

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 2019

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 that is under the operational control of the Executive Branch of the State. There are also three "contract facilities"¹ that are all required to be compliant with the PREA standards.

Facilities under the operational control of the Executive Branch of the State	2019 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	74	74*	100%	6/15/15, 9/27/17

Contract facilities not under the operational control of the Executive Branch of the State	2019 total Admissions	# adjudicated Delinquents	% adjudicated delinquents	PREA Compliance Dates
Howard Center Park Street	5	4	80%	3/16/16, 1/18/18
Howard Center Transition House	4	4	100%	3/18/16, 1/23/18
Seall, Inc. (204 Depot Street Program)	135	41	30%	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 adjudication², and exhibiting self or other harming behavior(s).

¹ Laraway's Foote Brook Program was thought to be required to be PREA compliant and completed the audit process and achieved 100% PREA compliance on 2/28/19. In a review by DOJ it was determined that Foote Brook was subject to PREA for Audit Year 2 of Cycle 2 (August 20, 2017 – August 19, 2018). Therefore, we are not reporting on the status of Laraway's Foote Brook program at this time.

² * 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 twelve (12) 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 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 audit occurred with Woodside Juvenile Rehabilitation Center. Woodside entered the 180-day corrective action period which will be concluded in April 2020.

Woodside Juvenile Rehabilitation Center

The onsite PREA audit of the Woodside Juvenile Rehabilitation Center was conducted on October 21st and 22nd, 2019. At the close of the onsite portion of the audit, it was determined that 32 standards were met, 4 standards were exceeded, and 7 standards were not met. Woodside began the 180-day corrective action period on November 25, 2019. Sharon Pette, PREA auditor states:

The onsite audit provided significant evidence that the Woodside Juvenile Rehabilitation Center (WJRC) has a solid infrastructure that supports its dedication to zero tolerance for sexual abuse and sexual harassment and effective crisis response to allegations. Numerous facility policies, procedures, forms, and practices have been developed and implemented to support the agency’s commitment to closely aligning with federal PREA standards. Similarly, the State of VT Department for Children and Families (DCF) has a solid infrastructure to assist in preventing, detecting, and responding to allegations of sexual abuse and sexual harassment. In addition, onsite interviews, file reviews, and observations verified the majority of PREA expectations have been institutionalized at the local level.

Howard Center Park Street Program

Howard Center Park Street Program was found to be in compliance with the PREA standards on January 18, 2018. There were no additional audit activities required during 2019.

Howard Center Transition House

Howard Center Transition House was found to be in compliance with PREA standards on January 23, 2018. There were no additional audit activities required during 2019.

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. There were no additional audit activities were required during 2019.

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 January 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 January 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 February 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 October 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-day suspension without pay and a stipulation that similar conduct will result in immediate termination of employment.

The second case, reported in September, 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 allegation was substantiated, and the staff person resigned.

2019 Data:

On April 14, 2019 a male resident had been observed touching a female resident under a milieu table while both were seated. Staff addressed the behavior, asking the male resident to move to another table. This resident denied doing anything inappropriate--stating he was just scratching his leg. Both the YC (initial observer) and Ops manager observed the camera footage and found that the male resident can clearly be seen placing his hand on the inner leg of the female resident, moving his hand up her leg towards the groin region. After consultation with the WJRC Director Simons and the on-duty Clinical Supervisor, the male resident was placed 1:1 off the unit to support him.

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 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.

2019 Data:

There was one substantiated incident of sexual harassment that took place when one youth made several sexually disparaging comments during a school activity where his other peers where the victims of his harmful choice of words. This youth was held responsible for his actions via additional treatment to address his inappropriate sexualized behavior and placed on an individualized plan where he was kept separate from his peer group until he was able to complete reparation with his peers where he earned trust to safely reenter both the school and residential milieu environment with others.

There were no incidents of youth on youth nonconsensual or abusive sexual acts. There were no incidents of staff on youth sexual misconduct or sexual harassment.

It is believed that the use of audio and video surveillance cameras, the implementation of the restorative circles model and the specific profile of sexualized youth served at Park Street in 2019 was helpful in decreasing the number of PREA incidents compared to previous years.

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.

2019 Data:

There were no reports of sexual abuse or harassment in 2019.

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 abuse or harassment.

2019 Data:

There was one reported allegation of staff sexual abuse on a resident that was reported, investigated and found to be unfounded. During an investigation into a staff member who reportedly was allowing residents while out on a walk to enter her home and smoke Marijuana, it was alleged that another staff member had sex with a resident in this home. Licensing investigated this allegation and it was "unfounded" based on interviews with residents and they're not cooperating with the investigation. There were no allegations of youth on youth sexual abuse or harassment.

CONCLUSION

There were numerous efforts made by Woodside Juvenile Rehabilitation Center staff in 2019 to complete the requirements outlined in their corrective action plans. It is expected that Woodside will achieve full compliance before the end of their corrective action period which is in April 2020. Activities have also included identifying the programs that require PREA compliance in 2020 and scheduling audit site visits.