



PRISON RAPE ELIMINATION ACT (PREA)

2020 ANNUAL REPORT-DIVISION OF CHILD AND FAMILY SERVICES

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The Prison Rape Elimination Act (28 C.F.R. Part 115):

In 2003, the Prison Rape Elimination Act (PREA) was signed into law with unanimous support. After the law's passage, the Department of Justice (DOJ) began the steps to create 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 purpose of these standards was to provide comprehensive guidelines for 1) preventing, 2) detecting, and 3) responding to sexual abuse and sexual harassment involving both youth and adults in federal, state, and local institutions, including state and community correctional facilities, juvenile detention centers, and jail systems. The DOJ published the resulting Final PREA Standards on August 20, 2012.

The Division of Child and Family Services (DCFS) began implementation activities of the PREA Standards in early 2014. DCFS has since fully implemented the standards in all three current state facilities.

DCFS Facility Information:

Caliente Youth Center (CYC), located in Caliente, is DCFS's low-security, staff-secured facility for both male and female youth. Established in 1962, CYC is currently budgeted for 64 youth, including up to 20 female youth. CYC operates a full-time accredited high school in cooperation with the Lincoln County School District. CYC also offers vocational certifications, psychological services, individual counseling, psychiatric care and rehabilitative programming, including Forward Thinking and a Girls Empowerment program.

Nevada Youth Training Center (NYTC), located in Elko, is DCFS's medium-security, staff-secured facility for male youth. NYTC has a budgeted capacity of 48 youth. First opened in 1915, NYTC operates a full-time accredited high school, Independence High School, with a competitive sports program. NYTC 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-secured placement for male youth. Currently operated by DCFS since 2016, SVYC has a budgeted capacity for 48 youth who assess as the highest risk for reoffending. SVYC, in cooperation with the Clark County School District, operates a full-time high school. SVYC also offers vocational certifications, sexual offender treatment, and mental health services, including Moral Reconation Therapy (MRT).

DCFS employs an agency wide PREA Coordinator and has designated PREA Compliance Managers at all three facilities.

In addition, all DCFS facilities participate in Performance-based Standards (PbS), an evidence-based, continuous improvement model for juvenile correctional, detention and community programs, based on best practices that seek to strengthen priority areas within the facilities, including those that can positively affect the sexual safety of youth.

Federal PREA Audits (Standard 115.401):

To demonstrate ongoing compliance with the PREA Standards, DCFS must undergo an audit performed by a certified federal PREA auditor for one-third of facilities each year of every 3-year auditing cycle. For each 3-year auditing cycle, DCFS completes a PREA audit at one facility each year. For the current auditing cycle, SVYC was audited in 2019; CYC was audited in 2020; and NYTC will be audited in 2021. In addition, a PREA audit at the agency level is conducted in conjunction with facility audits. Final audit reports are available on the PREA webpage on the DCFS website.

PREA Governor's Certification (Standard 115.501):

The Governor of each state reports to the DOJ, on an annual basis, the current status of PREA compliance for all facilities under the operational control of the State's Executive Branch. Each Governor must certify that 1) the state is in full compliance or 2) the state assures its intention to adopt and achieve full compliance with the PREA Standards. In making this determination, the Governor considers the results of the most recent agency audits along with other relevant information. The Governor's Certification for Nevada is based on both DCFS facilities and Nevada Department of Corrections (NDOC) facilities. In 2020, Nevada Governor Steve Sisolak certified the state's assurance to achieve full compliance with the PREA Standards.

Staff Training (115.331) & Youth Education (115.333):

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

PREA staff 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;

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

To ensure youth are well informed about PREA and its protections, education is provided in two sessions, one within 72 hours of admission and the other within 10 days of admission.

PREA youth education includes helping 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.

DCFS has prioritized PREA staff training and youth education as a crucial preventative measure, as well as utilizing DOJ guidance within the PREA Standards in Focus, the knowledge gained from every PREA audit, and information obtained from finalized investigations.

In addition, DCFS assesses a youth's risk for victimization and propensity for perpetration utilizing a PREA risk assessment completed upon admission, to ensure youth are placed in appropriate housing and programming within the facility. This is another critical preventative measure.

Sexual Abuse and Sexual Harassment Reporting Mechanisms (115.351):

Staff must immediately report all witnessed or reported sexual abuse and sexual harassment to their supervisor.

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

- Report it to any facility staff member, including the PREA Compliance Manager
- Call the DCFS PREA Coordinator directly at 1-888-421-9971
- Report it electronically on the DCFS PREA webpage at dcfs.nv.gov/Programs/JJS/PREAHome/ using the link Report a PREA Incident
- Report it to the DCFS external reporting source Nevada 211 by:
 - calling 2-1-1 (select option 1 for Health and Human Services), or
 - texting your zip code to 898211, or
 - going to <https://www.nevada211.org/> to chat with a 211 representative, or
 - calling 1-866-535-5654 from outside Nevada

PREA Definitions for Sexual Abuse (Standard 115.6):

The following are the definitions for sexual abuse. Incidents meeting these definitions are investigated.

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):

The following are definitions for sexual harassment. Incidents meeting these definitions are investigated.

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.

PREA Investigations (115.371):

All allegations meeting the PREA Standard definitions for sexual abuse and sexual harassment are fully investigated.

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- 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 within their jurisdiction.
- When an allegation of sexual harassment is made, specially trained DCFS investigatory staff complete an administrative investigation.
- Sexual harassment rising to the level of criminal conduct will be referred to law enforcement.
- An administrative investigation is conducted after criminal investigations have been finalized, or when local law enforcement declines to investigate.
- Administrative investigation findings 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 the event occurred or did not occur.
 - 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 completes a review of the incident, for all administrative investigations ending in a substantiated or unsubstantiated finding, to determine if any changes in policy or practices are needed, whether any underlying motivations existed, if physical barriers were present, if monitoring technology needs augmenting, if inadequate staffing levels contributed to the incident, and team recommendations.
- The PREA Coordinator reviews and approves all investigations and related documents for completeness and policy adherence.

Historical PREA Investigation Data:

Total investigations per year

DCFS began collecting PREA investigation data in 2015.

- In 2015, there were a total of 33 PREA investigations conducted statewide within DCFS facilities. This includes investigations conducted at Caliente Youth Center and Nevada Youth Training Center as Summit View Youth Center was not operational until 2016.
- In 2016, there were a total of 18 PREA investigations conducted statewide within all DCFS facilities.

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- In 2017, there were a total of 15 PREA investigations conducted statewide within all DCFS facilities.
- In 2018, there were a total of 26 PREA investigations conducted statewide within all DCFS facilities.
- In 2019, there were a total of 23 PREA investigations conducted statewide within all DCFS facilities.
- In 2020, there were a total of 15 PREA investigations conducted statewide within all DCFS facilities.

Investigative findings per year

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.
- In 2020, there were 4 substantiated allegations, 3 involving youth on youth sexual harassment and 1 involving youth on youth sexual abuse.

Note: The substantiated youth on youth sexual abuse investigations in 2019 and 2020 specifically involved the PREA definition of “Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation”. Specifically, they involved incidents of youth touching other youth on the inner thigh, breast, groin, and buttocks.

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.

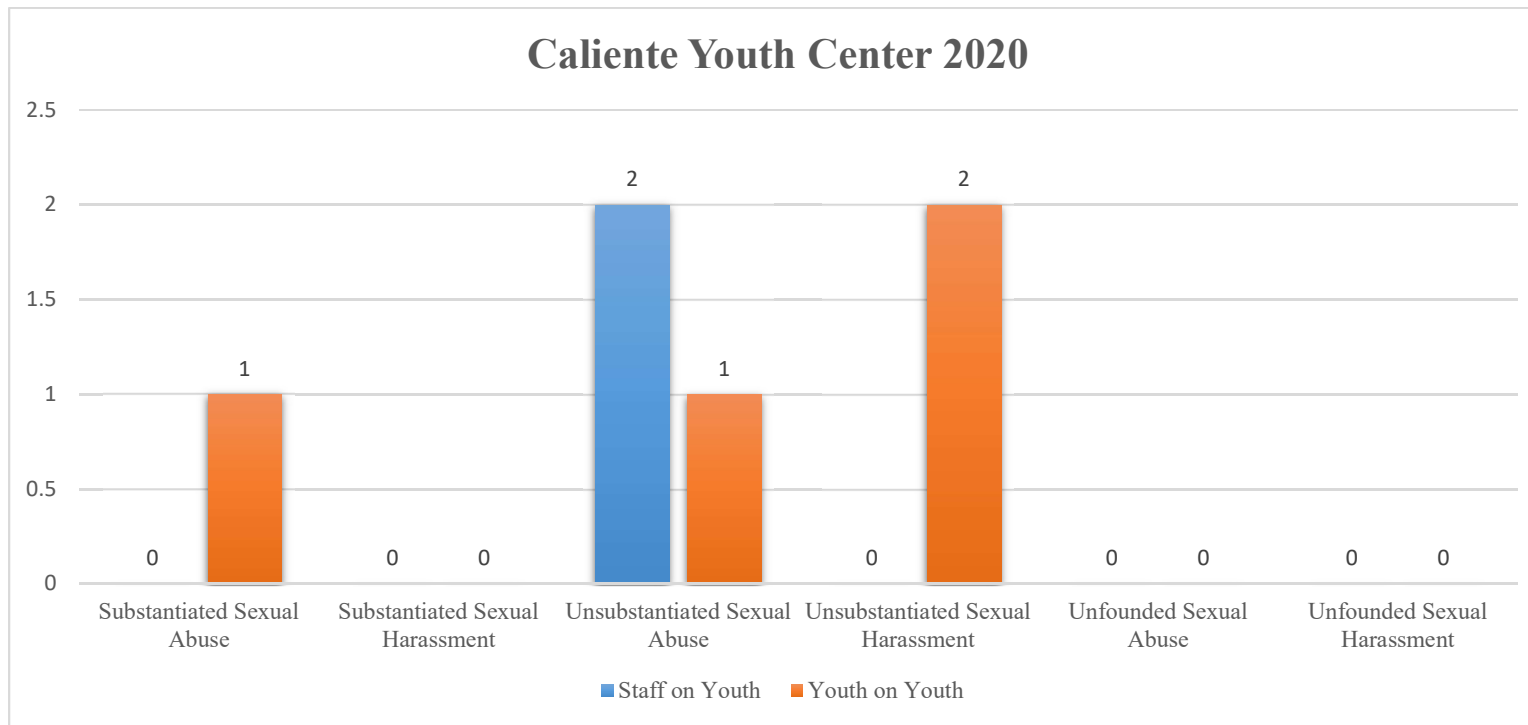
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- In 2019, there were 8 unsubstantiated allegations, 1 involving youth on youth sexual harassment, 2 involving youth on youth sexual abuse, 4 involving staff on youth sexual harassment, and 1 involving staff on youth sexual abuse.
- In 2020, there were 10 unsubstantiated allegations, 5 involving youth on youth sexual harassment, 1 involving youth on youth sexual abuse, 2 involving staff on youth sexual harassment, and 2 involving staff on youth sexual abuse.

Unfounded allegations:

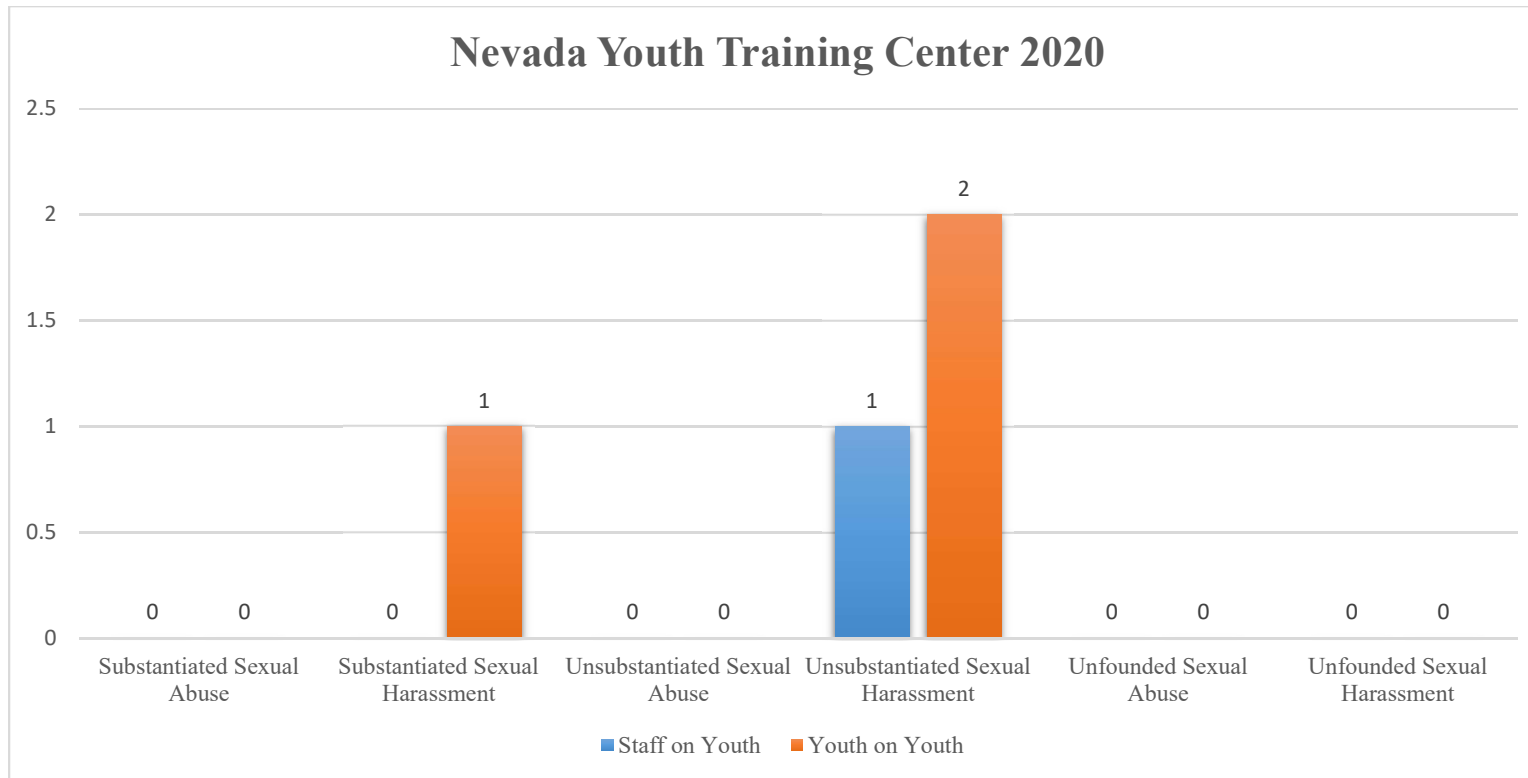
- In 2015, there were 8 unfounded allegations, 1 involving youth on youth sexual abuse; 6 involving youth on youth sexual harassment; and 1 involving staff on youth sexual harassment.
- In 2016, there were 8 unfounded allegations, 4 involving youth on youth sexual abuse, 1 involving youth on youth sexual 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.
- In 2020, there was 1 unfounded allegation involving staff on youth sexual harassment.

2020 PREA Investigations by Facility:



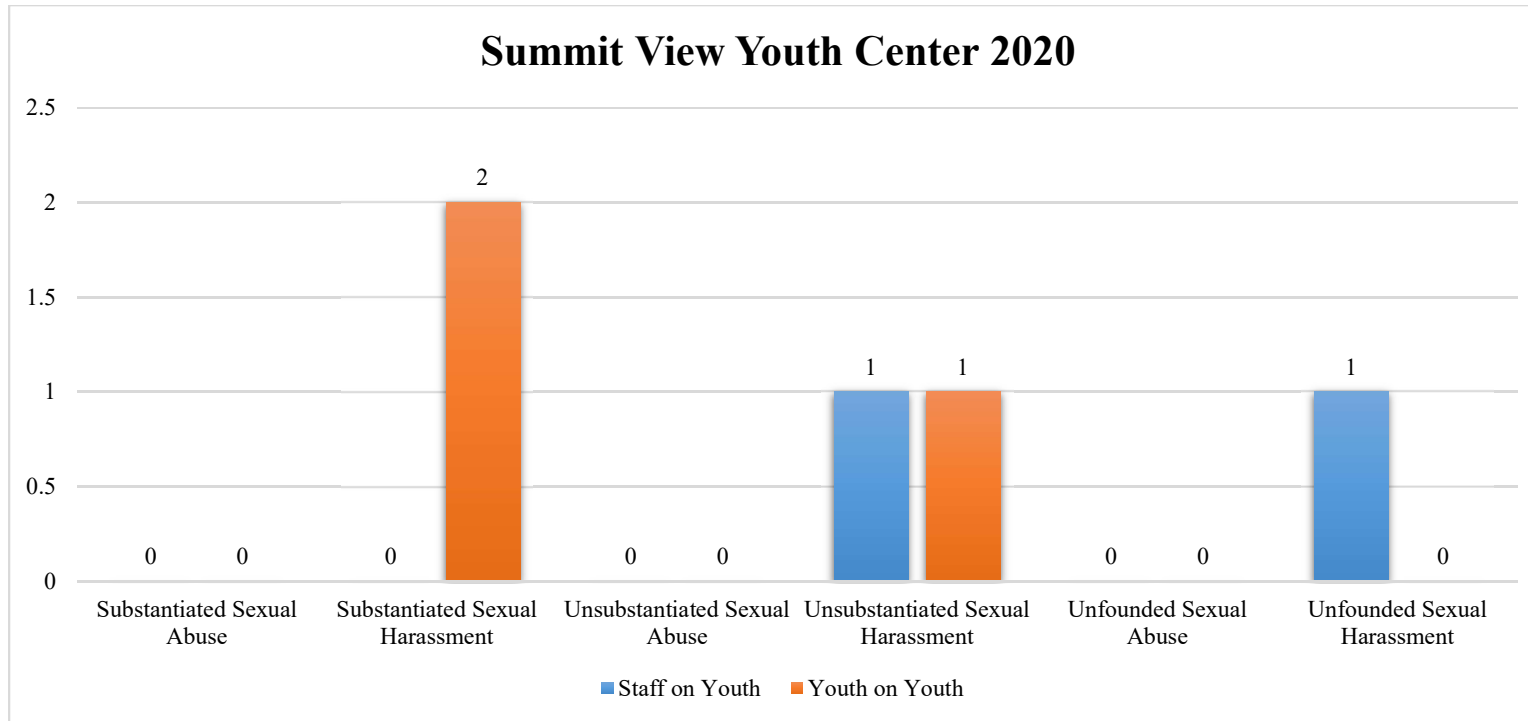
Caliente Youth Center had 6 total investigations, with the following findings:

- Substantiated – There was 1 substantiated youth on youth sexual abuse allegations.
- Unsubstantiated – There were 5 unsubstantiated allegations, including 2 staff on youth sexual abuse allegations, 1 youth on youth sexual abuse allegation, and 2 youth on youth sexual harassment allegations.
- Unfounded – There were no unfounded allegations.



Nevada Youth Training Center had 4 total investigations, with the following findings:

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



Summit View Youth Center had 5 total investigations, with the following findings:

- Substantiated – There were 2 substantiated allegations, both involving youth on youth sexual harassment allegations.
- Unsubstantiated – There were 2 unsubstantiated allegations, including 1 staff on youth sexual harassment allegation, and 1 youth on youth sexual harassment allegation.
- Unfounded – There was 1 unfounded allegation a staff on youth sexual harassment allegation.

PREA Accomplishments in 2020:

- The agency and Summit View Youth Center were found to be in full compliance with their PREA audits in June and July 2020, after a successful corrective action period.
- Caliente Youth Center prepared for and had their onsite PREA audit in October 2020.
- Completed the DOJ PREA grant project of providing new PREA educational materials to all three facilities. This included developing PREA posters, staff wallet cards and brochures for youth, families and the public, all with the goal of providing prevention, detection, reporting and response information.
- Purchased, through Edward Byrne Memorial Justice Assistance Grant (JAG) funding, 140 body-worn cameras for all three facilities, to record all use of force incidents (physical, mechanical, and chemical restraints), to ensure they are done per policy and to identify staff retraining, as necessary.
- Conducted statewide PREA investigator training, which was attended by agency and county staff, provided by PREA Resource Center contracted subject-matter experts.
- Finalized revisions of the agency's PREA policy and updated each facility's PREA Standard Operating Procedures.
- Finalized an agency Search policy which includes a new form, providing transgender and intersex youth a choice in the gender of staff who pat search them while in the facility.
- Made accommodations related to the COVID-19 pandemic, including utilizing video technology to complete PREA investigatory interviews.
- Trained a new facility staff person to conduct PREA investigations.

PREA Action Steps for 2021:

- Caliente Youth Center to gain full compliance with their PREA audit by June 2020, after a corrective action period.
- Nevada Youth Training Center and the agency to be fully prepared for an onsite PREA audit scheduled for September 2021.
- Recruit for and hire a PREA Investigator, a position that was authorized during the last legislative session.
- Complete projects approved within the second year of the DOJ PREA grant, including choosing and implementing a validated health screening tool at Caliente Youth Center for female youth; validating the agency's PREA Risk Assessment through work with the National Youth Screening and Assessment Partners (NYSAP); enhancing PREA reporting by imbedding PREA documents in the agency's electronic case management system, including the PREA Risk Assessment, Deviations from the Staffing Plan and Unannounced Rounds; and completing internal auditing activities as health protocols allow.
- Apply for grant funding to complete the closed-circuit television (CCTV) system at Nevada Youth Training Center and enhance the CCTV system at Summit View Youth Center, including adding CCTV cameras and increasing storage capacity.

References:

- Data Sources:
 - PREA Administrative Investigation 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>
 - 2020 Governor's Assurance for Audit Year 1 of Cycle 3