

Eliminating Sexual Abuse & 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 2020

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 had one state-operated locked/secure juvenile rehabilitation center that was under the operational control of the Executive Branch of the State. (Woodside Juvenile Rehabilitation Center was permanently closed by the Vermont Legislature on October 18, 2020.) There are also three "contract facilities" that are all required to be compliant with the PREA standards.

Facilities under the operational control of the Executive Branch of the State	2020 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	11	11*	100%	6/15/15, 9/27/17, 1/15/20

Contract facilities not under the operational control of the Executive Branch of the State	2020 total Admissions	# adjudicated Delinquents	% adjudicated delinquents	PREA Compliance Dates
Howard Center Park Street	5	3	60%	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)	100	37	37%	4/8/16, 10/15/17

Woodside Juvenile Rehabilitation Center was 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 was to provide short-term and long-term trauma-informed services within a safe and secure environment. The program served youth who were in the custody of the Vermont DCF Commissioner with a delinquency charge or adjudication¹, and exhibiting self or other harming behavior(s). In response to the decline in numbers of justice-involved youth requiring secure settings and a commitment to ensuring a therapeutic environment for youth that promotes safety and security for youth and staff, a recommendation was made by the Agency of

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.

Human Services and the Department for Children and Families to the Vermont Legislature that Woodside Juvenile Rehabilitation Center permanently close. This was legislated and the program was closed effective October 18th, 2020.²

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, exhibiting 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 10-30-day stabilization program with the capacity to serve twelve (12) adolescent males ages 13–18. The primary goals of the program are 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 2020 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 and achieved full compliance on January 15, 2020.
- PREA audits were scheduled for the Howard Center Programs in September 2020. Due to restrictions on travel and concerns related to Covid-19, the audits were cancelled. The audits have been re-scheduled for March 2021.

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 and on January 15, 2020 were found to be in full compliance. 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 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.

The dedication exhibited by you and your team as well as by the State of Vermont Department for Children and Families (DCF) agency has resulted in a number of successes during the corrective action period. Among the many noteworthy activities implemented are:

² See Sec. A.29(a)(1) of Act 120 (2020).

- *Revising several policies to support your existing practices and to provide more clear guidance on the facility's coordinated response plan.*
- *Adopting the practice of documenting how vulnerability risk information is used to make placement decisions.*
- *Ensuring all interns, contractors, and staff acknowledge their understanding of the PREA training through written signature.*
- *Clarifying expectations regarding how unannounced rounds should be conducted by communicating this information verbally and through written memo to designated staff.*
- *Developing an Excel spreadsheet to track all variables required in the U.S. Department of Justice Survey of Sexual Victimization.*

The auditor commends the Woodside Juvenile Rehabilitation Center (WJRC) and the State of Vermont Department for Children and Families (DCF) agency for its dedication to the PREA standards. You have done a tremendous job. On behalf of youth, families, and the Department of Justice (DOJ) I thank you for ensuring youth are safe while in the care of your program.

Howard Center Park Street Program

Howard Center Park Street Program was found to be in compliance with the PREA standards on January 18, 2018. Sharon Pette was scheduled to begin the audit on September 14, 2020. Due to the Covid-19 pandemic and restrictions on in person contact with residential programs, the audit was cancelled. The audit is scheduled to begin March 22, 2021.

Howard Center Transition House

Howard Center Transition House was found to be in compliance with PREA standards on January 23, 2018. Sharon Pette was scheduled to begin the audit on September 17, 2020. Due to the Covid-19 pandemic and restrictions on in person contact with residential programs, the audit was cancelled. The audit is scheduled to begin March 22, 2021.

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. Seall, Inc. was slated to have an audit in 2020, however, the number of justice-involved youth did not meet the required threshold (30%), so the audit was not necessary. Given this, there were no audit activities required during 2020.

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 incident 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 incident was unsubstantiated. The fourth incident involved contact between two residents (male and female) during a movie and was reported by the female participant in the alleged incident. This incident was unsubstantiated. The fifth incident reported alleged physical contact between two female residents by them holding hands. This incident was unsubstantiated. 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 an 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 Youth Counselor (initial observer) and Operations 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 with one-on-one staffing off the unit to support him.

2020 Data:

There was one sexual abuse allegation reported at Woodside during 2020, did not meet policy threshold for a child safety intervention. The report was made on July 16, 2020, the same day that the employee was placed on “Temporary Relief from Duty” status, based on other allegations, not of sexual nature. The allegation was that this staff member grabbed a resident’s testicles while sitting on his chest during a restraint. The allegations of this report were addressed during other concurrent investigations and the allegation was unsubstantiated. The program closed so this staff did not return.

Howard Center Park Street Program

2017 Data:

There were two allegations of youth-on-youth sexual abuse that were reported, investigated, and substantiated. The victims were separated from the alleged perpetrator and the perpetrator was removed from the program. Subsequently, it was determined that the perpetrator needed a different program and did not return to Park Street. There were two allegations of youth-on-youth sexual harassment that were reported, investigated, and founded. Upon receipt of each report, the victim was separated from the 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, and 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 staff 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 founded incidents of sexual harassment that took place between youth involved 1 resident as the perpetrator in 4 out of the 5 incidents. This youth exhibited sexual compulsivity and struggled 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 was placed in DCF custody to allow for greater oversight and access to additional resources (including 1:1 staffing) to best address his needs while also keeping others safe. The other youth-on-youth incident 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 enhances its onboarding 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 founded incident of sexual harassment that took place when one youth made several sexually disparaging comments during a school activity where his other peers were the victims of his harmful choice of words. This youth address his concerning actions by engaging in treatment to address his inappropriate sexualized behavior and placed on an individualized plan and he engaged in a reparative process 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.

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.

2020 Data:

There were four founded incidents of sexual harassment that took place in the common areas of the residence and in the agency van. There were two incidents where two youth directed sexual jokes at peers as a means of trying to connect with them socially, which created uncomfortable feelings for their peers. In addition, these same two peers, who are in treatment due to sexually reactive behaviors, also made sexually inappropriate statements and gestures in the presence of their peers causing them to feel uncomfortable. These youth were provided treatment to address their inappropriate sexualized behavior and placed on individualized plans where they were kept separate from their peer group until they were able to complete reparation with their peers where they earned trust to safely reenter both the school and residential milieu environment with others. Both these youth also received 1:1 staffing at various points during 2020 to help maintain boundaries and safety for all. Due to ongoing unsafe behaviors, one of these youth was discharged from the program to a more staff-secure setting.

There was one incident of youth-on-youth nonconsensual or abusive sexual acts that took place at school. The incident involved a youth moving into a tight space to get past a peer and brushed his genitals up against the peer's private parts when squeezing by him, causing the peer to feel uncomfortable. The peer questioned if the behavior was intentional, given the youth had alternative ways to get by the peer without having contact. The youth who violated the personal space of the peer acknowledged the behavior, however claimed the behavior was accidental and not intentional. These youths were kept separate from each other until there was an opportunity for reparation between them.

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

It is believed that the specific profile of sexualized youth served at Park Street in 2020 was indicative of the increase in the number of PREA incidents compared to the previous year. Three of the initiated incidents involved new clients enrolled in treatment at Park Street in 2020.

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 a specific supervision plan was put into place to avoid any future incidents of sexual harassment from 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.

2020 Data:

There were no reports of sexual abuse or harassment in 2020.

Seall, Inc. (204 Depot Street Program)

2017 Data:

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

2018 Data:

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

2019 Data:

There was one allegation of staff sexual abuse on a resident that was reported, investigated, and determined 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 that were not cooperative with the investigation. There were no allegations of youth on youth sexual abuse or harassment.

2020 Data:

There was one allegation of staff sexual abuse on a resident that was reported, investigated, and found to be unfounded. The investigation was based on a complaint that reported a staff member sexually assaulted a resident. The alleged incident occurred during a restraint. Staff admit his hand had touched the resident's

buttocks. It happened when the staff member was securing the residents hands due to the resident "digging" another staff member with his fingers. Video surveillance backed up this claim. Licensing investigated this allegation, and it was "unfounded". There were no allegations of youth-on-youth sexual abuse or harassment.

CONCLUSION

Woodside Juvenile Rehabilitation Center staff achieved full compliance on January 15, 2020. Activities also included identifying the programs that require PREA compliance in 2020 and although the audit site visits were scheduled to occur in September 2020, they needed to be rescheduled due to concerns and restrictions on in person audits related to Covid-19.