Within 72 hours of arrival, the youth will be screened for vulnerability for victimization and sexually aggressive behavior prior to room assignment. The screening will include the following:

    a. Prior sexual victimization or abusiveness;

    b. Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex (LGBTI), and whether that youth may be vulnerable to sexual abuse;

    c. Current charges and offense history;

    d. Age;

    e. Level of emotional and cognitive development;

    f. Mental illness or mental disabilities;

    g. Intellectual or developmental disabilities;

    h. Physical disabilities;
    i. Youth's perception of their own vulnerability; and

    j. Any other information about the youth that may indicate a heighted need for supervision, additional safety precautions, or separation with other youth.

4. The facility shall use all information obtained during the intake and assessment process to make housing, bed, program, education, and work assignments with the goal of keeping all youth safe and free from sexual abuse.

5. Information provided by the youth is confidential and the facility must comply with applicable confidentiality and disclosure requirements when releasing any information. The facility PREA compliance manager may create a separate process for this type of information. This information will be taken into consideration when making housing assignments.

   The superintendent or designee, and the facility PREA compliance manager will review the screening and all relevant information and make the determination of the youth's vulnerability for victimization.

   All room assignments must be reviewed by the facility PREA compliance manager or designee.

6. Housing assignments and facility placement for youth who are transgender or intersex shall be made in alignment with the youth's gender identity while at the same time ensuring the health and safety of the youth. These placement decisions must be reassessed, at a minimum, every six (6) months.

   LGBTI youth may not be placed in a particular housing unit or other assignment based on this classification only, nor must they consider this classification to indicate sexual aggressiveness.

   Housing assignments for a transgender or intersex youth must be made with the consideration of how the youth views themselves and how they live in society, not their biological sex. Staff may be told of the biological sex, but staff will maintain confidentiality around anyone, including other residents, who is not aware of the youth's sexual identity. In a situation of a transgender or intersex youth, staff will assure the youth that the youth may shower separately and has access to privacy when changing clothes or using the bathroom facilities.

7. Youth who disclose prior sexual abuse or victimization during intake or screening must be referred for a further medical/mental health screening within 72 hours of the disclosure and the allegation and services provided must be tracked by the PREA Compliance Manager. Medical and mental health staff will determine whether the incident occurred in a facility or community setting.

VIII. REPORTING AND IMMEDIATE ACTION STEPS:

A. Facility Reporting Mechanisms for Youth and Staff:

1. All facilities must have several mechanisms available for youth to report incidents. In addition to a direct report to the PREA Coordinator, additional reporting methods include:

    a. Using a grievance process;

    b. Telling a teacher, counselor, case manager, probation/parole officer, medical staff, mental health staff, family member, PREA compliance manager, a member of the clergy, facility staff, or any other trusted adult;

    c. Contacting the local sexual assault hotline, if applicable;

    d. Writing a letter to the PREA Coordinator or any abuse oriented organization. Facility staff must not unseal any correspondence to the PREA Coordinator or abuse oriented organization. This correspondence is to be mailed without disturbance. Further, this mail may be sent out without a return address.

2. The superintendent or designee must ensure all hotline numbers are accessible to youth as well as privacy to make a call.

3. Staff must accept reports made verbally, in writing, anonymously, or from a third party.

4. Staff must report any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment, and comply with any applicable mandatory child abuse reporting laws.

    Staff who do not feel comfortable reporting to their designated supervisor, may report immediately by requesting to speak to the Superintendent. PREA Coordinator, or the Deputy Administrator. Staff who do not feel comfortable reporting to any individual listed may report through the agency online PREA report form.

5. Staff are required to fully cooperate and participate in any investigation that is being conducted internally. Failure to do so may result in disciplinary action up to and including termination. See NAC 284.650.

B. Immediate Action Steps for Sexual abuse:

1. Staff must report information related to sexual abuse to their designated supervisor. Staff is prohibited from revealing any information related to sexual abuse to anyone other than to make treatment, investigation, security, or management decisions.

2. Upon receiving news of the allegation, the superintendent, or designee, must promptly report the allegation to:

    a. Local law enforcement,

    b. The parent or legal guardian of the youth, both victim and perpetrator (unless there is documentation that they should not be notified),

    c. If the youth is under DCFS or county custody, the prompt notification would go the youth's case manager/worker, not the parent or guardian, and

    d. Attorneys for the youth, both perpetrator and victim, will be notified within 10 days of the allegation.

3. The first direct care staff member aware of an alleged sexual abuse will immediately ensure the youth is seen by medical for an initial evaluation and determination if outside treatment is needed.

    This staff member will ensure the alleged victim is safe and away from the alleged abuser.

    This staff member will obtain basic information about where the incident occurred and with whom. No other information will be requested by this staff member. This information will be reported to local law enforcement who is responsible to decide if they will investigate the allegation or the facility will conduct an administrative investigation.

    This staff member will preserve and protect the scene, if applicable, until the appropriate investigative staff arrives to begin the investigation. This may be either local law enforcement or the facility administrative investigative team.

    If the incident just happened, the alleged abuser will not be allowed to shower, brush teeth, use the restroom, or eat/drink anything until the investigative staff has the opportunity to collect evidence. The staff shall request the alleged victim not take any actions to destroy physical evidence, including, as appropriate washing, changing clothes, eat or drink, or other actions until the investigative staff have the opportunity to collect evidence.

4. The superintendent will maintain a Memorandum of Understanding (template attached) with local law enforcement. Every allegation of sexual abuse will be sent to local law enforcement via email. Local law enforcement will make the decision if the allegation is such where local law enforcement will investigate the allegation or not. If local law enforcement chooses not to investigate, then the superintendent will notify the facility PREA compliance manager to set up the administrative investigative team. All PREA related administrative investigations must be completed within 30 days of the allegation. A copy of the final investigation will be forwarded to the PREA Coordinator for review and identification of training needs, if applicable.
   Note: If the local law enforcement refuses to enter into a memorandum of understanding, this will be documented and kept on file. All allegations will continue to be referred to local law enforcement, but may require administrative investigations.

   A copy of all completed investigations by local law enforcement must be sent to the superintendent and forwarded to the PREA Coordinator.

5. Medical or mental health staff will maintain materials related to a PREA incident such as timeline of treatment, contraception, and sexually transmitted diseases. This information is only to be used as part of the investigation and to make housing assignments of youth who are currently 18 or older.

   Medical or mental health staff may not report any prior sexual victimization outside the facility unless the youth gives informed consent, either verbally, or in writing. This must be clearly documented in the medical file.

   Medical and mental health practitioners are required to report knowledge, suspicion, or information received regarding sexual abuse, to designated supervisors and officials, as well as designated State or local services agencies as required by mandatory statutes or licensing requirements.

   Medical and mental health practitioners shall obtain informed consent from residents, before reporting information about prior sexual abuse that occurred outside an institutional setting unless the youth is under the age of 18.

   The superintendent will ensure that the alleged victim is permitted access to hotlines to discuss the incident with an outside party and will ensure the youth is sent to the emergency room immediately for access to emergency contraception and screening for sexually transmitted diseases, unless the facility has the capability to perform those tasks in house. Emergency room staff, or in house medical staff, may also collect evidence, if applicable, during this visit.

   Youth who are alleged to be victims or perpetrators will be given a mental health evaluation within 72 hours of the allegation.

Alleged victims shall be given access a forensic medical examination, access to testing for sexual transmitted diseases, and access to a pregnancy test if applicable. If the results of the pregnancy test are positive, the female will be given timely and comprehensive access to all lawful, pregnancy related medical services.

C. Immediate Action Steps for Sexual Harassment:

1. Staff must report information related to sexual harassment to their designated supervisor.
2. Upon receiving news of the allegation, the superintendent must promptly report the allegation to the facility PREA compliance manager. Notification is as follows:

    a. The facility PREA compliance manager;

    b. Local law enforcement if the perpetrator is an adult and the victim is a minor to allow them the opportunity to decide if they wish to investigate the situation themselves;

    c. DCFS Human Resources if the perpetrator is a staff member;

    d. The parent or legal guardian of the youth, both victim and perpetrator (unless there is documentation that they should not be notified),

    e. If the youth is under DCFS or county custody, the prompt notification would go the youth's case manager/worker, not the parent or guardian, and

    f. Attorneys for the youth, both perpetrator and victim, will be notified within 10 days of the allegation.

3. Youth on youth sexual harassment notification is at the discretion of the superintendent or designee. The superintendent or designee may consider the youths in question and the situation in deciding to forward to local law enforcement. The superintendent will consider how many incidents the youths have been involved in and the nature of the allegation.

4. The Superintendent will notify the facility PREA compliance manager to set up the administrative investigative team. The Team should respond ASAP if the situation is fresh in order to obtain evidence. All PREA related investigations must be completed within 30 days of the allegation. A copy of the final investigation will be forwarded to the PREA Coordinator for review and identification of training needs, if applicable.

5. The Superintendent will notify the Division Human Resources as required for potential disciplinary action.

IX. INVESTIGATIVE TEAM/S AND REFERRALS, INVESTIGATION, EVIDENCE COLLECTION, INTERVIEWING, REPORT REQUREMENTS, AND FORENSIC MEDICAL EXAMINATIONS

A. Investigation:

1. The superintendent will ensure that all allegations of sexual abuse and sexual harassment routed to local law enforcement as required, and investigated by the appropriate investigative team if local law enforcement does not choose to do an investigation.

2. The facility 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 until its conclusion. Victims who recant may be victims of retaliation so the investigation must continue.

3. The facility will leave an investigation open if local law enforcement is the investigative body. The facility will not close the investigation until they receive a copy of the completed report from local law enforcement and take any action required by the facility as follow up.

B. Investigative Team/s and Referrals:

1. The superintendent may appoint facility staff to make up the administrative investigative team. Any facility staff member who will be responsible for interviewing youth must receive specialized training to include techniques for interviewing juvenile sexual abuse victims and the proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confined settings, and the criteria and evidence required to substantiate a case. The facility staff may use the PREA Juvenile Interview Form, or something similar, which will be part of the permanent PREA report.
   One resource for training is: http://nicic.gov/library/028054

2. The PREA Coordinator will not be part of the administrative investigative team at any facility, but may assist with investigations as needed.

3. The PREA Coordinator may initiate investigations if reports are received directly. The facility investigative team will assist as needed.

4. The Division Human Resources may conduct internal investigations of allegations of sexual harassment by staff or refer the case to the Department of Human Resource Management (DHRM). Investigations of sexual harassment may be referred to State Personnel or other entities as needed.
5. If an allegation is referred to an outside entity for internal investigation, the facility must ensure there is a Memorandum of Understanding in place and the facility receives copies of completed investigations in a timely manner.

6. Local law enforcement will be contacted if the results of an investigation meet the level of a criminal offense. Facilities may share any data or evidence collected at the request of local law enforcement.

C. Evidence Collection:

1. All information regarding sexual abuse disclosed or obtained is considered protected health information and will be filed in the youth's health record.

2. If a youth discloses prior sexual victimization at any time, the information is to be kept in the youth's health file and disclosed to others only for the purposes of providing care and treatment that have a need to know. If a youth is age 18 or over, they must provide written consent prior to the disclosure of prior sexual victimization.

3. Any and all evidence collected must be kept in a sealed cabinet or closet and access may only be granted to members of the appointed investigative team only. The Division PREA Coordinator shall be granted access upon request.

D. Reporting Requirements:

1. All administrative investigations involving staff must be referred to DCFS Human Resources for further action and/or investigation. The Division Human Resources may conduct internal investigations of allegations of sexual harassment by staff or refer the case to the Department of Human Resource Management (DHRM). Investigations of sexual harassment may be referred to State Personnel or other entities as needed.

2. The facility PREA compliance manager must keep a record of all allegations of sexual abuse and sexual harassment all the way through the final disposition, included those referred to local law enforcement and to DCFS Human Resources. This information must be reported to the Deputy Administrator on a monthly basis.

3. The DCFS Human Resources must keep a record of all allegations sexual harassment received as part of a PREA report all the way through the final disposition. This information must be reported to the Deputy Administrator on a monthly basis.

E. Forensic Medical Examinations:

1. Any victim or alleged victim of sexual abuse will have timely and unimpeded access to emergency medical treatment. Victims or alleged victims should not shower, change clothing, use the bathroom, brush teeth, or consume food or beverage prior to seeking emergency medical treatment if it is still possible to collect evidence.

2. Emergency medical treatment may be the nearest hospital, outside facility, or clinic.

3. A qualified medical practitioner will perform forensic medical examinations to determine the nature and scope of the abuse and collect any evidence related to the alleged abuse.

4. The correctional facility is responsible for any and all costs associated with emergency medical treatment and forensic medical examinations.

5. Upon return to the facility, the superintendent or designee and the facility PREA compliance manager will review the youth's current housing situation and make changes if necessary. The safety, security, and well-being of the alleged victim will be the primary concern. Under no circumstances may an alleged victim be housed in the same area as the alleged perpetrator. If a staff member is the alleged perpetrator, they may not work in the same housing unit as the alleged victim.

6. If a youth requires ongoing medical care related to the alleged abuse outside of the facility, the superintendent will ensure the youth receives any and all services required. The correctional facility is responsible for any and all costs associated with these services.

X. DISCIPLINE, INTERVENTION, AND CORRECTIVE ACTION

A. Discipline for Staff:

1. Staff with a substantiated allegation of sexual abuse or sexual harassment will be subject to disciplinary sanctions up to and including termination and criminal prosecution.

2. Violations of policy and procedure relating to sexual abuse or sexual harassment will be dealt with on a case by case basis.

3. Any staff member who voluntarily resigns or is terminated due to sexual abuse or sexual harassment violations will be referred to local law enforcement for possible criminal action, as well as reported to the appropriate state licensing agency, if the incident was not previously reported.

4. All discipline shall follow the requirements of Chapter 284 of the Nevada Revised Statutes and Nevada Administrative Code and any other applicable statutes.

B. Intervention for Youth:

1. Youth with a substantiated case of sexual abuse or sexual harassment (that is not criminal) will receive intervention rather than discipline and will be conducted on a case by case basis based on the nature and circumstances of the acts committed by the youth. Types of interventions may include treatment, counseling, and education. Discipline may be used as a last resort if a youth has multiple substantiated cases or if all other interventions fail.

2. Youth will be referred to local law enforcement for criminal prosecution when appropriate.

3. Youth who have been found to have made unfounded allegations or allegations not in good faith may be subject to the facilities standard disciplinary procedures.

C. Corrective Action:

1. The superintendent or designee must ensure that any contractor or volunteer who has engaged in sexual abuse of a youth will be prohibited from any further contact with youth and be reported to law enforcement or relevant licensing bodies.

XI. DATA COLLECTION AND PUBLICATION

A. Facility Duties:

1. The facility PREA compliance manager will ensure that any alleged incident of sexual abuse or sexual harassment is reported using an appropriate incident reporting form which meets the same requirements as the Survey of Sexual Victimization Incident Form Juvenile (SSV-IJ). (Attachment A) Note: This attachment meets federal reporting requirements.

c. Make an effort to contact all prior institutional employers for information on substantiated allegation of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

The Division will determine if any candidate, contractor, volunteer, or intern for hire or promotion has any allegations of sexual abuse, sexual harassment, or any violations of sexual misconduct prior to an offer of employment or promotion.

2. If a background check reveals a criminal conviction, plea or verdict of guilty to misdemeanor or felony, withheld judgment or a valid child or adult compliant, or a conviction following a plea of "no contest", the Division Administrator/Superintendent or designee will inform the individual of the findings.

3. The Division will conduct criminal background checks of current employees, contractors, and volunteers who work within correctional or detention settings every five years.

4. The Division must ensure that staff sign a Staff PREA Acknowledgement Statement which will be kept within their permanent employee file.

5. Candidates for hire or promotion will be asked about previous sexual misconduct during the interview process. Any candidate who has been found to have provided false information during the interview process will be subject to administrative action including termination.

6. Staff who engages in sexual abuse or sexual harassment with a youth will be subject to administrative action including termination, and may be reported to local law enforcement and any relevant licensing board.

7. Staff who engages in sexual abuse or sexual harassment with a youth with be prohibited from contact with youth and may be subject to administrative action including termination. In addition, they may be reported to local law enforcement and any relevant licensing board.

8. The Division Human Resources will provide information on substantiated allegations, or pending investigations of sexual abuse or sexual harassment, between a current or former employee, and youth upon receiving a request from an institutional employer.

XIII. DIVISION TRANSPARENCY

1. The Division will ensure the following are posted on the Division's website:

   a. PREA Policy

   b. Annual PREA report for a minimum of three years

c. Annual PREA audits conducted within state operated youth correctional facilities for a minimum of three years

2. The Deputy Administration shall be notified of all investigations and incident reports.