

Lovelock

# YOUTH CONFINEMENT IN NEVADA: Facility Assessment And Recommendations For Housing Youth Sentenced As Adults



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# YOUTH CONFINEMENT IN NEVADA:

## Facility Assessment And Recommendations For Housing Youth Sentenced As Adults

*A Report Of The ACLU of Nevada, In Consultation With The Campaign For Youth Justice*

### INTRODUCTION

For several years, the ACLU of Nevada has advocated for the removal of teens from adult correctional facilities, specifically adolescents sentenced to the Nevada Department of Corrections (NDOC). As the state's population grows, so does the rate at which youth are certified as adults. Youthful offender units are overcrowded and housing for girls is unavailable. Additionally, laws to protect adolescents, including the Prison Rape Elimination Act (PREA) and the Juvenile Justice and Delinquency Prevention Act (JJDP), make it increasingly challenging for adult facilities to meet the needs of adolescents.

PREA and JJDP require sight and sound separation between children and adults in correctional institutions.<sup>i</sup> PREA further requires a 1:8 staff to child ratio during waking hours and 1:16 during sleeping hours.<sup>ii</sup> These parameters are necessary to protect a child's health and safety, but present challenges for meeting their age-specific programming needs, including education

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Nevada is approaching a crisis concerning where and how we house youth tried as adults—particularly young women.

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and work training. Facilities must either put their entire adult population on lockdown when adolescents are engaged in programming or hire more correctional officers to comply with PREA's ratio requirements. As a result, children receive less in-class and personalized educational instruction; experience a significant reduction in outside recreation at a critical stage of their growth and development; and miss out on earning sentence credits.

Nevada is approaching a crisis concerning where and how we house youth tried as adults—particularly young women. Currently, the Lovelock Correctional Center (LCC), which houses the state's male youthful inmates, is operating over capacity to the point that some children are living in the

infirmity. Furthermore, because there are so few young female inmates in the Nevada Department of Corrections (NDOC), their only housing options are segregation or a transfer out-of-state. Many legislative and regulatory solutions were proposed to address these issues, but none adopted.

This report discusses the significant consequences of placing a child in the adult system and explores the history of proposed policy solutions and why they failed. Finally, we take a broad look at facilities in Nevada that house youth at some stage in their criminal proceeding, as well as Summit View Youth Center which was previously proposed as alternative placement for youth. Our goal is to convince decision makers that adult facilities are unsuitable for this vulnerable population. We hope to move the discussion forward by presenting reasonable proposals that facilitate the best outcomes for young offenders, serve the interests of public safety, and avoid potential litigation.<sup>iii</sup>

## A CASE AGAINST HOUSING CHILDREN IN ADULT FACILITIES

Within the United States, 200,000 youth are relegated to the adult criminal justice system each year.<sup>iv</sup> Mandatory transfer statutes enacted during the child “super predator” era of the 1990s, which delineate the circumstances under which juvenile cases must be tried in an adult court, has led to more and more youth being tried as adults for crimes that had previously been addressed within the juvenile court system.<sup>v</sup> States grappled at the outset with the issue of appropriate housing of young people sentenced as adults. Nevada, like many states, for decades had housed youthful offenders in the general adult population. Then discoveries in adolescent brain science, high rates of recidivism among youth transferred to adult facilities, and high rates of sexual abuse and harassment forced a change in federal laws

### THE “SUPER PREDATOR” MYTH

The myth of the juvenile “super predator” has been traced back to criminologist John Dilulio, who in 1995 wrote that “moral poverty” in inner cities would lead to “a sharp increase in the number of super crime-prone young males.”

The theory gained traction, and policymakers responded by adopting laws that forced more youth into adult prisons. Law enforcement agencies intensified their tactics and began compiling “gang databases” full of children, often based only on their clothing or other children they knew.

The violent, juvenile crime wave Dilulio and other criminologists predicted never came about—violent crime rates actually dropped across the country—but youth today are too often still treated like “super predators.”

MANDATORY TRANSFER  
STATUTES **LEAD TO MORE**  
**YOUTH TRIED AS ADULTS.**



PHOTO: THOMAS HAWK

and lead many states to ban housing youth with adults.<sup>vi</sup>

The practice of incarcerating juveniles with adults has been criticized since the inception of the juvenile justice system. Adult incarceration affects a child's mental and emotional health, diminishes a child's access to services, which leads to more criminal behavior.

Adult facilities impact the mental and emotional health of young offenders, who are five times more likely to commit suicide or become a victim of physical and emotional abuse than youth in juvenile facilities.<sup>vii</sup> Incarcerated youth, in general, are highly susceptible to depression compared to their non-incarcerated peers, and depression has a considerable effect on a child's post-incarceration outcomes.<sup>viii</sup>

Departments of Corrections struggle to provide quality programming and services to adolescents. Adult facilities are not designed, nor are the staff adequately trained, to deal with vulnerable adolescents. One survey study compared the correctional service experiences of youth in adult prisons with youth in juvenile facilities. Those living in juvenile facilities have had more positive responses for counseling, medical services, quality for education, and staff interactions. For example, respondents living in DOC facilities reported receiving fewer hours of counseling than their juvenile counterparts. They also reported receiving fewer doctors' visits.<sup>ix</sup>

Contrary to their intent, mandatory transfer statutes fail to protect public safety. Youth prosecuted in the adult system are 34 percent more likely to reoffend.<sup>x</sup> An Office of Juvenile Justice and Delinquency Prevention study found that nearly 50 percent of youth transferred to the adult system reoffended, compared to 35 percent of youth retained in the juvenile system.<sup>xi</sup> Many factors contribute to this high recidivism rate: The stigma associated with labeling juveniles as convicted felons; the sense of resentment and injustice juveniles feel about being punished as adults; "the learning of criminal mores and behaviors

while incarcerated with adult offenders;" the decreased focus on rehabilitation and family support in the adult system; and the loss of civil rights and liberties, which can affect job prospects and reintegration.<sup>xii</sup>

## **Adolescent Brain Studies Encourage Policy Changes**

Adolescent brain science reveals that a child's brain is not fully developed until they reach their mid-twenties.<sup>xiii</sup> This discovery has led to many reforms including limitations on solitary confinement for youth and changes in sentencing, including abolition of the death penalty and life without parole sentences for juveniles.<sup>xiv</sup>

Landmark Supreme Court cases and Nevada's AB 267, eliminated life without parole sentences for juveniles.<sup>xv</sup> *Montgomery v. Alabama* specifically held that youth at the time of offense weighs in favor of parole, meaning most children sentenced as adults will be released to our communities.<sup>xvi</sup> The child's wellbeing and the safety of our community depend on the level of programming they receive while incarcerated. A child's propensity to develop and change behaviors necessitates exposing the child to the rehabilitative environment of a juvenile institution.<sup>xvii</sup>

## **SOLUTIONS FOR NEVADA FAIL**

Most stakeholders agree that the NDOC and local jails are not an appropriate placement for children, but none agree on the best solution. Advocacy organizations, working groups, and the Nevada Legislature proposed several reforms, but all failed to move forward. Fiscal, operational, and liability concerns were the primary reasons policy solutions failed to move forward.

## Administrative Regulation 502

The ACLU of Nevada looked to NDOC Administrative Regulation 502 as an immediate solution. AR 502 permits the NDOC to convene a classification committee to determine the appropriate level of custody for young adults and youthful offenders. The committee may send a child to programs specifically designated for youthful offenders, including state juvenile facilities. The regulation was reauthorized in 2013 but never utilized.

We strongly encouraged the NDOC to use AR 502 to move the boys out of Lovelock Correctional Center and into regional facilities. We also asked the Board of Prison Commissioners to investigate its lack of use.<sup>xviii</sup> Those entities were more persuaded by the Division of Child and Family Services' contention that this population was unsuitable for their facilities.

## Supreme Court Commission on Juvenile Justice Reform

Many thoughtful ideas, with stakeholder buy-in, developed from the Supreme Court Commission on Juvenile Justice Reform. One idea was to build a new wing for youthful inmates on the campus of Summit View Youth Center (formerly Red Rock Academy), or to give that facility to the Nevada Department of Corrections for their youth offender programs. Another proposal was to close the Nevada Youth Training Center (NYTC) in Elko and construct a new facility near Carson City with a wing dedicated to youth sentenced as adults. Security concerns at Red Rock Academy, advocacy to save NYTC, and a \$26 million price tag to construct a new facility, prevented these ideas from progressing.

## Legislative Proposals

State lawmakers sought to pass legislative solutions. Assemblyman James Ohrenschall sponsored legislation in 2015 and

2016 which would have limited youth transfers to adult facilities. AB213 would have required that juvenile facilities retain the child during “the pendency of the proceedings,” while AB185 would have prohibited transfer to adult facilities before the child’s eighteenth birthday.<sup>xix</sup> It was apparent during these discussions that more groundwork needed to be laid, but more importantly, we had to correct misunderstandings about young offenders.

The underlying issue keeping Nevada from moving forward is that decision makers are holding onto the myth of the juvenile “super-predator.” In our discussions, many juvenile administrators and lawmakers have a misunderstanding that kids transferred to criminal court are inherently more violent than juvenile offenders. Accordingly, their violent, group mentality will transfer onto others, thus they simply cannot interact with children in a juvenile facility. This rationale is wholly incorrect and harmful.

Experts acknowledge that all youth 18 and under are developmentally the same, regardless of the crime with which they were charged.<sup>xx</sup> The nature and extent of crimes varies widely among youth in state juvenile centers, demonstrating that adolescents can cohabitate regardless of offense. Administrators further argue that mere contact with the adult system “adultifies” the child making them a higher risk.<sup>xxi</sup> While there is evidence that contact with the adult system increases recidivism, it is an argument against keeping children in adult facilities, not for it. In fact, it’s an argument against trying children as adults in the first place.

## Other States as a Model for Nevada

Many states are changing their laws and policies to remove youth from adult prisons because it “makes operational sense.”<sup>xxii</sup> In Oregon, the Department of Corrections houses all youth adjudicated as adults to the Oregon Youth Authority if the youth will complete his or her sentence before the age of 25. The state of Washington follows a similar model. South

Dakota entered into an intergovernmental agreement with the North Dakota Department of Corrections to house all of their youthful offenders in a unit at their State Industrial School, specifically operated for those under the age of 18. Recently, the South Dakota Department of Corrections indicated that it would be amending its written policy to fully prohibit placing youth in adult facilities. California, Illinois, Virginia, and several other states are following suit.<sup>xxiii</sup>

## ACLU OF NEVADA FACILITY REVIEW

Understanding how facilities function and operate as well as the challenges administrators face when housing youth is critical to finding the best solution for kids. The ACLU of Nevada, in consultation with the Campaign for Youth Justice, worked with the NDOC and juvenile corrections administrators to evaluate facilities in Nevada that house youthful offenders at all stages- from pre and post-certification, to pretrial, and post-sentencing.<sup>xxiv</sup>

ACLU of Nevada staff toured eight facilities in four counties and reviewed the policies and procedures of other, smaller counties. Our goals were to determine whether the facilities meet minimum standards for housing adolescents, understand logistical concerns of each institution, and listen to stakeholder input. To the right is an explanation of the assessment criteria we followed, and conclusions from facility tours and our recommendations for policy reform follow.

## NEVADA DEPARTMENT OF CORRECTIONS

The ACLU of Nevada acknowledges the NDOC's commitment to finding a solution for

## ASSESSMENT STANDARDS

The ACLU of Nevada adapted our review standards from the Youth Law Center and the Center for Children's Law and Policy facility assessment.<sup>xxxii</sup> A complete assessment based on these standards would require several visits to all facilities by a team of four or more over the course of six months to a year. Given the quick pace of the legislative interim and need to provide information to the Legislative Committee on Child Welfare and Juvenile Justice, we were not able to do a "best practices" assessment on each facility. Our inquiry looks at whether the facilities meet minimum legal standards for the placement of children. We base our conclusions on the following criteria:

- **Facility Conditions:** Design and location of the facility; whether the facility use segregation practices; cleanliness; are updates/renovation needed, and if so, how severely; whether a child has interactions with adult inmates; skills and attitudes of staff, etc.;
- **Education:** Whether the curriculum is an age/grade-appropriate, individualized, and multi-subject educational program aimed at keeping a child on track to complete their diploma or GED;
- **Health Care:** Ease of access and quality of physical, mental and dental healthcare;
- **Exercise:** Whether a facility meets daily large muscle exercise requirements; child receives daily fresh air and outdoor recreation; availability and suitability of outdoor recreation yard; options for indoor exercise;
- **Nutrition:** A child is fed three meals a day that include fresh fruits and vegetables; access to snacks; whether confined to cell when eating, etc.;
- **Access to Family:** Distance of facility from family; duration of visits; whether the facility provides alternatives means for visitation such as video conferencing.

the young people who live in their facilities. The department recognizes the challenges they face and have been cooperative at every stage of this project. Staff and administrators prioritized our visits to Lovelock Correctional Center and engaged in candid conversations. The NDOC is not only concerned about the grave logistical challenges they encounter with housing youth, but also express genuine concern for the long-term impact children face when placed in their facilities.

The NDOC recognizes that the sight and sound separation requirements of PREA and JJDPa are needed to protect children from abuse and exploitation, but struggle to meet the child's programming needs. We are confident that if given the support they need, the NDOC will make every effort necessary to find appropriate placement alternatives for their youthful population.

## **Housing for Young Women in the NDOC: Florence McClure - Below Minimum Recommended Standards**

Our review of NDOC's policies for housing female youthful offenders is simple: the NDOC has no acceptable housing options for young women, thus they meet none of our facility review criteria.

Florence McClure Women's Correctional Facility is the sole NDOC women's facility, except for transitional housing programs. Currently, there is no youthful offender unit on that campus. If a young woman were transferred to the NDOC, her options for housing are limited to administrative segregation or transfer to an out-of-state facility. As the population of our state increases, more young women face adjudication as an adult. The reported number of young women offenders in Nevada varies depending on which entity we talk to, however we know of two girls sentenced as adults. One was transferred out-of-state and the other is currently living in a juvenile facility.

State administrators predict the number of female youthful offenders will rise. One

rumored solution was to place a portable unit on the campus of Florence McClure and keep the child in isolation, an option the NDOC rejects. Human rights organizations, child advocacy groups, and psychiatrists agree that solitary confinement, or "segregation" of juveniles is child abuse.<sup>xxv</sup> Litigation in Iowa, Illinois, Pennsylvania, Wisconsin, New York, Indiana and more contend that youth segregation is a violation of the 8th amendment's prohibition against cruel and unusual punishment.<sup>xxvi</sup> The inhumane practice causes a child grave psychological, physical, and developmental harm. Children in isolation are prone to suicidal thoughts and attempts, post-traumatic stress disorder, anxiety and other mental health conditions. Lack of adequate exercise affects growth and proper development.<sup>xxvii</sup>

Transferring young women out-of-state is also an inappropriate solution. Young women are sent to a state they do not know, far from their families. This places a tremendous burden on family members to engage in their child's life, which is critical at this stage in a child's development.

Segregation and transfer policies are inapplicable to boys who have placement options in the state. Thus, attorneys in Wyoming and Tennessee are challenging similar policies asserting they discriminate on the basis of sex.<sup>xxviii</sup> It is imperative for the state to engage in a transparent conversation to find a solution for female youthful inmates.

## **Housing for Young Men in the NDOC: Lovelock Correctional Center - Below Minimum Recommended Standards**

**Facility Conditions:** The Lovelock Correctional Center (LCC) is a clean and sanitary facility with considerable open space. Adults have free reign of common areas and engage in programming from the time they wake up, until after dinner. The campus is much more inviting than other prison facilities we've toured. There is a garden, space for inmates to practice earth religions, a large

recreation field, and a fully equipped gym with a basketball court. The adult housing units are standard concrete, typical of most correctional settings.

LCC exercises strict adherence to PREA's youthful inmate standard. Although LCC meet's PREA's 1:8 staff to child ratio for direct supervision, LCC does not intermix juveniles with adults at all as the facility is home to one of the state's largest sex offender populations. The boys spend a majority of their time in a very small 20-bed unit. As this report goes to publication, the unit is at capacity and two boys are living in the infirmary.

In order for the boys to engage in programming outside the unit, LCC staff must place all 1,700 adult inmates on lockdown which affects facility operations and the boys' ability to engage in meaningful programming.

**Education:** The Pershing County School District provides educational instruction to all inmates at LCC. There is an educational facility on the campus where in-person classes in all diploma and GED subjects are taught. Each morning, after clearing out all adult inmates, the boys are escorted to the school where they receive one to two hours of in-person instruction. The remainder of their lessons take place in the unit via prerecorded videos downloaded to a tablet.

LCC youth receive considerably less in-person instruction than their adult counterparts, and their counterparts in juvenile facilities, whom have access to a teacher all day. A child is left to self-manage their education without adequate oversight. Staff try to provide each child with the assistance they need, but find it challenging when they have limited access to their students.

**Health Care:** Youthful offenders, like adults, receive medical, mental health, cognitive and dental care within 7 to 14 days of entering LCC. Staff reports that inmates receive regular counseling and health screenings and can request additional healthcare access. Based on ACLU intake complaints, the NDOC struggles to meet

healthcare demands of all inmates, but it appears NDOC is equipped to meet minimum standards.

**Exercise:** LCC has significant problems providing the level and amount of exercise a child needs for healthy growth and development. There is a small exercise "yard" available within the unit. The "yard" is enclosed by concrete walls and a chain-link fence ceiling. The ACLU strongly disapproves of this design in any correctional facility, especially for children who require sunlight and outdoor recreation at this critical stage of their development. Youth have access to the facility's gym three times per week, but only access the field once a week for approximately three hours. The programming demands of the adult inmates severely limit the opportunities for more outdoor recreation time.

**Nutrition:** Young inmates receive three meals a day and the same meals as the general population. Inmates, including youth, may request an alternative meal if they have dietary restrictions (i.e. Kosher, food allergies etc.) Meals are provided in the youth unit. Youth may access commissary if their family contribute funds, but there are no opportunities for children with financial hardship to earn commissary credits through a prison work program, thus they are unable to purchase snacks and other items.

**Access to Family:** The majority of youth housed at LCC are from Clark County, thus in-person visitation is rare. The NDOC recently provided visitation via video conference, but the system is seldom utilized. The remote location of the correctional facility presents obstacles for family visitation, which is critical to promote optimal outcomes.

## COUNTY ADULT FACILITIES

**Clark County Detention Center  
Youth Pod - Meets Most Minimum  
Recommended Standards**

**Contrary to their intent, mandatory transfer statutes fail to protect public safety. Youth prosecuted in the adult system are 34 percent more likely to reoffend. An Office of Juvenile Justice and Delinquency Prevention study found that nearly 50 percent of youth transferred to the adult system reoffended, compared to 35 percent of youth retained in the juvenile system.**

CONTACT WITH  
THE ADULT SYSTEM  
INCREASES  
RECIDIVISM.



**PHOTO: CLARK COUNTY DETENTION CENTER**

**Facility Conditions:** As a whole, the Clark County Detention Center is a highly punitive model. The facility is overcrowded and needs remodeling in some units. However, the conditions of the youth pod are adequate. CCDC is one of the only local jails we visited that has a section specifically designated for youth enabling them to maintain PREA compliance. There are classrooms, meeting rooms, and an open seating area where youthful offenders congregate. The cells are standard concrete, typical of most facilities.

**Education:** The ACLU of Nevada was quite impressed with the educational program at CCDC. The Clark County School District (CCSD) is the contracted educational provider. Students at CCDC engage in course instruction all day under direct supervision of a CCSD instructor. Considerable efforts are made to ensure the child is on track for graduation. If the child is too far behind, they are placed on GED track. The school's principal displayed a high level of concern and dedication to his students. His students appeared very comfortable and open with him. One child expressed that his time in CCDC was the "only time school was actually fun. It's easier for me to learn here." Based on our short review, CCDC is equipped to provide young offenders with an age-appropriate and individualized education.

**Health Care:** CCDC is equipped to meet the bare minimum medical needs of children, but the ACLU of Nevada has concerns about processes and contracted treatment providers. Youth receive the same health care services as the general adult population. Generally, healthcare is provided by off-site providers. Providers will visit the facility to provide medical and mental health services. Those in need of emergency medical services are transferred to University Medical Center. Unfortunately, the private contract provider, NaphCare Inc., came under scrutiny after a 2016 audit. The audit revealed that NaphCare "does not provide an infirmary, medications and prescriptions are not always provided upon inmate release, and mental health

services do not emphasize prevention and early intervention.”<sup>xxix</sup>

**Exercise:** CCDC’s “yard” is similar to the yard at LCC. Neither adult, not youthful inmates receive outdoor recreation. The “yard” is slightly bigger than LCC’s but children are limited in the sports activities they can engage in while in custody. Several youthful inmates are housed in CCDC for a year or more. People need access to sunlight on a consistent basis to meet nutritional requirement. It would be beneficial for CCDC to form an agreement with the Clark County Division of Juvenile Justice Services, or another agency, for CCDC youth to access their facilities to engage in outdoor recreation. Otherwise, CCDC is below minimum standards in this area.

**Nutrition:** Young offenders have three meals a day inside the youth pod. Food service is provided by Aramark. Unfortunately, a recent health inspection revealed that the inmates were exposed to unsafe foods. Some of the code violations included black mold in ice machines, sandwiches left out past the 7-day shelf life, rotten and spoiled fruit, and lack of nutritional value.<sup>xxx</sup> Food and nutrition fall below minimum standards.

## **Elko County Jail - Below Minimum Recommended Standards**

**Facility Conditions:** The Elko County jail is a dated facility that struggles to meet the needs of all inmates. They are especially ill-equipped to meet the needs of adolescents, as they have very few interactions with them. When it comes to youth, Elko County jail utilizes segregation as a default. When young people are certified as adults, they are immediately transferred to Elko County and placed in a segregation unit. Jail staff need a refresher on PREA’s youth requirements. When I spoke to jail administrators, they stated that their policy was to house adolescents with adults because, “the court made them an adult.” Fortunately, Elko has only certified two youth in the past three years, and both of those children turned 18

before transfer. The Sheriff’s office provided assurances that they were equipped to comply with PREA, but also confirmed that youth are placed in segregation. The ACLU of Nevada will work with the Elko County Sheriff’s department to ensure they understand PREA requirements. However, based on their little interaction with youth and the fact that isolation is the only option for youth in this facility, youth should not be placed there under any circumstance.

**Remaining Standards:** Little information was provided concerning the rest of the programming, simply because staff did not know the answers. We assume if a child goes to Elko County Jail they will receive the same healthcare, meals, exercise, and visitation access as the adult population and their education would be provided by the Elko County School District.

## **Washoe County Sheriff’s Department Parr Boulevard Facility - Below Minimum Recommended Standards**

**Facility Conditions:** The Parr Boulevard jail, like Elko, defaults to segregation when housing youth. Again, this is because that is their only option. Youth are placed in the infirmary or an isolation cell. Parr staff have little experience with youthful inmates. Staff could not remember the last time a child was in the facility. Thankfully, the Jan Evans youth facility works to retain the child until they are sentenced and transferred to the NDOC. Parr staff understood PREA but explained the challenges of compliance. They also explained that when a child comes to their facility they are only there for a short period of time.

**Education:** If a child is placed in Lovelock, a designated Washoe County School District teacher will come to the facility to provide their child with their daily lessons. They follow the same format as Jan Evans.

**Health Care:** The Parr facility offers the same access to physical, mental health, cognitive and dental care as adult inmates. Unfortunately, the Washoe County jail is

part of the contract Clark County Detention Center has with NaphCare. A Reno Gazette Journal article correlates a spike in jail deaths with the NaphCare contract. The Washoe County Sheriff's Department's hands are full managing their adult population. Their focus should remain on resolving those issues before we can even consider placing a child there.<sup>xxxi</sup>

**Exercise:** Each housing unit has a fenced in recreation yard. If a child were transferred to the Parr facility, staff would place a unit on lockdown and transfer the child to the yard each day for physical recreation. Youthful inmates would also have access to the common area in the infirmary for a few hours where they could do limited exercises, read, play games and other activities.

**Nutrition:** Youth receive the same meals as the general population three times per day.

**Access to Family:** Youth have phone and in person visitation opportunities.

## COUNTY JUVENILE FACILITIES

### DJJS Pecos Road Facility - Meets Minimum Recommended Standards

**Facility Conditions:** The DJJS Pecos Road facility is located in a convenient location in East Las Vegas, connected to the juvenile court house. The facility needs new flooring, fixtures, and other minor construction updates, but there aren't any dangerous conditions on the premises. It's a relatively punitive design in which kids are confined to their units depending on their level of care. Staff are incredibly knowledgeable and base programming on evidence-based standards.

Although the facility design is more punitive than we would like for a juvenile facility, the staff culture is warm and inviting. We were able to observe interactions between youth and personnel. An administrator interrupted our tour to check-in with a child in distress. The interaction was genuine, the administrator's words were encouraging, and

the child was consoled by his advice.

The DJJS segregates adolescents at intake for safety purposes. This is usually limited to a few hours to determine if the child is detoxing from a controlled substance. If the child is detoxing, they are strictly monitored. Others are moved to an appropriate unit.

**Education:** The Clark County School District runs the educational program. The current principal is experienced and thoroughly explained how they keep children on track. The primary goal is to ensure that a child maintains grade level progress so they are not behind when they return to school. Students receive most of their lessons electronically, but a teacher is available in the unit to provide guidance and answer questions.

Overall, the educational programming meets standards, however, the program is designed for students who will only be in the facility for a short period of time. The program would have to adjust if youthful offenders were sent to this facility.

**Health Care:** Juveniles receive a full spectrum of assessment and treatment services. DJJS partners with community groups to provide assessment services. Medical services begin at booking, when a child receives medical and mental health screenings and medications if necessary. Licensed certified nurses work in the facility and a doctor provides weekly clinics. A psychiatrist provides ten hours of treatment per week. The mental health team meets weekly to discuss youth treatment plans.

**Exercise:** DJJS provides a wide array of indoor and outdoor recreational activities. There is a sports complex in the middle of the facility where kids play team sports. There is also a ropes course on the campus for experiential exercises. Children have recreation several times a day between educational and other programming.

**Nutrition:** DJJS follows the Federal Nutrition Program where nutritional content is strictly balanced. Kids who work in the kitchen are eligible to earn ServSafe certification, which can help them get

employment in the restaurant industry. Children receive three meals a day, plus two snacks. Meals include fresh fruits and vegetables.

**Access to Family:** Visitation is determined by the child's tier level. Each child gets a parental visit after their first court hearing, then weekly. Children who achieve "level 3" behavioral status receive additional visits on Wednesday evenings.

### **Elko County Juvenile Detention Center - Meets Minimum Recommended Standards**

**Facility Conditions:** The Elko County Juvenile Detention Center is small, designed and staffed for 16 youths, but is usually below capacity. The facility has an accessible unit with a large cell and shower space. With the exception of the cells, the facility feels more like a school than a correctional facility. There is private space to meet with an attorney. They also videoconference court proceedings in the facility.

The facility does not utilize segregation, or "corrective room restriction." Instead, they may remove a child from general population for a "cooling off" period and engage the child in alternative programming with constant adult interaction.

Staff are highly knowledgeable and compassionate. Like other juvenile facilities, the programming is designed for the temporary detention of juveniles. Programming changes would need to be made to house youthful offenders long-term.

**Education:** The Elko County School District contracts with the Elko Juvenile home for educational services. The children receive grade level lessons from their school, which they access online from their school accounts. The teachers use software to monitor a child's internet activity.

**Health Care:** Children with health insurance receive care from network providers. Children without insurance apply for Medicaid at intake. Facility staff drive the child to

## **SEGREGATION BY DEFAULT**

Laws like the Prison Rape Elimination Act and the Juvenile Justice and Delinquency Prevention Act require that correctional facilities keep youth apart from adults in both sight and sound. These laws are important for the safety of these vulnerable prisoners, but can also lead under-resourced facilities to default to segregation for youthful offenders.

As a result, children receive less in-class and personalized educational instruction; experience a significant reduction in outside recreation at a critical stage of their growth and development; and miss out on earning sentence credits.

their doctors' appointments. Mental health screenings are available to children at the facility during intake.

**Exercise:** The "yard" is a small, concrete slab surrounded by fencing. It has a basketball hoop, but is too small for other cardiovascular sports such as football, baseball, or running. The "yard" provides sufficient exposure to sunlight. Children have access to exercise bands, games, a pullup bar, and a variety of video games and movies. Children receive at least one hour of exercise per day, but usually more.

**Nutrition:** The facility follows Federal Nutrition Program (FNP) guidelines. Children receive nutritionally balanced meals, three times a day. According to staff, the meals are quite small. Many children complain they are still hungry after eating. FNP meals are only required during school hours, allowing the facility to serve a larger meal in the evenings.

**Access to Family:** Juveniles have three hours of visitation on Saturdays, Sundays, and shorter visits on weekday evenings upon request. Family and non-family members, such as coaches, teachers or other adults who have positive impacts on the child, are permitted to visit.

## **Washoe County Juvenile Services Jan Evans Facility - Meets Minimum Recommended Standards**

### **Conditions:**

Washoe County Juvenile Services Jan Evans facility (Jan Evans) is a modern, clean, sanitary and inviting campus. The facility provides one-stop-shop services such as court access, juvenile detention, and parole and probation. The housing units are the typical concrete, punitive design of most institutions, and one unit is completely vacant. The facility is deliberately designed with large windows to allow in natural light.

Jan Evans utilizes corrective room restriction on a limited basis, favoring alternative punishment, such as loss of privileges. Jan Evans would need to adjust

programming to provide long-term detention.

**Education:** The Washoe County School District provides teachers year-round. Students stay on track to graduate via individualized lesson plans. Children can obtain lessons through the A-plus computer-based programs in the facility's classroom, or parents can bring assignments from the child's school.

**Health Care:** Ease of access and quality of healthcare- physical, mental and dental; Jan Evans has an onsite medical clinic staffed by a Pediatric Nurse Practitioner (APN) and a Licensed Practical Nurse (LPN). Direction, oversight and consultation is provided by a local Medical Doctor. The clinic provides the full spectrum of care including medical screenings, immunizations, physical exams, lab work, acute care, and referrals for on-going health care services.

All youth receive a mental health evaluation at intake. Counselors are available from 8 a.m. to 5 p.m. The mental health team meets weekly to coordinate services for youth with special medical or mental health needs.

**Exercise:** An outdoor yard sits in the middle of the facility surrounded by glass windows and an open ceiling. It is large enough for flag football games and other outdoor sports. There is an indoor basketball and volleyball court. Children receive at least one hour of physical recreation per day and more on weekends.

**Nutrition:** Youth receive three meals a day, plus two snacks in accordance with the Federal Nutrition Program.

**Access to Family:** Juveniles are permitted one scheduled visit every other day, Monday through Saturday. Visitation is limited to parents/guardians, step-parents and grandparents, unless the visitor has approval from the juvenile's probation officer and the detention manager.

# STATE JUVENILE FACILITIES

## Summit View Youth Center - Meets Minimum Recommended Standards

*Currently, no state juvenile detention centers under the jurisdiction of the Division of Child and Family Services house youth sentenced as adults. At one point, stakeholders proposed using Summit View as an alternative placement for the state's youthful offender, which is why it is included in this report.*

**Facility Conditions:** Summit View Youth Center is male juvenile facility for chronic offenders. The facility does not house youth who have been tried as adults. Staff at Summit View place a strong emphasis on positive behavior reinforcement and rehabilitation. There is a perception among Summit View staff that the boys currently housed at LCC cannot be mixed with youth in the juvenile system based on the notion that the boys who were tried as adults have no desire for rehabilitation.

**Education:** The education program is facilitated by the Clark County School District. There is no education available past high school. Science textbooks are outdated, and there is no access to the internet. They have a Career-Tech class, which provides skill-building opportunities in auto mechanics, embroidery, and culinary.

**Health Care:** Mental health assessments are provided immediately upon intake, after the first two weeks, and every three months. Mental health counseling is available once a week. Children receive medical care within hours of request. A dentist is available for check-ups once a week.

**Exercise:** The kids have Physical Training every morning for 45 minutes and large-muscle group training every afternoon for an hour. P.E. classes are available for school credit. There is a large field surrounded by a track, with built in exercise rigs for dips, pull-ups, and sit ups. There are intramurals for

soccer and football.

**Nutrition:** Youth are fed three meals a day with fresh fruits and vegetables.

**Access to Family:** In-person visitation is available five days a week. Phone calls are limited to two days a week for everyone except those with longstanding good behavior, who are permitted daily phone calls. Video calls are not available. Occasionally, Summit View hosts a barbeque for families.

## CONCLUSIONS

Adult institutions in Nevada are not equipped to handle the unique needs of young offenders. Most youth living in the NDOC will be released to society within six to 10 years, yet none of them are on a reintegration track. Strict adherence to sight and sound separation guidelines prevent youth access to important prison programs such as workforce training, higher education, prison jobs, and other important programming to support their long-term success outside of prison. Likewise, the state must provide the NDOC solutions for housing young women as the current options of segregation or out-of-state transfer are unacceptable.

Local adult facilities fall substantially below minimum standards for housing adolescents. Washoe County's Parr Boulevard facility and the Elko County jail default to segregation because they have nowhere to place a child. Isolation, even for a short period of time, has detrimental effects on a child. The Clark County Detention Center is equipped to meet the programming needs of children, but falls below acceptable nutritional and recreational standards. While the issues at CCDC can be remedied, those at Parr and Elko jail cannot.

Youth sentenced as adults will have more successful outcomes in Nevada's juvenile facilities without compromising public safety. The fiscal and logistical concerns of administrators are valid. Facilities will have to adjust their programming to deliver long-term care to offenders who will be in their custody

for several years.

## RECOMMENDATIONS

In the short-term, the state must resolve its most pressing issue—housing for female young offenders. We recommend that the DOC and juvenile justice administrators immediately enter into contracts to provide bed space in juvenile facilities for female youthful offenders. The negotiations should be transparent, allowing for input from stakeholders, child advocacy organization, and families of affected youth.

Integrating youth sentenced as adults with juveniles is not only possible, but practical and produces better outcomes. The ACLU of Nevada recommends that the state utilize a regionalization approach and house young offenders in local or state facilities under contract with the NDOC. Under this model, the DOC retains jurisdiction over the child but pays to house the child in the juvenile facility. DOC staff work in the facility to monitor the child, but the child engages in regular facility programming. Several states follow a similar model.

We further recommend that the state initiate a comprehensive feasibility analysis to determine and study placement options, available bed space, cost of programming transition, disciplinary policies in states where youth are integrated, and other information related to transitioning youthful offenders into the juvenile setting.

The ACLU of Nevada will continue to be a voice for youth and will continue to advocate for reasonable policy solutions—public safety and the future of Nevada’s young offenders depend on it.

**The ACLU of Nevada will continue to be a voice for youth and will continue to advocate for reasonable policy solutions—public safety and the future of Nevada’s young offenders depend on it.**

The logo for the ACLU of Nevada. It features the word "ACLU" in large, bold, white capital letters on a red rectangular background. Below "ACLU", the word "Nevada" is written in a smaller, white, sans-serif font.

PHOTO: WASHOE COUNTY COURTHOUSE

## ENDNOTES

i 42 U.S.C.S. § 5633 (a)(13)(A) (2018); see also § 5633 (a)(13)(B); 28 C.F.R § 115.14 (2012).

Under PREA youthful inmates, “[i]n areas outside of housing units, agencies shall either: maintain sight and sound separation between youthful inmates and adult inmates or provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact.”

ii 28 C.F.R § 115.313 (2012).

iii Stacey Jacobson, Teen Moved to Solitary Confinement in Nashville Prison Due to Shelby County Insufficiency, WREG NEWS (Feb. 6, 2018, 10:30 PM), <http://wreg.com/2018/02/06/teen-moved-to-solitary-confinement-in-nashville-prison-due-to-shelby-county-insufficiency>; Shane Sanderson, A Wyoming Inmate Sued the State Alleging Gender Discrimination. The Court Case Will Stretch into 2018, STAR-TRIBUNE (Dec. 25, 2017), [http://trib.com/news/local/crime-and-courts/a-wyoming-inmate-sued-the-state-alleging-gender-discrimination-the/article\\_4caff8bc-7204-5270-a2c9-c7f056397bc4.html](http://trib.com/news/local/crime-and-courts/a-wyoming-inmate-sued-the-state-alleging-gender-discrimination-the/article_4caff8bc-7204-5270-a2c9-c7f056397bc4.html).

iv See generally Campaign for Youth Justice, The Impact of Mandatory Transfer Statutes, [http://cfyj.org/images/factsheets/Mandatory\\_Transfer\\_Fact\\_Sheet\\_FINAL\\_Revised\\_Feb\\_2018.pdf](http://cfyj.org/images/factsheets/Mandatory_Transfer_Fact_Sheet_FINAL_Revised_Feb_2018.pdf) (last updated Feb. 22, 2018).

v Supra note iv.

vi Lonn Lanza-Kaduce, Jodi Lane, Donna M. Bishop & Charles E. Frazier, Juvenile Offenders and Adult Felony Recidivism: The Impact of Transfer, 28 J. CRIME & JUST., no. 1, 2005, at 59, 66, 67.

vii Supra note iv.

viii IRENE Y.H. NG, ET AL., INCARCERATING JUVENILES IN ADULT PRISONS AS A

FACTOR IN DEPRESSION, National University of Singapore (2010) at 27. This study showed that 31 percent of incarcerated youth were depressed compared to 4 percent of non-incarcerated adolescents. This number jumped to 64 percent for children in adult facilities.

ix Irene Y.H. Ng et al., COMPARISON OF CORRECTIONAL SERVICES FOR YOUTH INCARCERATED IN ADULT AND JUVENILE FACILITIES IN MICHIGAN 475 (September 2012).

x Supra note iv.

xi Richard E. Redding, U.S. DEP’T OF JUSTICE, Juvenile Transfer Laws: An Effective Deterrent to Delinquency?, JUV. JUST. BULL., June 2010, at 1, 5.

xii Id. at 7.

xiii MASS. GENERAL HOSPITAL CENTER FOR LAW, BRAIN, AND Behavior, Juvenile Justice and the Adolescent Brain(March 2015), <http://clbb.mgh.harvard.edu/juvenilejustice/>.

xiv Andrew B. Clark, Analysis & Commentary, Juvenile Solitary Confinement as a Form of Child Abuse, 45 J. AM. ACAD. PSYCHIATRY & LAW 350, 352 (2017); Mary Ann Lee, Digging Out of the Hole: Arguments Against the Use of Juvenile Solitary Confinement in Kentucky, 105 Ky. L.J. 151, 162 (2016); Roper v. Simmons, 543 U.S. 551 (2005); and Miller v. Alabama, 132 S.Ct. 2455, 2464 (2012).

xv See Miller supra note xv.; Montgomery v. Louisiana, 136 S.Ct. 718 (2016); Montgomery v. Louisiana; and A.B. 237, 2015 Leg. 78th Sess. (Nev. 2015).

xvi Montgomery, 136 S.Ct. at 733.

xvii See, e.g., “Less Guilty by Reason of Adolescence,” Macarthur Foundation Research Network on Adolescent Development and Juve-

nile Justice Issues, Issue Brief 3.

xxviii ACLU Youthful Offender Letter and info, Nev. Bd. of Prison Comm'n's Quarterly Meeting (September 2014), [http://doc.nv.gov/uploadedFiles/docnvgov/content/Home/Prison\\_Commissioners/Attachment%20%20-%20ACLU%20Youthful%20Offender%20letter%20and%20info.pdf](http://doc.nv.gov/uploadedFiles/docnvgov/content/Home/Prison_Commissioners/Attachment%20%20-%20ACLU%20Youthful%20Offender%20letter%20and%20info.pdf).

xix A.B. 213, 2013 Leg. 77th Sess. (Nev. 2013); A.B. 185, 2015 Leg., 78th Sess. (Nev. 2015).

xx Supra note xvii.

xxi See generally Patrick Griffin et al., *Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting*, JUVENILE OFFENDERS AND VICTIMS: NATIONAL REPORT SERIES BULL. (September 2011), available at <https://www.ncjrs.gov/pdffiles1/ojjdp/232434.pdf>.

xxii PREA Resource Center, <http://www.prearesourcecenter.org/training-technical-assistance/prea-in-action/youthful-inmate-implementation> (last accessed June 11, 2016).

xxiii Daugherty, Carmen (2015). *Zero Tolerance: How States Comply with PREA's Youthful Inmate Standard* Washington, DC: Campaign for Youth Justice 5, available at [http://cfyj.org/images/pdf/Zero\\_Tolerance\\_Report.pdf](http://cfyj.org/images/pdf/Zero_Tolerance_Report.pdf).

xxiv The Campaign for Youth Justice is a national organization focused on ending the practice of prosecuting, sentencing, and incarcerating youth under the age of 18 in the adult criminal justice system.

xxv Supra note xv.

xxvi Stop Solitary For Kids (last accessed June 11, 2018), <http://www.stopsolitaryforkids.org/news-on-solitary/>.

xxvii *Growing Up Locked Down: Youth in Solitary Confinement in Jails and Prisons Across the United States*, A HUMAN RIGHTS WATCH (2012), available at <https://www.aclu.org/files/assets/us1012webwcover.pdf>.

xxviii Supra note iii.

xxix Angela M. Darragh, *Audit Report: Clark County Detention Center Medical Care Contract*, prepared for the Clark Cty. Comm'n Audit Comm (April 2016), available at <http://www.clarkcountynv.gov/audit/Documents/Audits%20Issued%202016/Clark%20County%20Detention%20Center%20Inmate%20Medical%20Care%20Contract.pdf>.

xxx Darcy Spears, *Complaints, inspections expose unsafe food at Clark County Detention Center and you pay for it*, KTVN-TV (May 8, 2018 12:00 PM), <https://www.ktnv.com/news/contact-13/dirty-dining-jail-edition>.

xxxi Anjeanette Damon, *Death Behind Bars: Washoe Cty. Jail inmates are dying from suicide, accidents, and homicide*, Reno Gazette Journal, April 4, 2017, <https://www.rgj.com/story/news/2017/04/05/washoe-county-jail-inmates-dying-suicide-accidents-and-homicide/98972810/>.

xxxii JUVENILE DETENTION ALTERNATIVES INITIATIVE, *Juvenile Detention Facility Assessment: Standards Instrument* (2014), <http://www.cclp.org/wp-content/uploads/2016/06/JDAI-Detention-Facility-Assessment-Standards.pdf>.