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# Prison Rape Elimination Act (PREA)

Division of Child and Family Services (DCFS)  
Juvenile Justice Services (JJS)  
Statewide Policy

<b>POLICY NUMBER:</b>	DCFS/JJS 300.09
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<b>ATTACHMENTS:</b>	Attachment A: Monitoring for Retaliation Attachment B: PREA Coordinated Response Attachment C: Facility Staffing Plan Guide Attachment D: Deviations from Staffing Plan Report Attachment E: PREA Unannounced Round Log Attachment F: Exigent Circumstances for Cross-Gender Pat-Downs and Searches Attachment G: PREA Acknowledgment Statement Youth Attachment H: Juvenile PREA Intake Orientation Attachment I: Limited Circumstances for Resident Interpreter Attachment J: PREA Acknowledgment Statement Staff Attachment K: PREA Risk Assessment Attachment L: Youth Formal Grievance Form Attachment M: Memorandum of Understanding Template Attachment N: PREA Youth Report (Form A) Attachment O: PREA Allegation Checklist (Form B) Attachment P: Administrative Investigation Report Attachment Q: Notification of Investigation Attachment R: PREA Incident Review Team Attachment S: Notice of Employee Rights During an Internal Investigation Attachment T: DCFS HR PREA Questionnaire Attachment U: Facility Head to Facility Head Letter Template

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## I. SUMMARY

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

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## III. 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, suitable for the youth's age and level of emotional and cognitive development.
- B. Allegation: An oral, written, or electronic statement 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 or facility complies with PREA Standards.
- D. Contractor: An individual or organization who has a formal service provider agreement with the State of Nevada to provide a particular service at a juvenile facility.
- E. Cross-gender: Pertaining to the opposite gender of the person, for example, a female staff conducting a pat-down search on a male youth in an exigent circumstance. This definition shall not apply to the search preference made by transgender or intersex youth if the preferred staff gender is opposite from the youth's sex assigned at birth or gender identity.
- F. Direct Care Staff: Staff responsible for the direct supervision of youth under the care and custody of DCFS.
- G. Exigent Circumstances: Any set of temporary and unforeseen circumstances requiring immediate action in order to combat a threat to the security or order of a facility.

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- H. Facility: A place, institution, building (or part thereof), set of buildings, structure, or area (whether enclosing a building or set of buildings) used by an agency for the confinement of individuals committed to the juvenile justice system.
- I. Garrity: Warning which is notice to the staff member being questioned their statements in an administrative investigation cannot be used against them in a criminal proceeding. Failure to participate in an administrative investigation may be grounds for disciplinary action pursuant to NAC 284.650.
- J. Gender Identity: A person's internal sense of being male or female, regardless of their sex assigned at birth.
- K. Gender Nonconforming: A person whose appearance or manner does not conform to traditional societal gender expectations.
- L. Intersex: A person whose sexual or reproductive anatomy or chromosomal pattern does not fit typical definitions of male or female as determined by medical examination or review of medical records. Intersex medical conditions are sometimes referred to as disorders of sexual development. Note: this term is preferred by advocates and intersex people over the term disorders of sex development (DSD) because the term disorder is stigmatizing.
- M. Juvenile Facility: A facility primarily used for the confinement of juveniles, pursuant to the juvenile justice system, in which the movements and activities of youth are restricted or subject to control through the use of physical barriers and/or intensive staff supervision.
- N. LGBTI: The acronym for Lesbian, Gay, Bisexual, Transgender, and Intersex.
- O. Mental Health Staff: A psychiatrist, psychologist, social worker, counselor, marriage and family therapist, or clinical nurse specialist who specialize in the mental health field.
- P. Miranda: Advisement of rights administered by law enforcement subject to a criminal investigation to ensure any statements are voluntary.
- Q. Pat-Down Search: Running of the hands over the clothed body of a youth by a trained staff member to determine whether the youth possess contraband.
- R. Prison Rape Elimination Act (PREA): A federal law supporting the prevention, detection, and response to sexual abuse and sexual harassment within facilities. This law applies to all federal, state, county, local, and private facilities housing adults and juveniles.
- S. PREA Compliance Manager: A designated facility staff member who coordinates the facility's efforts to comply with the PREA standards.
- T. PREA Coordinator: A full-time, upper-level, agency-wide position with the authority and responsibilities to develop, implement, and oversee the agency's efforts to comply with PREA Standards.
- U. PREA Investigator: A DCFS staff person with adequate training, experience, and authorization to conduct sexual abuse and sexual harassment administrative investigations involving youth within facilities. Peace Officer Standards and Training (P.O.S.T.) certified staff appointed to this position may additionally conduct criminal investigations.

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- V. PREA Standards: Guidelines established by the United States Department of Justice to prevent, detect, and respond to sexual abuse and sexual harassment in all covered facilities.
- W. Preponderance of Evidence: The burden of proof where one can reasonably believe something occurred when more than 50 percent of the evidence favors it.
- X. Questioning: Individuals who are questioning their relationship to sexual identity, sexual behavior, or sexual gender identity.
- Y. Retaliation: Derogatory actions taken against a person for reporting possible misconduct.
- Z. SOGIE: The acronym for Sexual Orientation, Gender Identity, and Gender Expression.
- AA. Staff: Any employee of the State of Nevada, including medical and mental health personnel, who conduct work activities in a state facility.
- BB. Security staff: Those staff in a facility responsible for the direct supervision of youth.
- CC. Substantiated Allegation: An investigated allegation which was determined to have occurred by a preponderance of the evidence.
- DD. Transgender: A person whose gender identity is different from the person's biological sex assigned at birth. This may include non-binary youth who do not identify with any one gender.
- EE. Unfounded Allegation: An investigated allegation which was determined not to have occurred.
- FF. Unsubstantiated Allegation: An investigated allegation where the investigation produced insufficient evidence to make a final determination as to whether the event occurred.
- GG. Volunteer: An individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency. This includes interns.
- HH. Youth: Any individual committed to DCFS up to the age of 21 per NRS 62A.030.

#### **IV. STRATEGIES AND RESPONSES TO REDUCE AND PREVENT SEXUAL ABUSE AND SEXUAL HARASSMENT**

##### **A. Definitions Related to Sexual Abuse and Sexual Harassment per PREA Standard 115.6:**

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;

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- 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 altercation;
  - f. Any attempt, threat, or request by a staff member, contractor, volunteer, or intern to engage in activities described in a) through e) of this section;
  - g. Any display by a staff member, contractor, volunteer, or intern of their 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 by staff for reasons unrelated to official duties, such as peering at a youth who is using a toilet in their room to perform bodily functions; requiring a youth to expose their 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 altercation.
3. Sexual harassment includes:
- a. Unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth to another youth; and
  - b. 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.
4. Consensual sexual activity between youth is prohibited within a facility. Although this will not constitute sexual abuse, disciplinary actions may be taken.

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### **B. Protection Against Retaliation:**

1. DCFS shall ensure all staff (including contractors and volunteers) cooperate in sexual abuse or sexual harassment investigations and take immediate steps to ensure youth and staff who report sexual abuse or sexual harassment are free from retaliation.
2. On or about 10, 30, 60, and 90 days after an allegation, the Monitoring for Retaliation form (Attachment A), shall be completed to ensure no retaliation is occurring. The facility PREA Compliance Manager shall monitor all situations in which this applies and document any necessary actions taken if retaliation is occurring. This documentation shall be part of the investigative record.
3. Retaliation shall be reported to the PREA Coordinator by the next business day and addressed on a case-by-case basis, including an investigation conducted by facility staff or PREA Investigator.
4. Disciplinary action may be taken if retaliation is determined to have occurred.
5. The agency's obligation to monitor retaliation shall terminate if the agency determines the allegation is unfounded or if the youth being monitored is discharged from the facility.

### **C. The Division shall:**

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 shall:

- a. Have complete and unrestricted access to any facility under the Division's control or contract, their programs, offices, records, staff, and youth at any time to conduct, coordinate, or review an investigation;
- b. Ensure all facility staff and youth are trained in PREA standards;
- c. Ensure policy and procedure is updated as required;
- d. Conduct annual internal audits at each facility to ensure PREA requirements are being maintained, including requiring corrective action, as needed;
- e. Inform the Deputy Administrator of Residential Services of all PREA allegations and reports of retaliation against anyone who reports sexual abuse and sexual harassment;
- f. Gather data on all investigations, to include their findings, and include this data in an annual report. The annual report shall 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 PREA Compliance Managers and provide leadership and guidance as required.

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- j. Open and coordinate all federal PREA audits for each state facility every three years, including contracting with a certified PREA auditor, and coordinating corrective actions, as necessary.

### **D. The Facility shall:**

1. Designate a PREA Compliance Manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards. The PREA Compliance Manager may have other duties in addition to PREA.
2. The PREA Compliance Manager shall:
  - a. Have complete and unrestricted access to the facility, programs, offices, records, staff, and youth, at any time, to monitor an investigation.
  - b. Maintain all required PREA documents and data in a confidential manner, including all documents related to PREA allegations and investigations.
  - c. Ensure youth PREA training occurs at intake per this policy.
  - d. Ensure unannounced rounds are completed.
  - e. Ensure PREA Risk Assessments (Attachment K) are completed.
  - f. Participate in PREA audits.
  - g. Provide quarterly data to the PREA Coordinator, as required.
  - h. Participate in monthly PREA meetings, as scheduled.
  - i. Notify law enforcement when an allegation rises to possible criminal conduct.
  - j. Maintain an accurate spreadsheet with data of all PREA allegations to include findings. Information shall include the youth's name, race, gender, and the alleged offender. The data shall also include if the incident involved youth on youth or staff on youth. The facility shall provide this information to the PREA Coordinator, as required.
  - k. After an allegation, fulfill the responsibilities outlined in the facility's PREA Coordinated Response (Attachment B), including:
    - i. Ensure required medical and mental health follow-ups are completed and within required timeframes;
    - ii. Ensure 90-day retaliation tracking is completed and whether the alleged victim is safe;
    - iii. Ensure youth is informed about required PREA investigation progress and finding information;
    - iv. Ensure referral to law enforcement, as required;
    - v. Coordinate the investigation and monitor progress;
    - viii. Ensure referral to advocate agency, as required and requested;
    - ix. Ensure the Incident Review Team meets, as required, and any recommendations are carried out;
    - x. Ensure PREA Coordinator is notified, by the next business day, of all allegations, except for sexual assault, which will be reported once the scene is contained, secure, and safe to do so.
    - xi. Ensure the PREA Coordinator has all required investigative documentation.
3. Each facility Training Officer shall keep a record of PREA training dates for all facility employees, to include refresher training. Facility Training Officer shall provide this data to the PREA Coordinator quarterly.



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### V. SUPERVISION AND MONITORING (FACILITY):

#### A. Staff and Staffing Ratios:

1. Each facility shall develop and implement an approved staffing plan which provides for adequate levels of staffing and, where available, video monitoring capabilities addressing all required elements of PREA Standard 115.313. Refer to the Facility Staffing Plan Guide (Attachment C). Each time the staffing ratios set forth in the Staffing Plan are not met, the facility shall document this on the Deviations from Staffing Plan Report (Attachment D) and justify the reasons why.

Staffing patterns shall consider the youth population, the composition of the youth population, and applicable Federal, State, and local laws. The facility shall maintain a minimum staffing ratio of 1:8 during youth waking hours and 1:16 during youth sleeping hours, except during limited and discrete exigent circumstances. Such circumstances shall be documented.

The facility PREA Compliance Manager, along with the Superintendent, shall conduct an annual facility assessment to determine if staffing patterns, video monitoring systems, and other technologies and resources the facility has available is adequate to ensure compliance with PREA and to ensure the protection of youth against sexual abuse and sexual harassment.

The facility shall maintain a staffing plan which provides for adequate levels of staffing to ensure for the protection of each youth against sexual abuse and sexual harassment. Staff shall comply with facility policy when they are with a youth so they can be observed by another staff member directly or through video monitoring system. In situations where additional staffing is needed, the Superintendent shall be notified, and best efforts will be made to make additional staff available.

The facility shall provide a staffing plan update to the Division annually, or more often if required. The staffing plan shall be approved by the PREA Coordinator and the Facility PREA Compliance Manager. Refer to the Facility Staffing Plan Guide (Attachment C).

2. Upper-level staff designated by the Superintendent or PREA Compliance Manager shall make at least three unannounced rounds per week, covering each shift, in differing areas of the facility and at differing times, to verify staffing ratios and to deter and identify any behavior qualified as sexual harassment or sexual abuse. Staff shall not alert other staff members these supervisory rounds are occurring.

This shall be documented on the PREA Unannounced Round Log (Attachment E). Completed logs shall be given to the facility PREA Compliance Manager or documented in the DCFS web-based case management system.

3. The facility shall ensure all classrooms, day rooms, or offices where youth may interact with other youth or staff have unobstructed views. Windows may not be covered.
  - a. The only exceptions are medical examination rooms, single occupancy restrooms, and personal living quarters. Facilities may have a facility-specific policy regarding group restrooms and allowances for obstructed views of personal living quarters.



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4. The facility shall ensure all parts of the facility are monitored daily.
5. The facility shall ensure areas such as staff offices, staff restrooms, and janitor closets are secure with staff following key control policy.

### **B. Limits to Cross-Gender Viewing and Searches:**

1. The facility shall implement procedures which enable youth 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 youth housing unit. In facilities which do not contain discrete housing units, staff of the opposite gender shall be required to announce their presence when entering an area where youth 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 shall not conduct cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances, or when conducted by a medical professional and in the presence of a secondary same-gendered as the youth being searched or preferred-gendered staff.
4. Cross-gender pat-down searches are prohibited, except in exigent circumstances, and shall be documented on the Exigent Circumstances for Cross-Gender Pat-Downs and Searches Form (Attachment F).
5. The preferred gender for searches made by a transgender or intersex youth via the Statement of Search Preference Form, per Searches of Youth and Property (State Facilities) (DCFS/JJS 300.14), shall not constitute a cross-gender pat-down search or an exigent circumstance for a cross-gender pat-down search. If a transgender or intersex youth marks 'No Preference' on this form, the youth shall be searched by the same gender of staff as the youth's gender identity, per guidance from NRS 62B.212.
6. Staff shall be trained in conducting cross-gender, intersex, or transgender pat-down searches in a respectful manner and in the least intrusive manner as possible, per NAC 62B.085 2(e), at hire and annually.

### **C. Lesbian, Gay, Bisexual, Transgender, and Intersex Youth**

1. Housing assignments and facility placement for youth who are transgender, or intersex shall be made in alignment with the youth's gender identity, taking into consideration the wishes of the child per NAC 62B.085.1(b).1(I-II), while, at the same time, ensuring the health and safety of the youth. These placement decisions must be reassessed, at a minimum, every six months.
2. If the facility determines the youth's wishes as to their preferred bed placement creates a safety concern and denies their request, the facility shall document those safety concerns and the Superintendent shall reassess the youth's placement at least every sixty days.

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3. LGBTI youth shall not be placed in a particular housing unit or other assignment based solely on this classification, nor shall this classification be considered an indication of sexual aggressiveness.
4. While in the facility, transgender and intersex youth shall have the ability to shower separately and have access to privacy when changing clothes or using the bathroom facilities per NAC 62B.085.1(b) 2.
5. Staff shall not use any language or behavior which may put a youth at risk of sexual victimization. Staff shall maintain confidentiality, including around other youth, who are not aware of the youth's SOGIE or intersex status.
6. Staff shall maintain confidentiality when discussing allegations of sexual abuse and sexual harassment with family members, courts, lawyers, child welfare workers, or anyone who is not aware of the youth's SOGIE or intersex status.

### **VI. TRAINING REQUIREMENTS:**

#### **A. Youth Training:**

1. During the intake process, youth shall 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 within 72 hours of arrival at the facility. The training shall be presented through written, verbal, and visual education platforms.
2. Within 10 days of arrival, youth shall receive additional, comprehensive, age-appropriate education regarding their rights to be free from sexual abuse and sexual harassment, to be free from retaliation for reporting, and how the agency and facility will respond to reports.
3. Youth shall sign the PREA Acknowledgement Statement Youth (Attachment G), and the Juvenile PREA Intake Orientation (Attachment H), which will document their understanding of these trainings. These documents shall be maintained in the youth's main folder. Training data shall be maintained by the PREA Compliance Manager. This data shall be provided to the PREA Coordinator quarterly.
4. The facility shall ensure PREA information and ways to report sexual abuse and sexual harassment, such as posters and brochures, are continuously available and visible to youth throughout their confinement. Youth shall also receive a handbook with PREA information upon admission.
5. The facility shall provide all youth 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. The PREA Compliance Manager at each facility shall arrange for these accommodations, as needed.

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### **B. Youth with Disabilities or who are Limited English Proficient**

1. The facility shall make accommodations for 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, including local school districts or any other type of organization which can provide interpreter services. DCFS also maintains contracts and service agreements for interpreter services which can provide telephone-based interpreter services within the facility.
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 circumstances shall be documented on the Limited Circumstances for Resident Interpreter Form (Attachment I).
4. Each facility shall take appropriate steps to ensure youth with disabilities (including, for example, youth 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. Staff Training:**

1. All facility employees, volunteers, interns, and contractors shall be trained in PREA standards before contact with youth and at a minimum, every year.
2. Initial training may be face-to-face, online, or conducted through videoconferencing. Refresher or annual training may include online training or individual training.
3. The training shall 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. Youth's right to be free from sexual abuse and sexual harassment;
  - d. The right of the youth 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 youth;

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- h. How to avoid inappropriate relationships with youth;
  - i. How to work with and communicate effectively and professionally with youth, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming youth per NRS 62B.250;
  - j. Relevant laws regarding applicable age of consent;
  - k. Mandatory reporting laws per Abuse and Neglect Reporting (DCFS/JJS 300.06);
  - l. Gender-responsive training; and
  - m. Unique needs and attributes of youth in facility settings.
- 4. At hire and annually, staff shall sign a PREA Acknowledgment Statement Staff (Attachment J), which will document their understanding of PREA. The document will be scanned and kept electronically.
  - 5. All trainings shall include an employee signature or electronic verification employees understand the training they received.
  - 6. The PREA Compliance Manager or Training Officer shall keep records of dates staff training occurred and shall ensure staff receive a refresher training, at a minimum, once a year. This data shall be provided to the PREA Coordinator quarterly.

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

- 1. All Division and facility staff who complete investigations of PREA allegations shall receive specialized training in techniques for interviewing youth sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection, evidence storage, the criteria and evidence needed to substantiate a case of sexual abuse or sexual harassment and shall have adequate education and experience to complete the task. Further, investigative staff shall know the requirements of when to make a referral to local law enforcement and Child Protective Services. This training shall include the National Institute of Corrections (NIC) online training titled PREA: Investigating Sexual Abuse in a Confinement Setting and Investigating Sexual Abuse in a Confinement Setting: Advanced Investigations. The PREA Compliance Manager or Training Officer shall keep a record of training received by investigative staff. The PREA Compliance Manager shall provide this data to the PREA Coordinator upon request.
- 2. Facility medical staff shall complete the National Institute of Corrections (NIC) online training entitled PREA: Medical Health Care for Sexual Abuse Victims in a Confinement Setting and PREA 201 for Medical and Mental Health Practitioners, within three months of hire date. The PREA Compliance Manager or Training Officer shall keep a record of this training. The PREA Compliance Manager shall provide this data to the PREA Coordinator upon request.
- 3. Facility mental health staff shall complete the National Institute of corrections (NIC) online training entitled PREA: Behavioral Health Care for Sexual Assault Victims in a Confinement Setting and PREA 201 for Medical and Mental Health Practitioners, within

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three months of hire date. The PREA Compliance Manager or Training Officer shall keep a record of this training. The PREA Compliance Manager shall provide this data to the PREA Coordinator upon request.

4. Volunteer and contractor training:
  - a. All volunteers and contractors who have contact with youth shall be trained prior to contact with youth, at a minimum, on the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and 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 youth as determined by the Superintendent or Training Officer.
  - c. The facility shall maintain documentation confirming volunteers and contractors understand the training they have received by signing the PREA Acknowledgment Statement Staff (Attachment J).

### **VII. RISK ASSESSMENT: HOUSING, BED, PROGRAM, EDUCATION, AND WORK ASSIGNMENTS**

- A. Within 72 hours of arrival, including youth transferred from another DCFS state facility, facility staff shall obtain and use information about each youth's personal history and behavior to reduce the risk of sexual abuse and sexual harassment by or to a youth. The facility shall also require the youth's risk level be reassessed periodically throughout their confinement, including when a youth is involved in a PREA investigation as an alleged victim or alleged perpetrator, due to a referral, or receipt of additional information warranting another assessment.
- B. The facility shall incorporate the PREA Risk Assessment Screening Tool (Attachment K), into their intake protocol, to be completed within 72 hours of admission, to screen for vulnerability for victimization and sexually aggressive behavior. This information shall be ascertained through conversations with youth; medical and mental health screenings, including the Children's Uniform Mental Health Assessment (CUMHA); and by reviewing court records, case files, facility behavioral records, parole and probation information, and other relevant documentation from the youth's files. The screening shall include, at a minimum, the following:
  1. Prior sexual victimization or abusiveness;
  2. Any gender nonconforming appearance or manner;
  3. An opportunity for the youth to self-identify as lesbian, gay, bisexual, transgender, or intersex (LGBTI) per NAC 62B.085 1(a)(if the opportunity was not provided during the intake process through the Youth Parole Bureau);
  4. Current charges and offense history;
  5. Age;
  6. Level of emotional and cognitive development;
  7. Physical size and stature;
  8. Mental illness or mental disabilities;
  - I. Intellectual or developmental disabilities;
  9. Physical disabilities;
  10. Youth's perception of their own vulnerability; and

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11. Any other information about the youth which may indicate a heightened need for supervision, additional safety precautions, separation from other youth, and whether the youth may be vulnerable to sexual abuse.
- C. The PREA Compliance Manager shall review the PREA Risk Assessment (Attachment K) and all relevant information pertaining to the youth's vulnerability for victimization or propensity to abuse prior to housing, bed, program, education, and work assignments, to ensure appropriate placements. The facility staff completing any PREA Risk Assessment shall ensure the PREA Compliance Manager receives a copy of this document when completed at intake and periodically. The original shall be kept in the youth's medical file.
  1. In the event there is no available and appropriate same-gendered living unit to place youth assessed as a risk for victimization separate from youth assessed as a risk for perpetration, youth shall be separated by placing them on separate sides of the living unit. Staff shall also take steps to separate them operationally, including within line movements, in educational and dining settings, and during large muscle exercise.
- D. Information provided by the youth is confidential and the facility shall comply with applicable confidentiality and disclosure requirements when releasing any information. The PREA Compliance Manager may create a separate process for this type of information.
- E. Youth may not be compelled to answer the questions within the risk assessment. They shall not be disciplined for declining to answer these questions. Any declinations shall be documented, and other resources shall be utilized to complete the assessment.
- F. Youth who disclose prior sexual abuse or victimization during intake or screening shall be referred for a further medical and mental health screening within 72 hours of the disclosure and the services provided shall be tracked by the PREA Compliance Manager. Medical and mental health staff shall determine whether the incident occurred in a facility or community setting. The medical or mental health follow-up shall take place within 14 days of the disclosure.
- G. The facility shall attempt to conduct a mental health evaluation on youth who have a known history of youth-on-youth perpetration within 60 days of learning of such history, and offer treatment as deemed appropriate by mental health staff.

### **VIII. REPORTING AND IMMEDIATE ACTION STEPS:**

#### **A. Facility Reporting Mechanisms for Youth and Staff:**

1. All facilities shall have multiple mechanisms available for youth to privately report incidents including:
  - a. Filling out and submitting a grievance form (Attachment L);
  - b. Telling any DCFS staff member, including a teacher, counselor, case manager, probation/parole officer, medical staff, mental health staff, PREA Compliance Manager, or any other trusted adult;
  - c. Calling the PREA Coordinator on a toll-free number;

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- d. Writing a letter, at the facility's expense, to the PREA Coordinator. Facility staff shall not unseal any correspondence to the PREA Coordinator. This correspondence is to be mailed without disturbance. Further, this mail may be sent out without a return address.
  - e. Submitting an incident report online at: <http://dcfs.nv.gov/Programs/JJS/PREAHome/>.
  - f. Calling the designated external reporting contact.
2. Facility staff shall meet one-on-one with any youth wanting to verbally report a sexual abuse or sexual harassment allegation. This allegation shall be documented on the PREA Youth Report (Form A) (Attachment N).
  3. Facility and investigative staff shall use trauma-informed care methods when interacting with alleged youth victims, including showing empathy, understanding the youth may have experienced past trauma, explaining the process to them, and letting them know their allegation will be treated seriously.
  4. Youth shall have reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians.
  5. The Superintendent or designee shall ensure all hotline numbers are accessible to youth as well as privacy to make a call.
  6. Staff shall accept reports made verbally, in writing, anonymously, or from a third party. Youth are not required to document their report in writing.
  7. If a youth writes a grievance, only assigned staff who handle grievances for the facility shall read the grievance.
  8. There is no time limit imposed on youth in reporting sexual abuse or sexual harassment.
  9. Staff shall immediately report any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment and comply with mandatory child abuse reporting laws per NRS 432B.220.
    - a. Staff who do not feel comfortable reporting to their designated supervisor may report to the Superintendent, PREA Coordinator, or the Deputy Administrator of Residential Services. Staff who do not feel comfortable reporting to any individual listed may report through the agency online PREA report form.
  10. Staff are required to fully cooperate and participate in any investigation being conducted internally. Failure to do so may result in disciplinary action up to and including termination per NAC 284.650.

### **B. Immediate Action Steps for Sexual Abuse:**

1. Upon learning of an allegation where a youth was sexually abused, the first staff member to respond shall immediately report the information to their designated supervisor, who will immediately report it to the Superintendent or designee. Staff are prohibited from



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revealing any information related to sexual abuse to anyone other than to make treatment, investigation, security, or management decisions. Non-security staff, if they are the first responder, shall immediately notify a security staff member.

2. Upon receiving news of the allegation, the Superintendent or designee shall immediately 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 they should not be notified).
  - c. If the youth is under DCFS or county custody, the youth's case manager or social worker shall be notified.
  - d. Attorneys for the youth, both perpetrator and victim, shall be notified within 10 days of the allegation.
  - e. Child Protective Services, if the allegation involves a staff member and a youth under the age of 18.
  - f. DCFS Human Resources if the alleged perpetrator is a staff member.
3. The first direct care staff member aware of an alleged sexual abuse shall immediately ensure the youth is seen by medical staff for an initial evaluation and determination if outside treatment is needed.

This staff member shall ensure the alleged victim is safe and away from the alleged perpetrator. When separating youth who reside in the same living unit, moving the alleged perpetrator is always the first choice, unless supervisory staff approves moving the alleged victim due to other circumstances involving safety and security. This separation shall continue at least until an unfounded finding is made or the conclusion of the investigation. Substantiated investigations shall result in permanent separation.

- a. In the event there is no secondary and appropriate same-gendered living unit to move the alleged perpetrator or alleged victim to, youth shall be separated by placing them on separate sides of the living unit. Staff shall also take steps to separate them operationally, including within line movements, in educational and dining settings, and during large muscle exercise.

This staff member shall obtain basic information about where the incident occurred and with whom. No other information shall be requested by this staff member. This information shall 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 shall 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 a DCFS PREA Investigator.

If the incident just happened, the alleged perpetrator shall not be allowed to shower, brush teeth, use the restroom, or eat and drink anything until there is an opportunity by local law

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enforcement or the DCFS PREA Investigator or designee to collect evidence. The staff shall also request the alleged victim not take any actions to destroy physical evidence, including, washing, changing clothes, eating, or drinking, or other actions until the investigative staff have the opportunity to collect evidence.

4. The Superintendent shall maintain a Memorandum of Understanding (Attachment M), with local law enforcement. Every allegation of sexual abuse shall be sent to local law enforcement via email. If this is not available, local law enforcement will be notified via phone and this communication will be documented to the PREA Coordinator. 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, the PREA Coordinator shall start an administrative investigation and assign an investigator.
5. When it is unclear if an allegation rises to the level of requiring a referral to law enforcement, the PREA Coordinator and PREA Compliance Manager will work together to make a determination. If clarifying information is needed to make this decision, only trained investigators shall ask those clarifying questions of the alleged victim. As necessary, the agency's Deputy Attorney General (DAG) may be consulted as to whether the allegation rises to needing a criminal referral.
6. All PREA administrative investigations shall be completed within 30 days of the date local law enforcement notifies the facility of their declination to investigate or the completion of their investigation. Any extension shall be approved by the investigator's supervisor and the reason for the extension shall be documented and provided to the PREA Coordinator. A copy of the completed investigative report shall be forwarded to the PREA Coordinator for review and final approval. The PREA Coordinator shall share the administrative investigation report and its findings with the Superintendent and PREA Compliance Manager upon completion.

Note: If the local law enforcement refuses to enter into a Memorandum of Understanding, this shall be documented and kept on file. All allegations shall continue to be referred to local law enforcement.

A copy of all completed investigations by local law enforcement shall be provided to the Superintendent and the PREA Coordinator.

7. Medical or mental health staff shall 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, to inform treatment plans, administrative decisions or to make housing or programming assignments of youth.
8. Medical and mental health staff may not report any prior sexual victimization for youth 18 or older which occurred outside the facility unless the youth gives informed consent, either verbally or in writing. This shall be clearly documented in the medical file.
9. The Superintendent shall ensure the alleged victim is permitted access to hotlines to discuss the incident with an outside victim advocacy party and shall ensure the youth is sent to the emergency room immediately for access to emergency contraception and screening for sexually transmitted diseases. Emergency room staff may also collect evidence, if applicable, during this visit.

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10. When an external victim advocate is not available, a trained internal victim advocate shall be made available.
11. Youth who are alleged to be victims or perpetrators shall be referred to mental health for follow up and reassessed for risk.
12. Alleged victims shall be given access to a forensic medical examination, access to testing for sexually transmitted diseases, and access to a pregnancy test if applicable. If the results of the pregnancy test are positive, the female youth shall be given timely and comprehensive access to all lawful, pregnancy related medical services. All services shall be offered free of charge to the youth and paid by the facility, as needed.
13. The Superintendent shall notify the Division Human Resources as required for potential disciplinary action.

### **C. Immediate Action Steps for Sexual Harassment:**

1. Upon learning of an allegation where a youth was sexually harassed, the first staff member to respond shall immediately report the information to their designated supervisor who will immediately report it to the Superintendent or designee. Non-security staff, if they are the first responder, shall immediately notify a security staff member.
2. Upon receiving news of the allegation, the Superintendent or designee shall immediately report the allegation to:
  - a. The PREA Compliance Manager;
  - b. Local law enforcement if the allegation meets a criminal standard;
  - 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 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 or social worker; and
  - f. Attorneys for the youth, both perpetrator and victim, will be notified within 10 days of the allegation.
2. 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.
3. Facility staff shall ensure the alleged victim is safe and away from the alleged perpetrator. When separating youth who reside in the same living unit, moving the alleged perpetrator is always the first choice, unless supervisory staff approves moving the alleged victim due to other circumstances involving safety and security. This separation shall continue at least until an unfounded finding or the conclusion of the investigation. Substantiated investigations shall result in permanent separation.
  - a. In the event there is no secondary and appropriate same-gendered living unit to move the alleged perpetrator or alleged victim to, youth shall be separated by placing them on separate sides of the living unit. Staff shall also take steps to separate them

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operationally, including within line movements, in educational settings, and during large muscle exercise.

4. The PREA Coordinator shall assign a trained investigator to conduct an administrative investigation, either immediately, or after the conclusion of any criminal investigation. The assigned investigator should be an external staff to the facility where the youth victim resides, as best practice.
5. When it is unclear if an allegation rises to the level of requiring an investigation, the PREA Coordinator and PREA Compliance Manager will work together to make a determination. If clarifying information is needed to make this decision, only trained investigators shall ask those clarifying questions of the alleged victim.
6. All PREA related administrative investigations shall be completed within 30 days of the allegation becoming known to the facility. Any extension shall be approved by the investigator's supervisor and the reason for the extension shall be documented and provided to the PREA Coordinator. A copy of the final investigation shall be forwarded to the PREA Coordinator for review and approval. The PREA Coordinator shall share the administrative investigation report and its findings with the Superintendent and PREA Compliance Manager upon completion.
7. The Superintendent shall notify the Division Human Resources as required for potential disciplinary action.

### **IX. CRIMINAL INVESTIGATIONS**

- A. All allegations with a criminal element, including all sexual abuse allegations, shall be immediately reported to local law enforcement for investigation. The Superintendent shall ensure all allegations of sexual abuse are routed to local law enforcement.
- B. All facility staff shall fully cooperate in criminal investigations. The PREA Compliance Manager shall help arrange interviews and provide requested information.
- C. The facility shall leave an investigation open when local law enforcement is the investigative body.
- D. The facility will make every effort to receive a copy of the finalized police report from local law enforcement and take any follow up action required.
- E. An administrative investigation shall be initiated once local law enforcement has verbally or in writing, verified they have completed their investigation, including those still pending a final police report.

### **X. FORENSIC MEDICAL INVESTIGATIONS**

- A. Any victim or alleged victim of sexual abuse shall have timely and unimpeded access to emergency medical treatment.
- B. Victims or alleged victims shall be requested not to 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. Perpetrators or alleged perpetrators shall not be permitted to

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shower, change clothing, use the bathroom, brush teeth, or consume food or beverage until possible evidence is collected. Evidence collection should take place within two hours.

- C. Emergency medical treatment may be the nearest hospital, outside facility, or clinic.
- D. A qualified medical practitioner shall perform forensic medical examinations to determine the nature and scope of the abuse and collect any evidence related to the alleged abuse.
- E. The facility is responsible for any and all costs associated with emergency medical treatment and forensic medical examinations.
- F. Upon return to the facility, the Superintendent or designee and the PREA Compliance Manager shall review the youth's current housing situation and make changes if necessary. The safety, security, and well-being of the alleged victim shall 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.
- G. If a youth requires ongoing medical care related to the alleged abuse outside of the facility, the Superintendent shall ensure the youth receives any and all services required. The facility is responsible for all costs associated with these services.

### **XI. ADMINISTRATIVE INVESTIGATIONS**

- A. Allegation's meeting PREA definitions of sexual harassment, not meeting a criminal element, shall be handled through an administrative investigation conducted by a DCFS PREA Investigator.
- B. Investigations handled initially by law enforcement, either investigated or declined, shall be administratively investigated once law enforcement has completed their work.
- C. Each facility shall follow their customized Coordinated Response (Attachment B), to ensure each staff member fulfills their responsibility within an administrative investigation (see facility's Coordinated Response).
- D. Alleged victims, perpetrators and witnesses shall be interviewed by a trained investigator in-person or through a video-based platform (e.g., Life Size) in a private and confidential setting. Phone interviews shall be avoided unless it is the only option to secure the testimony.
- E. The facility shall not terminate an investigation of sexual abuse or sexual harassment solely because the source of the allegation recants the allegation, leaves the facility, or an employee vacates or is terminated from his or her position. All allegations shall be fully and completely investigated until their conclusion. Victims who recant may be victims of retaliation, so investigations shall continue until finalized.
- F. The elements within an administrative investigation include, but are not limited to:
  - 1. Incident report documented in the DCFS web-based case management system;
  - 2. PREA Youth Report Form A (Attachment N);
  - 3. PREA Allegation checklist Form B (Attachment O);

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4. PREA Administrative Investigation Report (Attachment P), including summary of alleged incident, summary of physical and testimonial evidence, credibility assessments (based on the individual and not determined by the person's status as a youth or staff), whether staff actions or failures to act contributed to the abuse or harassment, investigative facts and summary, and investigative findings as expressed as substantiated, unsubstantiated, and unfounded);
  5. Written statements from all involved parties, including staff and youth;
  6. Monitoring for Retaliation (Attachment A);
  7. Notification of Investigation (Attachment Q);
  8. PREA Incident Review Team (Attachment R).
- G. With all administrative investigations, no standard beyond a preponderance of evidence shall be used.
- H. The alleged youth victim shall be notified of the final finding of the investigation. This shall be documented on the Notification of Investigation Form (Attachment Q).
- I. Within 30 days of the conclusion of any substantiated or unsubstantiated investigation, an Incident Review Team, designated by the Superintendent to include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners, shall meet to review the allegation and investigative report, assess possible causes and identify any needed facility and policy changes. The Incident Review Team shall be provided the final investigative report at least two business days prior to the meeting and shall be advised of its confidential nature. The team's findings shall be documented on the PREA Incident Review Team Form (Attachment R). The Superintendent shall review and accept, reject, or modify any team recommendations.
- J. The PREA Coordinator may assist with investigations as needed.
- K. The PREA Coordinator may initiate any investigations as needed.
- L. Local law enforcement shall be contacted if the results of an administrative investigation end up meeting a level of a criminal offense after more information is gained during the administrative process. Facilities may share any data or evidence collected with local law enforcement except for staff interview evidence if staff member is the alleged perpetrator.
- M. Child Protective Services shall be contacted if the results of an administrative investigation end up finding reportable abuse or neglect, per the NRS 432B.020 definition of abuse or neglect of a child, by a person responsible for the welfare of the youth.
- N. All staff members who are named as an alleged perpetrator shall be served with the Notice of Employee Rights During an Internal Investigation (Attachment S) and provided up to two business days to obtain an attorney or other representation, if they so choose. This document shall be signed and dated by the staff member and be retained with the investigative file.

## **XII. EVIDENCE COLLECTION**

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

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- B. 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 with a need to know.
- C. All evidence collected shall be kept in a confidential and secure manner and access may only be granted to members of the investigative team. The Division PREA Coordinator shall be granted access upon request.
- D. All written reports shall be retained for as long as the alleged abuser is detained or employed by the facility, plus five years, unless the abuse was committed by a youth and applicable law requires a shorter period of retention.

### **XIII. REPORTING REQUIREMENTS**

- A. All criminal and administrative investigations involving staff shall be referred to DCFS Human Resources for further action or investigation. The Division Human Resources may conduct internal investigations of allegations involving staff. Investigations may also be referred to State Personnel or other entities, as needed.
- B. The PREA Coordinator shall keep a record of all allegations of sexual abuse and sexual harassment all the way through the final disposition, including those referred to local law enforcement and to DCFS Human Resources.
- C. The Deputy Administrator of Residential Services will be informed of the aggregate number of PREA investigations, and their status monthly as reported on the Superintendent Report.
- D. The DCFS Human Resources shall keep a record of all allegations of sexual harassment and sexual abuse involving staff all the way through the final disposition. This information shall be reported to the Deputy Administrator or designee monthly.
- E. Upon learning a youth was sexually abused while confined at another facility, the superintendent shall notify, within 72 hours, the head of the other facility utilizing the Facility Head to Facility Head Letter Template (Attachment U) via email.
  - 1. A copy of this email shall be kept for documentation purposes.
- F. The facility head that receives such notification shall ensure that the allegation is investigated in accordance with the standards.

### **XIV. DISCIPLINE AND INTERVENTION**

- A. Discipline for Staff:
  - 1. Staff who violate agency policies relating to sexual abuse or sexual harassment with a youth shall be subject to administrative or disciplinary action up to and including termination. Discipline shall be based on the results of the Division's Human Resource administrative investigation, with discipline in accordance with Chapter 284 of the Nevada Revised Statutes and Nevada Administrative Code and any other applicable statutes, per the Rules for State Personnel Administration manual. As warranted, staff may be reported to local law enforcement and any relevant licensing board.



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2. To ensure compliance with PREA Standard §115.376, the Division's Human Resource office shall notify the PREA Coordinator, in writing, of the disciplinary action taken.
  - a. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
  - b. Disciplinary sanctions shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
3. The Division's Human Resources shall provide information on substantiated allegations, or pending investigations of sexual abuse or sexual harassment, with a current or former employee, upon receiving a request from an institutional employer.
4. Violations of policy and procedure relating to sexual abuse or sexual harassment shall be dealt with on a case-by-case basis.
5. Any staff member who voluntarily resigns or is terminated due to sexual abuse or sexual harassment violations may 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.

### B. Intervention for Youth:

1. Youth with a substantiated case of sexual abuse or sexual harassment (which is not criminal) shall receive intervention rather than discipline and shall 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. This shall be at the discretion of the Superintendent or PREA Compliance Manager.
2. Youth shall 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 facility's standard disciplinary procedures.
4. A youth's allegation found to be unsubstantiated shall constitute a report made in good faith and shall not result in any disciplinary actions.

### C. Intervention for Contractors and Volunteers

1. The Superintendent or designee shall ensure any contractor or volunteer who has engaged in sexual abuse or sexual harassment of a youth shall be prohibited from any further contact with youth and be reported to law enforcement or relevant licensing bodies, as necessary.

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## **XV. DATA COLLECTION AND PUBLICATION**

### **A. Facility Responsibilities:**

1. The PREA Compliance Manager shall ensure any alleged incident of sexual abuse or sexual harassment is reported timely and appropriately.
2. The PREA Compliance Manager shall review, analyze, and use all sexual abuse and harassment data, including incident based and aggregated data, to assess and improve the effectiveness of the facility's sexual abuse prevention, detection, response, practices, policies, and training.
3. All information related to sexual abuse and sexual harassment data shall be maintained for 10 years from the completion of the investigation.
4. Any and all information related to alleged incidents shall be made available to the PREA Coordinator immediately, based on established timelines, in addition to monthly reports to the Division.
5. All data shall be kept in a secure and confidential manner.

### **B. Division Responsibilities:**

1. The PREA Coordinator shall:
  - a. Review, analyze, and use all sexual abuse and harassment data, including incident based and aggregated data, to assess and improve the effectiveness of the facility sexual abuse and harassment prevention, detection, response, practices, policies, and training.
  - b. Gather and maintain accurate and uniform data from the facilities and required contracted entities on a quarterly basis for federal reporting requirements, which includes an annual state report which shall be posted on the Division's Website.
  - c. Track, trend, analyze, and present aggregate data to any board or commission as required.
  - d. Ensure each employee and youth have received required PREA training.
  - e. Keep all data in a secure and confidential manner.

## **XVI. ADMINISTRATIVE HIRING REQUIREMENTS**

- A. All new hires and current staff being considered for promotion shall have a background investigation to include:
  1. A criminal history background record check;
  2. A review of any child abuse registry maintained at the state or local level; and

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3. Make an effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or harassment or any resignation during a pending investigation of an allegation of sexual abuse or harassment.
- B. The Division shall 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.
- C. In addition to those within NRS 62B, the Division prohibits the hiring or promoting of anyone who may have contact with youth, or prohibit enlisting the services of any contractor or volunteer who may have contact with youth, who:
  1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
  2. Has 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; or
  3. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph B of this section.
- D. If a background check reveals a criminal conviction, plea or verdict of guilty to a misdemeanor or felony, withheld judgment or a valid child or adult complaint, no disposition on file, or a conviction following a plea of “no contest”, the Division Administrator or designee will inform the individual of the findings.
- E. The Division shall conduct criminal background checks of current employees, contractors, and volunteers who work within a facility settings every five years.
- F. The Division shall ensure candidates and staff sign the DCFS HR PREA Questionnaire (Attachment T), which asks about previous sexual misconduct, upon the interview process for hire and promotion and annually thereafter, which shall be maintained in their permanent employee file. In addition, the Division shall ensure contractors and volunteers sign the DCFS HR PREA Questionnaire before contact with youth and annually thereafter.
- G. Any candidate who has been found to have provided false information shall be subject to administrative action including termination.

### **XVII. DIVISION TRANSPARENCY AND AUDITING**

- A. The Division shall ensure the following are posted on the Division’s website:
  1. Current PREA policy
  2. Annual PREA report, for a minimum of three years, to include aggregate data for all DCFS facilities
  3. Federal PREA audits conducted within the agency and within state contracted youth facilities, for a minimum of three years
- B. Confidential and personal information shall be redacted from data before being made available to the public.

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- C. The Division shall contract with a certified PREA auditor to conduct a federal PREA audit on one facility per year, or one-third of all facilities, each 3-year audit cycle.

### **XVIII. STANDARD OPERATING PROCEDURES**

- A. All facilities shall create Standard Operating Procedures consistent with this policy.
- B. This policy shall be reviewed every two years or more often as deemed necessary.