



PRISON RAPE ELIMINATION ACT (PREA)

2019 ANNUAL REPORT

Prepared by:

**Jennifer Simeo
PREA Coordinator
Division of Child and Family Services
Juvenile Services Programs Office
751 Ryland Street
Reno, NV 89502**

Approved by:

**Ross Armstrong
Administrator
Division of Child and Family Services
4126 Technology Way
Carson City, NV 89706**

Background of PREA and Identification of State Facilities:

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

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

Caliente Youth Center (CYC), located in Caliente, is DCFS's lower security, staff-secured facility for both male and female youth. Currently, CYC is budgeted for 112 youth, including up to 40 females. CYC operates a full-time accredited high school in cooperation with the Lincoln County School District. CYC also offers vocational certifications, substance abuse treatment, individual counseling; psychiatric care and rehabilitative programming, including the VOICES program for female youth.

Nevada Youth Training Center (NYTC), located in Elko, is DCFS's medium-security, staff-secure facility for male youth. NYTC has a budgeted capacity for 64 youth. First opened in 1915, NYTC operates a full-time accredited high school with a competitive sports program. CYC also offers vocational certification; substance abuse treatment, individual and group counseling and rehabilitative programming, including Forward Thinking.

Summit View Youth Center (SVYC), located in Las Vegas, is DCFS's maximum-security, facility-secure placement for male youth. SVYC has a budgeted capacity for 48 youth who assess as the highest risk for reoffending. SVYC, in cooperation with Clark County School District, operates a high school that offer both required and elective academic subjects and special education, juvenile sex offender treatment, individual counseling and substance abuse treatment, including Moral Reconation Therapy (MRT).

In addition, all correctional facilities participate in Performance-based Standards (PbS), an evidence-based, continuous improvement model based on best practices that strengthens a variety of areas within the facilities, including sexual safety for youth.

PREA Definitions for Sexual Abuse (Standard 115.6):

1. Sexual abuse (staff-on-youth) includes any of the following acts, with or without consent of the youth:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Contact between the mouth and any body part where the staff member, contractor, volunteer, or intern has the intent to abuse, arouse, or gratify sexual desire;
 - d. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument;
 - e. Any act of intentional contact, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person, excluding contact incidental to a physical alternation;
 - f. Any attempt, threat, or request by a staff member, contractor, volunteer, or intern to engage in activities described in 1) through 5) of this section;
 - g. Any display by a staff member, contractor, volunteer, or intern of his/her uncovered genitalia, buttocks, or breast in the presence of a youth;
 - h. Voyeurism by a staff member, contractor, volunteer, or intern. Voyeurism means an invasion of privacy of a youth for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his/her room/cell to perform bodily functions; requiring a youth to expose his/her buttocks, genitals, or breasts; or taking images of all or part of a youth's naked body or of the youth performing bodily functions.
2. Sexual abuse (youth-on-youth) includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument;
or
 - d. Any act of intentional contact, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person, excluding contact incidental to a physical alternation.

PREA Definitions for Sexual Harassment (Standard 115.6):

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

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

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

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

Staff Training:

To ensure the agency can effectively prevent, detect, and respond to sexual abuse and sexual harassment, all correctional facility staff receive PREA training at hire and annually.

PREA training components include:

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

PREA 2019 Annual Report

- How to conduct cross-gender pat searches in exigent circumstances.

Youth Education:

To ensure youth are well informed about PREA, education is provided between 72 hours and 10 days of their admission to ensure youth:

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

PREA Reporting Mechanisms

Staff must immediately report all PREA allegations to their supervisor.

Youth and third parties have many ways to report sexual abuse and sexual harassment, including:

- Telling any staff member;
- Filling out a grievance form;
- Calling the PREA Coordinator at 1-888-421-9971;
- Calling 2-1-1 (Nevada 211);
- Reporting online at <http://dcfs.nv.gov/Programs/JJS/PREAHome/>

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

DCFS has prioritized PREA staff training and youth education, including utilizing DOJ guidance through the PREA Standards in Focus and an increased understanding through PREA audits on how to best implement PREA standards. In addition, DCFS also assesses a youth's risk for victimization and/or perpetration through risk assessments upon admission and periodically throughout a youth's stay to ensure youth are placed in appropriate housing and programming within the facility.

PREA Investigations:

- All allegations of sexual abuse and sexual harassment are fully investigated.
- When an allegation of sexual abuse is made, local law enforcement is notified. All facilities have Memorandum of Understanding (MOU) agreements with local law enforcement in their jurisdiction.
- When an allegation of sexual harassment is made, specially trained investigatory staff complete an administrative investigation.
- Sexual harassment rising to the level of criminal conduct will be referred to law enforcement.
- In addition, an administrative investigation will be conducted after criminal investigations have been finalized, or when local law enforcement declines to investigate.
- Investigative outcomes are based on a preponderance of evidence (more likely to have occurred than not) to include:
 - Substantiated - the investigation determined that the event occurred or most likely occurred.
 - Unsubstantiated - the investigation determined that evidence was insufficient to determine whether or not the event occurred.
 - Unfounded - the investigation determined that the event did not occur.
- Facility staff monitor for retaliation for at least 90 days from the report of an incident that has been substantiated or unsubstantiated, to ensure reporters of sexual abuse and sexual harassment do not suffer retaliatory actions.
- Youth victims are informed of the finding of the investigation.
- An Incident Review Team will complete a review of the incident, for all administrative investigations ending in a substantiated or unsubstantiated finding, to determine the cause(s) of the incident and if any changes in policy or procedure are needed or if staff require retraining.
- The PREA Coordinator reviews all investigations for completeness and policy adherence.

Data Collection and Comparison:

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

In 2015, there were a total of 33 PREA investigations conducted statewide within the juvenile correctional facilities. This includes data from two correctional facilities as Summit View was not operational in 2015.

In 2016, there were a total of 18 PREA investigations conducted statewide within the juvenile correctional facilities.

In 2017, there were a total of 15 PREA investigations conducted statewide within the juvenile correctional facilities.

In 2018, there were a total of 26 PREA investigations conducted statewide within the juvenile correctional facilities.

In 2019, there were a total of 23 PREA investigations conducted statewide within the juvenile correctional facilities.

Historical Comparisons

Correctional Facilities

Substantiated allegations:

- In 2015, there were 10 substantiated allegations, all involving youth on youth sexual harassment incidents.
- In 2016, there were 3 substantiated allegations, all involving youth on youth sexual harassment incidents.
- In 2017, there was 1 substantiated allegation involving a youth on youth sexual harassment incident.
- In 2018, there were 3 substantiated allegations, 2 involving youth on youth sexual harassment incidents and 1 involving staff on youth sexual harassment.
- In 2019, there were 10 substantiated allegations, 3 involving youth on youth sexual harassment and 7 involving youth on youth sexual abuse.

Unsubstantiated allegations:

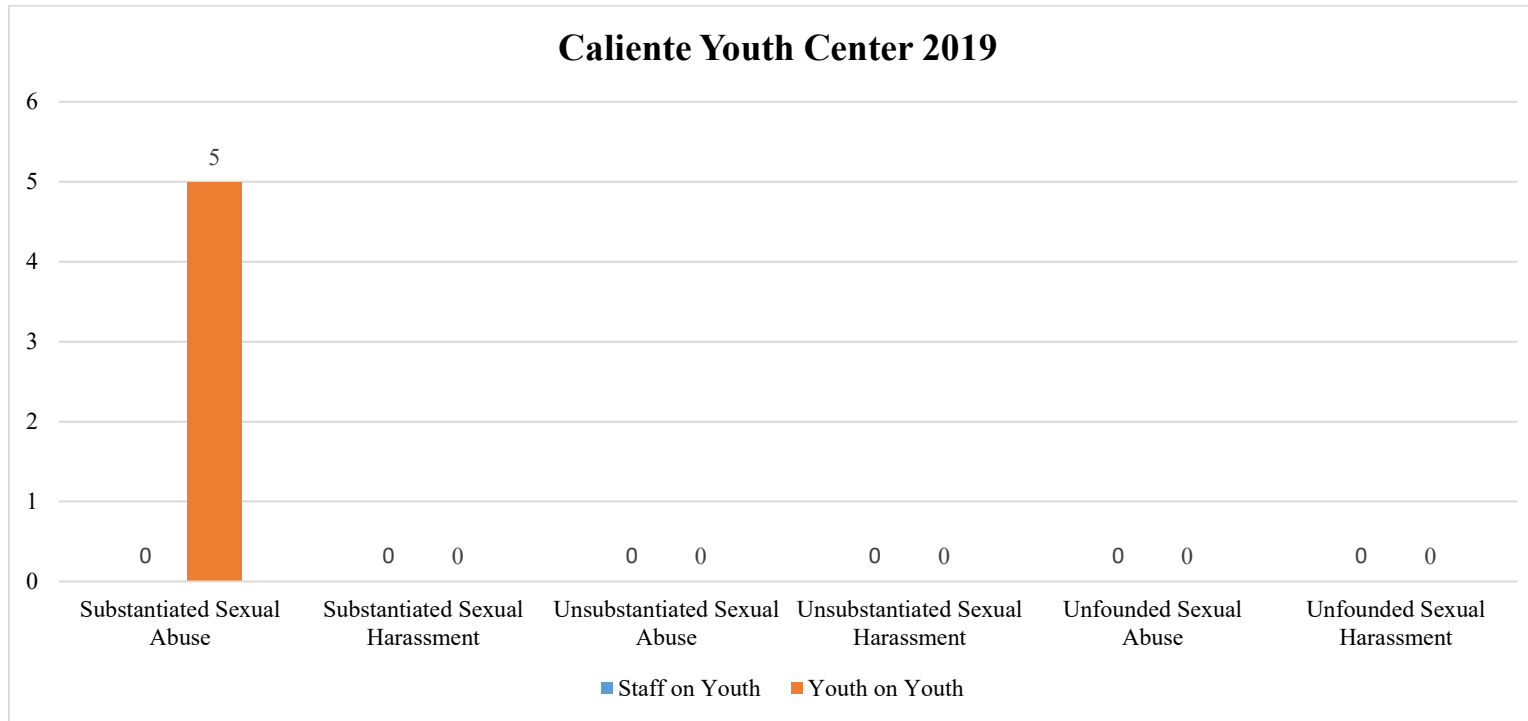
- In 2015, there were 15 unsubstantiated allegations, 13 involving youth on youth sexual harassment and 2 involving youth on youth sexual abuse.
- In 2016, there were 7 unsubstantiated allegations, 2 involving youth on youth sexual abuse and 5 involving youth on youth sexual harassment.
- In 2017, there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

- In 2018, there were 13 unsubstantiated allegations, 10 involving youth on youth sexual harassment, 2 involving youth on youth sexual abuse and 1 involving staff on youth sexual abuse.
- In 2019, there were 8 unsubstantiated allegations, 1 involving youth on youth sexual harassment, 2 involving youth on youth sexual abuse, 4 involving staff on youth sexual harassment and 1 involving staff on youth sexual abuse.

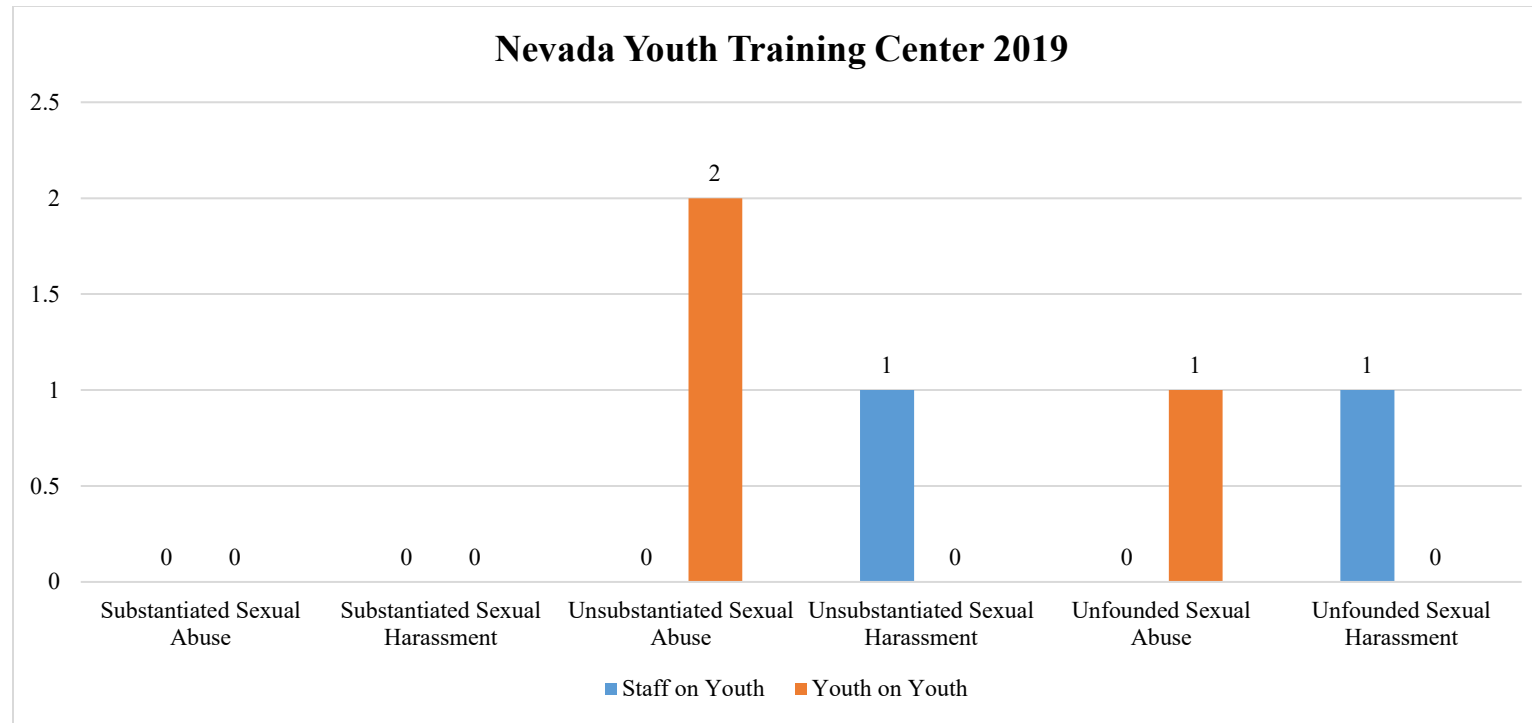
Unfounded allegations:

- In 2015, there were 8 unfounded allegations, 1 involving youth on youth sexual abuse; 6 involving youth on youth sexual harassment; and 1 involving staff on youth sexual harassment.
- In 2016, there were 8 unfounded allegations, 4 involving youth on youth sexual abuse, 1 involving youth on youth sexual harassment, and 3 involving staff on youth sexual abuse.
- In 2017, there were 6 unfounded allegations, 1 involving youth on youth sexual abuse, 1 involving youth on youth sexual harassment, and 4 involving staff on youth sexual abuse.
- In 2018, there were 10 unfounded allegations, 4 involving youth on youth sexual abuse, 1 involving youth on youth sexual harassment, 3 involving staff on youth sexual abuse, and 2 involving staff on youth sexual harassment.
- In 2019, there were 5 unfounded allegations, 2 involving youth on youth sexual harassment, 1 involving youth on youth sexual abuse and 2 involving staff on youth sexual harassment.

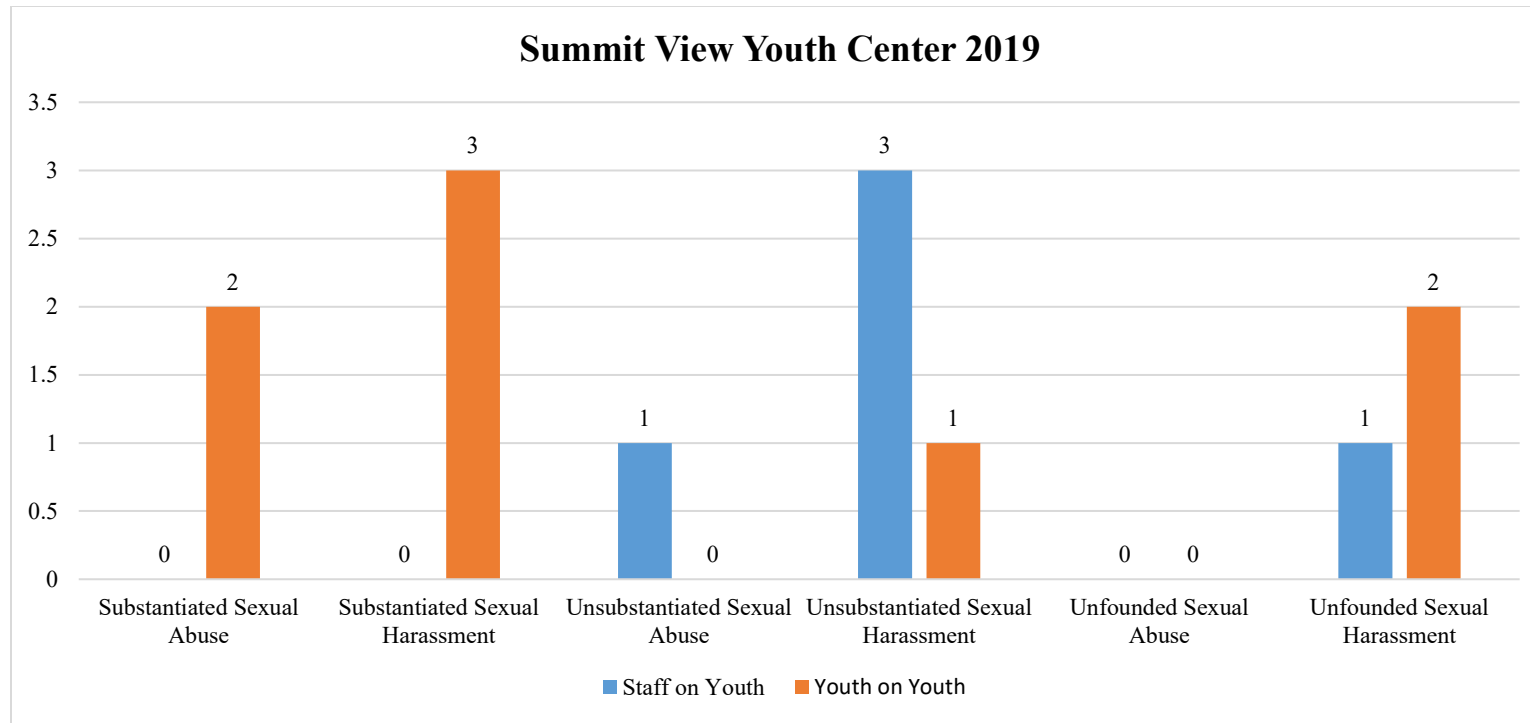
2019 PREA Correctional Facility Data:



- Substantiated – There were 5 substantiated youth on youth sexual abuse allegations, all involving female youth.
- Unsubstantiated – There were no unsubstantiated allegations.
- Unfounded – There were no unfounded allegations.



- Substantiated – There were no substantiated allegations.
- Unsubstantiated – There were 3 unsubstantiated allegations, including 2 youth on youth sexual abuse allegations and 1 staff on youth sexual harassment allegation.
- Unfounded – There were 2 unfounded allegations, including 1 youth on youth sexual abuse allegation and 1 staff on youth sexual harassment allegation.



- Substantiated – There were 5 substantiated allegations, including 2 youth on youth sexual abuse allegations and 3 youth on youth sexual harassment allegations.
- Unsubstantiated – There were 5 unsubstantiated allegations, including 1 staff on youth sexual abuse allegation; 3 staff on youth sexual harassment allegations; and 1 youth on youth sexual harassment allegation.
- Unfounded – There were 3 unfounded allegations, including 1 staff on youth sexual harassment allegation and 2 youth on youth sexual harassment allegations.

PREA Accomplishments in 2019:

- A dedicated PREA Investigator and 29 new facility-based Group Supervisor positions were approved during the 2019 Legislative session. These positions will enhance our ability to investigate all sexual abuse and sexual harassment allegations and meet PREA staffing ratios at all three DCFS correctional facilities.
- DCFS was awarded a PREA grant from the Department of Justice. These funds will allow us to complete several projects, including the validation of our PREA risk screening tool; implementing an evidence-based girl's health screen at Caliente Youth Center; enhancing PREA educational materials for youth, staff, and families; conducting internal audits within the correctional facilities; and training for the new PREA Investigator position.
- Our first PREA audit of Audit Year 1 of Cycle 3 took place at Summit View Youth Center.
- A Memorandum of Understanding was continued between Summit View Youth Center and North Las Vegas Police Department.
- A Memorandum of Understanding was continued between Summit View Youth Center and The Rape Crisis Center.
- Internal PREA audits were completed at Summit View Youth Center and Caliente Youth Center.
- A Family Handbook was developed which includes PREA information for youth families.
- The fixed video monitoring system project was completed at Caliente Youth Center.

PREA Action Steps for 2020:

- Hire the newly approved PREA Investigator and Group Supervisor positions. These recruitments are ongoing.
- Reach full compliance with the PREA audit at Summit View Youth Center by June 2020.
- Complete projects approved within the first year of the PREA grant.
- Request budgetary funds to complete the fixed video monitoring system at Nevada Youth Training Center and enhance the video monitoring system at Summit View Youth Center for the next legislative session.
- Seek funding to conduct a salary analysis for facility-based Group Supervisors to request a budgetary enhancement to increase the salary in this classification series, to enhance the future ability to recruit and retain these staff.
- Lease body cameras for all three correctional facilities to enhance youth safety during use of force events.
- Complete internal PREA audits at Caliente Youth Center and Nevada Youth Training Center.
- Set PREA audit date for Caliente Youth Center and gain full compliance.
- Finalize the revision of the statewide PREA policy and facility PREA Standard Operating Procedures.

References:

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