

Eliminating Sexual Abuse & Sexual Harassment of Vermont Youth in Custody

Compliance with the 2003 National
Prison Rape Elimination Act (PREA)



**Vermont Agency of Human Services
Department for Children and Families
Family Services Division**

January – December 2017

PURPOSE

The Agency of Human Services, Department for Children and Families, Family Services Division (FSD) is Vermont's child welfare and youth justice agency. FSD is responsible for making sure children and youth are safe, their basic needs are met, they abide by the law, and families are supported to achieve these goals. FSD is committed to meeting the requirements of the 2003 [Prison Rape Elimination Act \(PREA\)](#) and ensuring that all youth are safe and free from sexual abuse and harassment. This report outlines how FSD is responding to the PREA requirements and promoting safety for all youth.

FACILITIES

Vermont has one state-operated locked/secure juvenile rehabilitation center as well as three contracted community-based staff-secure residential treatment programs that are all required to be compliant with the PREA standards.

	2017 total admissions	# of youth with pending charges or adjudicated delinquents	% of youth with pending charges or adjudicated delinquents	PREA Compliance Dates
Woodside Juvenile Rehabilitation Center	131	131 *	100%	6/15/15, 9/27/17

	2017 total admissions	# adjudicated delinquents	% adjudicated delinquents	PREA Compliance Dates
Howard Center Park Street	6	5	83%	3/16/16, 1/18/18
Howard Center Transition House	3	2	66.6%	3/18/16, 1/23/18
Seall, Inc. (204 Depot Street Program)	132	78	59%	4/8/16, 10/15/17

Woodside Juvenile Rehabilitation Center is a state-operated locked/secure juvenile rehabilitation center with the capacity to serve thirty (30) youth, males and females, ages 10–18. The purpose of the program is to provide short-term and long-term trauma-informed services within a safe and secure environment. The program serves youth who are in the custody of the Vermont DCF Commissioner with a delinquency charge or adjudication¹, and exhibiting self or other harming behavior(s).

Howard Center Park Street Program is a contracted community-based residential treatment program with the capacity to serve ten (10) adolescent males ages 12–18 with sexually harming behaviors. The components offered are 90-day assessments, long-term treatment (12-18 months) and short-term stabilization for clients who have previously received treatment – with the goal of safe community reintegration.

¹ * Per Vermont Statute [§5801](#), the Woodside Juvenile Rehabilitation Center can only admit youth who have been adjudicated or charged with a delinquency or criminal act.

Howard Center Transition House is a contracted community-based residential treatment program with the capacity to serve four (4) adolescent males, ages 16–22. This program acts as a step-down program for youth transitioning out of the locked/secure juvenile rehabilitation center. The primary goal of this program is to promote and support successful transitions for youth back into their communities.

Seall, Inc. (204 Depot Street Program) is a contracted 10-day stabilization program with the capacity to serve eight (8) adolescent males ages 13–18. The primary goal of the program is to help residents recognize the behaviors that contributed to their need for this placement and to provide skills that will prepare them for their next placement.

PREA COMPLIANCE ACTIVITIES

Statewide PREA compliance activities that occurred during 2017 include:

- FSD contracted with Sharon Pette of Effective System Innovations (ESI), a certified Department of Justice (DOJ) PREA auditor to conduct PREA audits of Vermont’s juvenile facilities.
- PREA audits occurred with Woodside Juvenile Rehabilitation Center, Howard Center’s Park Street Program, Transition House, and Seall, Inc.’s 204 Depot Program. Following the 180-day corrective action period Woodside and the 204 Depot Program were found to be in compliance with the PREA standards. The Howard Center’s Park Street Program and Transition House were pending their final audit report at the end of 2017.

Woodside Juvenile Rehabilitation Center

The onsite PREA audit of Woodside Juvenile Rehabilitation Center’s was conducted on April 19th, 20th, and 21st, 2017. At the close of the onsite portion of the audit, it was determined that twenty-nine standards were met, three were exceeded, and nine were not met. Woodside staff worked diligently to make the necessary changes to become PREA compliant. Following the 180-day corrective action period they achieved 100% compliance on September 27, 2017. Sharon Pette, PREA Auditor states:

During the first audit conducted in 2014, the Woodside Juvenile Rehabilitation Center (WJRC) achieved 100% compliance after entering into a corrective action period. This audit conducted approximately three years later, has revealed that facility and agency leadership continue demonstrate their dedication to ensuring the safety of youth by closely adhering to the PREA standards. This continued commitment on behalf of the WJRC leadership, the Facility PREA Compliance Manager, direct care staff, the agency PREA Coordinator, and other AHS staff has resulted in Woodside achieving compliance on the vast majority of PREA standards.

Howard Center Park Street Program

The onsite PREA audit of Howard Center Park Street Program was conducted on December 6th, 7th, 8th, 2017. At the close of the onsite portion of the audit, it was determined that thirty-eight standards were met, five were exceeded, and zero were not met. Park Street did not require a 180-day corrective action period and achieved 100% compliance on January 18, 2018. Sharon Pette, PREA Auditor states:

Observations during the onsite audit allow the auditor to conclude that federal PREA requirements are thoroughly embedded in the program’s daily operations. Since Park Street’s initial PREA audit in July 2015, the facility has remained fully committed to mitigating the risk of sexual abuse and sexual

harassment. Ms. McGinnis continues to demonstrate a deep understanding of the federal requirements and has successfully operationalized these principles at the Park Street Program.

Howard Center Transition House

The onsite PREA audit of Howard Center Transition House was conducted on December 11th, 12th, 13th, 2017 – immediately following Park Street’s PREA audit. At the close of the onsite portion of the audit, it was determined that thirty-eight standards were met, five were exceeded, and zero were not met. Transition House did not require a 180-day corrective action period and achieved 100% compliance on January 23, 2018. Sharon Pette, PREA Auditor states:

Observations during the onsite audit allow the auditor to conclude that federal PREA requirements are thoroughly embedded in the program’s daily operations. Since Transition House’s initial PREA audit in July 2015, the facility has remained fully committed to mitigating the risk of sexual abuse and sexual harassment. Mr. Smith continues to demonstrate a deep understanding of the federal requirements and has successfully operationalized these principles at the T-House.

Seall, Inc. (204 Depot Street Program)

The onsite PREA audit of Seall, Inc. (204 Depot Street Program) was conducted on June 7th, 8th, 9th, 2017. At the close of the onsite portion of the audit, it was determined that twenty-nine standards were met, one exceeded, ten were not met, and one standard was not applicable. Seall, Inc. staff worked hard to make the necessary changes to become PREA compliant. Following the 180-day corrective action period they achieved 100% compliance on October 15, 2017. Sharon Pette, PREA Auditor states:

Overall, the Depot Street program has maintained an environment that supports zero tolerance, and one in which poses low risk for youth to experience sexual abuse or sexual harassment while in the program’s care. Some of the highlights from the youth interviews include all youth clearly understanding their rights; all youth knowing how to make a report if they were being abused; and all youth stating they felt staff cared about their safety. All youth verified that they are under constant and close staff supervision.

SEXUAL ABUSE DATA

Woodside Juvenile Rehabilitation Center

2016 Data:

There were three sexual abuse/harassment incidents reported at Woodside during 2016. All the reports made during 2016 were reported and investigated/being investigated. One case involved alleged abuse that occurred in another facility. This was reported to Brattleboro Retreat and RLSI. The other case was an incident where two residents mutually touched each other. The behavior was detected by staff who intervened before the behavior could escalate. Woodside responded to the situation internally through a clinical restorative plan for both youth. The third incident alleged that staff allowed access for two residents to kiss and touch each other and allowed access to Facebook to facilitate contact with prior residents. This incident is currently still being investigated with the AHS Investigative Unit. Additionally, it was subject to as regulatory investigation where it was found that the facility administration acted appropriately regarding personnel action.

2017 Data:

There were six sexual abuse/harassment incidents reported at Woodside during 2017, all of which were investigated. The first case reported on 1/6/2017 involved a female (A) telling another female (B) that a male resident was bragging about female B allegedly grabbing his genitals. This incident was unfounded. The second incident was reported on 1/16/2017. This involved a female, during transport to a new transition, claimed to have had sexual contact with a male resident “about 3-4 months ago.” This was unsubstantiated. The third incident was reported on 2/10/2017, involved a male resident requesting a class change due to a female resident giving him sexualized advances and physical gestures. This was unsubstantiated. Our fourth incident involved alleged contact between two residents (male and female) during a movie and was reported by the female participant in the alleged incident. This incident was unfounded. The fifth incident reported alleged physical contact between two female residents by them holding hands. This incident was found to be unfounded. The final incident was reported on 10/3/2017. This incident was reported by a resident, who claimed a staff member was sexually harassing him for taking a point away from him due to him wearing his pants too low and exposing his underwear. This incident was unfounded.

Howard Center Park Street Program

2016 Data:

There was one allegation of youth on youth sexual abuse that was reported, investigated and determined to be unfounded. The victim was separated from the alleged perpetrator and given previous allegations the perpetrator was removed from the program. Subsequently, it was determined that he needed a different program and did not return to Park Street.

There were six allegations of youth on youth sexual harassment reported and all of them were investigated. Five of the allegations were substantiated and the other was unsubstantiated. Upon receipt of each report, victims were separated from the alleged perpetrators and safety plans were put in place. Following the completion of the sexual harassment investigations, summaries of incidents with recommendations to ensure safety are distributed to all staff to ensure they are aware of the incident and ensure compliance with implementing strategies for safety. It was found that three of the incidents occurred in the common areas of the facility, one during a treatment group, one at school, and one of them while residents were in the agency van.

There was one resident involved in five of the seven incidents of sexual abuse and sexual harassment. Due to concerns about his behavior and safety of the other residents, the resident was discharged from the program. Park Street also hired additional staffing to help address the treatment needs of the residents and help prevent future incidents from happening.

There were no incidents of staff on youth sexual abuse or sexual harassment.

2017 Data:

There were two allegations of youth on youth sexual abuse that was reported, investigated and determined to be substantiated. The victims were separated from the alleged perpetrator and the perpetrator was removed from the program. Subsequently, it was determined that he needed a different program and did not return to Park Street.

There were two allegations of youth on youth sexual harassment reported and all of them were investigated. Both allegations were substantiated. Upon receipt of each report, the victim was separated from the alleged perpetrator and safety plans were put in place. Following the completion of the sexual harassment and sexual abuse Investigations, summaries of incidents with recommendations to ensure safety are distributed to all staff to ensure they are aware of the incident and ensure compliance with implementing strategies for safety. It was found that residents required quicker interventions in response to flirtatious behavior so that boundaries were clear to ensure incidents of more advanced sexualized behavior did not ensue, that staff increase their level of vigilance with regards to ears on, eyes on supervision at all times especially during transitions and to monitor the space between youth such that it reduces the risk for sexualized contact. There were incidents that occurred in the common areas of the facility, at school, and in the community.

There was one resident involved in three of the four incidents of sexual abuse and sexual harassment. There was one resident who was identified as the perpetrator for both incidents of sexual abuse. Due to concerns about both resident's behavior and safety of the other residents, both residents were discharged from the program. Park Street also hired additional staffing to help address the treatment needs of the residents and help prevent future incidents from happening.

There were no incidents of staff on youth sexual abuse or sexual harassment.

Howard Center Transition House

2016 Data:

There were no incidents of youth on youth or staff on youth sexual abuse or sexual harassment in 2016.

2017 Data:

There was one report of sexual harassment, made by a client against another resident. This incident was determined to be founded. The victim in this incident was provided with additional support and specific supervision plan was put into place to avoid any future incidents of sexual harassment the offending youth. In addition, staffing plans and technology used to monitor clients were reviewed. It was identified that this incident took place in an area that was a "blind spot" for the camera system. An additional camera was added to address this. Due to this incident being described by the victim as beginning with "horsing around," staff were provided information about the nature of sexual harassment in confinement settings and how to address the precipitating events so that these types of incidents can be avoided in the future.

Seall, Inc. (204 Depot Street Program)

2016 Data:

There were no reports of sexual abuse or harassment in 2016.

2017 Data:

There were no reports of sexual abuse or harassment in 2017.

CONCLUSION

There were numerous efforts made by Woodside Juvenile Rehabilitation Center, Transition House, Park Street, and 204 Depot program staff in 2107 to complete the requirements outlined in their corrective action plans. Woodside and Seall, Inc., 204 Depot all achieved 100% compliance by the end of their respective correction action periods. Howard Center Park Street, and Howard Center Transition House did not have a corrective action period and were found to be 100% compliant in January 2018.