



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

## **2017 Annual Report**

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**Background and Identification of State Facilities:**

In 2003, the Prison Rape Elimination Act (PREA) was signed into law. The Department of Justice (DOJ) began the development of a set of national standards for implementation by federal, state, and local correctional organizations. The intended purpose of these standards was to provide comprehensive guidelines for preventing, detecting, and eliminating incidents of sexual abuse and sexual harassment involving youth and adult inmates in detention and correctional facilities. The DOJ published the final PREA Juvenile Facility 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 Agencies in Nevada, including:

Nevada Youth Training Center (NYTC), located in Elko, is Nevada's medium staff-secure facility for male youth. First opened in 1915, NYTC operates a full-time accredited high school and offers vocational training, a sports program, recreational programming and evidenced based programming to match the needs of the youth. NYTC has a maximum capacity of 160 beds and is currently budgeted for 60 youth.

Caliente Youth Center (CYC), located in Caliente, is Nevada's low risk staff-secure facility for both male and female youth. Currently, CYC operates at a maximum capacity of 140 youth; 100 male youth and 40 female youth. CYC operates a full-time accredited high school in cooperation with the Lincoln County School District, vocational training, recreational programming and provides evidenced based programming to match the gender specific needs of the youth.

Summit View Youth Center (SVYC), located in Las Vegas, is Nevada's maximum-security facility for male youth. SVYC opened on February 26, 2016. SVYC has a maximum capacity of 48 beds for the most serious male youth offenders. SVYC, in cooperation with Clark County School District, operates school programs that offer both required and elective academic subjects, remedial programs, special education programs, vocational programs, interscholastic activities and recreational programming.

All correctional facilities offer medical and mental health services, counseling services, treatment planning and utilize the *Forward Thinking* program, an evidence based cognitive behavioral program model, to help youth succeed upon release.

**PREA Standard Definitions for Sexual Abuse and Sexual Harassment:**

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

3. Sexual harassment by a youth or staff includes:
  - a. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth by another youth; and
  - b. Repeated verbal comments or gestures of a sexual nature to a youth by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

**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 State 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; and
- How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

### **Youth Education:**

To ensure youth are well informed about PREA, education is offered within 10 days of intake to ensure youth:

- Understand the agency's zero tolerance policy regarding 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**

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

- Telling any staff member;
- Filling out a grievance report;
- 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/>.

### **PREA Investigations:**

- All allegations of sexual abuse and sexual harassment are fully investigated.
- When an allegation of sexual abuse is made, a criminal investigation is conducted by local law enforcement.
- When an allegation of sexual harassment is made, specially trained facility staff appointed by the Superintendent 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 for criminal investigations that have been finalized.
- Investigative outcomes are based on a preponderance of evidence and include:
  - Substantiated - the event was investigated and determined to have occurred, based on a preponderance of the evidence.
  - Unsubstantiated - the investigation concluded 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 the incident, to ensure reporters of sexual abuse or sexual harassment do not suffer retaliatory actions.
- Youth victims are informed of the outcome of every investigation.
- An Incident Review Team will complete a report to determine the causes of the incident and if any changes in policy or procedure need to be made after each administrative investigation ending in a substantiated or unsubstantiated finding.

### **Data Collection and Comparison:**

Nevada began data collection for State-operated Juvenile Correctional Facilities and contracted entities 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. There was a total of 1 PREA investigation conducted at DCFS contracted entities.

In 2016, there were a total of 18 PREA investigations conducted statewide within the juvenile correctional facilities. There was a total of 1 PREA investigation conducted at DCFS contracted entities.

In 2017, there were a total of 15 PREA investigations conducted statewide within the juvenile correctional facilities. There was a total of 4 PREA investigations conducted at DCFS contracted entities.

Within the juvenile correctional facilities, there have been decreases in PREA allegations and investigations from 2015 to 2017. The Division of Child and Family Services has prioritized staff training in detection and prevention; has increased guidance through policies and procedures; and have gained an increased understanding through PREA audits on how to best implement the standards.

Comparisons between the last three years include:

#### **Substantiated allegations:**

- No substantiated allegations of sexual abuse have occurred in 2015, 2016 or 2017.
- 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.

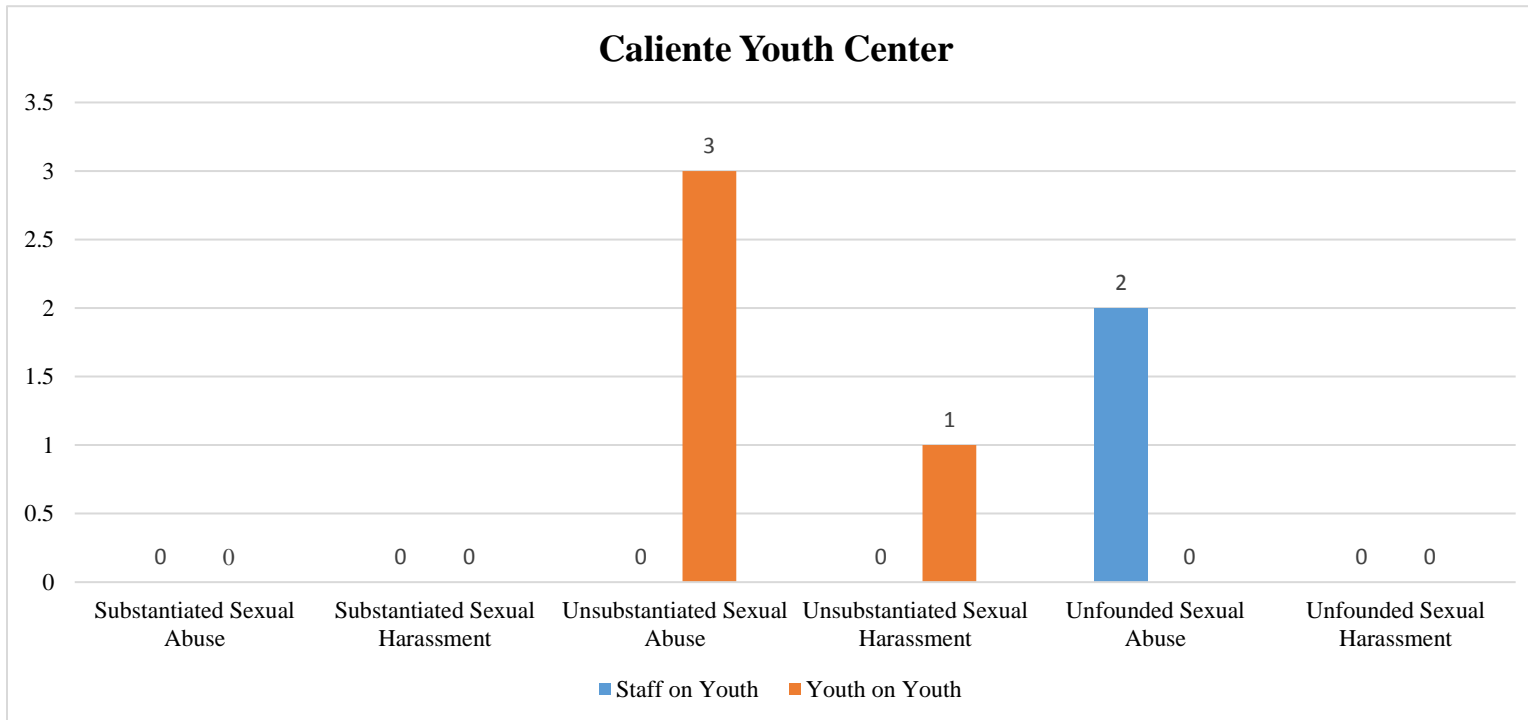
Unsubstantiated allegations:

- 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.

Unfounded allegations:

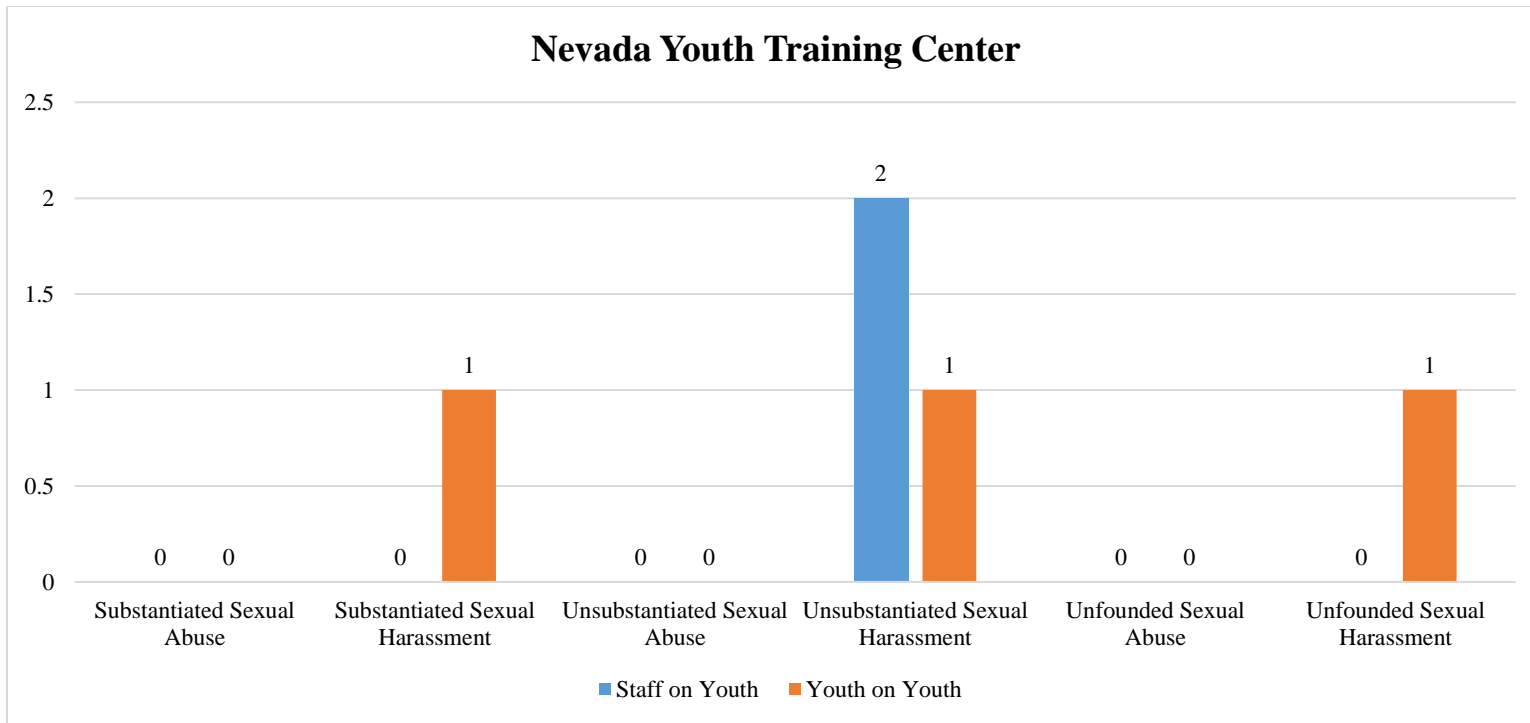
- In 2015, there were 8 unfounded allegations, 1 involving youth on youth sexual abuse; 6 involving youth on youth sexual harassment; and 1 involving staff on youth sexual harassment.
- In 2016, there were 8 unfounded allegations, 3 involving staff on youth sexual abuse; 4 involving youth on youth sexual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

**2017 PREA data:**

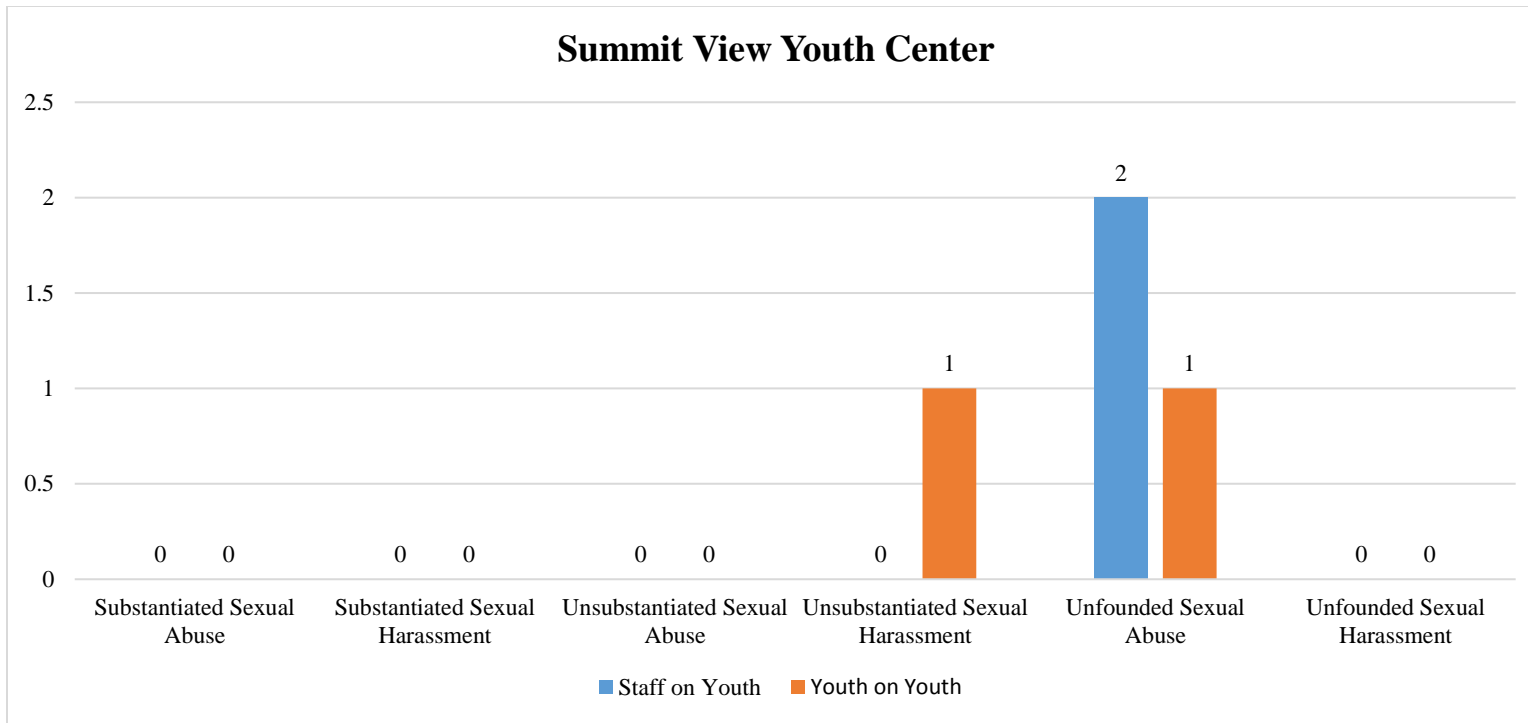


- Substantiated – There were no substantiated allegations.
- Unsubstantiated – Four allegations were unsubstantiated, including three involving youth on youth sexual abuse and one involving youth on youth sexual harassment.
- Unfounded – Two allegations were unfounded, both involving a staff on youth sexual abuse allegation.



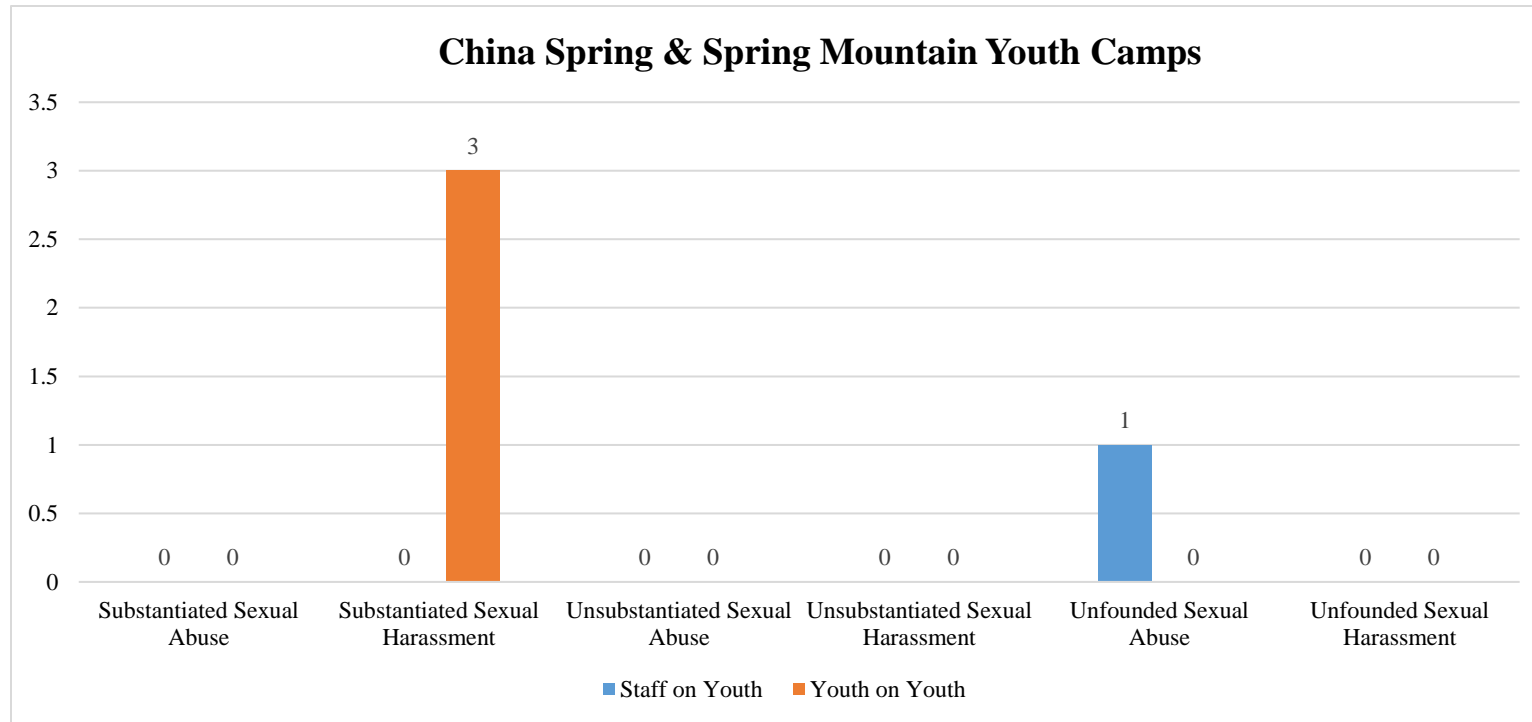


- Substantiated – One allegation of youth on youth sexual harassment was substantiated.
- Unsubstantiated – Three allegations were unsubstantiated, including two staff on youth sexual harassment allegations and one youth on youth sexual harassment allegation.
- Unfounded – One allegation of youth on youth sexual harassment was unfounded.



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

**Contracted Entities:**



- Substantiated – There were three substantiated allegations of youth on youth sexual harassment at Spring Mountain Youth Camp.
- Unsubstantiated – There were no unsubstantiated allegations.
- Unfounded – There was one unfounded staff on youth sexual abuse allegation at China Spring Youth Camp.

**PREA Accomplishments in 2017:**

- The Governor certified Nevada as PREA compliant for 2017 with the Department of Justice.
- PREA compliance was achieved at the agency level and at all three correctional facilities, Caliente Youth Center, Nevada Youth Training Center and Summit View Youth Center.
- China Spring Youth Camp is PREA compliant. Spring Mountain Youth Camp is currently working towards compliance.
- The PREA Coordinator position was moved from grant funding to general funding.
- Legislative funding was approved for the installation of video technology at Caliente Youth Center and Nevada Youth Training Center. Video technology enhancements were approved for Summit View Youth Center.
- Facility PREA Standard Operating Procedures (SOP) continue to be updated based on Department of Justice and PREA audit guidance.

**PREA Action Steps for 2018:**

- Legislative budget requests will include adding a PREA Investigator position(s) and increased security staff for all facilities, to better meet PREA standards.
- Completing the installation and enhancements of video surveillance at Caliente Youth Center, Nevada Youth Training Center and Summit View Youth Center.
- Modernizing the State’s Juvenile Justice Case Management System to have a built-in incident reporting system. This will assist in the collection of PREA related data.
- Obtaining PREA compliance from the three-year PREA audit that was conducted at Nevada Youth Training Center.
- Obtaining the Governor’s PREA certification of compliance for 2018.
- Securing a Memorandum of Understanding with the North Las Vegas Police Department for Summit View Youth Center.

**References:**

- Data Sources:
  - Juvenile Correctional Facility Investigative Reports
  - Contracted Youth Camp 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>