

DOUGLAS COUNTY DISTRICT COURT

Agency Report

PRFEA

Prison Rape Elimination Act

2021





DCDC PREA AGENCY

Ninth Judicial District Court
Wendy Garrison, PREA Coordinator

PO BOX 218
MINDEN, NV 89423
Tele: (775) 901-3822

PRISON RAPE ELIMINATION ACT (PREA) ANNUAL AGGREGATE REPORT

CALENDER YEAR 2021

It is the Mission of the Douglas County District Court (Agency) to protect youth by maintaining a zero tolerance toward all forms of 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 Standards, 28 CFR Part 115. Such conduct is punishable by administrative or disciplinary sanctions and/or criminal prosecution.

The Agency is committed to ensure the sexual safety if facilities youth and staff through a comprehensive Agency wide approach to prevention, detection and response to sexual abuse and sexual harassment in all facilities operated or contracted by the Ninth Judicial District Court.

Prepared by

Wendy Garrison

Agency PREA Coordinator

Approved by

Judge Nathan Tod Young

Ninth Judicial District Court

Purpose

The Prison Elimination Act Requires and Agency collect and review data in order to assess and improve effectiveness of its sexual abuse prevention, detection and response policies, practices and training. The data collected should include identifying problem areas, identify on going corrective actions taken by the Agency and each of its facilities.

In conjunction with PREA Standard 115.387 Data Collection

(a) The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.

(b) The agency shall aggregate the incident-based sexual abuse data at least annually.

(c) The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

(d) The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

(e) The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its residents.

(f) Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

This report is intended to provide information and comparison for calendar year 2019, 2020 and 2021 for China Spring Youth Camp (CSYC), Douglas County Juvenile Detention (DCJD) and the contracted facility Western Nevada Regional Youth Center (WNRYS).

Background

The Prison Rape Elimination Act (PREA) was passed unanimously by both parties in Congress in 2003. The purpose of the act is to “provide for the analysis of the incidence and effects of prison rape in federal, state, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape.” (Prison Rape Elimination Act, 2003.) In addition to creating a mandate for significant research from the Bureau of Justice Statistics and the National Institute of Justice, PREA funding through the Bureau of Justice Assistance and the National Institute of Corrections has supported major efforts in many state correctional, juvenile detention, community corrections, lockups, and jail systems.

The act also created the National Prison Rape Elimination Commission and charged it with drafting standards for eliminating prison rape. Those standards were published in June 2009 and turned over to the Department of Justice for review and passage as a final rule. The Department of Justice published the final PREA Standards in the Federal Register on June 20, 2012, and they became effective August 20, 2012.

In 2010, the Bureau of Justice Assistance funded the National PREA Resource Center to continue to provide federally funded training and technical assistance to states and localities, and to serve as a single-stop resource for research and tools for all those in the field working to come into compliance with the federal standards.

The PREA standards require annual audits of one-third of the facilities under an Agency’s jurisdiction.

BUREAU OF JUSTICE STATISTICS

Highlights from the BJS
PREA Data Collection
include:

- A higher percentage of male (6.1%) than female (2.9%) youth reported staff sexual misconduct
- A higher percentage of female (4.7%) than male (1.6%) youth reported youth-on-youth victimization.
- In the most serious incidents of staff sexual misconduct reported during the interview period, an estimated 91% of incidents involved only female staff, while 6% involved only male staff.

Definitions

- **Agency**
Agency is defined as Ninth Judicial District Court.
 - **Allegation**
An oral, written, or electronic statement sexual abuse or sexual harassment has occurred or might occur.
 - **Substantiated Allegation**
An investigated allegation, which was determined to have occurred by a preponderance of the evidence.
 - **Unfounded Allegation**
An investigated allegation, which was determined not to have occurred.
 - **Unsubstantiated Allegation**
An investigated allegation where the investigation produced insufficient evidence to make a final determination as to whether the event occurred.
 - **Sexual Abuse**
 - A. Sexual abuse (by a staff member, contractor or volunteer) is defined as:
 1. Any completed, threatened, or requested touching of the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks that is unrelated to official duties or where the staff member, contractor or volunteer has the intent to arouse or gratify sexual desire.
 2. Any act of exposing the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks.
 3. Voyeurism by a staff member, contractor or volunteer which means an invasion of privacy of a youth for reasons unrelated to official duties, such as peering at a youth who is using a toilet or requiring a youth to expose his/her buttocks, genitals or breasts.
 4. Any act of photographing, videotaping, filming, digitally recording or otherwise viewing, with or without a device, a youth with the intent to arouse or gratify sexual desire.
 - B. Sexual abuse by a youth is defined as:
 1. Any completed, threatened, or requested touching of the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks with the intent to arouse or gratify sexual desire.
 2. Any act of exposing the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks.
 3. Any act of intentional touching, 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.
 4. Voyeurism is an action determined to be predatory, threatening or invades the privacy of youth.
 - **Sexual Harassment**
 - A. Sexual Harassment (by a youth, staff member, contractor or volunteer) is defined as:
 1. Any act of intentional touching, 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.
 2. Repeated and unwelcomed sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive nature by one youth directed toward another youth; and
 3. 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.
- 4. Voyeurism**
Invasion of privacy of a youth by staff for reasons unrelated to official duties. Examples include 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.

Agency Progress



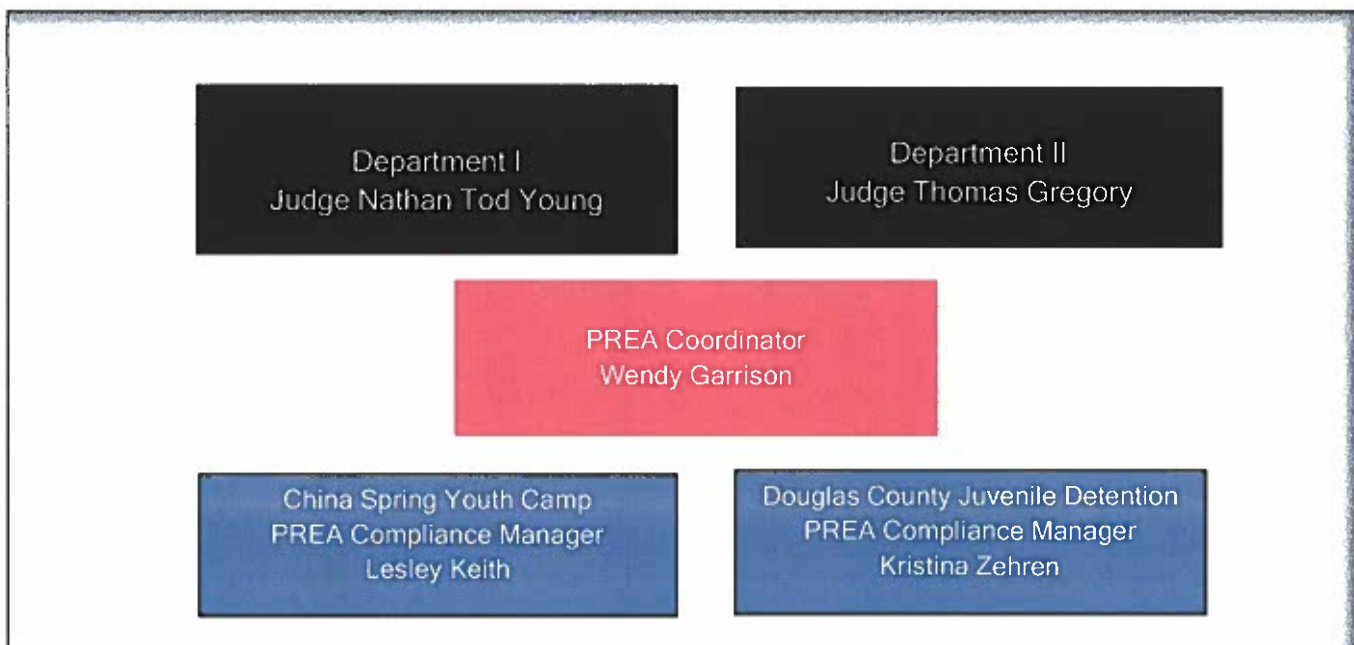
September 20, 2022, District Court Judges Young and Gregory designated the District Court as the Agency over China Spring Youth Camp and Douglas County Juvenile Detention. At the same time, Director Garrison was designated PREA Coordinator for the District Court.

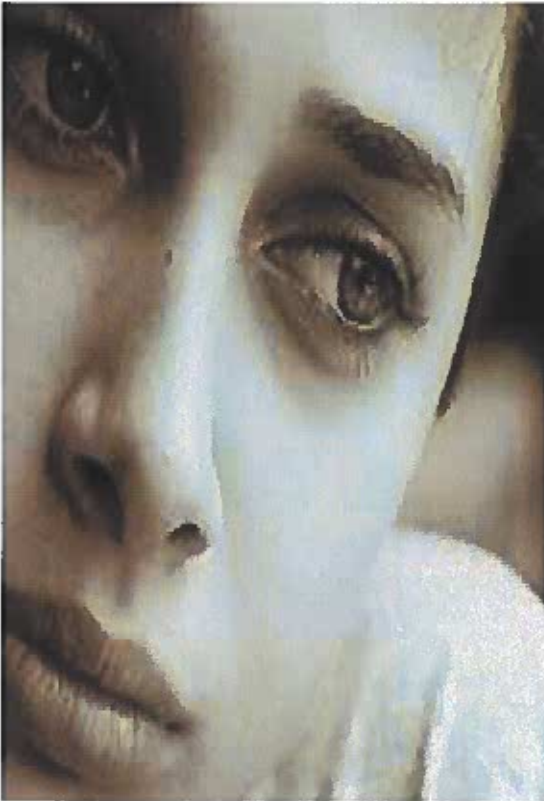
It is important to note that this designation of the Director of one of the facilities being the PREA Coordinator was approved by the Department of Justice as a temporary measure to meet the standard. This designation is not meant to be permanent. Additionally, the DOJ allowed this due to the Auditor's confidence in the facilities, Director Garrison and the PREA Compliance Managers Keith and Zehren.

This is a significant event in that it allows the structure and format of the Agency to be established. In the third PREA Audit Cycle, which ended August 19, 2022, the designation of the Agency and PREA Coordinator were identified for corrective action on the China Spring Youth Camp PREA Facility Audit. Without this designation, China Spring, which has exceeded standards in all three-audit cycles, would have been found to be in non-compliance.

Although this report is for Calendar year 2021, it is important to note the Agency Structure was essential in this report being produced and under whose authority; because the Agency did not exist in 2021.

Agency Organizational Chart





Zero Tolerance

The Ninth Judicial District Court (aka Agency) has zero tolerance toward all forms of sexual abuse and sexual harassment of youth within an Agency Facility or a Contracted 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.

All youth under the care or jurisdiction of the Agency have an equal opportunity and access to participate in or benefit from all aspects of our efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

Individual entities under the Agency have an accessibility plan, which identifies and provides alternative materials based on need or request of the youth. Some of these alternatives include resources, which accommodate language, reading ability, hearing or vision impairments to ensure understanding and communication with residents upon intake and throughout their program. Additionally the Agency has the ability and flexibility to connect to State and County resources as necessary for the individual youth.

In each of the Agency's facilities, the youth are provided internal and external reporting mechanisms at the time of intake, and county specific resources at the time of discharge. The State of Nevada 211 App is also provided to youth to access services and is available for youth's 12-19 years of age.

**NEVADA 211
HAS A YOUTH APP!**

Are you looking for help?

THE NEVADA 211 YOUTH APP IS A FREE AND EASY WAY TO FIND RESOURCES NEAR YOU!

USE YOUR LOCATION OR ZIP CODE TO FIND SERVICES LIKE FOOD PANTRY LOCATIONS, SUPPORT GROUPS, CRISIS HOTLINES, ACTIVITIES, HEALTH CARE, AND MUCH MORE.

PLUS, IT'S COMPLETELY CONFIDENTIAL!

Find help 24/7 by dialing 2-1-1;
texting 898-211 or
visiting www.nevada211.org

Google Play
App Store

Audit Process



Pre on Site Audit
6-8 weeks prior to the onsite Audit
Notification of audit
Upload documents into the on line auditing system

On Site Audit
Up to one week
Generally 2-3 days
Includes: Tour, Staff and Youth Interviews,
Document Review

Evidence Review and Interim Report
(45 days)
Response by standard based on:
Review of policies/procedures;
Review of documentation;
Review of data;
Interviews with residents and staff, and
Tour of facility



Corrective Action and Final Report
180 days corrective action period + 30 days for final report

Facility Progress

The National Standards to Prevent, Detect, and Respond to Prison Rape (PREA Standards) require all covered confinement facilities to be audited at least once during every three-year audit cycle.

1st Audit Cycle: August 20, 2013 and ended August 19, 2016

2nd Audit Cycle: August 20, 2016 and ended August 19, 2019

3rd Audit Cycle: August 20, 2019 and ended August 19, 2022

4th Audit Cycle: August 20, 2022 ending August 19, 2024

Subsequent cycles occur on the same dates every three years, and the cycle governs the scheduling requirements for audits.

During each three-year audit cycle, every facility operated by a confinement agency or by a private organization on behalf of the agency, must be audited at least once (§115.401(a)); and at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, must be audited during each one-year period (§115.401(b)).

All facility types covered by the PREA Standards — including adult prisons and jails, lockups, community confinement facilities, and juvenile facilities, whether operated by a state, local, corporate, nonprofit authority, or by DOJ — are subject to the auditing requirements.

The **Agency** is currently in audit. The Agency opened an audit in October 2022 and will be on the same timeline as China Spring Youth Camp audit progress. Therefore, the Agency is currently in corrective action.

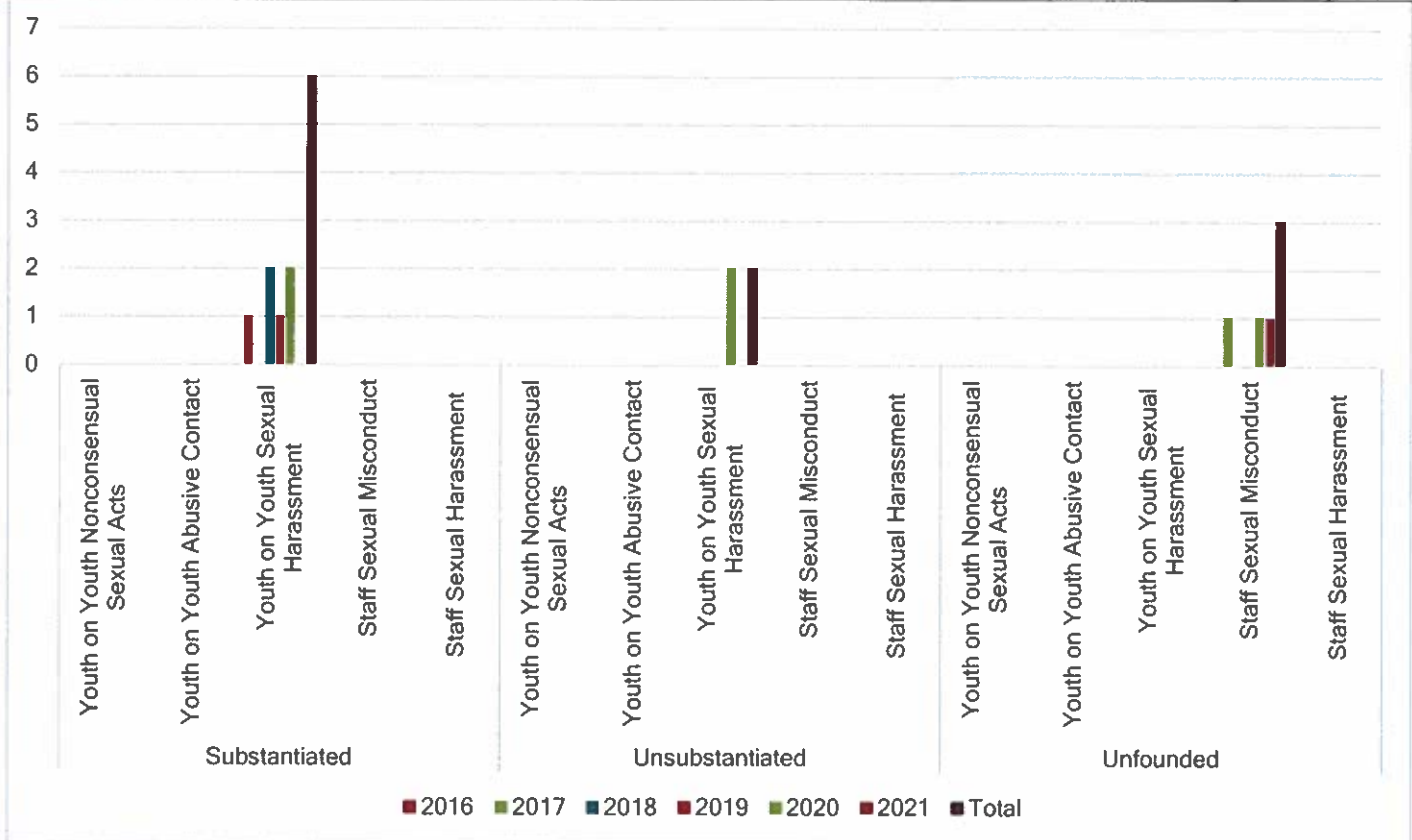
China Spring Youth Camp has been audited in all three-audit cycles and is currently in the Corrective Action Period. Corrective action was received solely due to the Agency not being designated. China Spring opened the Audit in November 2021 and received the Corrective Action in September 2022. The Corrective Action ending is February 2023.

Douglas County Juvenile Detention began an audit but placed the audit on hold due to the Agency designation not being in place. Juvenile Detention opened an Audit in the fourth Audit Cycle with the Agency designation complete.

Western Nevada Regional Youth Center is a contracted entity under the Agency and plans to open an audit in the fourth Audit Cycle sometime in fiscal year 2024.

Agency Sexual Abuse Data and Comparison

		2016	2017	2018	2019	2020	2021	Total
Substantiated	Youth on Youth Nonconsensual Sexual Acts							
	Youth on Youth Abusive Contact							
	Youth on Youth Sexual Harassment	1		2	1	2		6
	Staff Sexual Misconduct							
	Staff Sexual Harassment							
Unsubstantiated	Youth on Youth Nonconsensual Sexual Acts							
	Youth on Youth Abusive Contact							
	Youth on Youth Sexual Harassment					2		2
	Staff Sexual Misconduct							
	Staff Sexual Harassment							
Unfounded	Youth on Youth Nonconsensual Sexual Acts							
	Youth on Youth Abusive Contact							
	Youth on Youth Sexual Harassment							
	Staff Sexual Misconduct		1			1	1	3
	Staff Sexual Harassment							



Facilities

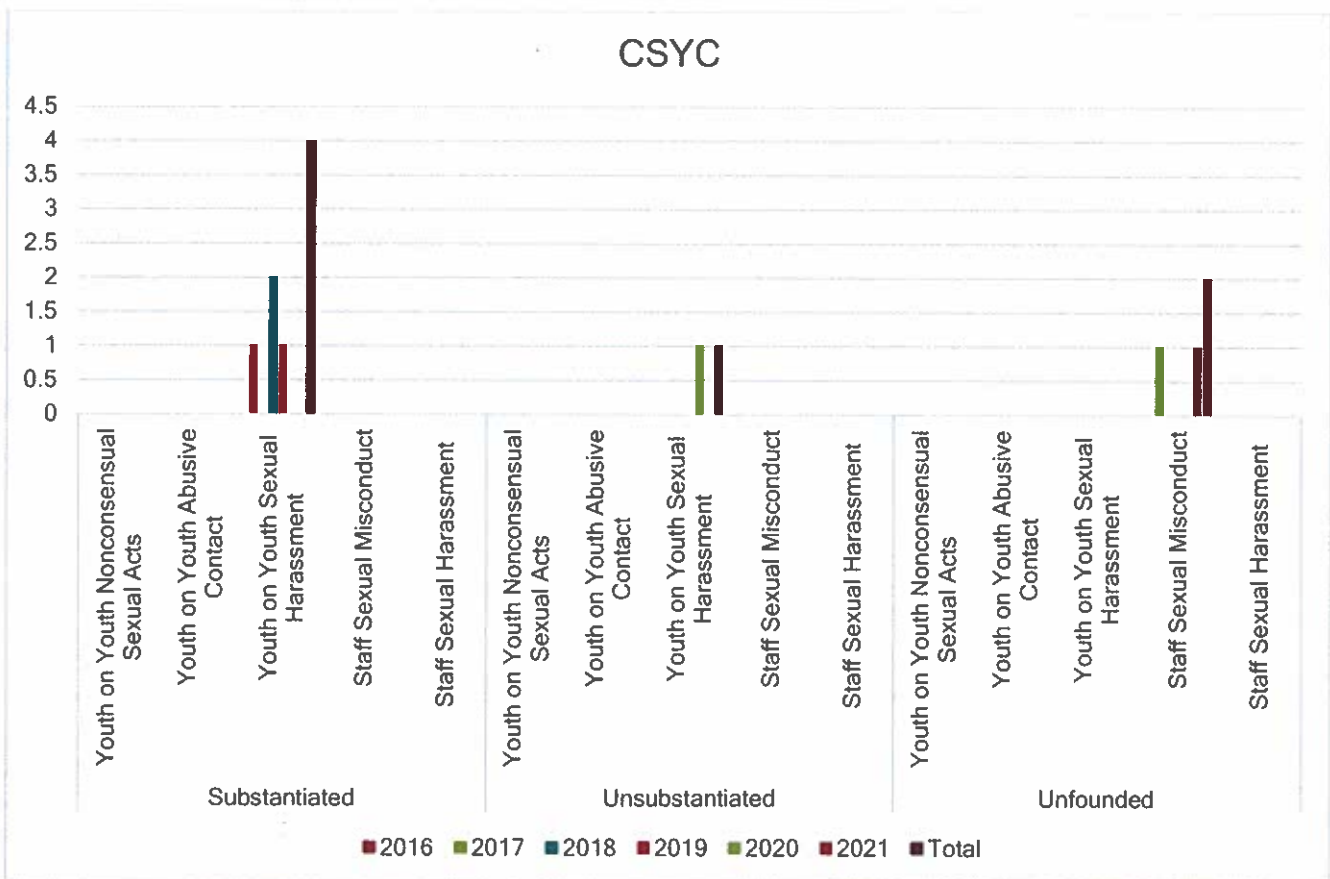
China Spring Youth Camp

CSYC located in Gardnerville (Pinenut Mountain Range). CSYC is Accredited by Commission on Rehabilitative Facilities (CARF) and licensed by the Nevada Substance Abuse Treatment and Prevention Agency (SAPTA) as level 1, 2.1 and co-occurring intensive outpatient substance abuse program.

CSYC offers six (6) months of twenty-four (24) hour supervision of youth in a staff secure setting. Programming is evidenced based and targets criminogenic risks and needs. CSYC is a cognitive behavioral program targeting how youth can improve their problematic thinking errors. CSYC serves youth twelve to eighteen (12-18) years of age from sixteen (16) of Nevada's seventeen (17) counties. CSYC serves all counties except Clark County in Las Vegas.

Some program highlights include Substance Abuse Treatment, Sober Leisure Activities, Mental Health, Family Support, Individual and Group Counseling, Education Challenge Course/Wilderness Activities, and Community Service

CSYC's mission is to serve Nevada's Youth and the philosophy is one of honor, trust, and accountability.



Douglas County Juvenile Detention

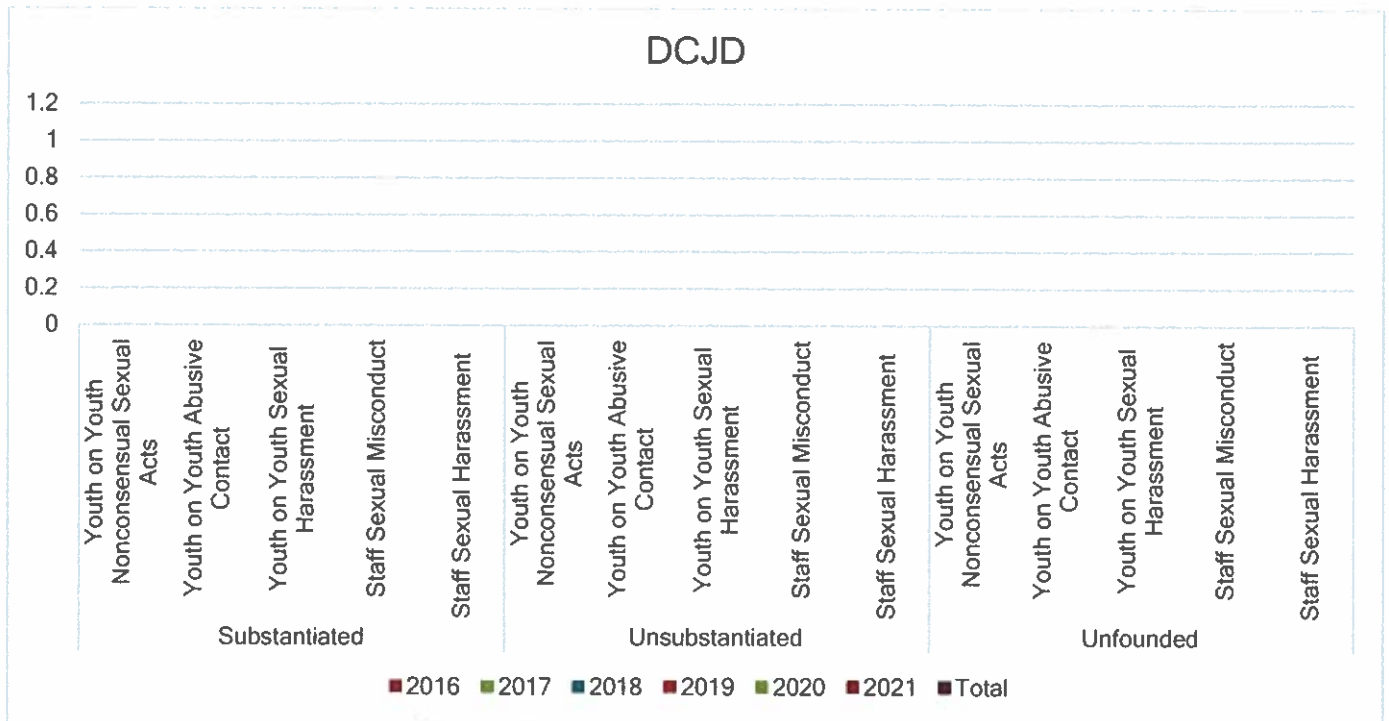
DCJD at Stateline, Nevada. DCJD is a public safety service involving twenty-four (24) hour supervision of juvenile detainees in a secure detention environment.

Other services provided through the juvenile detention system include:

- Mental Health Screening
- Life Skills
- Physical Education
- School
- Visitation

The mission of the Douglas County Juvenile Detention Facility is to provide a safe and secure temporary holding facility for youth adjudicated, pending adjudication/disposition, or Court ordered within the Juvenile Court. Policy ensures the appropriate detention of youth in a secure setting in compliance with Nevada Revised Statute, Federal PREA requirements, and the statewide Juvenile Detention Alternative Initiative guidelines.

Douglas County Juvenile Detention is currently working toward compliance. There have been no incidents or investigations at Douglas County Juvenile Detention.



Western Nevada Regional Youth Center

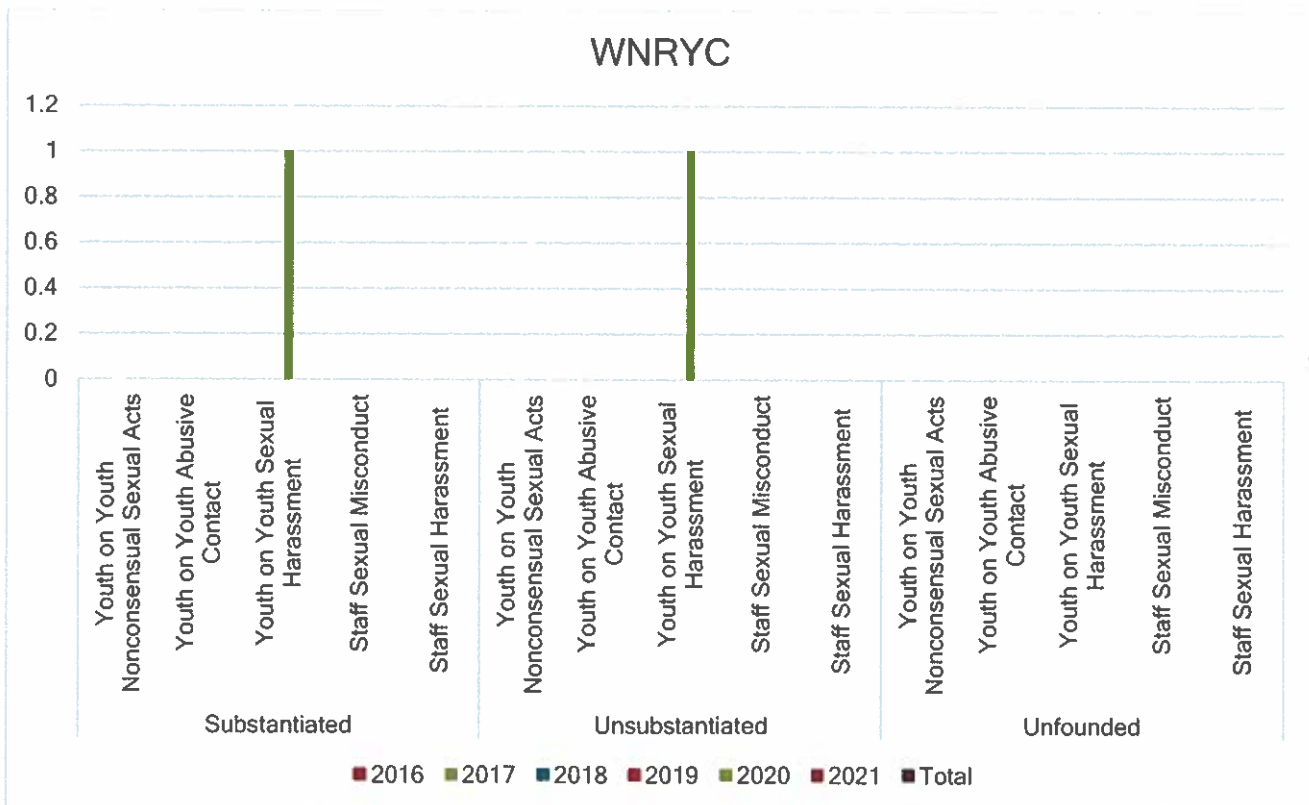
Western Nevada Regional Youth Center (WNRVC) is a contracted, standalone facility under the Agency and is located in Lyon County.

WNRVC is licensed by Nevada Substance Abuse Prevention and Treatment Agency (SAPTA) as a level 2.1 (intensive outpatient) client substance abuse treatment program for youth ages twelve to eighteen (12-18). Those services are completed in a clinical setting.

The program serves both male and female clients. Youth enter WNRVC upon a referral from the juvenile justice system. WNRVC achieves its mission through the provision of evidenced-based and coordinated substance use and behavioral health services while partnering with Nevada’s Juvenile Court system, the youth, and their families. WNRVC values comprehensive integrated treatment through developmentally informed programming in a Person First culture.

Western Nevada Regional Youth Center’s mission is to build healthier lives free of alcohol and drug abuse.

Western Nevada Regional Youth Center is currently working toward compliance and plans to schedule an audit for fiscal year 2024.



Actions

China Spring Youth Camp

In 2021, China Spring Youth Camp PREA Investigator Howard Matts received and investigated one (1) allegation of staff on youth sexual misconduct. The incident was determined to be Non-PREA related based on a resident's perception of staff, not actual misconduct of staff.

PREA Vulnerability assessments are given to youth at the facility. Precautions are taken based on the assessment results to ensure safety. The vulnerability assessment is looking at a youth's potential to be a victim or an aggressor. China Spring monitors the PREA Vulnerability Assessment overrides by case management to determine if the assessment tool is capturing relevant information, and based on the following percentages, the CS assessment tool is accurate in preventing and identifying sexual safety concerns before a resident arrives at the facility. In 2021, there were two overrides to the Vulnerability Assessment where a youth was assessed as being more an aggressor than the assessment score indicated.

Vulnerability Assessment Overrides		
Year	Victim	Aggressor
2020	1 of 85 (1%)	2 of 85 (2.3%)
2021	0 of 49 (0%)	2 of 40 (4%)

China Spring Youth Camp, like most facilities and other governmental agencies, struggled with consistent staffing through COVID. China Spring is consistently evaluating comparable wages for staff who work with the residents of China Spring. In 2020, China Spring reclassified line staff positions to Youth Program Officer Trainee, I, and II, to provide:

1. An opportunity for current employees to advance within the Camp;
2. A pathway for Camp to hire experienced and educated staff;
3. A means to meet provisions of the State Assessment known as the CPC (Correctional Program Checklist) which requires Camp to hire based on education and experience
4. A guide for Camp to assign program services based on training, education, and experience.

China Spring has adjusted the staffing plan on three occasions in 2021 based on the ebb and flow of staff.

China Spring Youth Camp has proactively maintained a resident population level to provide sufficient supervision to the residents in the care of the Camp with no deviations (exigent circumstances) to the staffing plan 2020-2021. Incidences concerning sexual safety have not been an issue during 2020-2021 because of China Spring's proactive nature and not "biting off more than it can chew" philosophy. China Spring is scheduled for its next on-site Audit in May of 2022 and does not foresee any corrective actions at the facility level. However, Standards 115.311 identified corrective actions were necessary at the Agency level, which will affect the outcome of the 2022 China Spring Youth Camp Audit.

Douglas County Juvenile Detention

In 2021, Douglas County Juvenile Detention received and investigated zero (0) allegations of youth on youth sexual abuse or harassment. Douglas County Juvenile Detention received zero (0) allegations of staff sexual abuse or harassment.

Douglas County Juvenile Detention did identify monitoring technology improvements to include the update and addition of cameras. This is currently being researched. Other improvements identified included having the PREA Risk Assessment available in the database used by the department; changing the PREA video used for education for younger viewers; updating the staffing plan to include two staff during waking hours. Additionally, DCJD took action to update all policies and procedures to incorporate PREA Standards.

Douglas County Juvenile Detention will look to reschedule their PREA Audit sometime in 2022. As with China Spring Youth Camp Standard 115.311 identifies a corrective action at the Agency level, which will affect the outcome of a 2022 Douglas County Juvenile Detention Audit.

Western Nevada Regional Youth Center

In 2021, Western Nevada Regional Youth Center received and investigated Zero (0) allegations of youth on youth sexual abuse or harassment. Western Nevada Regional Youth Center received zero (0) allegations of staff sexual abuse or harassment.

Western Nevada Regional Youth Center prides itself on hiring staff with good character, intentions, and experiences & education.

WNRVC analyzed the goals for our first year implementing PREA standards. WNRVC decided employee training and education would be the focus. All existing employees were trained on PREA guidelines per WNRVC policy in accordance with PREA Standards. All new employees and contractors completed PREA training before interacting with youth at Western Nevada Regional Youth Center.

Additionally, WNRVC's management team evaluated the educational materials provided to the Western Nevada Regional Youth Center clients. WNRVC implemented an ongoing education program to include clients reviewing PREA guidelines before interacting with other clients, increasing spacing requirements in identified high risk areas, monthly groups and questionnaires focusing on clients understanding of PREA.

All Agency Facility's and Contracted Facilities have demonstrated high standards for employee backgrounds and ongoing monitoring for any issues related to PREA Standards.



Agency Facilities Demonstrate:

- Commitment to youth safety;
- Zero tolerance standard;
- Commitment to PREA Audit guidance;
- Providing PREA Education for staff, volunteers, contractors and youth;
- Assessing youth understanding of PREA at regular intervals;
- Stringent hiring and background practices;
- Stringent employment practices to include periodic criminal history checks and comparison of staff to the State records for Child Abuse and Neglect;
- Identification of high risk area for additional monitoring (including cameras where available);
- Providing adequate staffing including access to a member of the same gender.
- A plan to schedule an audit or are in the process of completing an audit.
- Adherence to policies and procedures based on PREA Standards to prevent, detect and address
- All facilities have a PREA Compliance Manager who is knowledgeable of the overall operations of the facility, and the various departments and divisions within the facility.
- PREA leadership which possesses the influence necessary to lead, coordinate, guide, and monitor successful ongoing implementation of policies and procedures that comply with the PREA standards across all departments/divisions within the facility, with support from other levels of facility bureaucracy or supervision, and in accordance with the PREA standards and interpretative guidance issued by Department of Justice (DOJ).

