

Eliminating Sexual Abuse and 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 2021

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.) We currently do not have any programs that are under the operational control of the State. There are three contract facilities that are all required to be compliant with the PREA standards.

Contract facilities not under the operational control of the Executive Branch of the State	2021 total Admissions	# Adjudicated Delinquents	% Adjudicated delinquents	PREA Compliance Dates
Howard Center Park Street	7	1	14%	3/16/16, 1/18/18, 8/10/21
Howard Center Transition House	6	6	100%	3/18/16, 1/23/18, 8/11/21
Seall, Inc. (204 Depot Street Program)	48	14	29%	4/8/16, 10/15/17

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 destabilizing behavioral patterns and develop skills to manage crises in preparation for future placements.

PREA COMPLIANCE ACTIVITIES

Statewide PREA compliance activities that occurred during 2021 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 were held with the Howard Center Programs in April 2021. The Park Street Program had their onsite audit on April 6, 2021. Following the corrective action period, they were found to be in full compliance with PREA standards on August 10, 2021. Transition House was September 2020. The Transition House Program had their onsite audit on April 26, 2021. Following the corrective action period, they were found to be in full compliance with PREA standards on August 11, 2021.

Howard Center Park Street Program

Howard Center Park Street Program was initially scheduled to have their audit on September 14, 2020. Due to the Covid-19 pandemic and restrictions on in-person contact with residential programs, the audit was rescheduled. The onsite portion of the audit spanned one 11 ½ hour day on April 6, 2021. It is important to note that due to the national COVID-19 health pandemic and to reduce risk of exposure (resulting from long periods of time onsite), DOJ permitted auditors to conduct remote interviews with agency leaders and higher-level facility managers. Therefore, some interviews were conducted in late March 2021 prior to the onsite visit. Sharon Pette, PREA Auditor highlighted the PREA efforts made by Park Street staff in her final PREA audit report dated August 10, 2021:

The initial onsite audit provided significant evidence that Howard Center has a solid infrastructure that supports effective organizational functioning. Numerous policies and legal documents exist that support the agency's dedication to zero tolerance and effective crisis response. This includes an agency policy that specifically addresses PREA and provides valuable information about how to respond to incidents of sexual abuse, the agency grievance process and other important PREA related information.

The Howard Center infrastructure includes a high-level manager, the Howard Center Compliance Officer, who is responsible for ensuring agency compliance with all state and federal regulations. This individual's work is further supported by a formal committee, the Corporate Compliance Committee, which oversees and monitors agency compliance in all areas (i.e., agency policies, licensing regulations, etc.). Additionally, the Howard Center infrastructure includes an incident review system that requires agency leadership to review all critical incidents to determine contributing factors and develop plans to mitigate future risk. This level of review ensures agency leaders are connected to program operations; issues are addressed immediately and appropriately; and feedback and guidance is provided to programs to prevent future incidents.

The success of any initiative depends on a variety of factors and requires support from executive level managers. Interviews with several agency leaders in the Howard Center organization reveal Howard Center is committed to keeping youth safe and free from sexual abuse and harassment. The Howard Center Executive Director, Mr. Bob Bick, explained that following the last PREA audit (in 2017) the agency decided to install cameras in the Park Street program to better ensure youth and staff safety. He also reported that he strives to ensure that all youth (i.e., English Limited Proficiency, cognitive functioning, cultural backgrounds, etc.) are afforded the same rights and protections as other individuals. He explained that the agency dedicates extensive resources to providing translation services, security upgrades, and taking the proper precautions to ensuring youth safety (i.e., placing staff on paid administrative leave if necessary). Other agency leaders, including the Agency PREA Coordinator, shared similar perspectives on the importance of closely aligning agency and program

practices with PREA standards. The Director of Information Management and Compliance as well as the Director of Home and Community Services also provided several examples of how the agency demonstrates their commitment to preventing, detecting, and responding to sexual harassment and sexual abuse.

Information gathered from program staff and youth provides evidence there is strong leadership at the Howard Center Park Street Program. The Program Director, Ms. Shelly McGinnis has worked at the Park Street Program since its inception more than 20 years ago. Staff interviews verified Ms. McGinnis is professional, well respected, and has a strong positive presence at the program. It was repeatedly demonstrated throughout the onsite visit that Ms. McGinnis makes herself readily available to staff; that youth and staff respect and trust her; that she is committed to keeping youth safe; and she is passionate about helping youth make positive changes in their lives. It was also confirmed through observations and interviews that Ms. McGinnis fully supports staff through regular team meetings, impromptu coaching, and making herself available to all staff and youth seven days a week. She leads using a continuous improvement lens and regularly examines program operations and services to identify potential areas for improvement. Similarly, staff and youth interviews verified that the Clinicians and other Park Street Program managers are experienced, skilled, and possess a genuine passion for the work they do.

During the onsite audit, youth interviews confirmed that all youth understand their right to be free from abuse and harassment; understood how to make a report if they were being abused; and stated they felt staff genuinely cared about their safety and well-being. Agency policy prohibits two youth being left alone without a staff member. Youth confirmed that they are always with staff and are not alone with other residents. Youth reported they could never get away with being in a bedroom, a bathroom, or the laundry room together and all youth stated they felt safe in the program. One youth explained, *“Staff are always watching and if something did happen then I know they would do something about it...something would be done.”*

Observations during the onsite audit allow the auditor to conclude that federal PREA requirements are thoroughly embedded in the program’s daily operations. Over the past six years, 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.

Interviews also supported that direct care staff are professional and dedicated to ensuring youth are safe and receive the treatment services they need to turn their lives around. In addition, all staff clearly understood their first responder duties and knew what they needed to do in the event a youth alleged sexual abuse.

On August 10, 2021, Howard Center’s Park Street Program was found to be in full compliance with the PREA standards.

Howard Center Transition House

Howard Center Transition House was initially scheduled to have their PREA 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 onsite portion of the audit spanned one nine-hour day on April 26, 2021. It is important to note that due to the national COVID-19 health pandemic and to reduce risk of exposure (resulting from long periods of time onsite), DOJ has permitted auditors to conduct remote interviews with agency leaders and higher-level facility managers. Therefore, some interviews were conducted in late March 2021 prior to the onsite visit. Sharon Pette, PREA Auditor highlighted the PREA efforts made by Transition House staff in her final PREA audit report dated August 11, 2021:

The onsite audit provided significant evidence that Howard Center has a solid infrastructure that supports effective organizational functioning. Numerous policies and legal documents exist that support the agency's dedication to zero tolerance and effective crisis response. This includes an agency policy that specifically addresses PREA and provides valuable information about how to respond to incidents of sexual abuse, the agency grievance process and other important PREA related information.

The Howard Center infrastructure includes a high-level manager, the Howard Center Compliance Officer, who is responsible for ensuring agency compliance with all state and federal regulations. This individual's work is further supported by a formal committee, the Corporate Compliance Committee, which oversees and monitors agency compliance in all areas (i.e., agency policies, licensing regulations, etc.). Additionally, the Howard Center infrastructure includes an incident review system that requires agency leadership to review all critical incidents to determine contributing factors and develop plans to mitigate future risk. This level of review ensures agency leaders are connected to program operations; issues are addressed immediately and appropriately; and feedback and guidance is provided to programs to prevent future incidents.

The success of any initiative depends on a variety of factors and requires support from executive level managers. Interviews with several agency leaders in the Howard Center organization reveal Howard Center is committed to keeping youth safe and free from sexual abuse and harassment. The Howard Center Executive Director, Mr. Bob Bick, reported that he strives to ensure that all youth (i.e., English Limited Proficiency, cognitive functioning, cultural backgrounds, etc.) are afforded the same rights and protections as other individuals. He explained that the agency dedicates extensive resources to providing translation services, security upgrades, and taking the proper precautions to ensuring youth safety (i.e., placing staff on paid administrative leave if necessary). Other agency leaders, including the Agency PREA Coordinator, shared similar perspectives on the importance of closely aligning agency and program practices with PREA standards. The Director of Information Management and Compliance as well as the Director of Home and Community Services also provided several examples of how the agency demonstrates their commitment to preventing, detecting, and responding to sexual harassment and sexual abuse.

Information gathered from program staff and youth provides evidence that there is solid leadership at the Howard Center Transition Center. Interviews with program staff verified that the Program Supervisor, Ms. Maisha McCormick and Team Lead, Mr. Andrew Decker, are well-respected by staff. Ms. McCormick has been in her current position approximately three years. Staff reported she is professional, dedicated to keeping youth safe, and committed to helping program residents prepare for the future. It was confirmed through observations and interviews that both Ms. McCormick and Mr. Decker support their staff through regular team meetings and making themselves available to staff seven days a week. During the onsite audit, youth interviews confirmed that all youth understand their right to be free from abuse and harassment and understood how to make a report if they were being abused (e.g., including telling a staff member, contacting their parents, lawyer, or DCF social worker). Transition House policy prohibits two youth being left alone without a staff member. Youth confirmed that they are always with staff and are not alone with other residents. Similarly, staff clearly understood their first responder duties and knew what they needed to do in the event a youth alleged sexual abuse.

Observations during the onsite audit allow the auditor to conclude that the majority of federal PREA requirements are thoroughly embedded in the program's daily operations. Since Transition House's initial PREA audit in July 2015 and since its previous audit in 2017, the facility has remained fully committed to mitigating the risk of sexual abuse and sexual harassment. Ms. McCormick continues to demonstrate a deep understanding of the federal requirements and has successfully operationalized these principles at the Transition House.

On August 11, 2021, Howard Center's Transition House Program was found to be in full compliance with the PREA standards.

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 or 2021.

SEXUAL ABUSE DATA

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 inappropriate 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.

2021 Data:

There were two founded incidents of sexual harassment that took place in the common areas of the residence and in the agency van. There was one incident with a youth who found himself attracted to the female staff and made sexualized comments or gestures in the presence of his peers about the staff. This youth reported he was displaying such behavior as a means of trying to connect and fit in socially with his peers. He later crossed a boundary by telling his peer something sexual about himself causing his peer to feel uncomfortable and file a PREA report. This youth has been referred to treatment due to similar sexually reactive behaviors in a community setting. Both youth met as part of a restorative circle to address the concerning behavior and to develop clear boundaries and ways to maintain healthy social interactions with peers. Follow up work was done with both youth in sessions with their clinician.

The other incident involved a youth who was mocking another youth's identity via a sexualized joke. This youth was held responsible for his actions by processing with the youth, separately from the group, how his actions negatively impacted his peer. He was placed on individualized plan where he was kept separate from his peer group until he was able to complete reparation with his peers and he was able to earn trust to safely reenter both the school and residential milieu environment with others and not continue to engage in similar harassing and retaliatory behavior.

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

It is believed that the ongoing work in restorative circles has helped youth problem solve and have a safe space to resolve issues that cause them discomfort, thus the reduction in the number of incidents in 2021. The perpetrator of one incident involved a youth who has been very sexualized during his stay at Park Street and has required lots of individualized programming and intensive treatment to help him shift his sexually problematic behavior. The perpetrator of the other incident is new to treatment and has a history of being a bully and verbally abusive in his interactions with others. There was also an enhanced video surveillance system installed during this time which was helpful to view footage of grievances filed.

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.

2021 Data:

There was one PREA related incident that occurred during the 2021 calendar year. This resulted in four allegations between two youth. Each youth alleging sexually abusive contact against the other and each alleging sexual harassment against the other. The youth reported there was a consensual relationship between them which they kept secret from Transition House staff. Each stated this relationship became nonconsensual, but contact continued, thus leading to the sexual abuse investigation. One of the sexual abuse allegations was substantiated, the other was unsubstantiated. The sexual harassment allegations were both unfounded. The youth who was determined to have perpetrated the abuse in the substantiated case was removed from Transition House program.

As a result of this investigation, the Transition House updated policies in supervision guidelines. Previously, youth would be allowed to be in the back seat of staff car while being transported to different locations (i.e., going to the basketball gym). It was discovered that staff are unable to provide necessary supervision to ensure abusive contact or other sexual harassment behaviors are not occurring. Staff may have no more than two youth in their vehicles, with one youth being in the front passenger seat to ensure supervision. Additionally, in house supervision policies were enhanced. When there is more than one youth on the 2nd floor of the residence, even if they are in their bedrooms, a staff member must be on this floor. Having staff presence in the office ensures youth are not having unsupervised time on the 2nd floor.

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.

2021 Data:

There was one sexual abuse incident where a youth exposed himself to another youth in the program's living room. Staff separated the youth and processed the incident with the youth. The incident was reported and following investigation it was substantiated.

CONCLUSION

Currently all the programs that require PREA compliance have been audited and have achieved full compliance with all PREA standards.