

Nevada

WOMEN IN PRISON: 878 (2004)¹

Custodial Sexual Misconduct

Custodial Sexual Misconduct – Statute

212.187ⁱ – *Voluntary sexual conduct between prisoner and another person; penalty.*ⁱⁱ

Nevada’s law covers masturbation, intercourse or physical contact with the purpose of gratifying sexual desires. Violation of its provisions constitutes a felony offense. *The law considers the inmate guilty of the same offense as the custodian.*

Does the law impose a criminal penalty on the inmate?	Yes	The inmate would be guilty of the same offense. ⁱⁱⁱ
Does the statute cover all relevant forms of sexual abuse?	No	The law covers sexual contact with the genital area only.
Does the law allow an officer to claim an inmate consented to the sexual act(s) to avoid prosecution?	No	The law presumes the sexual conduct was voluntary.
Does the statute cover all custodians and staff in contact with inmates?	Yes	The law prohibits all persons from engaging in sexual acts with prisoners.
Does the statute cover all places where an inmate might be abused?	No	The law protects all prisoners in lawful custody, except those in the custody of the Division of Parole and Probation of the Department of Public Safety.
Is the penalty a felony?	Yes	Violation is a Class D felony.

Custodial Sexual Misconduct – Allegations and Incidents

Indictments/Convictions (answer to AI letter requesting information) ²	The Nevada Attorney General’s Office does not compile statistics on prosecutions or convictions under the state’s CSM statute. ³
---	---

ⁱ A 2001 amendment to §212.187 narrowed the category of individuals in lawful custody or confinement to whom the statute applies by adding text to eliminate prisoners who are “in the custody of the division of parole and probation of the department of public safety pursuant to NRS 209.4886” (regarding programs of reentry into community) to subsections 1 and 2. A 2003 amendment inserted “or 209.4888” (also regarding programs of reentry into community) following “NRS 209.4886” in subsections 1 and 2.

ⁱⁱ The text of Nevada’s statute is reprinted at the end of this section.

ⁱⁱⁱ Amnesty International considers correction of this problem to be of paramount importance. The retaliation against inmates who report being victims of custodial sexual misconduct has been reported by AI as well as Human Rights Watch and the US Federal Government. The imposition of criminal liability against an inmate for sexual conduct with a custodian creates an official avenue for such retaliation.

Incidents reported in select media since January 2000	- Southern Nevada Women’s Correctional Facility: Former prison guard Randy Easter was indicted for his sexual relationship with inmate Korinda Martin, who reportedly gave birth to his son. Martin was also indicted and faced one count of voluntary sexual conduct between an inmate and another person. Martin was reportedly recently diagnosed with Schizophrenia before her incarceration. Easter claimed the relations were consensual, Martin did not. Martin filed a federal lawsuit against Easter and the Corrections Corporation of America on the premise that consensual sex between guards and inmates in the prison environment isn’t possible due to the inherent power inequity. The case was dismissed for lacking merit. U.S. District Judge Robert Jones claimed that he would refer the case to the Nevada State Bar for disciplinary review. (<i>Las Vegas Review- Journal, 04/03/04 and KVBC.com 02/05/04; Las Vegas Review-Journal 07/18/05; AP State and Local Wire 07/18/05</i>)
	- Clark County Detention Center: A corrections officer was charged with having sexual contact with two female inmates. Reportedly, he exposed himself to one inmate and asked her to perform oral sex. He had previously agreed no longer to supervise female inmates after complaints that he had acted inappropriately. (<i>Las Vegas Review-Journal, 10/21/00</i>) - Clark County Detention Center: Corrections officer Raymond Harts sentenced to one year in prison for forcing himself sexually on female inmates. One inmate alleged that he had raped her. Another inmate alleged that he offered her cigarettes and candy bars in exchange for oral sex and fondled her breast and crotch. (<i>Las Vegas Review Journal, 01/26/00</i>)

Custodial Sexual Misconduct – Policies, Procedures and Practices of Guarding Specific to Women

The following is based on data provided by the Nevada Department of Corrections in response to AI’s survey in 2002 and 2005, where it reported there was no new information. AI did not receive data from the Nevada Department of Corrections in 2000. Additional information from other sources is included where available.

Is the current Department of Corrections policy on custodial sexual misconduct language-explicit?	Yes	Policy includes direct and specific language about the sexual nature of the behaviors prohibited. ⁴
Allow cross-gender pat-down searches?	Yes	According to the Nevada DOC, cross-gender searches would occur in extreme emergency situations only. ⁵
What is the percentage of female officers in relation to male officers?		100% of the officers at Jean Conservation Camp and Silver Spring Conservation Camp are female (these facilities are operated by the Nevada DOC). 66% of the officers at Southern Nevada Women’s Correctional Facility are female (this facility is operated privately by the Correctional Corporation of America). ⁶
Restrictions on the duties of male guards?	--	No information provided.
Staff training on sexual misconduct?	--	No information provided.
Inform inmates of agency policies and reporting procedures on sexual misconduct?	--	No information provided.

Custodial Sexual Misconduct - Policies and Procedures Guiding Official Response

The following is based on the Nebraska Department of Corrections response to AI’s surveys, please see above.

Is medical help available for the victim of alleged sexual abuse?	Yes	According to the Nevada DOC, medical treatment is available at all times. ⁷
Are immediate mental health services available for the victim of alleged sexual abuse?	Yes	According to the Nevada DOC, mental health professionals are on-call 24 hours a day. ⁸
Is counseling available for the victim of alleged sexual abuse?	Yes	See above.
Is a rape kit taken?	Yes	According to the Nevada DOC, a rape kit is taken upon transport to the local police department. ⁹
Are there special procedures for investigating allegations of sexual misconduct?	-	No information provided.
Is there a system for reporting allegations of custodial sexual misconduct within the DOC?	Yes	According to the Nevada DOC, a reporting system does exist, but no details were provided. ¹⁰
Is there a system for reporting allegations of custodial sexual misconduct directly to a body external to the DOC?		No information provided.
Is the investigation external?	Yes	According to the Nevada DOC, the investigation is conducted by local police as well as by the Nevada DOC Inspector General. ¹¹
If there is an external investigation, how is it triggered?		No information provided.
Are special measures taken to shield alleged victims from retaliation?	Yes	According to the Nevada DOC, measures are taken, but no details were provided. ¹²
If so, do the measures include solitary confinement or lock-down of the inmate?		No information provided.
Is there an independent body, such as a Corrections Ombudsman, with independent oversight of correctional facilities and the DOC?	No	No details provided.
Is there a system in place to track investigations, indictments and convictions for custodial sexual misconduct?	Yes	According to the Nevada DOC, a tracking system does exist, but no details were provided. ¹³

Custodial Sexual Misconduct – Pending Legislative Proposals

None

Pregnancy in Custody

Pregnancy - Relevant Statutes

Legislation banning shackling in the third trimester or during labor	No	Nevada has no legislation limiting the use of shackling on pregnant inmates.
--	-----------	--

Parenting - Policies, Procedures and Practices

The following is based on the Nebraska Department of Corrections response to AI's surveys, please see above.

Use of restraints in third trimester	Yes	Restraints are used if required for security reasons, subject to
--------------------------------------	------------	--

		medical advice. Normally only wrist restraints are used. ¹⁴
Restraints during transport	Yes	See above.
Restraints during labor	Yes	See above.
Officer in delivery room	Yes	According to the Nevada DOC, an officer is present in the delivery room. ¹⁵

Contact information

NEVADA DEPARTMENT OF CORRECTIONS

Director Jackie Crawford Nevada Department of Prisons P.O. Box 7011 Carson City, NV 89702 Telephone (702) 651-8866 Fax (702) 486-6904 Email: jcrawfor@ndoc.state.nv.us	Homepage: http://www.ndoc.state.nv.us/
--	---

NEVADA DEPARTMENT OF CORRECTIONS FACILITIES FOR WOMEN

Southern Nevada Women's Correctional Center <i>Female inmates: 565 (8/02)</i> ¹⁶ Warden: Christine Bodo 4370 Smiley Road North Las Vegas, NV 89115 Phone: (702) 651-8866 Fax: (702) 486-6904	Jean Conservation Camp (Southern Nevada Correctional Center) <i>Female inmates: 118(8/02)</i> ¹⁷ Facility Mgr Gloria Lawrence P.O. Box 100 1 Prison Road Jean, NV 89026 Phone: (702) 874-1626	Silver Springs Conservation Camp <i>Female Inmates: 95(8/02)</i> ¹⁸ Facility Mgr.Lt. Kathy Etchart P.O. Box 810 Silver Springs NV 89429-0810 Phone: (775) 577-2662
--	---	---

NEVADA EXECUTIVE

Governor Kenny C. Guinn [R] Capitol Building Carson City, NV 89701 Phone: (775) 684-5670 Fax: (775) 684-5683 E-mail: www.state.nv.us/gov/mailgov.htm	Home page: http://gov.state.nv.us/ Elected: 1998
Attorney General Brian Sandoval [R] Nevada Department of Justice 100 North Carson Street Carson City, NV 89701-4717 Phone: (775) 684-1100 Fax: 775-684-1108	Home page: http://ag.state.nv.us/ Elected: 2002

NEVADA LEGISLATIVE INFORMATION

Legislative Session: Regular sessions begin the first Monday in February of odd-numbered years. The Governor may also call the Legislature into special session Senate: 2-year term Assembly: 4-year term	Legislative information home page: http://www.leg.state.nv.us Bill Search: http://www.leg.state.nv.us/70th/prefiled Bill information phone number:
--	--

Elections for all positions are held in even numbered years.	(702) 687-6800
Senate Legislative Building 401 South Carson Street Carson City, Nevada 89701-4747 Fax: (775) 684-6522	Senate homepage: http://www.leg.state.nv.us/70th/legislators/Senators/index.htm
Assembly Legislative Building 401 South Carson Street Carson City, Nevada 89701-4747 Fax: (775) 684-6522	House home page: http://www.leg.state.nv.us/70th/legislators/Assembly/

WOMEN IN PRISON - NGO RESOURCES

The organizations listed are not endorsed by or affiliated with Amnesty International.

<p>ACLU of Nevada 1700 E Desert Inn RD #113 Las Vegas, NV 89109 Phone: (702) 366-1226 Website: www.aclunv.org</p>
<p>Nevada-CURE C/O Pat Hines P.O. Box 467 Yerlington, NV 89447 Phone: (775) 463-4884</p>
<p>Friends and Family of Incarcerated Persons, Inc. P.O. Box 93601 Law Vegas, NV 89193-3601 Phone: (702) 223-6600 Email: ffipffip1@lvcn.com Website: http://ffip.tripod.com Services: Provide support and help for the "outmates", those on the outside who have a loved one in prison or jail. Hold meetings every Friday evening, 7:00 P.M., at Christ Episcopal Church, 2000 South Maryland Parkway, Meeting Room #1.</p>

Nevada's Custodial Sexual Misconduct Statute

§ 212.187. Voluntary sexual conduct between prisoner and another person; penalty

1. A prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888 or residential confinement, and who voluntarily engages in sexual conduct with another person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person who voluntarily engages in sexual conduct with a prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888 or residential confinement, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section, "sexual conduct":

(a) Includes acts of masturbation, homosexuality, sexual intercourse or physical contact with another person's clothed or unclothed genitals or pubic area to arouse, appeal to or gratify the sexual desires of a person.

(b) Does not include acts of a person who has custody of a prisoner or an employee of the institution in which the prisoner is confined that are performed to carry out the necessary duties of such a person or employee.

¹ Bureau of Justice Statistics, Prisoners in 2004, NCJ 210677, October 2005, available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/p04.pdf>, as per 01/27/06.

² The information does not reflect prosecutions or convictions under rape statutes.

³ Letter from Drennan A. Clark, Solicitor General, Litigation Division, Nevada Attorney General's Office, 06/14/02; email from Conrad Hafen, Chief Deputy-Criminal Division, 08/26/05.

⁴ US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000.

⁵ Faxed letter from Jackie Crawford, Director, Nevada Department of Corrections (DOC), 08/22/02.

⁶ Faxed letter from Jackie Crawford, Director, Nevada DOC, 08/22/02.

⁷ Faxed letter from Jackie Crawford, Director, Nevada DOC, 08/22/02.

⁸ Faxed letter from Jackie Crawford, Director, Nevada DOC, 08/22/02.

⁹ Faxed letter from Jackie Crawford, Director, Nevada DOC, 08/22/02.

¹⁰ Faxed letter from Jackie Crawford, Director, Nevada DOC, 08/22/02.

¹¹ Faxed letter from Jackie Crawford, Director, Nevada DOC, 08/22/02.

¹² Faxed letter from Jackie Crawford, Director, Nevada DOC, 08/22/02.

¹³ Faxed letter from Jackie Crawford, Director, Nevada DOC, 08/22/02.

¹⁴ Faxed letter from Jackie Crawford, Director, Nevada DOC, 08/22/02.

¹⁵ Faxed letter from Jackie Crawford, Director, Nevada DOC, 08/22/02.

¹⁶ Faxed letter from Jackie Crawford, Director, Nevada DOC, 08/22/02.

¹⁷ Faxed letter from Jackie Crawford, Director, Nevada DOC, 08/22/02.

¹⁸ Faxed letter from Jackie Crawford, Director, Nevada DOC, 08/22/02.