



## **PRISON RAPE ELIMINATION ACT (PREA)**

### 2023 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 public, and federal, state, and local correctional organizations, and private 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 at the agency and facility levels.

**DCFS Facility Information:**

All youth residing in a DCFS facility are protected under PREA. Below is information about each facility:

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 80 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 both male and female youth. NYTC has a budgeted capacity of 64 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. 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 Recognition Therapy (MRT)©.

DCFS employs an agency level 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.

**Contracted Provider Information (Standard 115.312):**

DCFS contracts with community-based providers who must comply with PREA. Providers who, in the previous 12-month period, house 50% or more juvenile justice-involved youth in any contracted location will have their obligation to comply with the PREA Standards within their contract.

The following DCFS contracted providers are required to comply with PREA:

Pride House LLC, located in Sparks, is administered through Health and Human Services Foundation. They provide community-based residential services to youth on DCFS parole supervision. They are scheduled for their initial federal PREA audit in November 2024.

Firebird LLC, located in Las Vegas, provides residential placement, training, case management, and therapeutic services for youth on DCFS parole supervision who are at least 18 years old. Firebird participated in their first PREA audit in December of 2023. The final report is pending and is expected to be completed by June 2024.

**DCFS Staff Training (115.331) & Youth Education (Standard 115.333 & 115.332):**

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;
- 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;

## 2023 PREA Annual Report

- 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.

In addition, contractors and volunteers working in the facility are provided training on PREA, including their obligation to report sexual abuse and sexual harassment.

To ensure youths 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. Education is available in English and Spanish.

PREA youth education includes helping youths:

- 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; and
- 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.

### **Other Prevention Strategies (Standards 115.313, 115.315, 115.317 & 115.341-115.342):**

In addition to staff training and youth education,

- Facilities have minimum staff-to-youth ratios of 1:8 during waking hours and 1:16 during sleeping hours, to ensure adequate staffing levels. Any deviations from these ratios are documented by the facility.
- Facilities take proactive steps to avoid cross-gender viewing and searches.
- New hires and candidates for promotion are screened through a criminal background check process.
- Facilities assesses a youth's risk for victimization and propensity for perpetration utilizing a PREA risk assessment completed upon admission and periodically, to ensure youth are placed in appropriate housing and programming within the facility.

**DCFS Sexual Abuse and Sexual Harassment Reporting Mechanisms (Standard 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 <https://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, 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
- Submit a written grievance (available to facility-based youth)

In addition to the reporting options, unannounced rounds are conducted in varying areas around each facility at least three times per week, as another detection strategy.

**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 its facilities each year of every 3-year auditing cycle.

For each 3-year auditing cycle, DCFS completes a PREA audit at one facility per year. For the current auditing cycle, SVYC was audited in 2022; CYC was audited in 2023; and NYTC will be audited in 2024. In addition, a PREA audit at the agency level was conducted in 2023 and will be conducted next in 2024. All final audit reports are available on the PREA webpage on the DCFS website found here: <https://dcfs.nv.gov/Programs/JJS/PREAHome/>.

**PREA Governor’s Certification (Standard 115.501):**

The Governor of each state reports to the DOJ, on an annual basis, the 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 2023, Governor Joe Lombardo certified the state's assurance to achieve full compliance with the PREA Standards.

**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 a through e 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; or
  - 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;

## 2023 PREA Annual Report

- 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.

The DCFS PREA Policy exceeds the definitional Standards of sexual harassment by excluding the need for the harassment to be “repeated.”

### **DCFS PREA Investigations (Standard 115.371):**

All allegations meeting the PREA Standard or policy definitions for 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 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.
- Administrative investigations are 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 (civil court standards) 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. This review determines if any changes in policy or practices are needed, whether any underlying dynamics 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 DCFS 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 (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.
- 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.
- In 2021, there were a total of 40 PREA investigations conducted statewide within all DCFS facilities.
- In 2022, there were a total of 27 PREA investigations conducted statewide within all DCFS facilities.
- **In 2023, there were a total of 25 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.
- In 2021, there were 16 substantiated allegations, 15 involving youth-on-youth sexual harassment and 1 involving staff-on-youth sexual harassment.
- In 2022, there were 14 substantiated allegations, 11 involving youth-on-youth sexual harassment and 3 involving youth-on-youth sexual abuse.

*Note: One substantiated youth-on-youth sexual abuse allegation has led to criminal charges.*

- **In 2023, there were 11 substantiated allegations, 8 involving youth-on-youth sexual harassment and 3 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.
- 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.
- In 2021, there were 19 unsubstantiated allegations, 17 involving youth-on-youth sexual harassment and 2 involving staff-on-youth sexual harassment.
- In 2022, there were 9 unsubstantiated allegations, 7 involving youth-on-youth sexual harassment and 2 involving youth-on-youth sexual abuse.
- **In 2023, there were 7 unsubstantiated allegations, 5 involving youth-on-youth sexual harassment and 2 involving youth-on-youth sexual abuse.**

Unfounded Allegations:

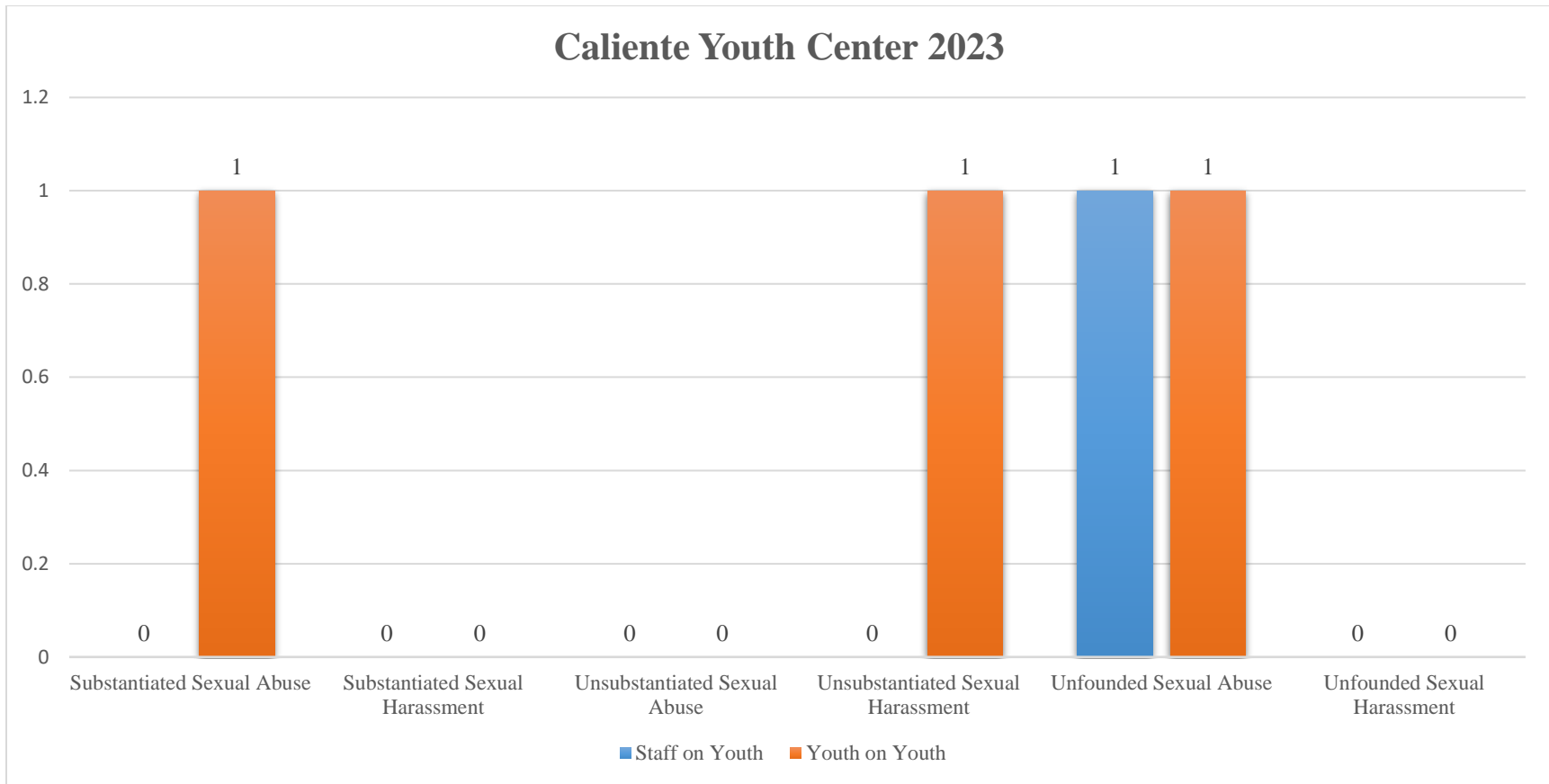
## 2023 PREA Annual Report

- 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.
- In 2021, there were 5 unfounded allegations, 4 involving youth-on-youth sexual harassment and 1 involving staff-on-youth sexual harassment.
- In 2022, there were 4 unfounded allegations, 2 involving youth-on-youth sexual harassment, 1 involving youth-on-youth sexual abuse, and 1 involving staff-on-youth sexual harassment.
- **In 2023, there were 7 unfounded allegations, 4 involving youth-on-youth sexual harassment, 2 involving youth-on-youth sexual abuse, and 1 involving staff-on-youth sexual abuse.**

### Contracted Provider PREA Investigation Data:

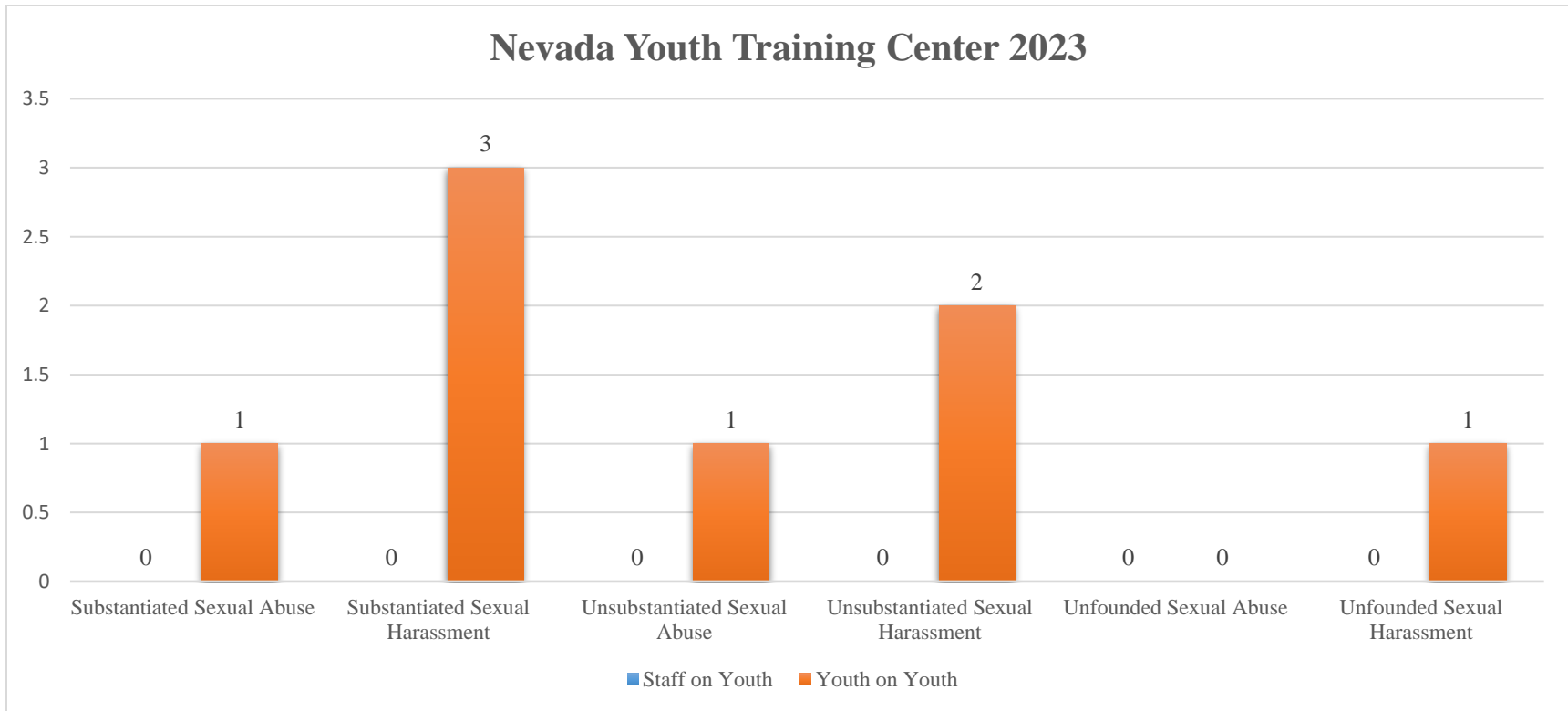
- In 2020, Pride House LLC did not report any investigations.
- In 2021, Pride House LLC did not report any investigations.
- In 2022, Pride House LLC, Firebird LLC, and Maple Star did not report any investigations.
- **In 2023, Pride House LLC and Maple Star did not report any investigations. Firebird LLC reported 4 allegations involving youth-on-youth sexual harassment, 2 substantiated and 2 unsubstantiated.**

### 2023 PREA Investigations by DCFS Facility:



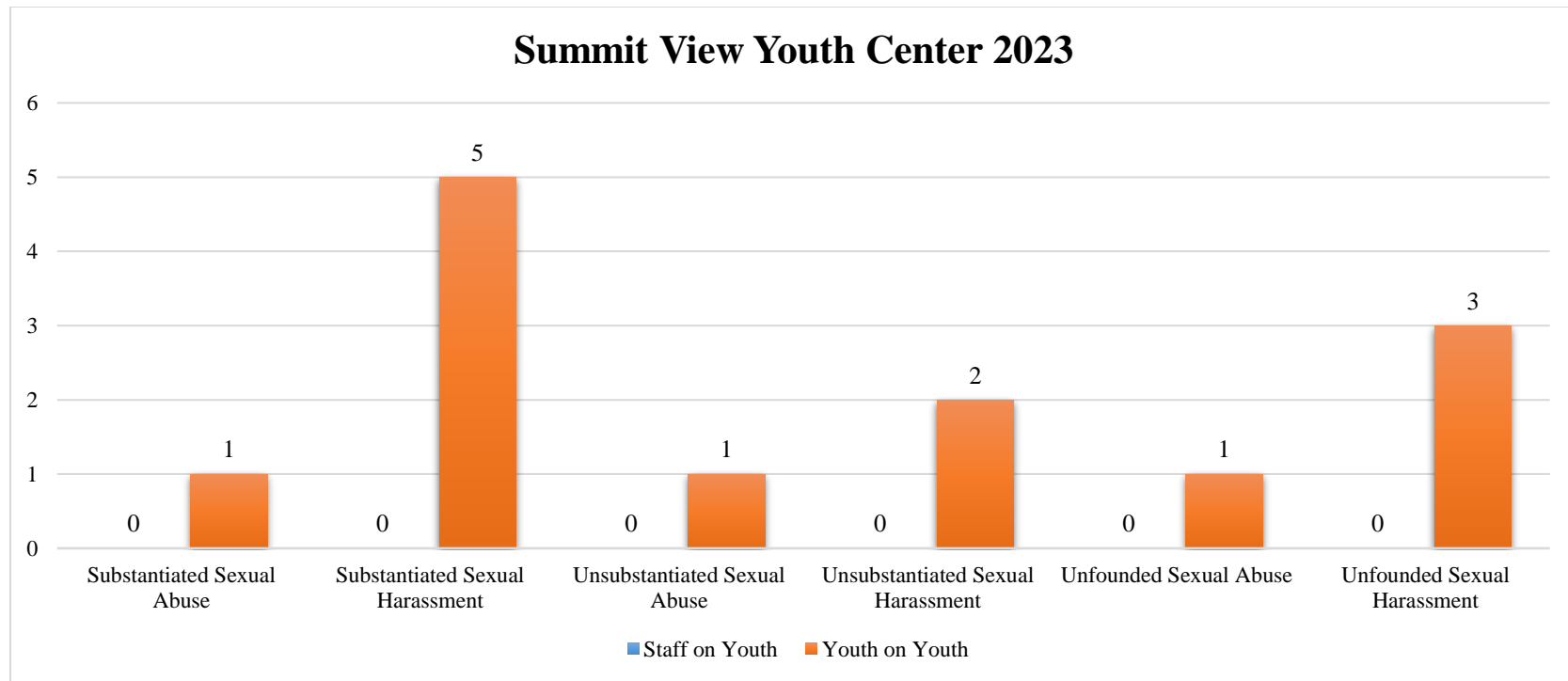
Caliente Youth Center had 4 total investigations, with the following findings:

- Substantiated – There was 1 substantiated allegation of youth-on-youth sexual abuse allegation.
- Unsubstantiated – There was 1 unsubstantiated allegation of youth-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 abuse allegation.



Nevada Youth Training Center had 8 total investigations, with the following findings:

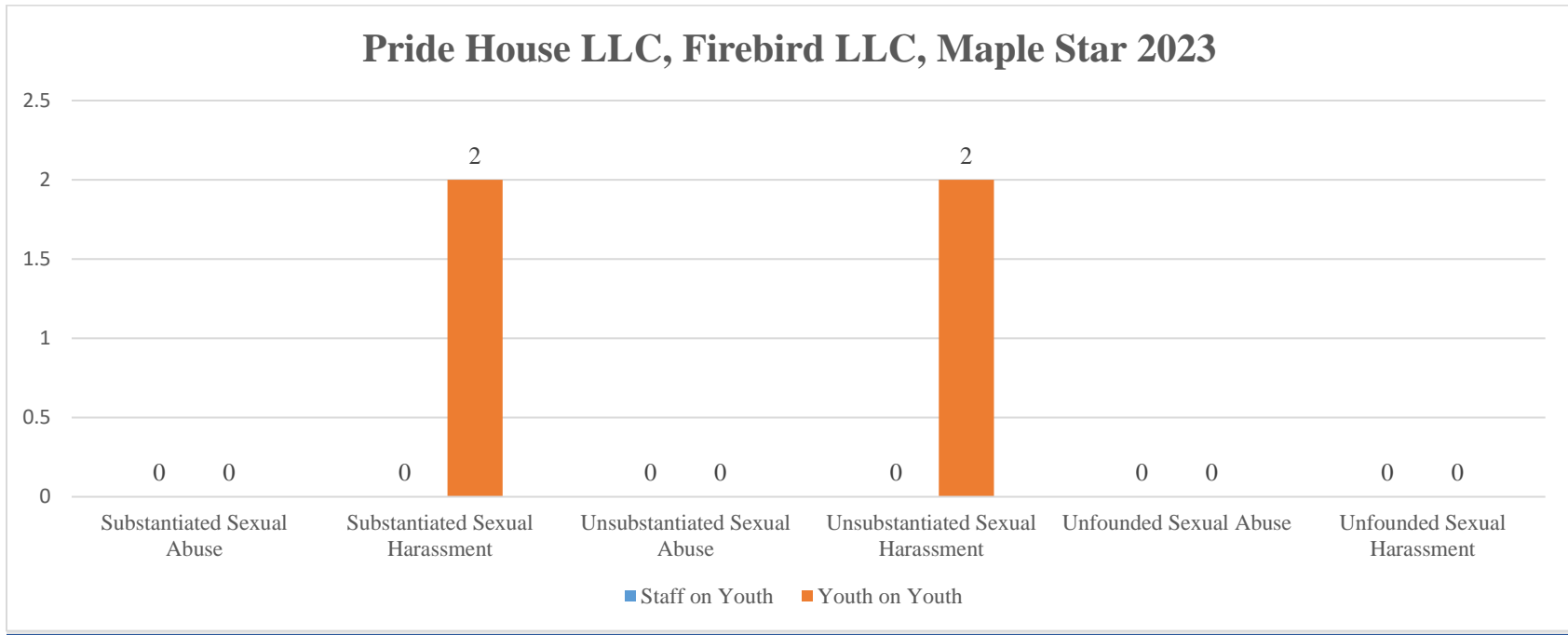
- Substantiated – There were 4 substantiated allegations, including 1 youth-on-youth sexual abuse allegation and 3 youth-on-youth sexual harassment allegations.
- Unsubstantiated – There were 3 unsubstantiated allegations, 1 youth-on-youth sexual abuse allegation and 2 youth-on-youth sexual harassment allegations.
- Unfounded – There was 1 unfounded allegation, involving a youth-on-youth sexual harassment allegation.



Summit View Youth Center had 13 total investigations, with the following findings:

- Substantiated – There were 6 substantiated allegations, including 1 youth-on-youth sexual abuse allegation and 5 youth-on-youth sexual harassment allegations.
- Unsubstantiated – There were 3 unsubstantiated allegations, including 1 youth-on-youth sexual abuse allegation and 2 youth-on-youth sexual harassment allegations.
- Unfounded – There were 4 unfounded allegations, including 1 youth-on-youth sexual abuse allegation and 3 youth-on-youth sexual harassment allegation.

**2023 PREA Investigations by Contracted Providers:**



Firebird LLC had 4 total investigations, with the following findings:

- Substantiated – There were 2 substantiated allegations involving youth-on-youth sexual harassment allegations.
- Unsubstantiated – There were 2 unsubstantiated allegations involving youth-on-youth sexual harassment allegations.

Pride House LLC and Maple Star reported no allegations/investigations.

**PREA Accomplishments in 2023:**

- Summit View Youth Center was found in full compliance in July 2023 with their federal PREA audit after a successful corrective action period.
- Caliente Youth Center prepared for and had their onsite federal PREA audit in September 2023.
- DCFS continued to work on projects within the Department of Justice (DOJ) FY19 PREA grant, including:
  - Implementing the validated Girls Health Screen at Caliente Youth Center
  - Validating the agency’s PREA Risk Assessment through a partnership with the National Youth Screening and Assessment Partners (NYSAP)
- DCFS continued to work on projects with the Department of Justice (DOJ) FY21 PREA grant, including:
  - Contracting with Signs of Hope (SOH) to provide an educational sexual boundaries curriculum for the youth at all three DCFS correctional facilities in addition to victim advocacy services for youth who experience sexual victimization.
  - Upgrades/enhancements to facility-based video surveillance systems.
- Finalized a DCFS Contract policy to establish contracting standards for private residential and facility-based providers.
- The Criminal Investigator position was finalized as a Category II PEACE Officer by the Nevada Legislature.

**PREA Action Steps for 2024:**

- Complete projects within the DOJ FY21 and FY22 Reallocation grant, including screen enhancements to the DCFS web-based case management system to better capture required PREA data.
- Complete projects within the DOJ FY21 PREA grant, including increasing youth education and victim advocacy services through partnership with a community provider and completing enhancements to facility-based video surveillance systems.
- Gain full PREA compliance at Caliente Youth Center by May 29, 2024, after completion of their PREA audit corrective action period.
- Prepare for and complete a federal PREA audit at Nevada Youth Training Center in November 2024.
- Successfully hire and train a Criminal Investigator, a position authorized by the Nevada Legislature.
- Assist with contracted independent living facilities to become PREA compliant.
- Install functioning video surveillance system at Nevada Youth Training Center.



**References:**

- Information Sources:
  - DCFS PREA Administrative Investigation Reports
  - Federal PREA Audit Final and Interim Reports
  - 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>
  - 2023 Governor's Assurance for Audit Year 1 of Cycle 4
  - Pride House LLC, Firebird LLC, Maple Star