

2019 PREA Annual Report

Sierra Sage Academy – Yerington, Nevada

Overview:

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, as well as to serve as a single-stop resource for leading research and tools for all those in the field working to come into compliance with the federal standards.

According to the National PREA Resource Center, the Prison Rape Elimination Act (PREA) was passed in 2003 with unanimous support from both parties in Congress. The purpose of the act was 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 through the National Institute of Justice, funding through the Bureau of Justice Assistance and the National Institute of Corrections supported major efforts in many state correctional, juvenile detention, community corrections, and jail systems.

The act also created the National Prison Rape Elimination Commission and charged it with developing draft standards for the elimination of prison rape. Those standards were published in June 2009, and were turned over to the Department of Justice for review and passage as a final rule. That final rule became effective August 20, 2012.

Rite of Passage Adolescent Treatment Centers and Schools is committed to providing a safe environment and has a Zero Tolerance Policy regarding sexual abuse, sexual assault or sexual misconduct for the students in our care. To this end, ROP has developed Safe Environmental Standards in accordance with PREA, which have been in place for over 30 years. In 2019, each juvenile facility continued the implementation of these standards and initiated further staff training, interactive supervision, physical plant improvements, and quality assurance reviews with the involvement of PREA Compliance Managers.

Definitions:

Once a report of sexual abuse has been accepted and investigated, the incident will be classified using one of the following findings, based on definitions pursuant to §115.5 of the PREA Juvenile Facility Standards.

- Substantiated: allegation is supported by sufficient evidence to justify a reasonable conclusion of guilt.
- Unsubstantiated: Insufficient evidence to either prove or disprove the allegation.
- Unfounded: allegation is false or the agency that completes the investigation states that the allegation is unfounded.

The following definitions can be found in §115.6 of the PREA Standards:

Sexual Abuse includes:

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident 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:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- (8) Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual harassment includes:

- (1) 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; and
- (2) 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.

Pursuant to §115.387 of the PREA Standards:

- (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.

Below is a summary of the 2019 reported sexual abuse incidents pursuant to §115.387 which shall be considered our Annual Report and is readily available through the applicable website. Further, pursuant to PREA Juvenile Facility Standards §115.88(3)(b), the following is a comparison of the current year's sexual abuse data. In 2019:

Reports determined to be substantiated: 5
Reports determined to be unsubstantiated: 5
Reports determined to be unfounded: 0

In 2019, there were 10 total reports; five substantiations and five substantiations. In 2019, the most prevalent allegation was related to student to student sexual misconduct, with all five determined unsubstantiated. In addition, there were four substantiated reports for student to student sexual abuse and one substantiated report of student to student sexual harassment. In 2018, there were three reports that were determined substantiated, three reports determined unsubstantiated and four unfounded reports. In this year, the most prevalent allegation was related to sexual harassment, which resulted in six unsubstantiated or unfounded findings. In addition, there were three substantiated allegations and one unsubstantiated allegation related to student-to-student abusive sexual contact. In 2017, the most prevalent allegation reported also involved student-to-student sexual harassment, with five allegations reported and determined to be unsubstantiated or unfounded. The second most prevalent type of allegation involved student to student abuse contact, with all three allegations unsubstantiated or unfounded. In addition, there was one substantiation of sexual misconduct and two unfounded findings of sexual misconduct.

Trends:

Over the course of 2019, Sierra Sage Academy saw an increase in third party reports. In addition, students began to spread rumors about other peers, these rumors were also investigated in order to ensure the safety of all students. We also had some investigations that involved two students being in what they considered a relationship. In two separate investigations, one of the students purposely touched the other student. In these particular investigations, either a staff witnessed the PREA violation, or a third party student reported what they saw. In both investigations, the alleged girlfriend indicated that they did not feel comfortable with the touch. Education was done around boundaries in these particular investigations, as students felt they had the right to touch a student they were dating.

In 2019, Sierra Sage Academy saw an increase in roommate related allegations. Students indicated they were horse playing, which lead to physical aggression in which student's purposely assaulted their roommates in a private area. In both separate allegations, students came forward in order to report.

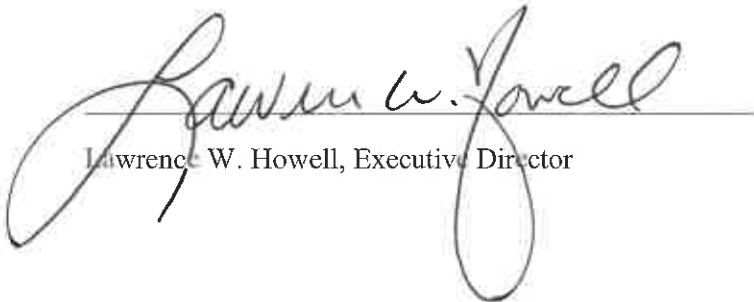
In 2019 we have five sexual assault allegations. In all instances, rumors had surfaced on campus that were investigated. In many cases students indicated that they knew that they would receive a roommate change if they indicated a PREA incident had occurred. In addition, very specific milieu dynamics are also noted in which students wanted to room with a particular student or did not want someone they were romantically interested in, rooming with a particular student.

All allegations are forwarded to Law Enforcement for review, three allegations rose to the level of Law Enforcement involvement that required a criminal investigation. One student was exited from the program due to a Probation Violation for one of the allegations.

Action Items as a result of the trend analysis:

1. During Structure Leisure time or movie program, all dorm doors need to be closed. All students must participate in the program element.
2. Students informing other students that if they want a room change, they just need to report a PREA allegation.
3. Student Relationships that have led to PREA Allegations.

Given the above data and analysis of the data, Rite of Passage Adolescent Treatment Centers and Schools and Sierra Sage Academy will continue to focus on student education, with an emphasis on healthy boundaries among the youth. In addition, an emphasis will also be placed on safety and creating a culture of safety that is supported staff vigilance, supervision and ongoing staff training. In our continuing effort to improve the lives of youth, our agency has embraced the principles associated with PREA and have aligned our Safe Environmental Standards to ensure PREA compliance as well as to improve safety for youth in our programs.



Lawrence W. Howell, Executive Director