

DOUGLAS COUNTY DISTRICT COURT

Agency Report

PREA

Prison Rape Elimination Act

2022





DCDC PREA AGENCY

Ninth Judicial District Court
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PRISON RAPE ELIMINATION ACT (PREA) ANNUAL AGGREGATE REPORT

CALENDER YEAR 2022

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 Todd 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 2020, 2021 and 2022 for China Spring Youth Camp (CSYC), Douglas County Juvenile Detention (DCJD) and the contracted facility Western Nevada Regional Youth Center (WNRVC).



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.

USA Today 12/17/2022
Article by: Chandra Bozelko,
Opinion Contributor

“When a prison is known as a ‘rape club’ our justice system has a credibility problem.”

“A jury recently convicted a former warden of a women’s prison in Dublin, California - also called the “rape club” because of its reputation for sexual violence - of eight charges, including having sex with an incarcerated victims and abusive sexual contact.

“Who are you going to believe?” James Reilly, Ray Garcia’s attorney, asked jurors during closing arguments, according to local news outlet KTVU.

“(A) law enforcement officer with an impeccable record or a convicted felon?”

And this is why it's time to admit that the Prison Rape Elimination Act - in effect for two decades - is not working: The system doesn't take victims' accounts as credible.”

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



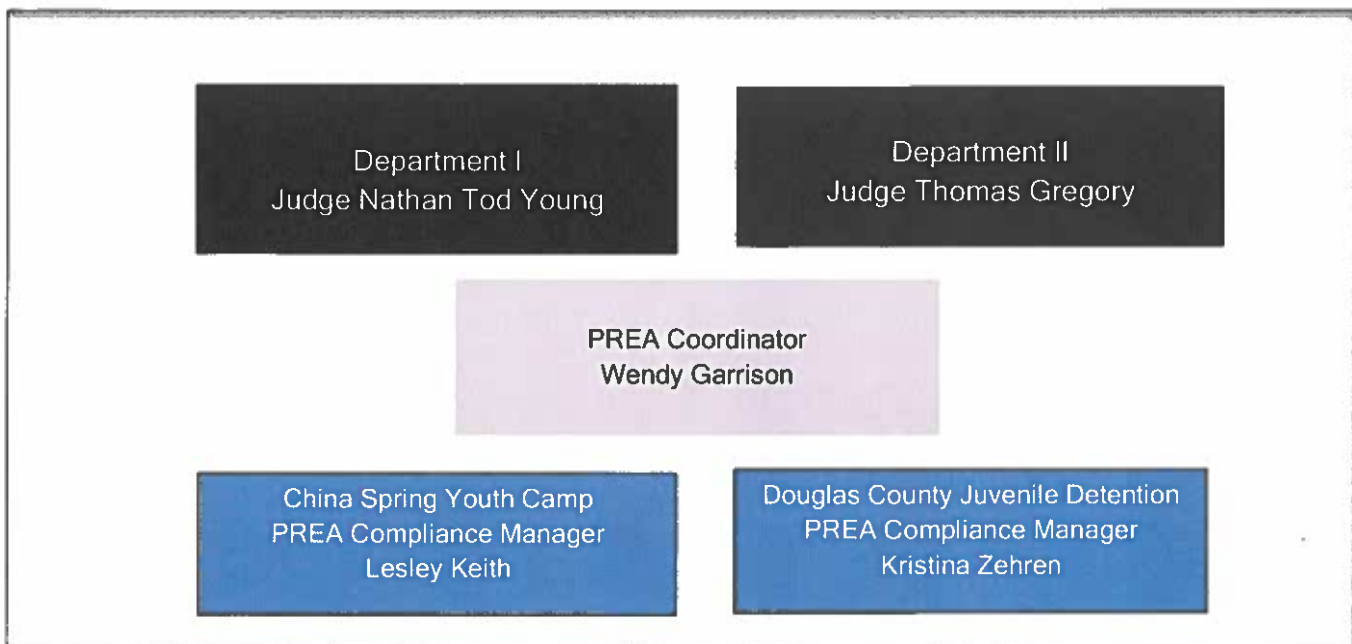
September 20, 2022, District Court Judges Young and Gregory designated the District Court as the Agency over China Spring Youth Camp and Douglas County Juvenile Detention. At the same time, Director Garrison was designated PREA Coordinator for the District Court.

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. 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.

As a result, the Agency was audited and the final PREA Agency Audit Report was submitted January 29, 2023. The Agency was found to be in compliance with all standards. Additionally, China Spring Youth Camp was also audited and was found to be in compliance with PREA Standards. Douglas County Juvenile Detention was able to open their audit and is currently in corrective action. Western Nevada Regional Youth Center is a contracted facility under the Agency and is being monitored for PREA Compliance.

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
visit <https://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** passed the 2022 PREA Audit. The Agency opened an audit in October 2022 and the final report was submitted January 2023.

China Spring Youth Camp has been audited in all three-audit cycles and is currently in the Corrective Action Period for 2022. 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. The Final Report was submitted April 11, 2023, indicating China Spring is in compliance with standards.

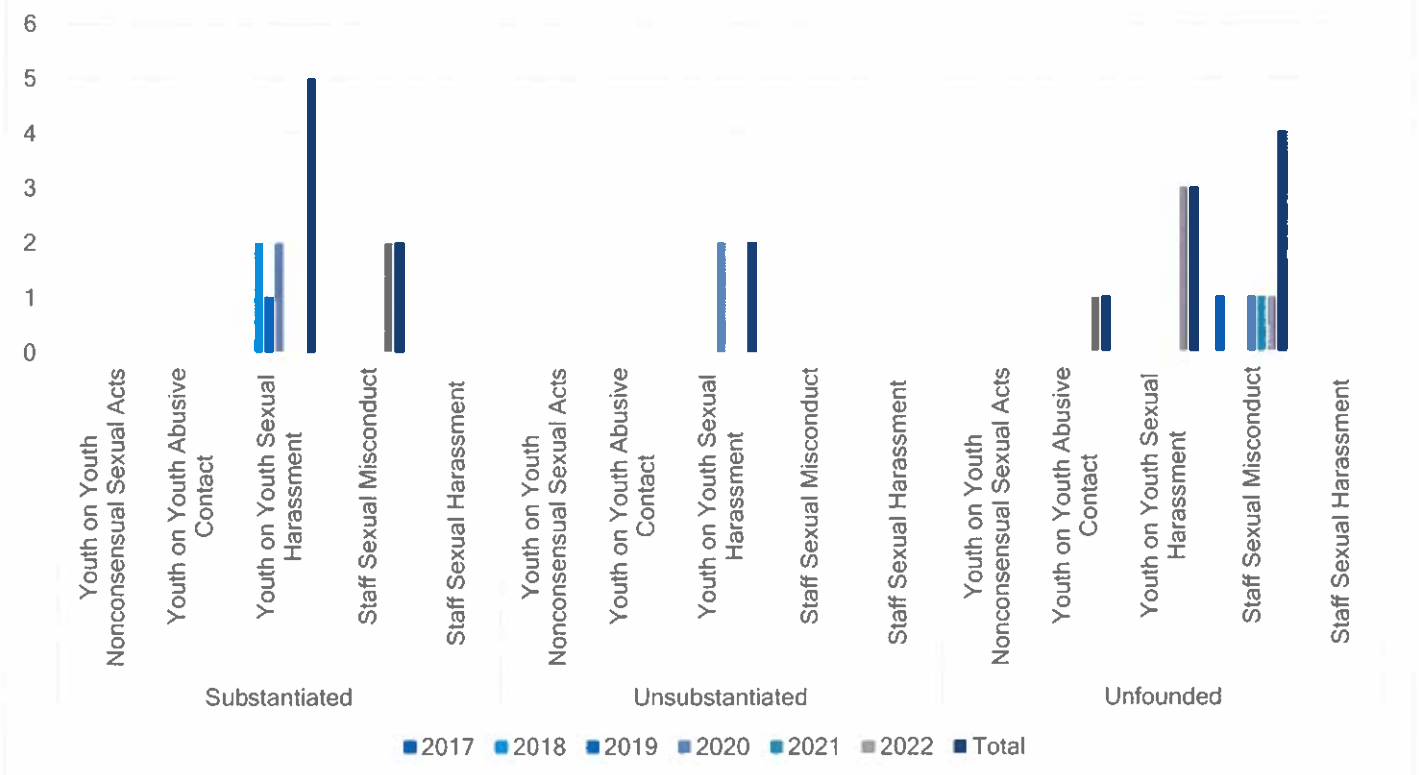
Douglas County Juvenile Detention Juvenile Detention opened an Audit in the fourth Audit Cycle with the Agency designation complete. At the time of this report, the Juvenile Detention Center is in Corrective action with completion scheduled for September or October of 2023.

Western Nevada Regional Youth Center is a contracted entity under the Agency and plans to open an audit in the fourth Audit Cycle. WNRYS indicated they plan to open the audit in November 2023.

Agency Sexual Abuse Data and Comparison

		2017	2018	2019	2020	2021	2022	Total
Substantiated	Youth on Youth Nonconsensual Sexual Acts							
	Youth on Youth Abusive Contact							
	Youth on Youth Sexual Harassment		2	1	2			5
	Staff Sexual Misconduct						2	2
	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						1	1
	Youth on Youth Sexual Harassment						3	3
	Staff Sexual Misconduct	1			1	1	1	4
	Staff Sexual Harassment							

Agency 2022



Facilities

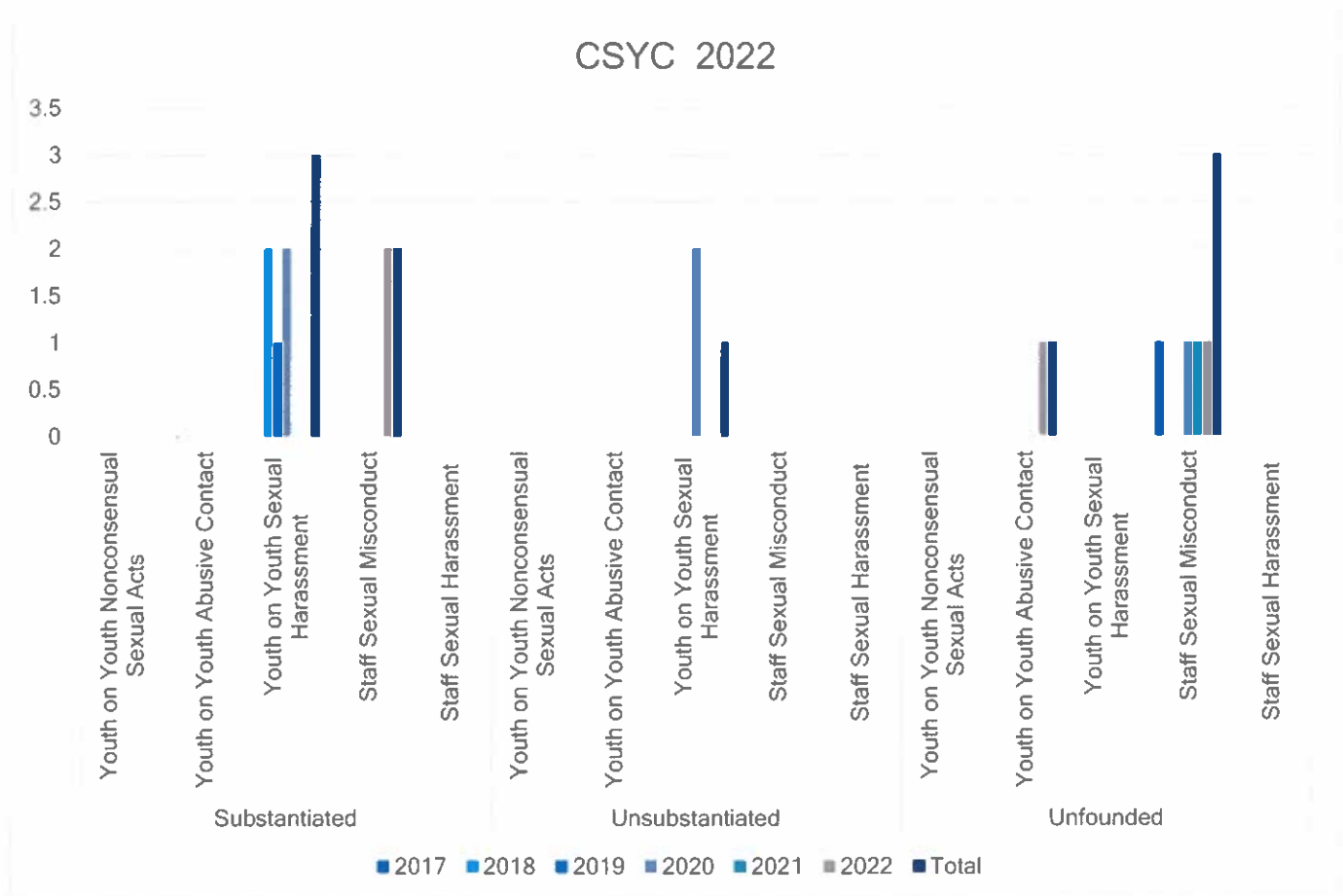
China Spring Youth Camp

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

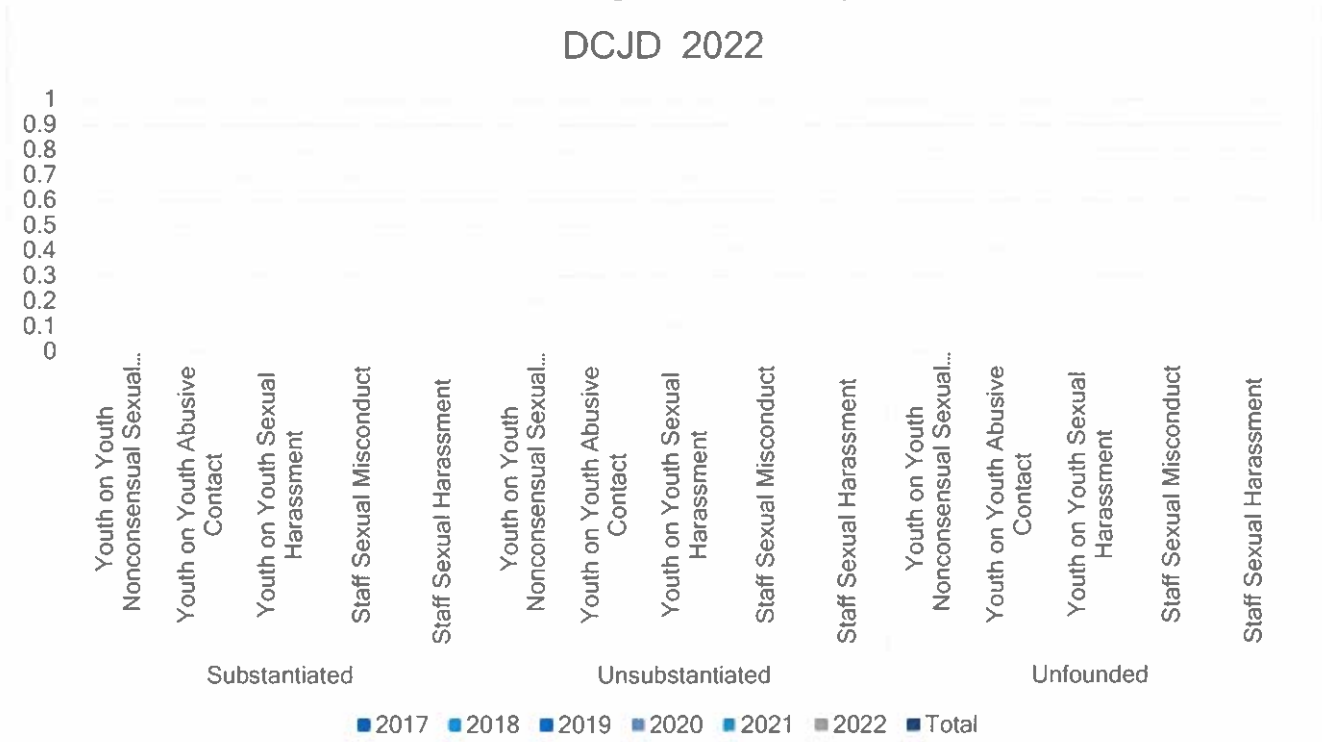
DCJD at Stateline, Nevada. DCJD is a public safety service involving twenty-four (24) hour supervision of juvenile detainees in a secure detention environment.

Other services provided through the juvenile detention system include: Mental Health Screening, Life Skills, Physical Education, School, and 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 and is Corrective Action

There have been no incidents or investigations at Douglas County Juvenile Detention.



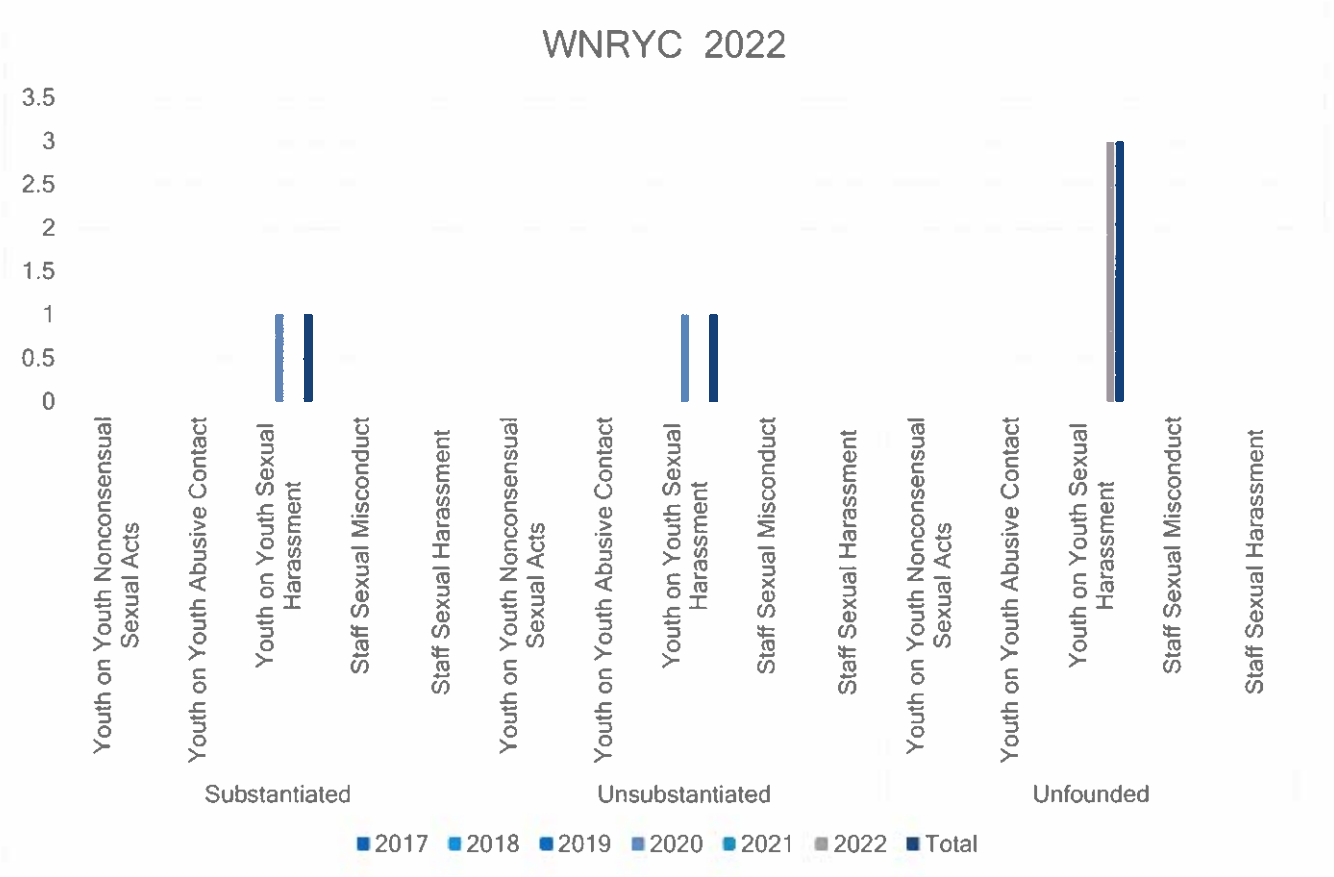
Western Nevada Regional Youth Center (WNRVC) is a contracted, standalone facility under the Agency and is located in Lyon County.

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 2022, China Spring Youth Camp received a referral from Douglas County Juvenile Probation Office. The referral consistent of a current staff on ex-resident(s) complaint of sexual harassment. This was referred to Douglas County Sheriff Office (DCSO) Investigations on two occasions after receiving more information from the initial complaint. The Disposition from DCSO was there was no criminal activity. The disposition from the CSYC Administrative Investigation concluded there were numerous policy violations. The involved employee resigned prior to the completion of the Administrative Investigation.

PREA Investigator Howard Matts received and investigated three (3) allegations. Two (2) allegations were of staff on youth sexual misconduct. One (1) of the allegations was unfounded the other was substantiated. The third investigation was youth on youth sexual abuse reported via a parent. This report was unfounded.

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 2022, there were sixteen (16) total overrides to the Vulnerability Assessment. Twelve (12) 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 or 40 (4%)
2022	4 of 62 (7%)	12 of 62 (19%)

China Spring Youth Camp, like most facilities and other governmental agencies, struggled with consistent staffing through 2022. China Spring is consistently evaluating comparable wages for staff who work with the residents of China Spring.

After losing some key personnel in July 2022, China Spring resorted to an emergency staffing plan where all female residents were relocated to Thaler Hall (left wing) while the remaining male population resides on the right wing in Thaler Hall. This is currently in practice limiting the number of residents to the facility (20) males and (10) females.

China Spring Youth Camp continued to be impacted by a job market with record-low applications and difficulty filling positions across the facility. Douglas County responded by providing an accelerated 2% cost of living in March 2022 and an additional 2% cost of living in July along with a one-time increase of 7% adjustment for county employees. Currently, Douglas County is working with Baker Tilly to do an in-depth analysis of our classification and pay structure to attract more applicants to these hard-to-fill positions. Additionally, China Spring Director was able to secure from the County Manager permission an authority

To offer 10% above minimum or \$2.00/hour for all candidates with experience in corrections.

As for investigative corrective action, with both substantiated staff on resident misconduct(s), both staff were immediately reprimanded and released from employment.

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 2021-2022. Incidences concerning sexual safety have not been an issue during 2021-2022 because of China Spring's proactive nature and not "biting off more than it can chew" philosophy.

Douglas County Juvenile Detention

Douglas County Juvenile Detention has made significant progress toward PREA Compliance. Douglas County Detention has improved their intake procedures and streamlined their assessments in their database management system in Tyler Supervision.

Juvenile Detention is working to improve their surveillance. Detention is awaiting the bid and approval from Douglas County Internal Review Committee (IRC) for the new/upgraded camera system/equipment to be installed throughout the Juvenile Detention Center. The surveillance will add cameras to wings, rooms, hallways, dayroom and recreation yard. IRC is the first step in any financial process which requires County Finance and/or County Manager approval or which requires permission to move the item to the Board of County Commissioners (BOCC) for their approval.

Juvenile Detention has also worked to improve staffing levels. Detention has been working with County IRC for approval for additional on-call staff. This will allow Detention to update their staffing plan to include two (2) staff twenty-four (24) hours a day.

Additional improvements include updating Detention's PREA policies and procedures to include the Ninth Judicial District Court Agency and the agency wide PREA Coordinator.

Western Nevada Regional Youth Center

In 2022, Western Nevada Regional Youth Center received and investigated three (3) unfounded allegations of youth on youth sexual abuse or harassment. Western Nevada Regional Youth Center received zero (0) allegations of staff sexual abuse of harassment.

Western Nevada Regional Youth Center has a comprehensive staff training program that includes trainings upon hiring, annually, and Monthly refreshers. Western Nevada Regional Youth Centers PREA Coordinator and Youth Advisor Supervisor along with the management team conduct bimonthly unannounced supervisor rounds. During this time, they not only complete a PREA check, but also interact with staff and clients. The management team is constantly engaging with the staff and clients regarding resident rights, prevention, definitions of sexual abuse, sexual harassment, coercion, avoiding inappropriate relationships, setting boundaries, reporting mechanisms, communicating professionally,

amongst other dynamics. This not only trains staff, but also educates clients at the same time. Clients receive on-going PREA Education throughout their stay to include intake, Youth Handbook, posted materials, monthly check ins, and as needed groups conducted by youth advisors. Western Nevada Regional Youth Center also randomly selects staff and clients to complete a monthly PREA questionnaire.

Western Nevada Regional Youth Center's Operations and Technical Committee (OTC) voted and did affirm that Federal PREA regulations do apply to the WNRYS facility in 2020.

Western Nevada Regional Youth Center implemented a new reporting mechanism in the facility. The reporting mechanism allows youth through a phone with direct contact with the Lyon County Sheriff's Department and Crisis Support Services of Northern Nevada.

The facility also made improvements in their facility surveillance. Updates were made to the system enhancing night vision in youth dorms and adjusting camera locations.

Western Nevada Regional Youth Center's PREA Intake and Screening form was reviewed and updated. Western Nevada Regional Youth Center used the updated screening form adopted by that of the Division of Child and Family Services, Juvenile Justice as a comparison.

Western Nevada Regional Youth Center worked with the Division of Child and Family Services, Juvenile Justice to coordinate selecting a PREA Auditor.

Western Nevada Regional Youth Center selected a PREA Auditor and went into contract with the Auditor for an official audit to be conducted in November of 2023.





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).

