

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 2022

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	2022 total Admissions	# Adjudicated Delinquents	% Adjudicated delinquents	PREA Compliance Dates
Howard Center Park Street	11	4	36%	3/16/16, 1/18/18, 8/10/21
Howard Center Transition House	8	6	75%	3/18/16, 1/23/18, 8/11/21
Seall, Inc. (204 Depot Street Program)	121	22	18%	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 2022 include:

- FSD engaged in contract negotiations with Sharon Pette of Effective System Innovations (ESI), a certified Department of Justice (DOJ) PREA auditor, in preparation for the audit set to occur with the Howard Center Transition House in March 2023.

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.

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

While determining the universe of programs requiring a PREA audit for audit year 1 of Cycle 4 the Howard Center Park Street Program did not meet the required threshold so they will not require an audit during 2022, 2023, or 2024.

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.

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, 2021. While determining the universe of programs requiring a PREA audit for audit year 1 of Cycle 4 the 204 Depot Street Program did not meet the required threshold so they will not require an audit during 2022, 2023, or 2024.

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 youths 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 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.

2022 Data:

There were no reported youth on youth nonconsensual sexual acts or abusive sexual contacts.

There was one alleged incident of youth-on-youth sexual harassment that reportedly took place during a treatment group. The reported incident involved a youth alleging that another youth made a sexual comment that was directed at him before the group and then he later invaded his space in group causing him to feel unsafe. The incident was not substantiated after viewing video footage. This incident was addressed in therapy with both youths to help resolve the actions of both creating discomfort amongst each other.

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

It is believed that the ongoing work with restorative circles has helped youth problem solve and have a safe space to resolve issues that cause them discomfort, thus the ongoing reduction in the number of incidents in 2022. Plus, the stability of youth in the program with an average of 18 months of treatment in 2022 with only one new admission would also contribute to the shifts in outward sexualized behavior. The video surveillance system also helps to address patterns of overall problematic behavior more quickly, thus helping to intervene with therapeutic interventions and helping to support improved treatment outcomes.

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.

2022 Data:

There were no reports of sexual abuse or harassment in 2022.

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.

2022 Data:

There was one sexual abuse incident where a youth exposed himself to another youth in the program's kitchen. The youths were having a discussion about his penis and the youth pulled his pants down to show the other youth. The incident was reported and following investigation it was substantiated.

CONCLUSION

Currently the efforts to secure the new PREA auditor for audit year 1 of cycle 4 have been the focus. The audit is scheduled to begin in March 2023.