

**PREA AUDIT REPORT**     Interim     Final  
**ADULT PRISONS & JAILS**

**Date of report:** 5/19/16

<b>Auditor Information</b>			
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<b>Telephone number:</b> (360)794-2531			
<b>Date of facility visit:</b> February 22-23			
<b>Facility Information</b>			
<b>Facility name:</b> Northern Nevada Transitional Housing			
<b>Facility physical address:</b> 225 Sunshine Lane Reno, Nevada 89502			
<b>Facility mailing address:</b> <i>(if different from above)</i> Click here to enter text.			
<b>Facility telephone number:</b> (775) 688-1140			
<b>The facility is:</b>	<input type="checkbox"/> Federal	<input checked="" type="checkbox"/> State	<input type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
<b>Facility type:</b>	<input checked="" type="checkbox"/> Prison	<input type="checkbox"/> Jail	
<b>Name of facility's Chief Executive Officer:</b> Harold Wickham /Warden			
<b>Number of staff assigned to the facility in the last 12 months:</b> 0			
<b>Designed facility capacity:</b> 112			
<b>Current population of facility:</b> 94			
<b>Facility security levels/inmate custody levels:</b> Minimum/Community Trustee			
<b>Age range of the population:</b> 22-60			
<b>Name of PREA Compliance Manager:</b> Stacy Branham		<b>Title:</b> Facility Manager/Lieutenant	
<b>Email address:</b> sbranham@doc.nv.gov		<b>Telephone number:</b> (775) 688-1140	
<b>Agency Information</b>			
<b>Name of agency:</b> The State Of Nevada Department Of Corrections			
<b>Governing authority or parent agency:</b> <i>(if applicable)</i> N/A			
<b>Physical address:</b> 5500 Synder Avenue, Blg.17 Carson City, Nevada 89072			
<b>Mailing address:</b> <i>(if different from above)</i> P.O. Box 7011 Carson City, Nevada 89072			
<b>Telephone number:</b> (775) 887-3285			
<b>Agency Chief Executive Officer</b>			
<b>Name:</b> James Dzurenda		<b>Title:</b> Director	
<b>Email address:</b> <a href="mailto:jedzurenda@doc.nv.gov">jedzurenda@doc.nv.gov</a> Click here to enter text.		<b>Telephone number:</b> (702) 486-9910	
<b>Agency-Wide PREA Coordinator</b>			
<b>Name:</b> Pam Del Porto		<b>Title:</b> Investigator General/PREA Coordinator	
<b>Email address:</b> <a href="mailto:pdelporto@doc.nv.gov">pdelporto@doc.nv.gov</a>		<b>Telephone number:</b> (775) 887-3395	

## AUDIT FINDINGS

### NARRATIVE

The Audit for the Nevada Department of Corrections (NDOC), Northern Nevada Transitional Housing (NNTH) was conducted from February 22, 2016 to February 23, 2016, by this writer Theresa L. Cohn, a Certified Department of Justice (DOC) PREA Auditor with the assistance of one support staff member, George G. Gilbert, hereafter referred to as the PREA Audit Team. NNTH is located in Reno, Nevada.

The audit process started with contact from Pam Del Porto, Agency Wide Inspector General Office of Inspector General PREA Coordinator, State of Nevada, Department of Corrections, and Northern Nevada Transitional Housing (NNTH) PREA Compliance Manager/Facility Manager/Lieutenant Stacy Branham in Reno, Nevada. NNTH provided a thumb drive containing essential information. This included PREA Pre-Questionnaire, policy, example-data, relevant document folders, and a tremendous amount of material included to review. The folders for the each item contained substantiated compliance documentation for the standards. The PREA Pre-Audit Questionnaire provided the necessary information to complete a good portion of the PREA audit: Auditor Compliance Tool, Adult Prisons and Jails in advance of the visit. The Questionnaire provided a lot of material that was comprehensive, specific, and very helpful to the auditor.

The PREA Resource Audit Instrument used for the Adult Prisons and Jails was furnished by the National PREA Resource Center, To summarize, there are seven (7) sections, A through G, comprised of the following: A) Pre-Audit Questionnaire, sent by Nevada State Department of Corrections; B) the Auditor Compliance Tool; C) Instructions for the PREA Audit Tour; D) the Interview Protocols; E) the Auditor's Summary report; F) the Process Map; G) the checklist of Documentation.

Following the protocols of making contacts, and checking on the posting notices (Posting was initiated through the facility, Northern Nevada Transitional Housing.) The audit team began a review of the Pre-Audit Questionnaire completed by the facility PREA Compliance Manager (PCM), and the PREA /IG Agency Wide Compliance Coordinator in February 2016. The Audit Team provided them with an Itinerary for the 2 days we would be auditing. Also, in this preliminary review, special interest was taken in the compliance documentation provided for the standards. The information from the folders and thumb drive was used to complete a vast majority of the information on the PREA Compliance Audit Instrument Checklist of Policies/Procedures and other documents in advance to identify additional information that may be required.

On February 22, 2016 in Reno, Nevada, at NNTH an "In-briefing meet and greet" commenced with key administrators including the Associate Superintendent, Facility Manager/Lieutenant/PREA Compliance Manager, NNTH Criminal Investigator, and Lieutenant. The Audit Team provided the key staff a tentative itinerary which would begin with a tour of the entire facility. The population at the facility upon arrival was 94 inmates. A list of the inmate population was requested as well as the staff. The areas toured during the four (2) day site visit for the PREA Audit consisted of all housing units, the classrooms, inmate dining and kitchen-visit area, outside area/rec, future female housing unit area, the Shift/officers station, holding cell area, and administrative staff offices.

The first day of the Audit was spent touring NNTH and conducting all interviews in the conference room of the facility. The PREA Audit team on day 2 planned to travel to Carson City, Nevada to meet with the Office of Inspector General and Director are located in Carson City, Nevada which afforded the PREA Audit team to conduct interviews with the Director, IG/PREA Coordinator, Agency Medical Director, and Human Resource Manager for Northern Nevada while there on February 23, 2016. The Physical Audit ended with a meeting with the Interim Director E.K. McDaniel and IG/PREA Coordinator Pam Del Porto on February 23, 2016 in Carson City Nevada at their respective offices. PREA Audit team was able to interview Human Resource staff. While at Carson City and the PREA audit team was also able to conduct personnel file reviews and background checks for NNTH.

On day one the PREA Audit began the process of reviewing of the 42 PREA standards and the Pre-Audit Questionnaire with the PREA Auditor completing the PREA Compliance Audit Instrument checklist of Policies/Procedures and other documents provided by the PREA Compliance Manager. Following these intensive reviews of the standards and the questionnaire, the PREA audit team began the formal interview process by selecting staff from and began the interviews with random staff (4) and specialty staff ( which included a First Responders, Facility staff who conducts Risk Screening for Victimization and Abusiveness, Intermediate or higher level facility staff, Incident Review Team member, Facility staff who conduct Intake, Staff member who is responsible for Monitoring Retaliation, PREA Compliance Manager, Assoc. Warden, and Investigative Staff) (5) It should be noted some staff have dual duties due to the unique size of the facility. We completed the day with random inmate interviews (5). The third day the PREA Audit carried on Saturday, where the limited facility movements allowed the PREA Audit team to focus on Inmate Interviews and inmate file reviews. During the course of the day inmates were interviewed selected at random, there were no specialized inmates to interview utilizing the random questionnaire in conjunction with the specialized inmate questionnaire. The PREA Team conducted further file reviews and ensured that the previous interviews covered a sampling of staff.

Northern Nevada Transitional Housing is currently an all-male facility planning preparing to house females in the future. The population was 94 inmates with 11 staff members, Facility Manager (correctional Lieutenant) (1), Caseworker 1 (2), Accountant (1), Maintenance Worker II (1), Correctional Sergeant (1), and Correctional Officers (5). While at NNTH we completed the tour, facility specific reviews,

Camera monitoring reviews, Nevada Offender Tracking Identification System (NOTIS) reviews and again reviewing each standard of the PREA Compliance Tool to complete Audit interview and tour notes, to ensure we had information and data collected to which we could identify standard compliance and noncompliance questions. . The PREA Audit team met with the PREA Compliance manager to determine what new documents were needed to review.

On the last day, a preliminary assessment of NNTHs compliance with the PREA Standards was conducted by discussing each specific Standard between the Audit team members which included the IG/PREA Compliance Coordinator and the Facility PREA Compliance Manager. While in Las Vegas during another Audit of a Nevada State Facility this Auditor became aware of a State Statue of Privilege which would affect the outcome of NNTH audit. The areas of concern were identified with further discussion about a possible methodology within the agency and for NNTH to achieve compliance. The IG/PREA Coordinator and facility PREA Compliance Manager were amenable to the recommendations and an action plan was developed.

The PREA Audit team conducted an Exit" De-briefing" in the Directors conference room. Attendees were IG/PREA Compliance Manger (via telephone), Deputy Director (via telephone), Assoc. Warden (via telephone), and Facility IG. The exit briefing highlighted NNTH positive compliance issues. PREA Team members highlighted the agency wide issue and the need for a corrective action plan later to the Director, and IG/PREA Coordinator which was found while on another audit. The tentative correction plan was developed through discussions with the Inspector General/PREA Coordinator.

## DESCRIPTION OF FACILITY CHARACTERISTICS

The Northern Nevada Transitional Housing is located in Washoe County, Nevada in Reno. The Nevada Department of Corrections selected the current site of the facility in 2005, under Assembly Bill 299 paving the way for a partnership with the Reno-Sparks Indian Colony for a land swap between the two parties. NNTH was formally located at another location previously called Northern Nevada Restitution Center. In October 2015 NNTH was the new location and name for the facility.

NNTH is in Northern Nevada. The facility has a capacity for 112 inmates, 11 staff which houses Minimum/Community Trustee male inmates currently with a plan in the future to house female inmates

Male Unit            All Population (Room/dorm like setting)  
Female Unit        (not open yet) (Room/ Dorm like setting)

Age Range of population:    22-60

Rated Capacity: 112

Actual Capacity: 94

Security: Minimum/Community Trustee

Number of staff: Facility Manager/Lieutenant (1), Case Worker 1 (2), Accountant III (1), Maintenance Worker II (1), Correctional Sergeant (1), Correctional Officers (5)

NNTH focuses and Mission is to provide inmates opportunity to establish employment in the community to better prepare them for release and to address court-ordered fees, fines, and restitution obligations. Inmates who are housed at NNTH are within one year of term expiration or parole eligibility. NNTH is administered by a Parent institution Warden and Associate Warden. There is (5) protective service staff.

NNTH promotes vocational training authorized by the Department of Corrections that is available in the community. Educational opportunities include pursuit of a GED, high School diploma, College certificates of achievement and associate baccalaureate and master's degrees. Treatment services can be utilized in the community to include substance abuse counseling and A/NA.

The Audit Team was impressed with how well behaved and dedicated to the program at NNTH were during the audit process, especially with the waits to be interviewed and interruption in their daily routines. The NNTH staff at all levels were very professional, efficient, respectful, and very accommodating. The staff were always willing to aid the Audit team without any questions or concerns. The physical appearance of the facility was spotless. It was very apparent by the rooms and dorms the inmates take pride in being housed at the facility, and staff maintain an organized and professional work space.

## **SUMMARY OF AUDIT FINDINGS**

Auditing was completed during the course of a two day On-Site audit, The Audit Team interviewed approximately 5 inmates, utilizing the random inmate questionnaire, reviewing data received later from IG/PREA auditor. . The Audit Team interviewed 5 random staff, 11 specialty staff, some inclusive of the Carson City Central Office interviews. The Audit team reviewed 9 institutional files which included staff and inmates. The PREA Audit Team worked on-on-one with the IG/PREA Coordinator to understand the NOTIS system.

The NOTIS system is the on-line data base and means by which Nevada Department of Corrections tracks inmates and issues involving inmates; inmates and staff; and any other type of unusual occurrence. The data base has been in use since 2006 and involves what NDOC identifies as modules of specific information related to the inmate or staff. Each user role will then allow or not, that staff member access to specifically identified modules of information and sometimes even specific sub categories of information contained within each of the modules. Some staff may only their area of responsibility (Institutional or facility) rather than administrative. We were able to determine how a report could be created to track PREA Reports, Notifications, investigations, and information related to offender PREA Complaints, and staff training.

On February 23, 2016 the site visit to NNTH, in Reno Nevada ended. The results indicated upon further review The State of Nevada has a Statue of Privilege which upon discovery during post audit review will be comprehensive in some standards meeting compliance.

### **Overall Compliance As Reflected in Interim Compliance Report**

Number of standards exceeded: 0

Number of standards met: 37

Number of standards not met: 4

Number of standards not applicable: 2 contracting with other entities for the confinement of inmates and Youthful Inmates.

## **May 2016 Update Since the Audit: Corrective Actions Taken by NNTH and NDOC to Achieve Full Compliance**

The Interim Compliance Report reflected there were four standards that were in Non-Compliance at NNTH. Therefore, a required corrective action period not to exceed 180 days began on March 15, 2016. The Auditor recommended a corrective action Plan for the facility and the administration agreed and began corrective actions requested the Auditor to bring the agency and the facility into full compliance with the PREA standards. Initial documentation of the corrective actions were received by the Auditor on May 9, 2016. The Auditor reviewed the submitted documentation to determine if full compliance with the standards was achieved. The Auditor asked of series of clarifying questions of the NDOC Agency Investigator General/PREA Coordinator regarding the verifications documents and received additional documentation throughout the receipt of documentation which was received, normally the same day. After reviewing all additional information, the auditor determined that the NDOC agency and NNTH administration had demonstrated compliance with and full institutionalization of the PREA standards. Therefore, the Auditor determined that NNTH has achieved full compliance with the PREA standards as of the date of this final report.

### **Final Compliance:**

Number of standards exceeded: 0

Number of standards met: 41

Number of standards not met: 0

Number of standards not applicable: 2 contracting with other entities for the confinement of inmates and Youthful Inmates.

**Standard 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NNTH procedures and policies AR 421 and OP 421 reflect the agency written policy mandating zero tolerance toward sexual abuse, sexual harassment and sets forth procedures for the agency and its approach to preventing, detecting and responding to sexual abuse and harassment. NNTH policy AR421.18 sec 7, includes definitions of the prohibited behaviors regarding sexual abuse and sexual harassment.

The agency employs an agency-wide PREA Coordinator, whose position also functions as the NDOC Inspector general, located within the Inspector General office. The position has sufficient time and authority to develop, implement and oversee the agencies efforts to comply with PREA at all of its facilities.

NNTH has a designated Facility Manager/Administrative Lieutenant as the Facility PREA Compliance Manager who reports to the Warden. The position has sufficient time and authority to develop, implement and oversee the facility PREA compliance as the agency has set forth.

**Policy, Materials, Interviews and Other Evidence Reviewed**

State of Nevada Department of Corrections (NDOC), NNTH Organizational Chart 12-1-15  
State of Nevada Department of Corrections Administrative Regulation 421  
State of Nevada Department of Corrections, NNTH Operational Procedure 421  
Interviews with Agency Investigator General/PREA Coordinator and NNTH Facility Manager/Lieutenant/ PREA Compliance Manager  
Completed Pre-Audit Questionnaire Submitted by NNTH

**Standard 115.12 Contracting with other entities for the confinement of inmates**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)
- NOT APPLICABLE

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

The information received through interviews and supporting documentation indicates that NNTH does not contract with other entities or another agency for the confinement of inmates.

**Policy, Materials, Interviews and Other Evidence Reviewed**

Completed Pre-Audit Questionnaire submitted by NNTH  
Interviews with Agency Investigator General/PREA Coordinator and NNTH Facility Manager/Lieutenant /PREA Compliance Manager

**Standard 115.13 Supervision and monitoring**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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NNTH has documented and complied with the staffing plan which provides for adequate staffing levels, video monitoring, and considers the factors identified in section a (1-11). NNTH has reviewed the staffing plan demonstrating a continuing effort to ensure they continue this practice for the facility. The IP Video Security Surveillance system installed after 2012 expanded the facility security system.

According to NDOC AR 326, any deviations from staffing requirements are reported to the Warden as they are responsible to ensure there is sufficient staff to operate their facilities safely.

The facility Warden and the NDOC PREA Coordinator meet annually to discuss whether adjustment are necessary to the staffing plan, video monitoring technologies and the allocation or reallocation of agency or facility resources.

During interviews, staff reported that if they observed a staff member notification to other staff, they would conduct a private conversation about the agency and facility expectations regarding unannounced rounds. NOTIS documents were printed and reviewed which demonstrated the documentation of unannounced rounds by NNTH intermediate and or higher level supervisors.

**Policy, Materials, Interviews and Other Evidence Reviewed**

- Completed Pre-Audit Questionnaire Submitted by NNTH
- NNTH staffing plan review 2015-2016
- NNTH Staffing Pattern 2016
- NNTH Staffing plan memo (11-30-15)
- NDOC and NNTH organizational chart
- NNTH custody and non-custody staff roster
- Interviews with Agency Investigator General/PREA Coordinator and NNTH Facility Manager/Lieutenant/ PREA Compliance Manager
- Interview with Associate Warden (Intermediate or higher level staff)
- State of Nevada Department of Corrections Administrative Regulation 301
- State of Nevada Department of Corrections Administrative Regulation 326
- State of Nevada Department of Corrections, NNTH Operational Procedure 400
- Onsite review of daily NNTH Shift and Post logs on NOTIS
- Review of shift logs for Supervisory Unannounced tour 1-1-15 to 1-11-16
- State of Nevada Department of Corrections PREA Manual

**Standard 115.14 Youthful inmates**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)
- NOT APPLICABLE

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard is not applicable as NNTH policy and procedure AR421 and the PREA Manual state that the facility prohibits placing youthful inmates in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate.

NNTH is Transitional Housing facility and does not have separate housing unit or area that would keep youthful inmates out of sight, sound, or physical contact with adult inmates, and , therefore will not have any youthful inmates classified at their location.

## **Policy, Materials, Interviews and Other Evidence Reviewed**

Completed Pre-Audit Questionnaire Submitted by NNTH  
State of Nevada Department of Corrections Administrative Regulation 421  
NNTH Operational Procedure 502  
Facility Population data, January 1, 2015 to October 23, 2015

### **Standard 115.15 Limits to cross-gender viewing and searches**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NNTH is currently a Male facility with 94 inmates. The inmates are not restricted and move within the facility to access programs and areas throughout the facility and to leave for their community work employment. During the PREA Audit Team tour and interviews it was observed and verified there was always a male staff available within the facility which allows male inmates to always have access to programs and areas.

NDOC and NNTH require staff shall document all cross-gender unclothed, clothed, or visual body cavity searches within the Nevada Offender Tracking Information System (NOTIS) however they have not had any documented or reported to review.

NNTH free movement within the facility and no set times the inmates to shower on all units. The current showers allow for male inmates to shower in private even if a male is standing within view of the shower a staff cannot see the body due to the facility shower stalls afford privacy for above ankles to neckline and cannot view an inmates buttocks, breast or genitalia

During the PREA Audit Tour staff conducting a cross gender pat frisk or strip search and under no circumstances would it be for determining an inmate's genital status. There is always a male staff on shift even if a female staff is working there is a male staff on shift.

NNTH Operational Procedure 422 requires Female staff announce their presence when entering a unit. During the facility tour it was observed by the PREA Audit Team, Female staff were announcing when entering areas Male inmates may be showering, undressing, using the facilities, and entering living unit. The PREA Audit Team also observed it was announced on the intercom for the facility as well. NDOC procedure and policy AR 421, the PREA Manual, NNTH Operational Procedure OP 422 prohibits searches of transgender intersex inmates for the sole purpose of determining gender status. NNTH reported that all security staff have received training on conducting professional searches on all inmates including transgender, cross gender and intersex inmates.

NNTH also during the tour/visit provided training records of staff and provided the verification and signatures of staff training on how to conduct cross gender pat-down searches and searches of transgender and intersex inmates.

## Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH  
State of Nevada Department of Corrections PREA Manual  
State of Nevada Department of Corrections Administrative Regulation 422  
NNTH Operational Procedure 422  
Nevada Department of Corrections Staff PREA Training 3-27-14  
On-Site observation of Nevada Offender Tracking Information System (NOTIS)  
Interviews with Radom facility staff and random inmates.  
Training Certificates of all facility staff  
On-Site and sample review of random staff training logs for NNTH and NDOC employees

### Standard 115.16 Inmates with disabilities and inmates who are limited English proficient

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NNTH policy and procedures AR421 state that all inmates will be afforded PREA education including inmates who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills. NNTH policy and procedure AR421 and the PREA manual outline the agency's established procedures to provide the disabled inmates equal opportunity from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse. NNTH inmate education video has been formatted in English, Spanish, and close captioning for both. NNTH has access to provide the education in Braille, if an inmate has disabilities impacting both his hearing and his vision.

NNTH PREA Manual and AR421 prohibit the use of inmate interpreters, inmate readers, or other types of inmate assistance.

Ransom staff interviews reported at NNTH they are never to utilize an inmate interpreter and though there are several Spanish Speaking staff they also have LanguageLink, and were able to verify they knew the procedure for Interactive Response (IVR). It should be noted the primary language at NNTH is English and Spanish.

## Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH  
State of Nevada Department of Corrections PREA Manual  
State of Nevada Department of Corrections Administrative Regulation 421  
NNTH Operational Procedure 504  
NNTH On-Site Close caption PREA video for offenders  
NNTH On-Site Spanish PREA Video  
NNTH On-Site Video translated in Braille for blind and hearing, impaired  
PREA Q & A Handout for inmates -Spanish  
Samples of PREA Poster and Rape Crisis Center Poster in Spanish  
Contract Language Bank  
Inmate Handbook  
Interview with State of Nevada Department of Corrections Interim Director  
Interviews with Radom facility staff

## Standard 115.17 Hiring and promotion decisions

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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NNTH policy and procedure AR 300, AR 421, and the PREA Manual address the provisions of 115-17(a)1 by prohibiting the hiring and promoting of anyone, or utilizing the services of any contractor or volunteer who;

1. Has engaged in sexual abuse in prison, jail, lockup, community confinement facility, juvenile facility, or other institution;
2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
3. Has been civilly or administratively adjudicated to have engaged in the activity described above.

The PREA Manual AR 300 and AR 421 reference the requirement before hiring any new employee or utilizing the services of a contractor or volunteer, a criminal background records check shall be performed and HR will make its best effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

AR 212.03 under Contract Approval Requirements and Signatures and states, "Mandatory background checks on contractors/vendors will be completed no less than every three years in compliance with PREA federal mandates; the Contracts unit is required to maintain tracking documentation for audit purposes."

AR 300, AR 421 and the PREA Manual require NDOC to consider any incidents of sexual harassment when making a decision for hire, promotion or utilizing a contractor or volunteer.

The PREA manual notes Annual evaluations process of all current staff will include a question about previous sexual abuse and misconduct.

The PREA manual and AR 421 state the IG and HR shall perform criminal background record checks of all current employees every three years, beginning at the first year of each PREA audit cycle. Under AR 421 material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

AR 308 page 3 section 14, authorizes only the Department of Personnel Division staff to provide employment verifications, references, or other requests pertaining to employment information. The confidentiality of files covered by AR308 is governed by NAC 284.718: Confidential Records NAC 284.726: Access to Confidential Records.

Based on reviewing of files and the interview with HR staff, the agency and facility is conducting back ground checks for all promotional staff, prospective new hire employees, contractors and volunteers by conducting NCIC, screening with prior employers and verification contact with job references.

## Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH

Interviews with Agency Investigator General/PREA Coordinator and NNTH Facility Manager/Lieutenant PREA Compliance Manager /

Interview with State of Nevada Department of Corrections Human Resource Manager (North) Carson City

State of Nevada Department of Corrections PREA Manual

State of Nevada Department of Corrections Administrative Regulation 212

State of Nevada Department of Corrections Administrative Regulation 300

State of Nevada Department of Corrections Administrative Regulation 421

On-Site random review of staff personnel Files in Human Resource office Carson City

Sample of Data Base tracking of contractor's background records check

Sample of the State of Nevada Security Regulations acknowledgement form

Sample PREA Background checks on Contractors

### Standard 115.18 Upgrades to facilities and technologies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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NNTH is the result of partnership and land swap with RENO Indian Colony in October 23, 2015

NNTH by installing and updating a video monitoring system, electronic surveillance system, and other monitoring technology, the NDOC at NNTH was able to enhance the agency's ability to protect inmates from sexual abuse.

### Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH  
Interview with State of Nevada Department of Corrections Interim Director  
Minutes from meetings referencing installing or updating monitoring technology  
Interview with State of Nevada Department of Corrections Associate Warden  
AIA Document G709-2001 Modification to surveillance system  
NNTH facility Schematic  
On-Site observation of NNTH facility, and its surveillance and security systems

### Standard 115.21 Evidence protocol and forensic medical examinations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NNTH offers all inmates who experience sexual abuse access to WSCC medical. The facility has set protocol for females though they do not house any at this time as well to go to NNCC for medical. The inmates would then be afforded access to forensic medical at an outside agency (Renown) Accompanied by a Safe/Sane Nurse from Crisis Call Center.

NDOC's Inspector General is responsible for conducting both the administrative and the criminal investigations for sexual abuse and sexual harassment. AR 421 policy and procedure under Investigations, the IG investigators follow a uniform evidence protocol when conducting sexual abuse investigations and it is based on the most recent edition of DOJ's Office on Violence against Woman publication. AR 421 and the IG Administrative Guide are developmentally appropriate for youthful inmates however NNTH does not accept or house them at the facility.

NNTH will utilize the parent facility WSCC staff trained as a victim advocate will be made available to the victim which is documented as part of the investigation in NOTIS, and in the unusual occurrence section of the medical file.

During this audit it was identified the MOU with Victims' advocates was not within the state guidelines based on Auditors identified the state of Nevada has a Statue of Privilege. The completed MOU on 3-1-16 was revised for their role now with the agency to support the State laws for a neutral third party that is dedicated to provide emergency response and victim assistance for emotional support through a 24 hour

hot line, the Department is able to increase its resources dealing with prison rape and or sexual assault with the prison system.

## Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH

State of Nevada Department of Corrections Administrative Regulation 421

State of Nevada Department of Corrections PREA Manual

NNTH Operational Procedure 421

Nevada Department of Corrections Office of The Inspector General Administrative Investigations Guide/Manual.

Interviews with NNTH Facility Manager/Lieutenant /PREA Compliance Manager

Interview with NNTH Random staff

MOU with Crisis Call Center/Rape Crisis Center (Crisis Call Center, Inc. a Sexual Assault Support and Direct Service Program work cooperatively)

Safe and Sane Contact information 2-23-16

Interview by telephone with Safe/Sane Nurse staff

State of Nevada Statue of Privilege

MOU Updated with Rape Crisis Center

### Standard 115.22 Policies to ensure referrals of allegations for investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NDOC procedure and policy AR 421 under Investigations of Allegations, states, "NDOC Office of the Inspector general will investigate all allegations of staff on inmate sexual abuse, sexual harassment, and inmate on inmate sexual abuse." NDOC procedure and policy AR 421 and IG investigation Guide in full describe the responsibilities and actions required for investigations stating, "The Department will conduct thorough and impartial administrative and when necessary, criminal investigations into all allegations of employee misconduct as prescribed by AR 350." AR 421 also stated under 421.12, "NDOC Office of the Inspector General will investigate all allegations of staff on inmate sexual abuse, sexual harassment and inmate on inmate sexual abuse."

The PREA Manual and AR 421 provide the definitions of inmate on inmate sexual harassment as 'repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of derogatory or offensive sexual nature by one inmate directed toward another.'

NDOC PREA link to AR 421 describes the referral of allegations of sexual abuse and or sexual harassment for criminal investigations. The AR link for NDOC was the easiest way to access their procedures and policies.

NDOC documents all referrals of allegations of sexual abuse or sexual harassment for criminal and administrative investigations by the IG Office. There are procedures in place which govern the conduct of these investigations.

NNTH in the last 12 months, there have been no criminal or administrative investigations.

During the file review and interview process this Auditor was updated and there was no new information. The PREA Coordinator reported there were no cases at NNTH.

NDOC website is user friendly and easy to navigate to find relevant policies in the section of Administrative regulations. There are several policies listed numerical in the section, which the agency demonstrated while PREA Auditors were there how efficient and quick they are to update and post procedures.

## Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH  
State of Nevada Department of Corrections PREA Manual  
State of Nevada Department of Corrections Administrative Regulation 421  
Nevada Department of Corrections Office of The Inspector General Administrative Investigations Guide/Manual.  
State of Nevada Department of Corrections Administrative Regulation 350  
Interview with State of Nevada Department of Corrections Interim Director  
Interviews with Agency Investigator General/PREA Coordinator and NNTH Facility Manager/Lieutenant/ PREA Compliance Manager  
Sample internal investigation

### Standard 115.31 Employee training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

The Lesson plan and the power point dated 3-25-14 were reviewed and the training standards and documents meet the requirement of this standard. The training certificates of 2014 and one certification of 2015. When PREA Auditors found some other areas in the standards which needed updating regarding staff notification to report privately the NDOC updated the power point for staff and the lesson plan on 3-1-16.

Though NNTH currently only houses male inmates the training staff participate in, is tailored for both male and female inmates when they do have females at the facility.

NNTH indicated that all staff receive the required PREA training and during off years the staff/employees are provided with information about current policies regarding PREA sexual abuse and sexual harassment. AR 421 and OP 421 policy and procedure state, "All employees who may have contact with inmates will receive refresher training on requirements and responsibilities of PREA every two (2) years.

## Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH  
PREA Lesson Plan Script  
State of Nevada Department of Corrections Administrative Regulation 421  
NNTH Operational Procedure 421  
State of Nevada Department of Corrections training power point 3-27-14/Updated Power point 3/1/16  
On-Site and sample review of random staff training logs for NNTH and NDOC employees  
Sample of Staff training certificates  
Sample form DOC 1102PREA Acknowledge form all staff to sign when they attend the PREA training  
Review of Random employee files in HR and training records  
Interviews with Random staff, regarding their PREA training and Knowledge;  
Interviews with First Responders  
Sample of staff remedial training

### Standard 115.32 Volunteer and contractor training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

The Pre-Audit Questionnaire was answered but not completed thoroughly. The documentation was not provided for Contract Staff or Volunteers to ensure they had been trained on PREA requirements and or how they are trained.

During the On-Site audit of NNTH, the Audit team reviewed training records and documents of contract staff and volunteers to ensure verification whether all volunteers and contractors have been trained on PREA requirements and found they had.

NDOC and NNTH volunteers receive training on PREA Requirements and also take the course on the NICIC website, (<http://nicic.gov/training.prea>).

### Policy, Materials, Interviews and Other Evidence Reviewed

Volunteer Training Course located on the NICIC website (<http://nicic.gov/training.prea>)

State of Nevada Department of Corrections Administrative Regulation 802

State of Nevada Department of Corrections training power point 3-25-14/Updated Power point 3/1/16

Completed Pre-Audit Questionnaire Submitted by NNTH

Interview with NNTH Volunteer

PREA Lesson Script

Training Certificates of Volunteers

Sample training log

Nevada Department of Corrections Prison Rape Elimination Act signed. (Outside zero Tolerance form)

On-Site review of training records, documents of contract staff and volunteers

### Standard 115.33 Inmate education

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

The inmates sign the PREA orientation acknowledgment form, acknowledging receipt of this information and this entered into NOTIS. AR 421 procedure and policy requires all inmates during the initial intake orientation receive information explaining the departments zero tolerance policy regarding sexual abuse and/or sexual harassment. NNTH is a transitional housing facility and upon admission the inmate receives PREA handouts and the comprehensive education video is shown to them.

NNTH OP 421 policy and procedure is within the standards as they additionally provide education with the PREA and key information for offenders are limited English proficient, deaf, visually impaired, otherwise disabled well as to inmates who have limited reading skills .The facility does have the PREA information available in Braille for those who are visually impaired.

During an Audit Process the PREA Team identified that The State of Nevada had a Statue of privilege. This would affect any MOU with a Crisis Center as a third party reporting to be in violation of the statue. NDOC due to this discovery had begun the process of entering into an Intergovernmental agreement with the State of New Mexico for third party reporting effective 3-31-16. The posters and inmate handbook will be revised and provided to the auditors. It also is noted the posters will be placed closers to all facilities inmate telephones. NDOC will be provided up to 180 days to correct and provide the auditor evidence it is now in compliance with this standard.

## **Policy, Materials, Interviews and Other Evidence Reviewed**

Completed Pre-Audit Questionnaire Submitted by NNTH  
NNTH Operational Procedure 421  
State of Nevada Department of Corrections PREA Manual  
Interview of Random Inmates  
Interview of NNTH intake staff  
Interview of Random staff (Provides inmate education)  
Inmate File Reviews  
NOTIS intake records review  
NNTH inmate Handbook, NNTH inmate handbook revised 3/2016  
PREA Posters posted and displayed  
Sample PREA Posters in English and Spanish  
Crisis Call Center/RCC posters, RCC posters revised 3/2016  
NOTIS Inmate PREA Tracking Report  
State of Nevada Statue of Privilege (NEV. REV. STAT. ANN. § 49.2546)

## **Corrective Action Required**

1. NDOC/NNTH should update all education for inmates and staff is updated and the key information is continuously and readily available through updated posters, inmate handbooks and other written formats
2. NDOC will finalize the Intergovernmental agreement with the State of New Mexico Department of Corrections and the agreement signed, for an outside agency reporting entity for inmates.
3. NDOC PREA Manual revision to update PREA Reporting entities and emotional Support revisions
4. Revision of MOU with Victim Advocates and services contracts with NDOC based on State of Nevada Statue of Privilege.

## **Verification of Corrective Action since the Audit**

The Auditor was provided supplemental documentation prior to and on 3-14-16, 4-4-16, 4-19-16, 5-05-16 to evidence and demonstrate corrective actions taken by NDOC and NNTH regarding this standard. The documentation is discussed below.

## **Additional Documentation Reviewed:**

- NDOC and The State of New Mexico Department of Corrections (NMCD) entered into an Intergovernmental agreement for PREA Reporting Commencing on March 31, 2016 and will be completed on January 2019 unless terminated sooner or extended.
- Inmate education that is readily available to inmates through Posters, inmate handbooks, or other written formats was updated to reflect NMCD as the outside agency third party reporting and the new role of PREA Victim Advocacy and Emotional Support Services by The Rape Crisis Center (RCC).
- NNTH Inmate handbook revised, April 19, 2016.
- PREA Posters Spanish and English Revised, March 14, 2016
- NDOC PREA Manual was revised and signed on April 4, 2016
- MOU PREA Victim Advocacy and Emotional Support Services by The Rape Crisis Center (RCC) revised and signed on May 5, 2016.
- Correspondences with NNTH from NDOC verification all posters are posted at facility April 5, 2016

### Standard 115.34 specialized training: Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

The PREA Manual, IG Investigators guide and procedure and policy AR 421 all document that the agency shall ensure investigators are trained in conducting sexual abuse investigations in confinement settings.

NNTH provided training certificates from investigators showing that they all completed the three hour training titled PREA; Investigating Sexual Abuse in a Confinement Setting, presented by the National Institute of Corrections.

NDOC continually demonstrated the updated and tracking of staff who are due for training and are in compliance as investigators through NDOC training and it is documented and maintained in the NDOC agency IG/PREA Coordinators office as extra for the supervisor to maintain the record of compliance for all administrative and PREA investigators.

### Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH  
Nevada Department of Corrections Office of The Inspector General Administrative Investigations Guide/Manual.  
Interviews with Agency Investigator General/PREA Coordinator  
State of Nevada Department of Corrections Administrative Regulation 421  
State of Nevada Department of Corrections PREA Manual  
Training logs and certificates for staff completing specialized training  
On-Site file reviews at Human Resources in Carson City  
Interview with NNTH Investigator General (IG)  
On-Site review of NDOC Tracking of training

### Standard 115.35 Specialized training: Medical and mental health care

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NDOC has procedure/policy AR 421 that states all full and part time medical and mental health service providers who work regularly in its facilities have received specialized training.

NDOC provided documentation showing that the medical and mental health at the parent facilities of WSCC or NNTH have completed the required training and received the certificates titled, "PREA Medical Health Care for Sexual Assault Victims in a Confinement Setting."

NNTH sends the inmates to WSCC for short term medical, and to NNCC if it is longer term medical or mental health care needed. However if emergency room is needed they will go to Renown hospital in Reno, Nevada for Safe/Sane treatment.

## Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH

Interviews with Agency Investigator General/PREA Coordinator

State of Nevada Department of Corrections Administrative Regulation 421

State of Nevada Department of Corrections PREA Manual

Certificates and training records verification of PREA Medical Health Care for Sexual Assault Victims in a Confinement Setting. (NIC)

On-site reviewed random files at Carson City of WSCC and NNCC Medical or Mental health staff who would treat NNTH inmates possibly.

Interviewed Medical/Mental health staff

### Standard 115.41 screening for risk of victimization and abusiveness

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NDOC has a procedure and policy AR 421 that all inmates shall be assessed for their risk of being sexually abused by or abusive toward other inmates during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually toward other inmates.

Screening and Classification, screening for risk of sexual victimization or sexual abusiveness shall be completed within 72 hours of arrival at an institutions, or facility, excluding holidays. NNTH also has an OP that a Correctional Case worker (CCS) will be present for all inmate arrivals. During non-business hours, inmates will be held at Warm Springs Correctional Center, (WSCC) until a CCS is available at NNTH.

NDOC AR 573 requires the facility to reassess each inmates risk to victimization or abusiveness within 30 days of arrival at the facility, or when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmates risk of being sexually victimized or being sexually abusive. The PREA risk assessment tool appears to be primarily based on an inmates self-reporting. The Correctional Case worker however conducts a file review to supplement information obtained from the interview.

## Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH

State of Nevada Department of Corrections Administrative Regulation 573

State of Nevada Department of Corrections Administrative Regulation 421

Interview with Caseworker who does intake screening procedure

Interview with Random Inmates

NNTH Operational Procedure 504

NDOC PREA Risk Assessment instrument (DOC 2097)/Sample of PREA Risk Assessment Final

On-site reviewed files and documented of inmates who had signed they had received PREA Orientations education in Jan/Feb and IFile which the intake screening was maintained.

On-Site NOTIS review

Interviews with Agency Investigator General/PREA Coordinator and NNTH Facility Manager/Lieutenant/ PREA Compliance Manager

On-Site Carson City HR files reviewed NOTIS affidavit which approval for NOTIS permissions was maintained.

### Standard 115.42 Use of screening information

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NDOC AR 573 states staff shall use the information from the risk assessment to make informed housing, bed, work, and program assignments with the goal of keeping separate inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. NNTH utilizes the NOTIS system for alerts and all inmates are reviewed every six months at their classification reviews. AR 573 makes no mention of the PREA standard however OP 573 does contain requirement that Caseworkers shall make housing and program assignments for transgender or intersex inmates in the facility on case-by-case basis while referencing PREA standard 115.42 (c)-1 NDOC and NNTH does not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification status. NDOC PREA Manual does state, " Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates." NNTH utilizes the NOTIS system for alerts, all inmates are reviewed every six (6) months at their classification reviews. AR 573 makes no reference to the standard however NDOC and NNTH does not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification. NNTH has a private shower stalls and restroom areas for the facility if needed to schedule individualized shower times. NNTH and OP 573 does mention standard 115.42 and requires an individual room for the inmate be provided.

### Policy, Materials, Interviews and Other Evidence Reviewed

State of Nevada Department of Corrections Administrative Regulation 573

NNTH Operational Procedure 504

NNTH Operational Procedure 573

NNTH Operational Procedure 509

Completed Pre-Audit Questionnaire Submitted by NNTH

State of Nevada Department of Corrections PREA Manual

NNTH Inmate Roster

Interviews with Agency Investigator General/PREA Coordinator and NNTH Facility Manager/Lieutenant/ PREA Compliance Manager

Interview with Caseworker and who does intake screening

Sample of Case notes reviewed from NOTIS

### Standard 115.43 Protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NNTH does not have a segregation area, however if there is an inmate to be placed in segregation the inmate will be transported to a medium facility (NNCC). NDOC and NNTH OP 509 policy and procedure AR 573, AR 509 and NNTH OP 573, prohibit the placement of inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made and it has been determined that there are no available alternative means to separate the inmate from likely abusers.

NDOC AR 573 requires if an inmate is placed involuntary segregated housing assignment then every 30 days staff shall afford each inmate a review to determine whether there is a continuing need for separation from the general population. The Case Worker reported he would continue to meet with inmate. The facility Manager/Lieutenant reported she is responsible for the preliminary investigation and how the inmate would have to sign a protective segregation waiver to request to be transferred to a segregation housing unit.

NDOC AR 573 inmates placed in segregated housing for protective custody shall have access to programs, privileges, education, and work, opportunities to the extent possible however as noted NNTH would not house them they would be transported to a Medium facility.

## Policy, Materials, Interviews and Other Evidence Reviewed

NNTH Operational Procedure 509

NNTH Operational Procedure 573

Completed Pre-Audit Questionnaire Submitted by NNTH

State of Nevada Department of Corrections Administrative Regulation 573

State of Nevada Department of Corrections Administrative Regulation 509

Interview with Associate Warden

Interview with Case worker

### Standard 115.51 Inmate reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

AR 421 and the PREA Manual provides a provision that the agency shall established a procedure for staff to "Privately" report sexual abuse and sexual harassment of inmates. NNTH does have it documented in the OP 421 provisions for inmates, visitors, inmate family members, or associates, and other community members to privately report sexual abuse or sexual harassment, retaliation by other inmates or staff reporting sexual abuse or sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents but does not have any staff provisions for privately reporting sexual abuse or sexual harassment of inmates.

NDOC has established multiple internal ways for inmates to report privately to agency officials about PREA allegations. NDOC procedure and policy AR 421 states that reporting can be verbal complaints to any department employee, written complaints by inmate grievances or inmate kites calling or emailing the NDOC Family Services Office, or writing the Nevada Attorney general's Office. NDOC does not house inmates solely for civil immigration purposes and the U.S. Marshals would house and manage these inmates at the jurisdiction at a federal facility

NDOC AR 421 states " All facility allegations of sexual abuse and sexual harassment, including third-party and anonymous reports of allegations must be reported to the CM or designated employee."

NDOC AR 421 and the PREA Manual state that all staff shall accept reports made verbally, in writing, anonymously, and from third parties. During the interviews NOTIS was utilized for reporting.

A tour of the facility showed poster displayed in areas accessible to inmates, visitors, contract/volunteers staff and facility staff on how to report any form of sexual misconduct; which include staff/contractor/or volunteer on inmate or inmate on inmate sexual harassment, sexual assault, sexual abusive contact and consensual sex.

Per 115.51b: A review of documents shows NDOC entered into a Memorandum of Understanding (MOU) with The Rape Crisis Center (RCC) which is a public entity that is not part of NDOC. The purpose of this MOU is for RCC to provide assist to inmates needing to report a sexual assault incident or seek assistance following the assault.

Should RCC receive calls from inmates within NDOC/NNTH regarding a sexual assault within 72 hours of occurring; RCC will

immediately (within 15 minutes) contact the appropriate staff member at the facility to provide that inmate the best opportunity for undergoing a sexual assault exam.

All other reports made by inmates through RCC will be forward to the Officer of the Inspector General (IG) via email no later than 72 hours after receiving the notification.

However, information obtained by the PREA Auditors revealed identifies RCC within the State of Nevada with having privileged communication. (See Nevada Law below)

NEV. REV. STAT. ANN. § 49.2546

1. A communication shall be deemed to be confidential if the communication is between a victim and a victim's advocate and is not intended to be disclosed to third persons other than:

(a) A person who is present to further the interest of the victim;

(b) A person reasonably necessary for the transmission of the communication; or

(c) A person who is participating in the advice, counseling or assistance of the victim, including, without limitation, a member of the victim's family.

2. As used in this section, "communication" includes, without limitation, all records concerning the victim and the services provided to the victim which are within the possession of:

(a) The victim's advocate; or

(b) The nonprofit program for whom the victim's advocate works.

NEV. REV. STAT. ANN. § 49.2547 (West 2012)

Except as otherwise provided in NRS 49.2549, a victim who seeks advice, counseling or assistance from a victim's advocate has a privilege to refuse to disclose, and to prevent any other person from disclosing, confidential communications set forth in NRS 49.2546.

NEV. REV. STAT. ANN. § 49.2549 (West 2012)

There is no privilege pursuant to NRS 49.2547 if:

1. The purpose of the victim in seeking services from a victim's advocate is to enable or aid any person to commit or plan to commit what the victim knows or reasonably should have known is a crime or fraud;

2. The communication concerns a report of abuse or neglect of a child, older person or vulnerable person in violation of NRS 200.508, 200.5093 or 200.50935, but only as to that portion of the communication;

3. The communication is relevant to an issue of breach of duty by the victim's advocate to the victim or by the victim to the victim's advocate; or

4. Disclosure of the communication is otherwise required by law.

NDOC/NNTH does not meet standard 115.51 Inmate Reporting due to subsection 115.51b. NVD/NNTH does not have a way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request.

NDOC/NNTH entered into a MOU with RCC to receive reported sexual misconduct; which include staff/contractor/or volunteer on inmate or inmate on inmate sexual harassment, sexual assault, sexual abusive contact and consensual sex immediately. Information revealed from the audit shows RCC has failed to report sexual misconduct complaints they received to NDOC IG in an immediately manner.

NDOC was provided an opportunity to correct this error and current provisions. NDOC has provided an action plan to review revisions or existing PREA Posters to include language that clearly articulates that written communication to public, private entity or an office that is not a part of NDOC must still be reported by the outside agency to NDOC it can be reported anonymous, means, if requested by the reporting party. NDOC PREA IG Management Team will recommend to all institutions and facilities that at least one set of posters be hung by the inmate phones within the housing units in order to facilitate the ability of inmates to have contact information readily available while on the phones so that is not so obvious to other inmates that the PREA reporting information is being viewed by a third party inmate. Due to the Statue of Privilege in the State of Nevada NDOC had opted to change one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency.

NDOC with The State of New Mexico Department of Corrections (NMCD) in an Intergovernmental agreement for PREA Reporting Commencing on March 31, 2016 and will be completed on January 2019 unless terminated sooner or extended. NDOC has entered into an agreement to establish the process and protocols whereby an inmate under the jurisdiction of NDOC may contact NMCD to report sexual abuse or sexual harassment, which NMCD will forward to NDOC as soon as reasonably possible. NDOC will be provided up to 180 days to correct and provide the auditor evidence it is now in compliance with this standard and subsequent related standards.

NDOC was afforded the opportunity to also update staff knowledge and education on the ability to report privately. NDOC updated the employee training and lesson plan which specifically identifies staff can privately report and the procedure for them to do so.

## Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH  
State of Nevada Department of Corrections PREA Manual  
MOU with Crisis Call Center Reno  
State of Nevada Department of Corrections Administrative Regulation 421  
NNTH Operational Procedure 421  
Interviews with random staff  
Interviews with random inmates  
On-Site tour where abuse hotline number and posters are readily visible and staff through posters  
Inmate Educational Materials (Handbook and posters)

### Corrective Action Required

1. NDOC/NNTH should update all education for inmates is updated and the key information is continuously and readily available through updated posters, inmate handbooks and other written formats to privately report PREA.
2. NDOC PREA Manual revision to update Reporting and emotional Support revisions.
3. Revision of MOU with Victim Advocates and services contracts with NDOC based on State of Nevada Statue of Privilege.
4. NDOC will finalize the Intergovernmental agreement with the State of New Mexico Department of Corrections and the agreement signed, for an outside agency reporting entity for inmates.

### Verification of Corrective Action since the Audit

The Auditor was provided supplemental documentation prior to and on 3-14-16, 4-4-16, 4-19-16, 5-05-16 to evidence and demonstrate corrective actions taken by NDOC and NNTH regarding this standard. The documentation is discussed below.

### Additional Documentation Reviewed:

- NDOC and The State of New Mexico Department of Corrections (NMCD) entered into an Intergovernmental agreement for PREA Reporting Commencing on March 31, 2016 and will be completed on January 2019 unless terminated sooner or extended.
- Inmate education that is readily available to inmates through Posters, inmate handbooks, or other written formats was updated to reflect NMCD as the outside agency third party reporting and the new role of PREA Victim Advocacy and Emotional Support Services by The Rape Crisis Center (RCC).
- NNTH Inmate handbook revised, April 19, 2016.
- PREA Posters Spanish and English Revised, March 14, 2016
- NDOC PREA Manual was revised and signed on April 4, 2016
- MOU PREA Victim Advocacy and Emotional Support Services by The Rape Crisis Center (RCC) revised and signed on May 5, 2016.
- Correspondences with NNTH from NDOC verification all posters are posted at facility April 5, 2016.

### Standard 115.52 Exhaustion of administrative remedies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NDOC AR 740 outlines the procedure for filing an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse. It states that all time frames are waived for allegations of sexual abuse, regardless of when the incident is alleged to have occurred, allegations of sexual abuse, inmates are referred to a staff member, who is the subject of the accusation of sexual abuse, inmates

are not required to use an informal grievance process, or otherwise attempt to resolve with staff an alleged incident of sexual abuse, and that a final decision on the merits shall be made within 90 days of the initial filing of the grievance.

AR 740 outlines administrative procedure for dealing with inmate grievances regarding sexual abuse. It states that grievances alleging staff on inmate sexual misconduct or inmate on inmate sexual abuse will be forwarded immediate to the Appointing Authority and followed by a confidential report completed on NOTIS. Then, copy of the grievance will be forwarded to the PREA Management team in the IG's Office for review and investigations.

AR 740 does require the agency to demonstrate the inmate has filed the grievance in bad faith in order to discipline the inmate.

## Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH  
State of Nevada Department of Corrections Administrative Regulation 740  
State of Nevada Department of Corrections Administrative Regulation 421  
State of Nevada Department of Corrections PREA Manual  
Inmate Educational Materials (Handbook and posters)  
Interview with NNTH Facility Manager/Lieutenant /PREA Compliance Manager

### Standard 115.53 Inmate access to outside confidential support services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NDOC/NNTH does not house inmates solely for civil immigration purposes, therefore 115.53(a0-1 is not applicable. NNTH informs inmates, prior to access to outside support services, the extent which communication will be monitored though offender Orientation Handbook, AR 421, Rape Crisis Center, and Crisis Call Center.

However the State of Nevada has a Statue of Privilege NEV. REV. STAT. ANN. § 49.2546

1. A communication shall be deemed to be confidential if the communication is between a victim and a victim's advocate and is not intended to be disclosed to third persons other than:

- (a) A person who is present to further the interest of the victim;
- (b) A person reasonably necessary for the transmission of the communication; or
- (c) A person who is participating in the advice, counseling or assistance of the victim, including, without limitation, a member of the victim's family.

2. As used in this section, "communication" includes, without limitation, all records concerning the victim and the services provided to the victim which are within the possession of:

- (a) The victim's advocate; or
- (b) The nonprofit program for whom the victim's advocate works.

NEV. REV. STAT. ANN. § 49.2547 (West 2012)

Except as otherwise provided in NRS 49.2549, a victim who seeks advice, counseling or assistance from a victim's advocate has a privilege to refuse to disclose, and to prevent any other person from disclosing, confidential communications set forth in NRS 49.2546.

NEV. REV. STAT. ANN. § 49.2549 (West 2012)

There is no privilege pursuant to NRS 49.2547 if:

NDOC will be utilizing Rape Crisis Center for confidential emotional support services related to sexual abuse as a community base provider and will be reviewing the current MOU and revise it for signature by first week in March 2016. NDOC will also be reviewing the Grant obtained for report for violence against woman from January 1 through December 31, 2015 which was obtained 2-29-16 in partnership with RCC, in order to compare the statistical information on the grant report figures for reporting to the number of reports made to NDOC by RCC. Though it was found RCC was not in compliance with the signed MOU and the PREA Auditors discovery of Statue of privilege for

the State of Nevada 115.53(b) will not be in-compliance until the revision of RCC MOU is complete and the NDOC updates procedures for staff and inmates. NDOC has entered into an agreement to establish the process and protocols whereby an inmate under the jurisdiction of NDOC may contact NMCD to report sexual abuse or sexual harassment, which NMCD will forward to NDOC as soon as reasonably possible. NDOC will be provided up to 180 days to correct and provide the auditor evidence it is now in compliance with this standard and subsequent related standards. The MOU was revised on 3-1-16 with RCC.

NNTH inmate education PREA poster provides inmates with contact information for outside emotional support services including a toll free 24 hour hot-line. However it is on the same poster as the PREA poster for NDOC. PREA Auditors recommended to have two separate posters for inmates to better identify the role of each agency the poster is referring to.

## **Policy, Materials, Interviews and Other Evidence Reviewed**

Completed Pre-Audit Questionnaire Submitted by NNTH  
State of Nevada Department of Corrections PREA Manual  
State of Nevada Department of Corrections Administrative Regulation 421  
MOU Crisis Call Center, INC, Rape Crisis Center  
Inmate Educational Materials (Handbook and posters)  
Interviews with random inmates  
Interview with NNTH Facility Manager/Lieutenant /PREA Compliance Manager  
State of Nevada Statue of Privilege (NEV. REV. STAT. ANN. § 49.2546)

## **Corrective Action Required**

1. NDOC/NNTH should update all education for inmates is updated and the key information is continuously and readily available through updated posters, inmate handbooks and other written formats to privately report PREA.
2. NDOC PREA Manual revision to update Reporting and emotional Support revisions.
3. Revision of MOU with Victim Advocates and services contracts with NDOC based on State of Nevada Statue of Privilege.
4. NDOC will finalize the Intergovernmental agreement with the State of New Mexico Department of Corrections and the agreement signed, for an outside agency reporting entity for inmates.

## **Verification of Corrective Action since the Audit**

The Auditor was provided supplemental documentation prior to and on 3-14-16, 4-4-16, 4-19-16, 5-05-16 to evidence and demonstrate corrective actions taken by NDOC and NNTH regarding this standard. The documentation is discussed below.

## **Additional Documentation Reviewed:**

- NDOC and The State of New Mexico Department of Corrections (NMCD) entered into an Intergovernmental agreement for PREA Reporting Commencing on March 31, 2016 and will be completed on January 2019 unless terminated sooner or extended.
- Inmate education that is readily available to inmates through Posters, inmate handbooks, or other written formats was updated to reflect NMCD as the outside agency third party reporting and the new role of PREA Victim Advocacy and Emotional Support Services by The Rape Crisis Center (RCC).
- NNTH Inmate handbook revised, April 19, 2016.
- PREA Posters Spanish and English Revised, March 14, 2016
- NDOC PREA Manual was revised and signed on April 4, 2016
- MOU PREA Victim Advocacy and Emotional Support Services by The Rape Crisis Center (RCC) revised and signed on May 5, 2016.
- Correspondences with NNTH from NDOC verification all posters are posted at facility April 5, 2016.

### Standard 115.54 Third-party reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NDOC PREA website outlines ways that visitors, inmate family members or associates, and other community members can privately report sexual abuse or sexual harassment and also provides access to NDOC procedure and policy AR421.

### Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH

NDOC PREA Website

[\(http://doc.nv.gov/About/NDOC\\_Office\\_of\\_the\\_Inspector\\_General/PREA\\_Management\\_Division/\)](http://doc.nv.gov/About/NDOC_Office_of_the_Inspector_General/PREA_Management_Division/)

State of Nevada Department of Corrections Administrative Regulation 421

Anonymous PREA Incident Report Form on NDOC PREA Website

### Standard 115.61 Staff and agency reporting duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NDOC AR 421, and PREA Manual require that all staff immediately report any staff neglect or violation of responsibilities that may have contributed to any incident of inmate on inmate or staff/contractor/volunteer on inmate sexual harassment or retaliation for reporting of an allegation by other staff or inmates.

NDOC AR421 and the PREA Manual also state that all department staff have the affirmative duty to immediately report any retaliation against inmates or staff, who reported any knowledge, suspicion, or inmate sexual abuse or inmate on inmate or staff/contractor/volunteer on inmate sexual harassment.

The PREA Manual and AR 421 state all case records associated with claims of sexual assault, sexual activity, sexual misconduct or any attempt thereof, including written reports, investigation reports, evidence, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling are confidential.

Though the PREA Manual does give procedures for youthful inmates, it should be noted NNTH does not house youthful inmates.

## Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH  
State of Nevada Department of Corrections Administrative Regulation 421  
NNTH Operational Procedure 421  
State of Nevada Department of Corrections PREA Manual  
Interviews with random Staff  
Interview with State of Nevada Department of Corrections Medical Director  
Interview with Associate Warden  
Interviews with Agency Investigator General/PREA Coordinator  
On-Site review of NOTIS Reports

### Standard 115.62 Agency protection duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

The PREA Manual states Institutions and facility staff have the affirmative and immediate duty to respond and take immediate action when they learn an inmate is subject to substantial or imminent sexual abuse. NDOC AR 740 requires that immediate action shall be taken once the facility learns that an inmate is subject to a substantial risk of imminent sexual abuse.

NDOC AR 421 and OP 421 both document any employee, contractor, or volunteer who has any knowledge, suspicion, information or becomes aware of any alleged act of sexual abuse or sexual harassment by another employ, contractor, or volunteer is required to immediately report the knowledge, suspicion, or information. NDOC Forms 2091, 2093, 2094 all give specific instructions and procedures for immediate actions to protect the inmate.

The NDOC Administration staff and Random staff during interviews made it evident to the PREA Audit Team the seriousness of an inmate who is subject to a substantial risk of imminent sexual abuse and will take immediate action to protect the inmate. NDPC policies were quoted as, "We have them to follow." It was verbalized by all staff this something they all felt was taken very seriously to all NDOC staff in the agency.

## Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH  
State of Nevada Department of Corrections PREA Manual  
State of Nevada Department of Corrections Administrative Regulation 421  
State of Nevada Department of Corrections Administrative Regulation 740  
NNTH Operational Procedure 421  
Interview with State of Nevada Department of Corrections Interim Director  
Interview with random staff  
Interview with Associate Warden  
Sample NDOC Forms 2091, 2093, 2094  
Interview with Caseworker who conduct intake screening

### Standard 115.63 Reporting to other confinement facilities

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NDOC Office of Inspector General manages all PREA allegations received from NDOC facility and external agencies. The IG is responsible for notifying the applicable NDOC facility and external correctional agency when the allegation is received at a NDOC facility.

NDOC procedure and policy AR 421 reports all agency allegations of sexual abuse and sexual harassment not generated from a facility must be reported to the IG office. The PREA Coordinator confirmed that the IG office would manage the report of a PREA allegation at facility or entity that not currently housing the inmate. NNTN has not received any allegations in the last 12 months, of an inmate that was abused while being confined there.

The agency was given an opportunity to correct this error to meet standard 115.63(a). The PREA manual and the policy has been drafted for update as well as a memo to all staff advising them of the change on 3-1-16. Will be updating in the action plan set forth for NDOC FMWCC compliance of PREA and will have up to 180 day to come into compliance with the PREA Standard.

### Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTN  
State of Nevada Department of Corrections PREA Manual  
State of Nevada Department of Corrections Administrative Regulation 421  
On-Site review of NOTIS  
On-Site tour and Interviews with Agency Investigator General/PREA Coordinator  
Interview with State of Nevada Department of Corrections Interim Director  
Interview with Associate Warden  
State of Nevada Statue of Privilege (NEV. REV. STAT. ANN. § 49.2546)

### Corrective Action Required

1. NDOC PREA Manual revision to update Reporting by the Agency Head of the facility.
2. NDOC AR 421 revision to reflect notification procedure change submitted to State Board of Directors at next submission date in September.

### Verification of Corrective Action since the Audit

The Auditor was provided supplemental documentation on 4-4-16 to evidence and demonstrate corrective actions taken by NDOC and NNTN regarding this standard. The documentation is discussed below.

### Additional Documentation Reviewed:

- State of Nevada Department of Corrections PREA Manual updated and signed, April 4, 2016
- The state of Nevada has to recommend to the State Board of directors any Policy revisions which has one prepared for the next Bi-Annual referral in September. Agency Investigator General/PREA Coordinator prepared a notification of procedure change and sent to all facilities for 115.63(a) to ensure proper notifications by Agency Heads until policy is officially approved to be changed so the PREA Manual has it updated.

### Standard 115.64 Staff first responder duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

The PREA Manual, AR 421, and the OP 421.2 outline the procedures for the Custody staff to an allegation of Sexual abuse. NDOC AR421 and The PREA manual state when made aware of a sexual assault or any attempt thereof has occurred or is reported as occurred within 72 hours of occurrence, Custody staff member will ensure the victim is safe and kept separated from the aggressor, notify supervisor, begin crime scene identification and protection measures until released by investigating body, escort the victim to the nearest department medical unit, collect clothing and provide an orange jumpsuit to the inmate. Ensure each item of clothing is bagged separately in brown paper bags and booked into evidence, temporarily place the suspect in a cell and immediately collect suspects clothing prior to being left alone to prevent evidence destruction, after clothing is collected issue an orange jumpsuit to the suspect, ensure clothing is also bagged separately in a brown paper bags and booked into evidence. Escort suspect to infirmary after victim has been assessed, the victim and suspect should not be placed/housed, even temporarily, in the same area and have no contact at any time. , Collect any other evidence and book it with the appropriate chain of evidence form, and include all written reports related to the sexual assault.

NNTH OP 421 specifies victim will not have contact with one another visually or audibly. The victim will be held in Classroom 1. The suspected abuser will be secured in a temporary holding cell, When bagging clothing for evidence it states<" except the underwear and bra ( these will be collected by the SAFE/SANE nurse) " The victim will be transported to WSCC medical if the victim is male, for cursory medical exam, or NNCC if the inmate is female. Victim and suspected abuser will not be transported together within the same transport vehicle. Secure the incident area and treat it as a crime scene until release by the Warden, Inspector General or designee.

If the alleged incident occurred within a 72 hour time frame, a shift supervisor is required to complete FORM A and B.

### Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH  
State of Nevada Department of Corrections Administrative Regulation 421  
NNTH Operational Procedure 421  
NDOC Agency Grant dated 1-28-16  
Interviews with First responders  
Interviews with Random staff  
State of Nevada Department of Corrections PREA Manual  
Sample NDOC Forms 2091, 2093, 2094

### Standard 115.65 Coordinated response

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NNTH has formulated a plan specific for the facility even in the event they house females. NNTH has a plan which is detailed to address

PREA response references in FORM B.

NNTH utilizes OP421.2 PREA Sexual Assault Response-Staff Responder Duties, taking actions needed to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership, as required by this standard 115.65 (a)-1.

### **Policy, Materials, Interviews and Other Evidence Reviewed**

Completed Pre-Audit Questionnaire Submitted by NNTH  
NNTH Operational Procedure 421.2  
Sample NDOC Forms 2091, 2093, 2094  
Interview with Associate Warden

#### **Standard 115.66 Preservation of ability to protect inmates from contact with abusers**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NDOC and NNTH has Statutory requirements related to disciplinary action based on the Peace Officers Bill of rights, however it does not deal with Unions or Collective Bargaining Agreements which is located in the NNTH OP 421.2  
This standard does not appear to be implicated by the mandates of State or local laws

### **Policy, Materials, Interviews and Other Evidence Reviewed**

State of Nevada Department of Corrections Administrative Regulation 421  
Completed Pre-Audit Questionnaire Submitted by NNTH  
NNTH Operational Procedure 421.2  
Interview with State of Nevada Department of Corrections Interim Director

#### **Standard 115.67 Agency protection against retaliation**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NNTH has a procedure/policy OP 421 Custodial Sexual Misconduct, Inmate Sexual Offenses and Prison Rape Elimination Act. ,which requires that monitoring for retaliation be conducted and documented by the assigned staff member for ninety(90) days after an incident or longer if deemed necessary.

NDOC AR 421 states that no staff member or inmate who reports sexual abuse or sexual harassment or cooperates with sexual abuse or sexual harassment investigations will be subjected to any form of retaliation from other staff members or inmates of the Department.

NDOC has identified the Lieutenant who is the Facility Manager has responsibility of NNTH to ensure compliance with Operational Procedures, and will ensure all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigation are protected from retaliation from other inmates or staff in accordance with this standard. . OP 421 also requires retaliation against inmates or staff who report such incident is strictly prohibited and all reports of retaliation shall be documented in NOTIS and will be referred for review for investigation by the IG's Office.

The incident Review panel will assign appropriate staff to monitor the conduct and treatment of inmates and or staff who reported the sexual abuse and inmates that suffered the abuse to identify any changes that would suggest that these individuals have become the subject of retaliation for reporting or cooperating with the an investigation of sexual abuse. The panel will also assign staff to monitor any other individual who expressed fear of retaliation due to their involvement.

## **Policy, Materials, Interviews and Other Evidence Reviewed**

Completed Pre-Audit Questionnaire Submitted by NNTH  
State of Nevada Department of Corrections Administrative Regulation 421  
NNTH Operational Procedure 421  
On-Site View of NOTIS and interview with Agency Investigator General/PREA Coordinator  
Interview with NNTH Investigator  
Interview with State of Nevada Department of Corrections Interim Director  
Interview with Associate Warden  
Interview with NNTH Facility Manager/Lieutenant /PREA Compliance Manager

### **Standard 115.68 Post-allegation protective custody**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NDOC AR 573 Screening and Classification and NNTH OP 573 both prohibit the placement of inmates who are at high risk for victimization unless an assessment of all available alternatives means of separation from likely abusers. As such an assignment shall not ordinarily exceed a period of 30 days and requires a review to determine whether there is a continuing need for separation. .

If an involuntary segregated housing assignment is made the facility shall clearly document; the basis for the facilities concern for inmates safety and the reason why no alternative means of separation can be arranged.

Every 30 days the facility shall afford each such inmate a review to determine whether there is continuing need for separation from the general population.

NNTH does not have a segregation unit, and has not had any inmates who have alleged to suffered sexual abuse and were transferred to NNCC for involuntary segregation.

## **Policy, Materials, Interviews and Other Evidence Reviewed**

Completed Pre-Audit Questionnaire Submitted by NNTH  
State of Nevada Department of Corrections Administrative Regulation 573  
NNTH Operational Procedure 573  
Interview with Associate Warden  
Interviews with Random Staff  
On-Site review of Inmate IFILE

### Standard 115.71 Criminal and administrative agency investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

IG has overall responsibility for Administrative and criminal investigations. NDOC 457 does state the IG may request assistance of outside agencies in the completion of investigations and the PREA Manual states all associated or identified staff members will cooperate should any outside agency ever conduct an investigation into an allegation of staff member, contractor, or volunteer engaging in sexual abuse of an inmate. NDOC also has to comply with NR 289 Peace Officers Bill of Rights which is very stringent regarding time requirements and the rights of staff related to criminal and administrative investigations. The IG office will retain all the written reports pertaining to administrative criminal investigations of alleged sexual harassment or sexual assault for as long as the alleged abuser is incarcerated or employed by the agency.

NDOC AR421 and the PREA Manual state the IG Criminal investigator will refer all substantiated criminal investigations to the Attorney General's Office for criminal prosecution. NDOC AR 708 provides the agency requirements for Referral for Criminal Prosecution.

### Policy, Materials, Interviews and Other Evidence Reviewed

State of Nevada Department of Corrections Administrative Regulation 457  
State of Nevada Department of Corrections Administrative Regulation 421  
State of Nevada Department of Corrections Administrative Regulation 708  
Completed Pre-Audit Questionnaire Submitted by NNTH  
NNTH Operational Procedure 421  
Nevada Department of Corrections Office of The Inspector General Administrative Investigations Guide/Manual.  
State of Nevada Department of Corrections PREA Manual  
Interview with NNTH Investigator  
Interview with Associate Warden  
Inmate Educational Materials (Handbook)  
Training Certificate's for Investigator General Staff who have completed PREA: Investigating Sexual Abuse in a Confinement Setting (NIC)  
Interviews with Agency Investigator General/PREA Coordinator and NNTH Facility Manager/Lieutenant/ PREA Compliance Manager  
Reviewed the online NR 289 Peace Officers Bill of Rights

### Standard 115.72 Evidentiary standard for administrative investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

The PREA Manual and the according to the IG investigator (PREA Coordinator), NDOC imposes a standard of a preponderance of the evidence for determining whether allegations of sexual abuse or sexual harassment are substantiated in Administrative investigations.

The IG at the facility level referred to the OIG is where all written reports pertaining to criminal and administrative investigations of alleged sexual assault or sexual harassment for a period of an additional five (5) years to when the alleged abuser is employed or incarcerated with NDOC.

## Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH  
State of Nevada Department of Corrections PREA Manual  
Interview with NNTH Investigator

Interviews with Agency Investigator General/PREA Coordinator and NNTH Facility Manager/Lieutenant/ PREA Compliance Manager

### Standard 115.73 Reporting to inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

The office of the IG informs the alleged victim whenever the agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility, or the agency learns that the alleged abuser has been convicted on a charge related sexual abuse with the facility. NNTH has not had any allegation or notifications at the facility.

NDOC AR 457 Investigations, requires that any inmate who makes an allegation that he or she suffered sexual abuse in an agency facility is informed, verbally or in writing as to whether the allegation has been determined to be substantiated. Substantiated, or unfounded, following an investigation by the agency. NNTH has not had any investigation to make any notification verbally or in writing in the last 12 months.

NDOC subsequently requires to inform the inmate unless the agency has determined that the allegation is unfounded, whenever the staff member is no longer posted with the inmates unit, the staff member is no longer employed at the facility, the agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility, or the agency learns that the staff member has been convicted on a charge related to sexual abuse with the facility.

PREA standard 115.73(b)-1 (b)-3 are not applicable as NDOC is responsible for conducting administrative and criminal investigations.

## Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH  
Interview with NNTH Investigator

Interviews with Agency Investigator General/PREA Coordinator and NNTH Facility Manager/Lieutenant/ PREA Compliance Manager

State of Nevada Department of Corrections Administrative Regulation 421

State of Nevada Department of Corrections Administrative Regulation 457

On-Site Review of Agency NOTIS tracking and notification Log

### Standard 115.76 Disciplinary sanctions for staff

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

The PREA Manual and NDOC AR 421 state that terminations for violations of Departmental sexual abuse or sexual Harassment policies, or resignations by staff who would have been terminated if not their resignation, shall be reported to law enforcement agencies and to any relevant licensing bodies.

NDOC AR 339 states that staff members will be subject to internal discipline to include termination as defined in Code of Ethics policy AR339. Employee Conduct Prohibitions penalties Class 5. AR339 indicates that staff penalties for prohibited activities should be assessed based upon criteria established in the Chart of Corrective/Disciplinary sanctions, which describes under Sexual abuse and misconduct is a class 5 which would warrant dismissal on first offense. NNTH has not had any terminations or resignations or other sanctions for violation of sexual abuse or harassment.

### Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH

Interview with NNTH Investigator

Interviews with Agency Investigator General/PREA Coordinator and NNTH Facility Manager/Lieutenant/ PREA Compliance Manager

State of Nevada Department of Corrections Administrative Regulation 421

State of Nevada Department of Corrections Administrative Regulation 339

State of Nevada Department of Corrections PREA Manual

### Standard 115.77 Corrective action for contractors and volunteers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NDOC AR 421 requires that any contractor or volunteer who engages in an activity that could be interpreted a sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

AR 421 and the PREA Manual state that any contractor or volunteer who engage in sexual abuse or harassment shall be prohibited contact with the inmates and reported to any relevant licensing body by the IG Office with applicable NOTIS entries documented.

NNTH in the past 12 months has had zero contractors or volunteers whom have been reported to law enforcement agencies and relevant licensing bodies for engaging in sexual abuse of inmates.

## Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH  
State of Nevada Department of Corrections Administrative Regulation 421  
State of Nevada Department of Corrections PREA Manual  
Interview with Associate Warden  
Interview NNTH Facility Manager/Lieutenant/ PREA Compliance Manager  
On-Site NOTIS review and Interviews with Agency Investigator General/PREA Coordinator and NNTH Investigator

### Standard 115.78 Disciplinary sanctions for inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NDOC AR 707 states that inmates are subject to Notice of Charges resulting in disciplinary sanctions and AR 421, and OP 421 states that inmates are subject to Notice of charges resulting in disciplinary sanctions only pursuant to a formal disciplinary hearing following an administrative finding and or criminal finding than an inmate engaged in inmate on inmate sexual abuse.

NNTH does not provide any counseling to sexual abusers on site but would afford them if needed medical/mental health at a parent facility.  
. The PREA Manual makes no mention to providing counseling to sexual abusers.

## Policy, Materials, Interviews and Other Evidence Reviewed

State of Nevada Department of Corrections Administrative Regulation 421  
State of Nevada Department of Corrections Administrative Regulation 707  
Interview with Associate Warden  
Completed Pre-Audit Questionnaire Submitted by NNTH  
NNTH Operational Procedure 421  
Interview with Agency Medical Director/ Medical/Mental Health  
Interviews of Random staff

### Standard 115.81 Medical and mental health screenings; history of sexual abuse

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NDOC PREA Manual states that all inmates who have disclosed any sexual victimization during the screening process will be offered a follow-up meeting with medical or mental health practitioner within fourteen (14) days of the intake screening. However NDOC and OP 573 do not refer to standard 115.81a-e. Recommended to revise the NNTH OP to include this processes with the Facility PREA Compliance Manager. However if an offender reports immediate sexual abuse within the 72 hour time frame and the inmate volunteers for the forensic PREA Audit Report

exam. The inmate will sign the consent form DOC 2502 and sent to SAFE/SANE in Reno. If the inmate needs immediate emergency treatment he would go to Emergency Room then SANE then NNCC for medical. If the inmate reports previous abuse and does want a meeting with mental health and it's not an emergency he could have a meeting with mental health at WSCC. If the inmate refuses treatment they are to sign the refusal form DOC 2523.

Regarding Standards 115.81 (b)-1 requiring all inmates who have perpetrated sexual abuse during the screening be offered a follow-up meeting with mental health within 14 days. Although information related to sexual victimization or abusiveness that occurred in an institutional setting is not strictly limited to medical and mental health practitioners, the information shared with other staff is strictly limited to informing security management decisions, including treatment plans, housing, bed, work, education, and program assignment, or otherwise required by federal, state, or local law.

NNTH has the inmates assessed at WSCC where the medical and mental health staff are located. NDOC has form DOC #2548 which if medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that occurred in an institutional setting, unless the inmate is under the age of 18, a must be completed.

## Policy, Materials, Interviews and Other Evidence Reviewed

State of Nevada Department of Corrections PREA Manual  
Completed Pre-Audit Questionnaire Submitted by NNTH  
NNTH Operational Procedure 573  
NNCC Operational Procedure 458  
Interview with Caseworker  
Interview NNTH Facility Manager/Lieutenant/ PREA Compliance Manager  
NNCC Operational Procedure 458 (NNTH inmates may go for medical at this location)  
Reviewed NDOC Form 2548, 2523, and 2502  
On-site tour of holding cell and facility

### Standard 115.82 Access to emergency medical and mental health services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Medical at NNCC and mental health staff at WSCC maintain secondary material if documenting the timeliness of emergency medical treatment and crisis intervention services provided to a male inmate at NNTH. The PREA Manual and NNTH OP 613 requires that inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency medical treatment and crisis intervention services, the nature and scope which are determined by medical and mental health practitioners according to their professional judgment. Inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis in accordance with professionally accepted standards of care, where medically appropriate.

NNCC provided OP 458 Crime Scene Procedures which notates specified procedures in compliance with PREA standards and promptly initialed medical response.

NDCO PREA Manual also states treatment services are provided without financial cost regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

## Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH  
Interview with Medical Director  
Interviews with First responders  
Interviews with Random staff  
Interview with NNTH Facility Manager/Lieutenant/ PREA Compliance Manager  
NNTH Operational Procedure 613  
State of Nevada Department of Corrections PREA Manual  
Interview with Sane/Safe Nurse  
Reviewed NDOC Form 2548, 2523, and 2502  
Inmate Educational Materials (Handbook)

### Standard 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

PREA Standard 115.83(d)-1 and PREA standard 115(e)-1 (pregnancy) related is not currently applicable as NNTH houses male inmates however NNTH does plan in the future and is adapting policy and procedures for their facility to ensure compliance with these standards when they house females.

NDOC PREA and NNTH OP 613 manual does require facilities to offer medical and mental health evaluations and, as, appropriate, treatment to all inmates who have been victimized by sexual abuse in prison, jail, lockup, or juvenile facility. The manual outlines the procedures by stating all inmates will be assessed during the intake process, inmates will be offered a follow-up with 14 days of intake

The PREA CM reports in standard 115.83(c) the facility shall provide such victims with medical and mental health services consistent with the community level of care in which is also notated in NNTH OP 613.5.

## Policy, Materials, Interviews and Other Evidence Reviewed

NNTH Operational Procedure 613  
Completed Pre-Audit Questionnaire Submitted by NNTH  
State of Nevada Department of Corrections PREA Manual  
Interview with NNTH Facility Manager/Lieutenant/ PREA Compliance Manager  
Interview with Medical Director  
Interviews with Random Inmates

### Standard 115.86 Sexual abuse incident reviews

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action**

**recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

PREA Standard 115.83(d)-1 and PREA standard 115(e)-1 (pregnancy) related is not currently applicable as NNTH houses male inmates however NNTH does plan in the future and is adapting policy and procedures for their facility to ensure compliance with these standards when they house females.

NDOC PREA and NNTH OP 613 manual does require facilities to offer medical and mental health evaluations and, as, appropriate, treatment to all inmates who have been victimized by sexual abuse in prison, jail, lockup, or juvenile facility. The manual outlines the procedures by stating all inmates will be assessed during the intake process, inmates will be offered a follow-up with 14 days of intake

The PREA CM reports in standard 115.83(c) the facility shall provide such victims with medical and mental health services Consistent with the community level of care in which is also notated in NNTH OP 613.5.

## **Policy, Materials, Interviews and Other Evidence Reviewed**

Completed Pre-Audit Questionnaire Submitted by NNTH

State of Nevada Department of Corrections Administrative Regulation 421

State of Nevada Department of Corrections PREA Manual

NNTH Operational Procedure 421

Interviews with Associate Warden/Incident review team

Interviews with Agency Investigator General/PREA Coordinator and NNTH Facility Manager/Lieutenant/ PREA Compliance Manager

### **Standard 115.87 Data collection**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NDOC AR421 and the PREA manual state the IG is responsible to collect accurate, uniform data for every allegation of sexual abuse from every institution and facility using a standardized instrument and set of definitions. The PREA manual states that the data shall include at a minimum the data necessary to answer all questions from the most recent version of the Survey of Sexual Victimization. Of Sexual Violence. (2014 deleted Violence) conducted by the Department of Justice.

The IG and the Department shall maintain, review, and collect data as needed from all incident based document, including reports, investigation files, and sexual abuse reviews, and the data from the previous calendar year shall be available for production upon a request from the Department of Justice.

## **Policy, Materials, Interviews and Other Evidence Reviewed**

State of Nevada Department of Corrections Administrative Regulation 421

State of Nevada Department of Corrections PREA Manual

Completed Pre-Audit Questionnaire Submitted by NNTH

On-Site View of NNTH NOTIS tracking form which shows 2012 through 2015(No reports during Jan/Feb 2016) PREA aggregated data is maintained in the IG/PREA Coordinators office

Interviews with Agency Investigator General/PREA Coordinator and NNTH Facility Manager/Lieutenant/ PREA Compliance Manager

### Standard 115.88 Data review for corrective action

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NDOC AR421 and the PREA manual data collected and aggregated shall be reviewed by the Director, or Designee, Deputy Director of Operations, and the IG PREA Coordinator in order to assess and improve, if necessary the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training.

The review will include identifying problem areas, taking corrective action on an ongoing basis and preparing an annual report of its findings and corrective actions for each institution, facility and Department where inmates may be present. The policy states that the annual report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the Departments progress in addressing sexual abuse. The Departments report is readily available to the public on the Departments website after it is approved by the director. The Report was located on the NDOC website for 2015 and included 2014 comparison and documentation in the body. If specific material is redacted from the reports then there must be an indication of the nature of the material redacted.

### Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH

Interviews with Agency Investigator General/PREA Coordinator and NNTH Facility Manager/Lieutenant/ PREA Compliance Manager

Interview with State of Nevada Department of Corrections Interim Director

Review of NDOC Annual PREA report

State of Nevada Department of Corrections Administrative Regulation 421

State of Nevada Department of Corrections PREA Manual

Review of NDOC Website

2013 Annual Report of Findings and Corrective Action

NDOC website ([http://doc.nv.gov/About/NDOC\\_Office\\_of\\_the\\_Inspector\\_General/2013\\_PREA\\_Incidents](http://doc.nv.gov/About/NDOC_Office_of_the_Inspector_General/2013_PREA_Incidents))

### Standard 115.89 Data storage, publication, and destruction

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

NDOC AR 421 and the PREA Manual state all data collected related to incident that are alleged to be sexual abuse will be securely retained and made readily available to the public through the website, annually. The Department will remove all personal identifiers before being made publicly available. The sexual abuse data collected will be maintained for a minimum of 10 years after the date of the initial collection.

## Policy, Materials, Interviews and Other Evidence Reviewed

Completed Pre-Audit Questionnaire Submitted by NNTH

State of Nevada Department of Corrections Administrative Regulation 421

State of Nevada Department of Corrections PREA Manual

Interviews with Agency Investigator General/PREA Coordinator and NNTH Investigator General

Interview with PREA Coordinator and NNTH Facility Manager/Lieutenant/ PREA Compliance Manager

Interview with State of Nevada Department of Corrections Interim Director

### AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

Theresa Lynn Cohn

5/19/16

Auditor Signature

Date