

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 2018

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 four contracted community-based staff-secure residential treatment programs that are all required to be compliant with the PREA standards.

	2018 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	86	86*	100%	6/15/15, 9/27/17

	2018 total Admissions	# adjudicated Delinquents	% adjudicated delinquents	PREA Compliance Dates
Howard Center Park Street	6	4	67%	3/16/16, 1/18/18
Howard Center Transition House	5	5	100%	3/18/16, 1/23/18
Seall, Inc. (204 Depot Street Program)	198	72	36%	4/8/16, 10/15/17
Laraway, Foote Brook Program	8	3	37.5%	Pending completion of first audit n 2019

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).

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 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.

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.

Laraway Foote Brook Program is a contracted community-based residential treatment program with the capacity to serve four (4) adolescent males ages 13-19. The program is designed to serve youth stepping down from more secure facilities from throughout the state. The youth served may have a variation of mental health disorders, substance use disorders, or juvenile delinquencies that generally require more intensive support and supervision than a traditional community foster home or pre-adoptive home.

PREA COMPLIANCE ACTIVITIES

Statewide PREA compliance activities that occurred during 2018 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 Laraway Foote Brook program. Foote Brook entered the 180-day corrective action period which will be concluded in February 2019.
- Following the 180-day corrective period PREA audits concluded for Howard Center’s Park Street Program, and Transition House. Both programs were found to be in compliance with the PREA standards.

Woodside Juvenile Rehabilitation Center

Woodside was found to be in compliance with the PREA standards on September 27, 2017. There were no additional audit activities required during 2018.

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)

Seall, Inc. (204 Depot Street Program) was found to be in full compliance with the PREA standards on October 15, 2017. No additional audit activities were required during 2018.

Laraway Foote Brook Program

The onsite PREA audit of the Laraway Foote Brook Program was conducted on July 18th, 19th, 20th, 2018. At the close of the onsite portion of the audit, it was determined that eighteen standards were met, twenty-two were not met, and one was not applicable. Foote Brook is currently engaged in the 180-day corrective action period. In the Initial Auditor Report Sharon Pette, PREA Auditor states:

The initial audit provided significant evidence that the Laraway Foote Brook program has a solid infrastructure that supports effective program functioning. Numerous program policies and forms have been developed to support the agency’s commitment to closely aligning with federal PREA standards.

The success of any initiative depends on a variety of factors and requires support from executive level managers. Interviews with Laraway agency and Foote Brook program leaders reveal they are fully committed to keeping youth safe and free from sexual abuse and harassment. Although at the time of the onsite review several practices had not been implemented, interviews revealed that program leaders understand the PREA standards and are dedicated to developing the program components and policies necessary to achieve 100% compliance with federal standards.

SEXUAL ABUSE DATA

Woodside Juvenile Rehabilitation Center

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.

2018 Data:

There were two sexual abuse/harassment incidents reported at Woodside during 2018, both of which were investigated. The first case was reported in September, when a staff member was sent home on administrative relief from duty pending an investigation into allegations of boundary violations with a youth. The allegation included the staff person providing the resident unauthorized access to electronics that inadvertently provided the resident with confidential information. This allegation was substantiated, and the staff person was disciplined with a 20 suspension without pay and a stipulation that similar conduct will result in immediate termination of employment.

The second case, reported in September, is currently pending investigation. A staff member was placed on administrative relief from duty for allegations of boundary violations with a youth. This allegation involved this employee engaging in inappropriate conversations about their personal and dating life. The staff person remains on relief from duty pending a final report.

Howard Center Park Street Program

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 both 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.

2018 Data:

The substantiated incidents of sexual harassment that took place between youth involved 1 resident as the perpetrator in 4 out of the 5 incidents. It reflects his sexual compulsivity and his struggles in treatment as he worked to manage his sexual risk around others. This youth was held responsible for his actions via his probation conditions and eventually a placement in DCF custody to allow for greater oversight and access to additional resources to best address his needs while also keeping others safe. (He required 1:1 staffing) In the other youth on youth incident, it involved a highly sexually reactive youth who would lash out with sexually hurtful comments directed at others when his sexual past was triggered. Due to this youth's volatility and unsafe behaviors around others, he resided at Park Street for only 1.5 months and was discharged to a more secure placement.

With regards to the incident where the youth alleged that there was sexual abuse by a staff member that was investigated and unsubstantiated involved a youth who had been grooming a new female staff in hopes for a sexual relationship. As a result, this warranted that the program enhance it's on boarding process for new hires to include the teaching of core competencies when working with a highly sexualized population of youth.

During this calendar year, due to the history of sexualized incidents that take place at Park Street there have been audio and video surveillance cameras installed in hopes to help deter and guide the process for any incidents of sexualized behavior.

Howard Center Transition House

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.

2018 Data:

There were no reports of sexual abuse or harassment in 2018.

Seall, Inc. (204 Depot Street Program)

2017 Data:

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

2018 Data:

There was one reported allegation of staff sexual abuse on a resident that was reported, investigated and found to be unfounded. The victim had been discharged prior to receiving the allegation. There were no allegations of youth on youth sexual harassment.

Laraway Foote Brook Program

2018 Data:

This is the first year that Laraway Foote Brook program is required to participate in PREA reporting. During this reporting period, there was one incident of sexual harassment. This was a youth on youth incident that was investigated and substantiated. This substantiation resulted in the perpetrator youth receiving program consequences and warning to curb behavior. There is a 90-retaliation monitoring protocol in place to ensure the youth is protected.

CONCLUSION

There were numerous efforts made by Howard Center Transition House, Park Street, and Laraway Foote Brook program staff in 2108 to complete the requirements outlined in their corrective action plans. Howard Center Transition House and Park Street both achieved 100% compliance by the end of their respective correction action periods. Laraway Foote Brook program was fully engaged in activities to achieve full compliance by the end of their corrective action period which is in February 2019.