



October 15, 2017

Seall Inc.
204 Depot Street
Bennington, VT 05201

RE: Prison Rape Elimination Act (PREA) - Final Audit Findings Report

To Mr. Dominic Ruggeri,

The accompanying report includes the feedback you have provided. I am pleased to inform you that the **Seall Inc. 204 Depot Street program has achieved full compliance with the federal Prison Rape Elimination Act (PREA) standards.** The dedication exhibited by you and your team has resulted in a number of successes during the six-month corrective action period. These achievements are detailed in the attached "Final Auditor's Summary Report."

Among the many noteworthy activities implemented in the past six months are:

- Revising several policies to support your existing practices
- Enhancing the standardized vulnerability risk assessment to capture important information regarding bed placement decisions and referrals to mental health services
- Enhancing the PREA training for staff, contractors, and interns to include a PREA education video in addition to the Power Point presentation
- Installing grievance boxes in the dining area and updating the youth manual to reflect this method of reporting
- Revising the coordinated response plan to include contacting the local advocacy center if an allegation of sexual abuse is made
- Implementing new procedures for searching transgender and intersex youth and formally training all staff

These examples speak to high level commitment and professional cooperation. The auditor commends the Seall Inc. 204 Depot Street program 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.

Sincerely,



Sharon Pette, MSC, GBSS
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| Auditor Information | |
|--|---------------------------------------|
| Auditor name: Sharon Pette DBA Effective System Innovations www.rapidesi.com | |
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| Address: P.O. Box 3403, Guttenberg, NJ 07093 | |
| Email: sharon@rapidesi.com | |
| Telephone number: (b) 212-677-5093 | |
| Date of facility visit: June 7, 8, and 9, 2017 | |
| Facility Information | |
| Facility name: Seall Inc: 204 Depot Street Program | |
| Facility physical address: 204 Depot Street, Bennington, VT 05201 | |
| Facility mailing address: SAME as above | |
| Facility telephone number: 802-442-6156 | |
| The facility is: Contracted by the State of Vermont; operated by Seall Inc. | |
| Facility type: Private not-for-profit, secure community residential | |
| Name of facility's Program Director: Dominic Ruggeri | |
| Number of staff assigned to facility in last 12 months: 18 | |
| Designed facility capacity: 8 youth | |
| Current population of facility: 8 youth | |
| Facility security levels/inmate custody levels: Secure community residential | |
| Age range of the population: 13 – 17 years | |
| Name of PREA Compliance Manager: Dominic Ruggeri | Title: Program Director |
| Email address: Program@204depot.comcastbiz.net | Telephone number: 802-655-4990 |
| Agency Information | |
| Name of agency: Seall Inc. | |
| Governing authority or parent agency: Seall Inc. (State of Vermont contracts with Seall Inc.) | |
| Physical and mailing address: 160 Benmont Av, Bennington VT 05201 | |
| Telephone number: (802) 442-4997 | |
| Agency Chief Executive Officer | |
| Name: James Henry | Title: Executive Director |
| Email address: seallinc@gmail.com | Telephone Number: 802-442-4997 |
| Agency Wide PREA Coordinator | |
| Name: James Henry | Title: Executive Director |
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AUDIT PROCESS OVERVIEW

The State of Vermont's Agency of Human Services (AHS), Department for Children and Families (DCF), Family Services Division (FSD) contracted with Sharon Pette of Effective System Innovations (ESI) in September 2016 to conduct an audit of the Seall Inc. 204 Depot Street program. The State of Vermont requires its contracted community providers to demonstrate full compliance with PREA standards. The purpose of the audit was to determine the degree of compliance with the federal Prison Rape Elimination Act (PREA) standards. This is the second PREA audit the 204 Depot Street program has undergone in the required three-year period. The initial PREA audit was conducted in August 2015. The contractor is a certified Department of Justice (DOJ) PREA auditor.

Several weeks in advance of the audit, posters were hung throughout the facility announcing the upcoming audit. These posters explained the purpose of the audit and provided youth and staff with the auditor's contact information. More specifically, three notification fliers were posted in the dining room, living room, and hallway upstairs outside of the bedrooms. Pictures were sent to the auditor verifying the posters were hung consistent with DOJ auditing expectations. Prior to the onsite audit, the Depot Street Facility PREA Compliance Manager submitted the Pre-Audit tool and supporting documents to the auditor. A comprehensive evaluation of agency policies, facility procedures, program documents, and other relevant materials was conducted prior to the on-site visit.

The initial on-site portion of the audit spanned a 2 ½ day period from June 7 through June 9, 2017. One and a half days were spent at the 204 Depot Street program and the additional day was spent at the Seall Inc. main office conducting staff and youth file reviews, interviewing human resources staff, and conducting a two-hour debriefing session with the management team.

During the on-site review the auditor conducted an extensive facility tour which involved visual inspection of the two-story home, including the basement which serves as a recreation area for youth. Throughout the tour the auditor gathered relevant information about programming, supervision, program purpose, and daily operations through conversations with the Executive Director of Seall Inc., Mr. Jim Henry and the Depot Street PREA Facility Compliance Manager, Mr. Dominic Ruggeri. Information about the 204 Depot Street facility/program as it relates to federal PREA standards is provided in the body of this report.

During the on-site visit, the auditor conducted interviews with agency leadership, direct care staff, and youth. The requisite interviews were conducted consistent with DOJ expectations in content and approach, as well as the method for selecting individuals for interviews (i.e. Facility PREA Compliance Manager, specialized staff, random staff, and youth). The Seall Inc. Executive Director, Mr. Henry, also serves as the Agency PREA Coordinator for the 204 Depot Street program (the only Seall Inc program that is subject to federal PREA requirements). It is important to note that the Depot Street Program serves as a short-term crisis stabilization program which does not employ or contract with specialized staff (i.e. nurses, clinical counselors, etc.). Due to the small size of the program and the fact that management staff serve in several roles (i.e. the Program Director is also the PREA Facility Compliance Manager), the total number of staff interviews were

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significantly less than the number of interviews typically conducted during PREA audits. Over the two-day site visit a total of 26 interviews were conducted. More specifically, the initial audit process included interviews with:

- The Seall Inc. Executive Director
- The Agency PREA Coordinator (role fulfilled by the Executive Director)
- The Program Director
- The PREA Facility Compliance Manager (role fulfilled by the Program Director)
- The Depot Street Case Manager
- The Assistant Executive Director who is responsible for human resource functions
- Nine direct care staff including two Shift Supervisors, full-time staff, part-time staff, on-call staff, and staff who work overnight and weekend shifts (represents 64% of total direct care staff interviewed)
- Seven interviews with youth (represents 88%; total of eight youth residing in the Depot Street Program at the time of the onsite visit)
- An interview with the State of Vermont Residential Licensing Special Investigations Unit (RLSI) Director who is responsible for conducting all sexual abuse and sexual harassment allegations
- The onsite teacher
- The Director of the local community advocacy organization, PAVE (Project Against Violet Encounters)
- The Director of Nursing for the Emergency Room and the SANE program at the Southern Vermont Medical Center (SVMC)

In addition, the audit process included reviewing 25 youth files (paper format). These file reviews included reviewing files for 100% of youth currently in the program (N=8) and 24% of youth discharged from the Depot Street program in the past 12 months (and who were at Depot Street a minimum of 10 days). There were 72 youth discharged between June 2016 through mid-May 2017. There were no investigations for sexual harassment and sexual abuse occurring in the past 12 months.

As part of the file review process the auditor also reviewed all training records and criminal background checks for current Depot Street program staff (n=20). At the time of the onsite review Seall Inc. had two contracted clinicians whose roles involved training staff and providing clinical feedback on youth case plans. These contractors do not have *any* interaction with Depot Street youth. Since the audit was conducted during the summer, the program did not have any student interns working at the program. The auditor also reviewed all files of staff who terminated employment with the Depot Street program in the past 12 months (n=6). A total number of 28 personnel files were reviewed to determine whether requisite criminal background checks were conducted consistent with PREA standards.

On the third and final day of the audit, a two-and-a-half-hour debriefing meeting was held with the Seall Inc. Executive Director, Assistant Executive Director, and Case Manager to summarize preliminary audit findings. The auditor provided feedback regarding 204 Depot Street program

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strengths and areas for improvement. In addition, required actions for Seall Inc. Depot Street to achieve full PREA compliance were discussed.

Throughout the audit review process, as well as in the debriefing meeting, agency and program leadership were made aware of additional PREA requirements and next steps. Conversations included, but was not limited to, describing the purpose of the 180-day corrective action period and explaining the federal requirement that the final PREA audit report must be made publicly available. The Executive Director of Seall Inc. and the Depot Street Facility PREA Compliance Manager expressed a sincere commitment to achieving compliance with all PREA standards.

Within thirty days of the on-site portion of the audit, an initial audit findings report was submitted to the Seall Inc. Executive Director, the Depot Street Program Director, and the DCF Agency PREA Coordinator. At this time, on June 25, 2017, the 204 Depot Street program entered a six-month corrective action period to address deficiencies in provisions across 10 PREA standards. The program successfully achieved compliance on October 15, 2017.

AGENCY AND PROGRAM/FACILITY DESCRIPTION

Seall Inc. is a small not-for-profit organization which operates the community residential program, 204 Depot Street. The State of Vermont Administration of Human Services, Department for Children and Families (AHS DCF) contracts with the Seall Inc. to provide residential program services to youth. The Seall Inc. infrastructure includes a full time Executive Director who serves as the Agency PREA Coordinator. The Seall Inc. has a governing board who oversees agency fiscal and personnel related activities. The board meets monthly and includes members of the community, including the Director of the local children's advocacy group. The 204 Depot program's structure also includes a Program Director who is responsible for overseeing daily operations and programming as well as a case manager who is responsible for managing youth case plan and activities throughout the youth's stay.

The Depot Street program is a residential program located in Bennington, Vermont. The program houses males between the ages of 13 and 18 years old who are in the custody of AHS DCF or on DCF probation. Youth in the program fall within three categories: Delinquent youth (those with criminal charges); Child In Need of Services (youth whose parents' rights have been terminated); and an Uncontrollable Child (youth whose violent behaviors towards family members has caused a referral to the Depot Street program). The primary purpose of the 204 Depot Street program is to provide crisis stabilization services to youth prior to returning youth back home or placing youth in a long term residential treatment program.

The facility has the physical capacity to serve eight youth. The length of stay ranges from 24 hours to up to 90 days. The average length of stay is approximately 20 days and most youth remain in the program less than one month. On the day of the onsite audit the program was at capacity with eight youth. Over the past 12 months the program served 120 youth with an average daily population of seven. Of this total, there were 72 youth who resided at 204 Depot Street for more than ten days. There were no youth who identified as transgendered, gay, or bisexual at the time of the initial on-site visit.

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The Seall Inc. 204 Depot Street program is located in a residential community and is not enclosed by a perimeter fence. The physical program is a two-story house with a basement. The basement is equipped with a washer and dryer as well as a ping pong table and a Bo-Flex weight machine. The first floor of the residential home has a living room area, a kitchen, a dining area, two staff offices, a conference/education room, and a staff bathroom. The second floor has eight bedrooms and one bathroom. There is an entrance to the attic that is locked and to which only staff may enter. All bedroom windows and bedroom doors are alarmed while youth are sleeping.

It is important to remember that although the State of Vermont Agency of Human Services, Department for Children and Families (AHS DCF) contracts with the Seall Inc. organization to provide program services to youth at 204 Depot Street, for the purposes of this report the “agency” is considered Seall Inc. This ensures consistency in the interpretation and application of the PREA standards.

SUMMARY OF AUDIT FINDINGS

Overall, the Depot Street program has maintained an environment that supports zero tolerance and one in which poses low risk for youth to experience sexual abuse or sexual harassment while in the program’s care. Some of the highlights from the youth interviews include all youth clearly understanding their rights; all youth knowing how to make a report if they were being abused; and all youth stating they felt staff cared about their safety. All youth verified that they are under constant and close staff supervision.

The success of any initiative depends on a variety of factors and requires support from executive level managers. An interview with the Seall Inc. Executive Director, Mr. Jim Henry, and the 204 Depot Street Program Director, Mr. Dominic Ruggeri, revealed Seall Inc. has upheld its commitment to keeping youth safe and free from sexual abuse and harassment. The Program Director has extensive experience in the field of human services and corrections and has a solid understanding of the PREA standards. An interview and observation of practices verified his commitment to adhering to PREA expectations. In addition, an interview with the Depot Street Case Manager, Dave Reyes, revealed that he also shares this same commitment to keeping youth free from sexual abuse and sexual harassment.

During the onsite visit, 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. When asked if they felt safe at the program, all youth interviewed responded affirmatively. When asked the question, “What kinds of things can you get away with here at Depot Street?” youth explained that there is very little youth can get away with because of constant staff supervision and cameras placed throughout the facility. Youth interviews confirmed that youth are always with staff and are never alone with other residents.

Interviews with staff and youth verified that the Shift Supervisors, Depot Street managers, and direct care staff are experienced and possess a genuine passion for the work they do. In addition, staff understand their first responder duties and are dedicated to ensuring youth safety.

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A summary of the degree of compliance with the federal PREA standards is displayed in the chart below. An explanation of the findings related to each standard, as well considerations for enhancement, are provided in the body of this initial audit report.

To better ensure the findings of this report are correctly interpreted it is critical to note there are nearly 200 provisions within the 41 PREA standards. For a standard to be successfully met, the program must demonstrate compliance on all the provisions of that standard. In other words, if a PREA standard is comprised of 12 subcomponents and the program fails to meet one of these subcomponents, the auditor must issue a finding of “standard not met” for that standard. Therefore, it is crucial to interpret the number of standards “not in compliance” with care and caution. The number of standards not in compliance should in no way be interpreted as evidence suggesting the Depot Street program is not at all aligned with PREA standards or not keeping youth and staff safe.

| Category | Initial Report Total | Final Report Total |
|--|-----------------------------|--|
| Number of Standards Exceeded | 1 | 1 |
| Number of Standards Met | 29 | 39 |
| Number of Standards Not Met | 10 | 0 |
| Number of Standards N/A | 1 | 1 |
| Percent of Compliance with PREA Standards | 75% | 100% |

It is important to note that the intention of this report is to provide the reader with a summary of audit findings and highlight some examples of evidence supporting these findings. The narrative in this report is not an “all inclusive” list of the evidence needed to sufficiently meet PREA standards. However, for each standard that was successfully met, interviews, observations, and review of additional documents during the on-site visit verified that practices employed by the 204 Depot Street program are consistent with agency policies and federal PREA expectations.

The 204 Depot Street program entered into corrective action June 25th, 2017 and implemented the required actions by October 13, 2017. This final report was issued on October 15, 2017. The auditor applauds Depot Street for its expedient response in making the necessary adjustments to better align with PREA standards.

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§115.311 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

- Exceeds Standard (substantially exceeds requirement of standard)
- ✓ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Seall Inc. 204 Depot Street program has formal documents that set forth clear expectations regarding zero tolerance for all forms of sexual abuse and sexual harassment. This information is found in: 1) The “204 Depot Street Program’s Prison Rape Elimination Act of 2003 Handbook”; 2) “Seall Inc. Employee Handbook”; and 3) The “204 Depot Street Stabilization Program Handbook” provided to youth at intake. It is important to note that “204 Depot Street Program’s Prison Rape Elimination Act of 2003 Handbook” serves as the policy informing staff of the agency’s expectations and rules specific to PREA.

Information regarding zero tolerance for sexual harassment is found in the employee manual and the PREA handbook. More specifically the handbook states, *“There is a zero tolerance with regard to sexual misconduct. Residents have the right to be free from sexual abuse and sexual harassment. Residents and staff have the right to be free from retaliation for reporting sexual abuse and sexual harassment.”* This handbook also states, *“Seall Inc. will not, under any circumstances, condone or tolerate conduct which may constitute sexual harassment on the part of any of its employees. It is our policy that all employees have the right to work in an environment free from any type of illegal discrimination, including sexual harassment. It is a violation of this policy for an employee to engage in sexual harassment and any employee of Seall Inc. found to have engaged in such conduct will be subject to immediate discipline, up to and including discharge. Seall Inc. is committed and required by law to take action if it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint”* (page 21).

The Seall Inc. Employee Handbook also clearly explains retaliation for filing a sexual harassment claim is strictly prohibited. The handbook states, *“It is, also, expressly prohibited for an employee of SEALL to retaliate against employees who bring sexual harassment charges or assist in investigating charges. Retaliation is a violation of this policy and may result in discipline, up to and including termination. No employee will be discriminated against, or discharged, because of bringing or assisting in the investigation of a complaint of sexual harassment”* (page 22).

During the corrective action period, the program developed a form that is signed and dated by all new employees acknowledging they have received a copy of the Seall Inc. Employee Handbook. The form states, *“I have read it, have been offered the opportunity to ask questions and understand the content of this Handbook. I will abide by its policies and procedures...”*

The State of Vermont regulations further supports the Depot Street zero tolerance policy. The State of Vermont AHS DCF Residential Licensing and Special Investigations unit (RLSI) is responsible for licensing all community residential facilities in Vermont. State regulations prohibit residential programs from hiring or continuing to employ any person substantiated for child abuse or neglect

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(“State of Vermont Department for Youth and Families: Licensing Regulations for Residential Treatment Programs in Vermont,” Standard 402). In addition, regulations require all residential treatment programs to have written policies and procedures for the orientation of new staff to the program and must include “...child/youth grievance process...policies regarding zero-tolerance for sexual abuse, procedures for reporting suspected incidents of child abuse and neglect, etc.” (“State of Vermont, DCF Licensing Regulations for Residential Treatment Programs,” Standard 414, page 17).

The Depot Street Zero Tolerance Policy is posted on its website: www.seallinc.org under the Resources → PREA section. This section declares, “204 Depot St has a Zero Tolerance Policy regarding sexual assault, sexual harassment and sexual activity. All residents in our programs have a right to be free from sexual assault or harassment, as well as free from retaliation for reporting. There is no “consensual” sexual activity between residents or between staff and residents at 204 Depot St. (PREA Standard 115.311).”

Seall Inc. has a designated Agency PREA Coordinator, Mr. Jim Henry who is also the agency’s Executive Director. Interviews indicate he has a clear understanding of his role as it relates to PREA. Since 204 Depot Street is the only juvenile program within Seall Inc. that is subject to PREA standards, Mr. Henry has sufficient time and authority to develop, implement, and oversee agency efforts to comply with the federal PREA requirements. Similarly, due to the small size of the Depot Street program (capacity of eight youth), Mr. Ruggeri has sufficient time to perform the PREA related job responsibilities. Interviews and observations while onsite also provided evidence that Mr. Ruggeri has the autonomy and authority to make decisions to ensure Depot Street is in full compliance. The agency’s organization and facility charts reflect the Agency PREA Coordinator and Depot Street PREA Facility Compliance Manager titles.

During the corrective action period, the program revised agency policy to include definitions for sexual abuse and sexual assault as required by PREA standards. The revised policy also states the program has a designated Agency PREA Coordinator who is responsible for overall PREA compliance and a Facility PREA Compliance Manager who is responsible for compliance at the program level.

§115.312 - Contracting with other entities for the confinement of residents

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)
- N/A - The facility does not contract with private agencies for the confinement of residents

The Seall Inc. agency does not contract with private entities for the confinement of youth. Although the State of Vermont Department for Children and Families contracts with Seall Inc. to provide residential treatment services for 204 Depot Street youth, for the purposes of this report the Seall Inc. is considered the “agency.” Therefore, this standard is N/A.

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§115.313 – Supervision and monitoring

- Exceeds Standard (substantially exceeds requirement of standard)
- ✓ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Depot Street program operates using a 1:3 staff to youth ratio in the mornings, afternoon, and early evenings, as per the program’s policy. Observations and interviews verified that there are always three staff on during the day shifts and two at night (to supervise eight youth) and that residents are never left alone. The Depot Street program exceeds PREA staffing ratios which require a minimum staff-to-youth ratio of 1:8 during waking hours and 1:16 during sleeping hours. Staff interviews revealed the program is never out of compliance with this ratio as the program always has at least one person who is “on-call.” The program requires each staff member to rotate being “on-call” for one full week. In the event a staff member calls in sick, the “on-call” staff member is required to cover that shift. There has never been a situation in which Depot Street has violated this program policy.

Although not required, during the corrective action period the 204 Depot Street program enhanced the structured of its written staffing plan. The program now uses a template from the Maine Project Management Office to more clearly track important information related to necessary staff resources for facility operations. The revised staffing plan includes current staff to youth ratios; number of human resources staff; training resources needed; dates of the formal staffing plan review (annually); and revisions to the staffing plan resulting from the annual staffing plan review. The auditor applauds the program for developing a more detailed plan to ensure important resource factors are carefully considered.

Shortly after the initial audit visit in 2015, the Executive Director installed nine additional cameras and repositioned several others to provide better monitoring and supervision. In 2016, the program installed five more cameras. The 204 Depot Street program is now equipped with a camera surveillance system which includes 21 cameras strategically placed throughout the residence (i.e. first floor, second floor, backyard, and the basement). The current surveillance system allows managers to view live feed from each camera on a large computer screen located in the staff office at 204 Depot Street. The system stores video footage up to 30 days, allowing the program to review incidents when necessary. The Program Director and the Executive Director can view live footage from all camera angles remotely. The current camera surveillance system provides adequate coverage throughout the facility.

All windows and bedroom doors are alarmed during the evening hours. There are two overnight staff – one stationed outside the youth bedrooms and one staff on the first floor. This ensures youth are safe in their rooms during sleeping hours. In addition, staff are required to check on all residents a minimum of four times throughout the night and document these checks in a staff log. All staff have walkie talkies and observations confirmed that staff regularly and communicate to ensure all youth are where they are supposed to be (i.e. never unsupervised). Observations confirmed that staff effectively supervise youth and that these practices are fully embedded in the daily operations.

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The Depot Street Program Director and Seall Inc. Executive Director conduct unannounced rounds a minimum of three times per month. This practice is supported by the 204 Depot Street PREA policy/handbook. The policy specifies the purpose of these rounds are to ensure supervision of staff and requires formal tracking of these rounds. The program has developed a form that is used for these rounds to ensure all critical areas are covered. This form has specific questions about whether staff were positioned correctly, whether they were equipped with radios, and whether staff reported any issues during the visit. Review of these forms while onsite revealed these rounds are conducted by the Program Director/PREA Facility Compliance Manager and the Depot Case Manager and are done across all shifts including weekends. The auditor applauds Seall Inc. for recognizing the value of these unannounced management rounds and for its organization in tracking these check-ins.

The Depot Street policy states in January of each year the PREA, “...*the PREA Compliance Mgr/Exec Dir, PREA Coordinator and Program Manager, will review staffing plans and patterns to determine if additional methods of supervision (additional staff patterns, video cameras etc.) are needed. This meeting will be documented by the PREA Coordinator and stored in the PREA file cabinet*” The program has developed a formal document, the “Supervision and Monitoring Annual Review Form,” to guide this review process. This document ensures all items listed in standard provision (a) are considered and discussed including, but not limited to: Any findings of inadequacy from federal or other oversight agencies; video surveillance; youth population; and current staffing patterns; past incidents of sexual abuse, to name a few. The auditor verified that this annual staffing review was completed on 3/31/2017.

Observations, policy review, and staff and youth interviews allow the auditor to confidently conclude the program has met all provisions of this standard.

§115.315 – Limits to cross-gender viewing and searches

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Depot Street program does not conduct strip searches or visual body cavity searches (meaning a search of the anal or genital opening). Youth and staff interviews verified that strip searches are never conducted. The program does however, conduct pat searches of youth at designated times throughout the day. The Depot Street PREA training provided to staff includes a description of the Depot Street search practice and puts forth the expectation that only male staff will conduct pat searches - cross gender searches will only be conducted in exigent circumstances.

Onsite interviews confirmed that the program’s policy prohibiting cross-gender pat searches is supported by practice. Although program has not yet had any transgendered youth, the program has added a question to its pre-placement paperwork that asks, “*If resident considers himself transgender does youth have a preference on who would be able to search them – M/F?*” The Depot Street program makes all attempts to have female staff on during each shift. If in the rare

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event only male staff are on shift, female staff would be called over from the 206 Depot Street program to conduct pat searches on transgendered or intersex youth who prefer a female to search them. The 206 Depot Street program is a Seall Inc. juvenile residential program for females and is located next store. As an affiliated program, staff from both programs work closely with one another on a regular basis.

During the corrective action period, the program enhanced the Employee PREA Policy Handbook to more clearly describe how the program will ensure intersex and transgender youth are pat searched according to their preference and consistent with PREA standards. The Depot policy now explains, *“If beds are available, transgender or intersex youth will have the option of staying either at 204 or at our female GAP program, next door...a transgender or intersex youth may choose to have a male or female perform the pat down search. If a female staff member isn’t available at 204, one will come over from the GAP program.”* Following the onsite review, the program also developed clearer search procedures based on anatomy and youth preference (for transgendered and intersex youth). All Depot Street staff were formally trained on how to properly search transgendered and intersex youth. Meeting minutes from a mandatory staff meeting were submitted to the auditor for verification. In addition, a training roster with staff signatures was submitted as additional evidence of compliance with this standard.

Youth residing in the Depot Street program have privacy when using the bathroom and when changing their clothes. The youth bathroom is located on the second floor and is equipped with a shower and two bathroom stalls. A staff member is required to be positioned outside of the bathroom so that youth feet can be seen. The shower area is set up in a way that ensures youth are not being viewed by staff while showering. The State of Vermont DCF Residential Licensing requirements support compliance with part (d) of this standard. State regulations dictate, *“...a residential treatment program shall provide toilets and baths or showers which allow for individual privacy unless a child/youth requires assistance”* (Standard 727).

Youth are required to change clothes in the bathroom or in their rooms with the door closed. They are not permitted to come out of their rooms unless they are fully clothed. Before entering a youth’s room, staff are trained to first knock and ask to enter. The 204 Depot policy states female staff are not permitted to supervise male residents while they perform hygiene activities or when waking. Shortly after the initial audit in 2015, the program implemented the practice of stationing overnight female staff on the first floor while male staff supervise all youth on the second floor (where bedrooms are located). The Depot Street policy also states *“female staff will announce their presence on the second floor while youth are in their bedroom or the bathroom. All female staff will be made aware of this procedure during their PREA training.”* The onsite review indicated that the program does not consistently adhere to its policy.

During corrective action, the program revised the pre-placement form to include a question about by whom intersex and transgendered youth prefer to be searched. The youth’s preference is documented on the form and the staff member who conducts the search signs and dates the form.

In addition, during the corrective action period the program reminded staff that female staff are required to announce themselves when coming upstairs to the second floor. This information was

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shared in two separate mandatory staff meetings in June and October 2017. The program submitted detailed meeting minutes as well as training rosters (which included staff signatures) to verify this expectation has been set.

§115.316 - Residents with disabilities and residents who are limited English proficient

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Onsite interviews with Depot Street staff revealed that the Depot Street program has not had a resident with a disability or limited English proficiency. However, the Case Manager and other leadership staff stated that if a youth needed translation services, the Case Manager would work with DCF Client Placement Specialist (CPS) and Emergency Service Placement (ESP) staff to ensure interpretive services were provided. Staff interviews and other program leadership stated that in the event a youth had disabilities (i.e. deaf or hard of hearing, blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) the Depot Street Case Manager would work with DCF to arrange interpreter services. During the interview, the Depot Street Program Director stated that he would make sure youth had these services in place to translate the PREA information within the ten-day timeframe. The State of Vermont has several policies that outline DCF's responsibility to ensure all youth with special needs are accommodated.

The Depot Street policy prohibits residents from translating for other residents while in the program. This practice was confirmed through consistent answers during staff interviews.

§115.317 – Hiring and promotion decisions

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Depot Street program does not hire or promote any individuals who have engaged in sexual abuse in a prison, jail, lockup, community confinement facility, or juvenile facility. The Depot Street program also does not hire or promote any individuals who have been convicted of engaging or attempting to engage in sexual activity that was facilitated by force, or coercion, or if the victim did not or could not consent.

This practice is supported by the 204 Depot PREA policy which requires all potential employees to complete an employee application. Through the employee application process an individual is required to disclose if there have been any past or present complaints/investigations/convictions of sexual abuse or harassment. The employee handbook also states, *"If you are cited, arrested or being investigated for any type of criminal activity or harassment during your employment at Seall,*

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it is expected that you will notify the Program Manager in writing of such action within 24 hours of the citation/arrest or investigation.” During the corrective action period, the program also revised its policy to better meet the provisions in this standard. The policy now states, *“If it is found that an employee did not disclose on the employment application that they have been convicted of a crime or was being investigated for any crime at the time of hire, that employee will be terminated immediately.”* The auditor applauds 204 Depot Street program for setting clear expectations with current and potential employees.

The State of Vermont AHS DCF licensing regulations dictate background checks must be conducted *“upon hire and every three years thereafter, on all employees, board member/trustees, volunteers, student interns, and others who may have unsupervised contact with children/youth in the program”* (section 412). These state licensing regulations specify that these checks must be completed prior to having any unsupervised contact with youth and that documentation must be maintained (page 16, section 413). The regulations also specify background checks must include consulting three distinct databases: 1) Vermont Criminal Information Center; 2) Vermont Child Protection Registry; and 3) Adult Abuse Registry.

The 204 Depot Street PREA policy clearly states that new hires will not start until the background check has been received and reviewed by the program administrator. Review of Depot Street personnel files (N = 28) revealed that all part-time and full-time Depot Street staff, contractors, and interns have received criminal background checks prior to beginning work with youth. These file reviews also verified that these extensive background checks are conducted every three years, consistent with agency policy and state regulations. The auditor also reviewed all staff who left the 204 Depot program within the past 12 months. These individuals had also received their criminal background checks upon hire and every three years. The Depot Street program performs background checks every three years which exceeds federal PREA expectations requiring these checks every five years.

The executed Fiscal Year 2016 contract between the Seall Inc. and the State of Vermont specifically requires, *“the Grantee agrees not to employ any individual, use any volunteer, or otherwise provide reimbursement to any individual in the performance of services connected with this agreement, who provides care, custody, treatment, transportation, or supervision to children or vulnerable adults if there is a substantiation of abuse or neglect or exploitation against that individual”* (page 25). The contract also specifies the abuse registries and databases Seall Inc. is required to consult when conducting background checks on potential employees. The auditor applauds the State of Vermont and Seall Inc. for its commitment to ensuring the safety of youth in its care.

The 204 Depot program gathers important information related to sexual abuse and sexual harassment from potential employees. The Depot Street application requires applicants to answer five important questions:

- *Have you ever had a substantiated sexual abuse complaint against you?*
- *Have you have ever had a sexual harassment complaint against you?*
- *Did an investigation substantiate this complaint?*

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- *Have you ever resigned during a pending investigation of alleged sexual abuse or sexual harassment?*
- *Are you currently being investigated for any sexual abuse or harassment complaint?*

An interview with the Depot Street Program Director and the Seall's Assistant Executive Director who is responsible for human resource activities revealed this information is considered when making hiring and promotion decisions.

The Seall Inc. Employee Handbook explains the agency's formal progressive discipline process used to address undesirable staff behaviors and performance issues. The handbook clearly states, *"Seall Inc. reserves the right to combine or skip steps depending upon the facts of each situation and the nature of the offense...The Behavior that is illegal is not subject to progressive discipline and may be reported to local law enforcement. Theft, intoxication at work, fighting and other acts of violence are also not subject to progressive discipline and may be grounds for immediate termination"* (page 17).

To further support provisions in this standard and set clear expectations for staff, the 204 Depot PREA policy states, *"If an allegation of any type of abuse or harassment is received by 204 Depot regarding an employee during their employment, this employee shall be immediately suspended until the allegation has been investigated and resolved. If the abuse/harassment allegation has been substantiated, the employee will be terminated."*

PREA standards require an agency and/or facility to provide information on substantiated allegations of sexual abuse and sexual harassment when a former employee has applied for a position with another institution (and Seall 204 Depot Street receives a request for this information). An interview with the Depot Street Program Director revealed that the State of Vermont only allows him to answer the question if he would hire the person back. However, if a former 204 Depot Street staff member had a substantiated PREA allegation while working in the Depot Street program he is permitted to share this information. This practice is supported by Vermont state statute "Public policy of the State of Vermont; employment separation agreements" (21 V.S.A. section 306) which upholds:

"In support of the State's fundamental interest in protecting the safety of minors and vulnerable adults, as defined in 33 V.S.A. § 6902, it is the policy of the State of Vermont that no confidential employment separation agreement shall inhibit the disclosure to prospective employers of factual information about a prospective employee's background that would lead a reasonable person to conclude that the prospective employee has engaged in conduct jeopardizing the safety of a minor or vulnerable adult. Any provision in an agreement entered into on or after the effective date of this section that attempts to do so is void and unenforceable."

During the corrective action period, the Depot Street further supported its compliance with this standard by enhancing its PREA policy to declare, *"If Seall Inc receives a request from another*

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institution that works with children or the elderly, we will abide by this statute and disclose any substantiated allegations of sexual abuse or harassment involving a former employee.”

At the time of the onsite visit, the program did not have a copy of the criminal background check for the teacher and one contractor working in the 204 Depot Street program. Since then, the program obtained cleared background checks for these individuals.

§115.318 – Upgrades to facilities and technology

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The 204 Depot Street program is equipped with a camera surveillance system which includes 21 cameras strategically placed throughout the residence (i.e. first floor, second floor, and basement). To address blind identified blind spots the Seall Inc. Executive Director installed nine additional cameras in March 2014 and five cameras in 2016. The current surveillance system allows managers to view live feed from each camera on a large computer screen located in the staff office at 204 Depot Street.

The 204 Depot program has a practice of discussing surveillance technology as part of the annual staffing plan review. The most recent annual staff review was held on March 31, 2017. The discussion was formally documented on the Supervision and Monitoring Annual Review form.

§115.321 – Evidence protocol and forensic medical examinations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

As part of the program’s response protocol, victims of sexual abuse would be transported to the Southwestern Vermont Medical Center (SVMC) to be examined by a certified Sexual Assault Nurse Examiner (SANE). This practice is supported by the 204 Depot PREA policy, including that victims will not be charged for the SANE exam. In addition, the policy and procedures obtained from the Southwestern Vermont Medical Center (SVMC) describe the process for handling sexual assaults. The hospital policy requires sexual assault victims in which the assault occurred in less than 24 hours be examined by a SANE. The procedures also describe steps for providing post-exposure prophylaxis and emergency contraception at no cost to the victim. An interview with the Director of the SANE program at SVMC confirmed that this protocol is closely adhered to and that all six SANEs employed by the hospital are current on their certifications. The hospital policy references the Vermont Center for Prevention and Treatment of Sexual Abuse Guidelines (2006) as well as the Vermont SANE Program (2006). These standards are consistent with the requirements in this PREA standard.

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The Seall Inc. Depot program has a formal MOU with a local advocacy agency, Project Against Violent Encounters (PAVE). This organization provides advocacy and crisis intervention services to survivors of domestic and sexual violence. This comprehensive MOU was executed in early April 2016. The MOU clearly maps out the responsibilities of the engaged parties and includes PAVE advocates responding to crisis within one hour; accompanying the youth through the forensic evaluation process if requested by the victim; and accompanying the youth during the investigative interviews. During the onsite visit, the auditor spoke with the Director of PAVE to better understand the services they provide and to confirm the positive relationship with the Depot Street program.

The Depot program currently uses United Counseling Services (UCS), a local mental health agency, to provide counseling services to youth in need. The Seall Inc. Executive Director has confirmed with the UCS Program Director via email and through telephone calls that UCS is prepared to provide mental health counseling services to victims of sexual abuse. These services will be provided immediately at the hospital when youth are preparing for the SANE exam as well as in the weeks following the sexual abuse or assault incident. The 204 Depot PREA policy states that staff will ensure the victim is aware of support services and provide contact information as requested.

The UCS has also entered into an MOU with Southwestern Vermont Medical Center (SVMC) to provide mental health services as part of the SANE crisis response process. UCS employs masters level clinicians who are licensed in the state of Vermont. These MOUs ensure the victim is provided with crisis intervention services and the necessary follow-up support and mental health services. This is further supported by the SVMC SANE procedure which requires PAVE, the local advocacy organization, to provide services to youth.

§115.322 – Policies to ensure referrals of allegations for investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

In the event a youth alleges sexual abuse, Depot Street staff members are required by State of Vermont DCF to immediately contact Centralized Intake and Emergency Services (CIES) all serious incidents by calling Vermont’s Child Abuse Hotline. This practice is supported by 204 Depot program policy which clearly directs staff to report all allegations of sexual abuse or sexual assault immediately to the State of Vermont Centralized Intake. These reports can be received from any source - verbal report from youth, 3rd party, suggestion/grievance box, etc. In addition, the Seall Inc. Employee Handbook provides a description of the mandatory reporting law (Vermont State Law Title 33, Chapter 49) and explains, “*If you suspect, or have a ‘reasonable cause to believe’, any incident of child abuse, neglect or sexual contact among residents you are required by law to report this to The Department of Children and Families, Centralized Intake Unit, within 24 hours.*” The program policy also requires all incidents of sexual activity between

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residents to be reported within 24 hours to the Department of Children and Families, Centralized Intake Unit.

The Seall Inc. Employee Handbook provides a definition of sexual harassment and explains how sexual harassment will be handled in the organization. The detailed description clearly states that complaints of sexual harassment will be investigated and addressed promptly within the program. The handbook also provides information about the consequences for retaliating against the individual filing the complaint; the process for notifying the person filing the complaint; and cites other agencies who can conduct impartial investigations into the sexual harassment allegation (i.e. Vermont Attorney General’s Office, VT Human Rights Commission, or Equal Employment Opportunity Commission). The Seall Inc. Employee Handbook also provides the agency’s Board of Directors the authority to direct the Executive Director to launch an investigation. The handbook clearly states, *“In all instances, the Board of Directors retains the prerogative to determine when circumstances warrant an investigation and, in conformity with this policy and applicable laws and regulations, the appropriate investigative process to be employed.”* Interviews with the Executive Director and review of 204 Depot Street incident reports revealed that all sexual harassment grievances are investigated by Seall Inc.

The Residential Licensing and Special Investigations Unit (RLSI) is responsible for conducting all investigations of abuse for youth residing in community residential programs in Vermont. Once an allegation is called into the Centralized Intake Unit there is a process for determining whether a case is “accepted” or “not accepted” for investigation. All cases that are “not accepted” are required to be reviewed by a supervisor who confirms or denies this decision. If the case is accepted, a Primary RLSI Investigator is assigned and the investigation process begins. If an incident appears that it may result in a criminal case, the investigative lead assigned to the case contacts the local police department. If law enforcement chooses, they will work alongside DCF RLSI to interview the victim and alleged perpetrator. Interviews with the RLSI Lead Social Worker and investigator verified that local law enforcement is contacted immediately in cases of sexual abuse. In addition, she confirmed that if during an investigation it appears there is possibility of criminality, the RLSI investigator must stop the investigation and promptly inform local law enforcement.

The Seall Inc. “Resources” tab on the agency’s website (www.seallinc.org) offers information related to investigations. The webpage states, *“204 Depot St will ensure that an administrative investigation is completed for all allegations of sexual abuse and sexual harassment. Allegations of sexual abuse or sexual harassment will be referred for investigation to Centralized Intake at (800)-649-5285 with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. (PREA Standard 115.322).”* This webpage also includes a link to the State of Vermont’s Department and Children and Families investigation policy.

Within the past 12 months, from June 2016 through May 2017, there were no allegations of sexual abuse or sexual harassment made by youth or staff in the Depot Street program.

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During the corrective action period, in order to clarify the responsibilities of Depot Street first responders the program revised its policy to state, *“At no point will staff interview residents or staff regarding the allegations of sexual abuse or harassment. This will be left to the proper authorities.”* Staff were reminded of this during a mandatory staff meeting.

§115.331 – Employee training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

All new Seall Inc. Depot Street employees receive training in confidentiality, PREA, mandatory reporting, and professional boundaries. These trainings are listed in Seall Inc. Employee Handbook (pages 5-6). The PREA training involves reviewing the video that is shown to youth (created by Idaho State Police) and a Power Point presentation. The training presentation covers some of the topic areas required in provision (e) of this standard, although the program will need to enhance the training to achieve full compliance with this standard.

The State of Vermont residential licensing regulations require all residential treatment programs to have written policies and procedures for new staff orientation. The regulations require that staff training *“...occur within the first 30 days of employment and include, but is not limited to...child/youth grievance process...policies regarding zero-tolerance for sexual abuse, procedures for reporting suspected incidents of child abuse and neglect, etc.”* (“State of Vermont Department for Children and Families: Licensing Regulations for Residential Treatment Programs” section 414, page 17).

The Depot PREA policy also states that all new hires must complete the training and that all employees complete an annual refresher training each year. In addition, the program requires staff to sign a statement indicating they understand the zero-tolerance policy and that they are mandatory reporters (required to report all allegations and suspicion of sexual abuse). The auditor reviewed these signed documents for all current staff and all staff who left employment within the past 12 months. All file reviews verified part-time and full-time staff received this training, although some staff had not received the training since 2015. In addition, there does not seem to be a structure for the annual “refresher” training and/or documentation verifying this refresher training has been completed. The program will be required to enhance the initial and refresher trainings during the corrective action period.

During the corrective action period, the program selected a more robust PREA training curriculum to ensure enough information was provided in the areas required by PREA. The program adopted three modules from the employee PREA training developed by Maryland Department of Juvenile Services. Moving forward, all staff will be required to watch the 20-minute videos as well as participate in a classroom style training (which includes a Power Point presentation and group discussion). This comprehensive formal training will be required every two years. The video and enhanced Power Point presentation were submitted to the auditor to verify the required topics are

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covered. Additionally, the program submitted a sample of acknowledgment forms signed by staff who have already completed the enhanced training.

Following the onsite review, the program also revised its “refresher” PREA training. This training includes the 204 Depot Street PREA Power Point presentation and first module of the Maryland Department of Juvenile Services Employee PREA training. The auditor applauds the program for enhancing the PREA trainings provided to staff and including different materials (i.e. written, video, Power Point, etc.) to accommodate various learning styles. All staff are required to sign a training and acknowledgement forms upon completion of training.

To better support compliance with this this standard, the program developed two forms to document staff training completion. All PREA trainings provided at 204 Depot Street are tracked on a chart that indicates when the video and the Power Point presentation were reviewed. This enhancement will allow the program to more accurately track training completion and when staff are due to their upcoming “refresher” or more extensive PREA trainings.

§115.332 – Volunteer and contractor training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The PREA Standard requires “*all volunteers and contractors who have contact with residents have to be trained on their responsibilities under agencies policies and procedures regarding sexual abuse and sexual harassment, prevention, detection, and response.*” The Depot PREA policy specifically states that volunteers and contractors will be made aware of the program’s zero tolerance policy specifically on their responsibilities in responding to a youth’s disclosure of sexual abuse. The program requires these individuals to complete signature forms indicating training completion. At the time of the onsite visit, the 204 Depot Street program was contracting with two mental health clinicians to deliver trainings and provide clinical guidance to staff regarding treatment planning for youth. These individuals do not have direct contact with residents. At the time of the on-site audit, there were no interns working in the program. Review of contractor and volunteer files (N=6) revealed all individuals signed PREA acknowledgment forms.

As previously mentioned, during the corrective action period the program enhanced its formal PREA training provided to staff every two years as well as the PREA “refresher” training provided during the in-between years. The training is comprehensive and adequately covers: 1) How to detect and assess signs of abuse, 2) How to preserve physical evidence of sexual abuse, 3) How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment; and 4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment. All volunteers, contractors, and interns working at the 204 Depot Street are required to complete the same training as staff members. Training completion will be documented using the same spreadsheet used to track staff training completion for staff.

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§115.333 – Resident education

- Exceeds Standard (substantially exceeds requirement of standard)
- ✓ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

On the day a youth arrives to the Depot Street program, he is provided the “204 Depot Street Stabilization Program Handbook” to review. This handbook provides basic information about the program rules, a resident’s rights, how to file a grievance, mandatory reporting, and how a youth may report abuse by calling the Vermont abuse hotline. The handbook states, “Residents have the right to expect that they will be treated respectfully, impartially and fairly, and will be addressed in a dignified conversational manner...Residents have the right to be free of corporal punishment, harassment, intimidation, threats, harm, assault, humiliation by any juvenile or staff member.”

Within ten days of a youth’s arrival to the program, the Depot Street Case Manager meets with the youth to review the “PREA Notice to Program Residents.” This six-page document provides information about zero tolerance, definitions of sexual misconduct and sexual harassment, how to report abuse, right to be free from retaliation, and what to do if a youth has been sexually abuse (i.e. do not shower, brush teeth, toilet, etc.). The manager verbally reviews each of the section with the youth, checking for understanding along the way. As part of this education session, the youth also watches a video about zero tolerance. The education video is a product of a collaborative effort between the Office of Justice and the Idaho State Police and is catered to a juvenile justice youth audience. The video addresses zero tolerance, definitions of sexual abuse and harassment, avenues to report abuse, steps to take if abused, what the investigation process looks like, retaliation, and other critical information as it relates to PREA.

Following this PREA education session, all youth sign a form that declares, “*I (name of youth) acknowledge that I understand all the guidelines of PREA while at 204 Depot Street program. I have also received a copy of these guidelines.*” The Case Manager stores these signed forms along with the completed Vulnerability Assessment in a locked cabinet at the Seall Inc. main office. Training completion is tracked by the Case Manager on an Excel tracking sheet, to ensure the program is meeting the required ten-day timeframe. The auditor applauds the program for its organization in this area and its commitment to making sure youth understand the zero-tolerance policy and how to report.

During the onsite visit, review of youth files (N=25: All current youth and 17 discharged youth) revealed all program youth have received the PREA education within the ten-day timeframe. This finding was also confirmed through youth interviews, in which all youth understood their rights and could explain how they would report sexual abuse and/or sexual harassment. Signed acknowledgement forms revealed that PREA information is reviewed again with youth if s/he has left the program for any length of time (even if it is only three days). The youth is required to sign another acknowledgment form every time the youth returns to the program. The auditor applauds the Depot Case Manager for his commitment to ensuring youth understand their rights and for formally documenting these efforts through youth signatures.

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To date, the Depot Street program has not had any youth who have needed translation services or had any need for other accommodations. However, in the event a youth has special needs (ESL, visual disability, etc.) the Depot Street Case Manager would work with DCF to ensure PREA materials were translated within the ten-day time frame. This information is put forth in Seall Inc. policy as well as the requirement that youth must sign a form stating they understand their rights and how to report abuse.

§115.334 – Specialized training: Investigations

- ✓ **Exceeds Standard (substantially exceeds requirement of standard)**
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

All allegations of sexual abuse are investigated by the State of Vermont Residential Licensing and Special Investigation (RLSI) unit. The State of Vermont DCF Policy 241 “Licensing Residential Treatment Programs and Regulatory Interventions” requires all investigators to complete specialized training. More specifically, the policy states, “*RLSI social workers conducting child safety interventions in PREA-compliant RTPs must receive specialized training in conducting investigations in confinement settings, techniques for interviewing child/youth sexual abuse victims, and understanding law enforcement’s proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. The National Institute of Corrections Investigating Sexual Abuse in a Confinement Setting Course was designed to meet the requirements of 28 CFR 115.334(b) and generates a certificate at the completion of the training. The RLSI Director shall maintain documentation that RLSI social workers have completed the required specialized training*” (page 6). This policy supports all provisions in this PREA standard. The auditor applauds DCF for memorializing this expectation in policy as a way of demonstrating its commitment and accountability to this practice.

While onsite, an interview with the RLSI Senior Social Worker indicated that the single investigator assigned to the Depot program has received at least a two- day training that includes child development, interviewing techniques, and other areas critical to conducting effective investigations. In addition, he has been formally trained by the National Center Advocacy Council on forensic interviewing of children and successfully completed the DOJ endorsed training developed by the National Institute of Corrections, “PREA: Investigating Sexual Abuse in a Confinement Setting.” The completion certificate was submitted to the auditor to verify training completion. These training records are maintained by the State of Vermont RLSIU in an electronic record system.

Due to the numerous trainings RLSI investigators are required to complete, the auditor concludes that investigators are well-trained on the techniques for conducting investigations consistent with federal PREA standard. Therefore, the auditor concludes the Depot Street program exceeds expectations in this area.

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§115.335 – Specialized training: Medical and mental health care

- Exceeds Standard (substantially exceeds requirement of standard)
- ✓ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

As previously mentioned, the 204 Depot Street program contracts with two mental health clinicians who provide clinical guidance on youth treatment plans and training on specific treatment topics (i.e. trauma informed care, positive reinforcement, etc.). As part of the Clinical Social Work licensure process, these individuals are required to complete various academic courses that directly address the provisions in this standard (i.e. detecting signs of sexual abuse). Although these two clinicians do not have any direct contact, the PREA standard specifically states, *“the agency shall ensure that all full and part-time medical and mental health care practitioners who work regularly in facilities have been trained in....”* (Standard 115.335 (a)). The Department of Justice PREA Resource Center has advised the auditor that all contractors and volunteers (regardless if they have direct contact with youth) must be formally trained on the basic PREA information, including the agency’s policy and protocol on responding to incidents of sexual abuse.

Although RLSI regulations require these individuals to maintain their professional licenses (which includes training on the areas cited in provision (a) of this standard), review of case files verified these individuals have been trained in the required areas. File reviews showed the mental health clinicians have been trained on the Depot Street PREA policy which includes the required topics. Signed signature forms confirmed these individuals understand their responsibilities.

The 204 Depot Street program does not employ or contract with any nurses or physicians and therefore, the program does not conduct any forensic evaluations. In the event a youth alleges sexual abuse, the victim would be taken to the local hospital for a medical examination by a SANE. An interview with the Director of the SANE program at the Southern Vermont Medical Center (SVMC) confirmed that the six SANE nurses employed by the hospital are all current on their certifications. SANE certifications are monitored at the state level by the Vermont Network for Domestic Assault, although SVMC is required to maintain copies of SANE certificates on site.

§115.341 – Obtaining information from residents

- Exceeds Standard (substantially exceeds requirement of standard)
- ✓ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

All Depot Street youth undergo an intake process on the day they arrive to the program. This intake process involves interviewing the youth and gathering information from legal documents. The Depot Street program uses a formal standardized and objective instrument to assess a youth’s risk to be victimized or to perpetrate sexual assault. All new intakes are assessed by the Depot Street

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Case Manager using the “Vulnerability Assessment Instrument” developed by Colorado Division of Youth Corrections (and modified by the State of New Hampshire). This instrument measures key risk factors such as gender nonconforming appearance or manner; identification as lesbian, gay, bisexual, transgender, or intersex; level of emotional and cognitive development; physical size and stature; intellectual, developmental, and physical disabilities; the resident’s own perception of vulnerabilities, etc. All requirements outlined in provision (c) of the PREA standards are addressed using this instrument. File reviews indicate that youth are assessed within the 72-hour requirement. The program conducts this risk vulnerability assessment at intake; any time a youth AWOLs (Absence With Out Leave) and returns to the program; and every six months while the youth is residing in the program. During the corrective action period, the program revised its policy to more clearly support this practice.

The Seall Inc. Employee Handbook sets forth expectations for staff regarding confidentiality. More specifically the handbook states, *“All employees are required to maintain such information in strict confidence...failure to comply with this policy could result in disciplinary action, up to and including termination. This section also refers to the confidential information regarding former or current residents of our programs. This includes, but is not limited to: names of residents and/or their families, treatments, past histories and behaviors”* (page 20). In addition, Seall Inc. requires all employees to sign a confidentiality agreement as a condition of employment. The confidentiality form states, *“I realize that in signing this document I am agreeing to act in accordance with Seall Inc. policies on confidentiality at all times. I will not disclose confidential information on any resident to any person who is not either a staff member or a person specifically approved by the Program Manager...I realize that details of a resident’s treatment, past history, current behavior and family history must be regarded as confidential. I realize that all documents relating to the resident must be carefully safeguarded and released only to authorized persons.”*

To better protect the sensitive information obtained from the vulnerability tool, the Depot Street program stores this information at the main office in a locked filing cabinet. Access to these files is limited to the Agency PREA Coordinator and Depot Street Case Manager.

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| §115.342 – Placement of residents in housing, bed, program, education, & work |
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The program assesses all youth at risk to perpetrate and be victimized. Program policy states, *“the Case Manager will not put a high-risk offender in a connected bedroom to a resident who has a high risk of being abused. Every effort will be used to put the high-risk offender in the unconnected bedroom or in a room that connects to a low-level risk to be abused.”* Interviews with the Case Manager and Program Director revealed that the program is using information gathered from the Vulnerability Risk tool to place youth. As per policy, the program’s practice is to place youth who score high risk for perpetration in rooms number one or eight. These rooms are across the hall from one another and adjacent to the desk where staff are stationed throughout the night. It was

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clear that this practice is fully embedded in program operations. However, there is a need to better document these placement decisions. The Depot Street program will be required to enhance the policy and documentation of this practice to better meet PREA standards.

The Depot Street program does not use isolation. However, the program does separate youth from other residents if they have run away from the program and have been returned to the program by DCF or local law enforcement. This segregation period involves sitting at the dining room table for 24 to 72 hours. While on this status, youth are permitted to eat dinner with other youth and to exercise daily.

PREA standards require specific practices when working with transgendered and intersex youth. Standard 115.342 (e) requires “*placement and programming assignments for each transgender or intersex resident shall be reassessed at least twice each year to review any threats to safety experienced by resident.*” The standard also requires a transgender or intersex resident’s own views with respect to his own safety be given serious consideration when making housing, programming, and other decisions. The Depot program has a policy that reflects the language in this standard. More importantly, the program has a practice of conducting the vulnerability assessment on all youth every six months. The program has eight bedrooms on the second floor and does not have a separate housing area for transgender or intersex youth.

All Depot Street residents shower separately in a single stall shower. Therefore, transgender and intersex residents are never required to shower with other residents.

During the corrective action phase, the program added questions to the vulnerability risk tool to better document bed placement decisions. The program now also asks a series of questions to gather important information demonstrating compliance with this standard. The questions now included on the risk tool are:

- *Was the youth placed in a high or low risk room?*
- *If resident had a history of victimization or perpetration, was he offered counseling?*
- *Did resident accept or decline the offer for counseling?*
- *If youth was high risk designate which room to be used as a PREA room: Room #8, Room #1 or Room #2*

The program submitted a sample of recent completed assessments to the auditor to verify the new instrument is now being used.

Following the onsite visit, the program also added questions to better document referrals to mental health services for those youth who disclosed a history of victimization or perpetration. The risk tool now asks:

- *If youth accepted offer for counseling, what were the next steps?*
- *Was social worker notified?*
- *Date social worker notified?*
- *Did resident see a counselor within 14 days?*
- *What were the reason if not within 14 days?*

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A sample of completed risk tools was reviewed to confirm the new instrument has been implemented. The auditor applauds the program for its commitment to ensuring youth are placed appropriately within the program and for ensuring youth receive the services needed to address issues resulting from history of victimization and/or perpetration.

To better support compliance with this standard and to support the program’s practice, the program enhanced its PREA policy to explain, “*All returning residents will be given the PREA orientation and another risk assessment that they are required to sign off on. Based on the results of the risk assessment, all staff will be made aware if there are special instructions needed to supervise at-risk youth. Such as: Keeping certain residents away from each other and/or which residents are at a high risk for victimization or perpetration.*”

§115.351 – Resident reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The 204 Depot Street program has multiple avenues by which residents can report sexual abuse, sexual harassment, or retaliation by other residents or staff. The Depot Street “PREA Notice to Residents” explains possible ways to report abuse including telling a staff member, DCF social worker, lawyer, family member or Guardian Ad Litem (page 4). The notice also provides the telephone numbers for the Depot Street PREA Compliance Manager and the State of Vermont DCF Special Investigations Unit. In addition, the resident handbook states youth are permitted to make anonymous reports and will have privacy when making a report of sexual abuse or sexual harassment. The handbook also provides the phone number for Disability Rights Vermont.

The youth handbook describes a written grievance process in which a youth may fill out a written “Resident’s Grievance Form” and submit it to the Program Director. The agency grievance process allows the youth to submit the grievance a staff member which will then be passed on to the Program Director. If the Program Director or Executive Director are the source of the allegations the handbook explains the grievance may be submitted to the President of the Seall Inc. Board of Directors.

The program monitors all phone calls by having staff sit next to youth while the youth uses the phone. PREA standards require youth to have privacy in the event they wish to report abuse to Centralized Intake. The program will be required to develop a way for youth to submit grievances and make telephonic reports privately or anonymously.

During the onsite visit, youth could articulate ways to report abuse including telling a staff member. The majority of youth also referenced the State of Vermont abuse hotline number as an alternate source to which they could report. Youth also mentioned they could tell their DCF worker, parent, or lawyer. Several posters with the State of Vermont abuse hotline number are displayed throughout the program.

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Onsite interviews with staff revealed that staff understand their responsibilities as mandatory reporters and understood that they are permitted to file a report on behalf of a youth. As previously mentioned, the agency Employee Handbook states that all Seall Inc. employees are mandatory reporters and cites Vermont State law. Depot Street staff can call the State of Vermont DCF Centralized Intake Unit at any time if they wish to make an anonymous report of sexual abuse or harassment. Interviews with youth and staff verified that staff are required to accept all reports of abuse and are not allowed to ask youth what they are writing when placing comments in the suggestion box or submitting a grievance.

During the corrective action period, the program developed two mechanisms for youth to report incident of sexual abuse or assault more privately: 1) Reporting by phone in a private area with a closed door and/or 2) submitting a written grievance and placing it in a suggestion box located in the dining room. This suggestion box is checked a minimum of once per day by the Program Director and/or the program Case Manager. To better ensure privacy, these individuals are the only staff who have keys to locked box.

§115.352 – Exhaustion of administrative remedies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The 204 Depot PREA policy clearly states that youth can file a grievance at any time while at Depot Street. In addition, the policy outlines the expected grievance process which upholds youth are not required to attempt to resolve the issue with the staff member who may be the subject of the grievance if the allegation is one of sexual abuse or sexual harassment. The policy upholds that there is no time limit to file a grievance and states that if a youth feels he is at substantial risk of abuse, an initial response will be made within 48 hours. The initial response will be followed-up with a written response within five days. The program has not had any grievances related to PREA, although the auditor verified that the program documents the resolution of the grievance at the bottom of the grievance form in a timely fashion.

In further support of this standard, the Depot Street “PREA Notice to Residents” that is reviewed with residents as part of the education session at intake, informs residents that they should make a report of sexual abuse, assault, misconduct or sexual harassment “*in any way that is comfortable*” for youth (page 3) and provides a list of ways to report. Among the methods for reporting is telling “*any staff member*” (page 4). The notice also states that there is no time limit for making a report even “*if it occurred days, months, or years ago*” (page 4).

Onsite interviews with youth and staff confirmed that youth are not required to work with the alleged abuser to resolve a grievance. In addition, staff understood there is no statute of limitation to report abuse and that any allegations must be responded to immediately. The Depot program

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has created a policy to support its current practice and the provisions in this standard (i.e. suggestion box, anonymous reporting, etc.)

§115.353 – Resident access to outside confidential support services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Depot Street program has established a formal MOU with a local advocacy agency, Project Against Violent Encounters (PAVE). This organization provides advocacy and crisis intervention services to survivors of domestic and sexual violence. This comprehensive MOU was executed in April 2016. The MOU clearly maps out the responsibilities of the engaged parties and includes PAVE advocates responding to crisis within one hour; accompanying the youth through the forensic evaluation process if requested by the victim; and accompanying the youth during the investigative interviews. Review of the MOU and an interview with the Director of PAVE confirmed the MOU is active and that Depot Street has a positive working relationship with the local advocacy center.

As previously stated, the Seall Inc. 204 Depot Street PREA policy and youth handbook directs that any suspected or alleged incident of child abuse will be reported to DCF Centralized Intake within 24 hours. The youth handbook provides contact information for the DCF child abuse hotline as well as for Disability Rights Vermont (a statewide advocacy group).

The Depot Street PREA policy explains the extent to which communications will be monitored and explains the process for communicating with lawyers, legal guardians, and community advocates. The policy directs staff to dial the phone number, confirm the number was dialed correctly (asking by name if the person on the other end is that person), and to hand the phone to the youth. Staff are expected to monitor youth from outside the door with the door open but will not be within earshot of the conversation. Staff and youth interviews revealed that staff sit in on all youth phone calls. This information is disclosed to youth in the resident orientation manual. The program will be required to develop a way to ensure youth privacy and confidentiality when talking with their lawyers.

During the debriefing on the final day of the site visit, the program discussed possible options for achieving compliance with this standard. The management team discussed asking the lawyer, at the start of the conversation if s/he wanted to talk privately with the client. If the lawyer answers “yes” then the youth would call their lawyer back from the small handicap access room. This space has a window through which staff may observe while standing in the kitchen. Staff would then follow the protocol outlined in the program’s policy (i.e. dial the phone for the youth, etc.).

Shortly following the onsite visit, the program implemented the new practice of private phone calls to lawyers. The new practice involves allowing youth to use the elevator room to make their phone

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call while staff observe through a window outside the area. The resident handbook was updated to reflect these new changes in practice. In addition, a formal memo was sent on June 27, 2017 from the Program Director to all staff declaring the new practice is now in effect. This memo was submitted to the auditor as evidence for verification. Additionally, during a telephone interview following the onsite visit, the Program Director verified he monitors whether staff adhere to this policy by periodically asking youth if this practice is occurring. The auditor applauds the Program Director for ensuring youth are afforded privacy and for monitoring staff adherence to program policy and practice.

§115.354 – Third-party reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Seall Inc. agency has a webpage for the Depot Street that includes all required PREA information. The webpage provides information about the agency’s zero tolerance policy; the process for making a 3rd party report; the State of Vermont policy describing the investigatory process for incidents of sexual abuse; and the Depot Street program’s annual report that includes progress on implementing PREA and sexual abuse incident data. The auditor has reviewed the webpage and all the links are in working order. Third party reporting information is also found in the Depot Street youth and family manuals.

§115.361 – Staff and agency reporting duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The State of Vermont’s child abuse reporting law (Title 33, Chapter 49) states that if a person has reasonable cause to believe that a child has been abused or neglected, he or she must make a report to the Department for Children and Families (DCF). In support of this law, the Seall Inc. Employee Handbook clearly states that all staff are mandatory reporters and are required to contact DCF Centralized Intake Unit if they “*have ‘reasonable cause to believe’ any incident of child abuse, neglect or sexual contact among residents*” (page 39). Additionally, the Seall Inc. Sexual Harassment Policy embedded in the employee handbook prohibits any retaliation for a staff member filing a grievance of sexual harassment and declares, “*participants are entitled to protection from retaliation for having participated in an investigation*” (page 34). Staff interviews confirmed that staff understand they are mandated reporters and that all allegations must be reported (i.e. anonymous, third-party, etc.)

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The mandatory reporting rules also apply to contracted mental health practitioners. The Depot Street PREA policy manual declares, *“Any staff member/Contractor/Intern/Clinician who has knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment; retaliation against residents or staff who reported such an incident; and any staff neglect that may have contributed to such incident or retaliation, shall immediately report such incident or retaliation to Centralized Intake at 800-649-5285 (115.331, 115.332). The Bennington County Child Advocacy Center (802-442-5107) is also called immediately by staff in order to provide support to the victim.”* As stated previously, the policy also describes the ways in which a youth may report including having a third-party report on his behalf.

As described previously in this report, all Depot staff are required to sign a detailed confidentiality statement. In addition, the Depot PREA policy states, *“...staff shall not reveal any information related to a sexual abuse report to anyone except those that are involved with the investigation.”* Staff interviews verified that all staff understand the tenets of “confidentiality” and are committed to protective sensitive youth information.

Although not required, during the corrective action phase the program enhanced its PREA policy to indicate at what point the family or legal guardian is contacted if a youth alleges sexual abuse and who is responsible for making this notification. The policy now states, *“DCF shall report the resident’s allegations to his family or legal guardian immediately after authorities have been contacted. If the allegation is unsubstantiated, 204 Depot will report this to the family or legal guardian upon learning results of investigation.”*

During the corrective action period, the program revised policy to better support provisions in this standard. The revised policy now states, *“204 Depot’s Program Manager shall report the resident’s allegations to his family or legal guardian immediately after authorities have been contacted. If the allegation is unsubstantiated, 204 Depot will report this to the family or legal guardian upon learning results of investigation.”*

§115.362 – Agency protection duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Interviews revealed staff were formally trained on and understand how to ensure youth are kept safe in the event they are at imminent risk for sexual abuse. This process involves taking immediate action to separate the alleged perpetrator and victim. During an interview with the Depot Street Program Director he stated that if an allegation of sexual abuse was made against a staff member, that staff member would be put on administrative leave and would be directed to leave the premises immediately. The State of Vermont DCF residential licensing regulations also require, *“A Residential Treatment Program will supervise and separate the accused individual(s) and the victim(s) whose behavior cause report to the Department for Children and Families unless or until*

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otherwise instructed by the Special Investigation Unit and/or Residential Licensing Unit”
(Standard 119, page 7).

Depot Street has a coordinated response plan that includes immediately protecting youth and ensuring their safety. The program policy makes clear that if a staff member, volunteer or contractor was accused of sexual abuse s/he would immediately be suspended with pay and would be directed to leave the facility immediately.

§115.363 – Reporting to other confinement facilities

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Depot Street program has not had an incident in which a youth disclosed to a Depot Street staff member that they were sexually abused while in a prior placement/facility, in the past 12 months.

The Depot Street PREA policy upholds the Program Manager is responsible for contacting Centralized Intake and DCF is responsible for notifying the program in which the abuse is alleged to have taken place. This notification to Centralized Intake is documented as per protocol. DCF will notify the program within 72 hours and document that this notification has been made. This practice is supported by the State of Vermont DCF Policy 241 “Licensing Residential Treatment Programs and Regulatory Interventions” which states, *“Upon receiving information or an allegation that a child/youth was sexually abused or harassed while placed at another RTP, RLSI shall confirm a report was made to Centralized Intake and Emergency Services and notify the program administrator where the suspected abuse occurred within 72 hours. Notification will occur by phone or email and RLSI will document the notification in FSDNet.”*

The Depot policy states that in allegations of sexual abuse Depot management staff will maintain contact with Centralized Intake to ensure the allegation is thoroughly investigation. Interviews confirmed the Program Director/PREA Facility Compliance Manager is aware of these responsibilities (and others as previously described in this standard).

§115.364 – Staff first responder duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Depot PREA policy as well as the coordinated response plan (see information provided in standard 115.365) address all provisions in this standard. All staff have been trained on the protocol

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for effectively preserving evidence as part of the PREA training. Onsite interviews with staff indicate staff understand the steps to effectively respond to allegations of sexual abuse/assault (i.e. separate the alleged victim and perpetrator, protect the crime scene, and preserve evidence by not allowing the victim or perpetrator to shower, toilet, wash, brush their teeth, change clothes, etc.)

The Depot Street “PREA Notice to Residents” and the resident handbook provides guidance to youth regarding how to preserve evidence in the event they have been sexually abused. The notice directs youth not to shower, brush teeth, use the restroom, or wash their clothes.

§115.365 – Coordinated response

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The program has a written institutional plan to ensure a coordinated response to allegations of sexual abuse and/or sexual assault. The plan delineates the roles of first responders, investigators, victim advocates, and facility leadership. This comprehensive plan is memorialized in the PREA policy and includes specific notifications that first responders must make.

Agency policy also states the first responder is responsible for arranging for transportation to the hospital. In addition, the policy clearly delineates the responsibilities of all involved parties (PREA Compliance Coordinator, First Responders, On Call Staff, the Program Manager and DCF). This includes a quality control check performed by the PREA Compliance Manager to ensure all notifications have been made, services to youth were offered, and the alleged perpetrator (staff member) was placed on leave /suspended immediately (until the conclusion of the investigation). This practice was verified through information obtained through staff interviews.

To ensure that staff respond immediately and effectively to sexual abuse or assault allegations, the program created the “Sexual Assault Allegation Checklist” which details specific steps to take as part of the coordinated plan. Staff are required to initial each of the steps (i.e. separate the victims, secure the scene, call 911, Centralized Intake, Program Director, offer mental health services, forensic exam at no cost to victim, etc.). During the onsite review, the auditor noted there were some key pieces missing from the checklist including contacting the local advocacy agency, notifying family members, and transporting youth to name a few. As a result, following the onsite visit the program revised the “Sexual Assault Checklist” to reflect the proper order of actions to take when responding to an allegation of sexual abuse or sexual assault. The checklist clearly denotes who is responsible for each of the response steps. The response checklist also requires the assigned staff member to initial that the action was taken and the time it was completed. The 204 Depot Street response process now includes calling:

- Local law enforcement
- Local hospital to alert them of the sexual assault (providing them warning so they can secure a SANE when youth arrives)

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- Local advocacy center (PAVE)
- United Counseling Services
- State of VT DCF Centralized Intake
- Notifications to the family/guardian, Program Manager, PREA Compliance Manager, etc.

All staff were formally trained on the revised response protocol and “Sexual Assault Checklist” in early fall during a mandatory staff meeting. The program submitted detailed meeting minutes and a training roster to verify staff had completed the training. Moving forward, all Depot Street staff will be formally trained on this coordinated response checklist once per year as part of the PREA refresher training. This checklist is now posted on the wall in the staff office so staff can easily access it in the event an allegation is made. As per agency policy, this completed response checklist will be securely stored with other sensitive PREA information.

The Depot Street employee handbook describes how incidents of sexual harassment are handled. This information includes a description of the various activities and roles during the investigation process (i.e. the first responder, Program Manager, PREA Compliance Manager, Executive Director, the Shift Supervisor, DCF, etc.). The employee handbook states that if an investigation of sexual harassment leads Depot Street or Seall Inc. managers to believe there is criminal activity involved, law enforcement will be contacted (page 36). The auditor applauds Seall Inc. for recognizing the importance of ensuring parties involved in a sexual harassment investigation are clear on their role, responsibilities, and expectations.

As previously mentioned in this report, the Seall Inc. Executive Director invited representatives from the local advocacy center, PAVE, to come speak with staff and youth about the services they offer. This informational session is scheduled to occur in late October. As part of this process, the PAVE representative will provide Depot Street brochures detailing information about their program for distribution to staff and youth.

§115.366 – Preservation of ability to protect residents from contact with abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Seall Inc. has not entered into a collective bargaining agreement that would prevent the removal of staff who have been alleged to have sexually abused a resident. The Seall Inc. Employee Handbook clearly states that the agency reserves the right to terminate an employee at any time, foregoing the usual progressive discipline process. An interview with the Program Director provided examples of how the program placed staff on administrative leave immediately for other incidents (non-PREA related). Therefore, the Seall Inc. 204 Depot Street program is following this PREA standard.

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§115.367 – Agency protection against retaliation

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The State of Vermont residential licensing regulations require the alleged perpetrator and victim to be separated in the event of a sexual abuse allegation (Standard 119, page 7). As previously described, the program practice is to place the staff immediately on leave. If another resident was the alleged perpetrator, the youth's social worker would be contacted and the youth would be removed from the Depot Street program within 24 hours.

The Seall Inc. Depot Street "PREA Notice to Residents" explains the program's zero tolerance policy for retaliation for filing a grievance or for cooperating with an investigation. This notice clearly states, "*Retaliation is intimidation to prevent a client from filing a complaint or participating in an investigation. 204 Depot Street program prohibits anyone from interfering with an investigation, including intimidation or retaliation against witnesses. If you believe you are being unfairly treated or punished in some way because you filed a complaint or assisted in the investigation of a complaint, please report this immediately to the Program Supervisor or PREA Coordinator*" (page 5).

The Seall Inc. Employee Handbook addresses retaliation for sexual harassment among staff members. The handbook explains, "*It is, also, expressly prohibited for an employee of SEALL to retaliate against employees who bring sexual harassment charges or assist in investigating charges. Retaliation is a violation of this policy and may result in discipline, up to and including termination. No employee will be discriminated against, or discharged, because of bringing or assisting in the investigation of a complaint of sexual harassment....it shall be a violation of this policy for an employee who learns of the investigation or complaint to take any retaliatory action which affects the working environment of any person involved in the investigation*" (pages 22-23).

During the corrective action period, the program enhanced its employee policy manual to clarify expectations for direct care staff as well as managers. The program policy now clearly states, "*For 90 days, staff will be monitored for any signs of retaliation. We will do this by having the manager and case manager routinely check in with the resident, on a weekly basis, and see if he is experiencing any types of retaliation from staff. If the perpetrator is a staff member, that staff member will be suspended, pending the outcome. If a substantiation is founded, that staff member will be terminated.*"

During the corrective action period, the program also revised policy to better support provisions in this standard and to clarify roles and expectations for staff. The revised policy now states, "*204 Depot Staff will not investigate any allegations of sexual abuse. Any sexual abuse or harassment allegations regarding a resident will be conducted by the Police and/or RSLI. All abuse or harassment allegations will be recorded and tracked by the PREA Coordinator. Residents will not be disciplined for reports made in 'good faith' even if the allegation is determined to be*

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‘unfounded.’ Youth will not be disciplined for sexual intercourse with a staff member, unless the resident forced or coerced the staff member into the act.”

§115.368 – Post-allegation protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Onsite interviews confirmed the Depot Street program does not use isolation. The PREA policy states that if a youth had to be temporarily separated from the group, they would continue to receive education services, and daily large muscle exercise. In support of program policy, Depot Street leadership staff stated that the perpetrator (youth) would be placed one-on-one supervision in the classroom to be monitored closely by staff. This arrangement would only be temporary until the victim was brought to the hospital. The perpetrator would be removed from the Depot Street program and placed in another program by DCF within 24 hours.

§115.371 – Criminal and administrative agency investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Residential Licensing and Special Investigations (RLSI) is a unit, housed in the Agency of Human Services, Family Services Division, Department for Children and Families (DCF). RLSI is responsible for investigating allegations of sexual abuse involving staff and youth as well as youth-on-youth sexual abuse in private regulated facilities. When a mandatory reporter calls the DCF abuse hotline, a Centralized Intake and Emergency Services (CIES) social worker records the information in a statewide database, FSDNet. A CIES supervisor determines whether to “accept” or “not accept” the report for investigation of child sexual abuse based on statutory criteria. If the report is accepted for investigation of possible child sexual abuse, the case is assigned and an investigation is formally launched by an RLSI investigator. If the report is not accepted by CIES supervisor for investigation, a second supervisor reviews the report, also based on statutory criteria. The supervisor conducting the “second read” makes the final determination. This means if the “first read” supervisor doesn’t accept the report for investigation and the “second read” supervisor disagrees; the report is accepted, assigned and an investigation is formally launched by an RLSI investigator.

If the case is “not accepted” by both reviewers, then the case will not be investigated as child sexual abuse and the report is rerouted to RLSI for regulatory review. In other words, if the case does not meet the statutory threshold for sexual abuse, RLSI will investigate or cause the facility to investigate the same alleged incident.

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When a report has been accepted for investigation of child sexual abuse the RLSI Investigator contacts the Bennington Police Department’s Special Investigations Unit to conduct a joint investigation. During the investigation, if evidence substantiates allegations of child sexual abuse, the case is immediately referred to legal counsel to decide on whether to pursue criminal prosecution. This practice is supported by State of Vermont AHS Policy 52 “Child Safety Interventions: Investigations and Assessments which describes situations in which joint investigations must be conducted. The policy requires DCF to contact law enforcement for assistance if the alleged perpetrator of child sexual abuse is ten years or older (page 4).

Interviews with RLSI staff revealed that during an investigation that was not originally “accepted” as child abuse, if there is evidence that indicates the allegation is moving towards substantiation, the case is referred to legal counsel for possible criminal prosecution. This process is the same whether the alleged sexual abuse has occurred between staff and youth or between two Depot Street program residents.

State of Vermont Policy 54 “Investigating Reports of Child Abuse or Neglect in Regulated Facilities” states, *“When the alleged perpetrator has continued access to alleged victim, or if other children may be at risk, the investigation will commence within 24 hours. In other cases, the investigation will commence within 72 hours. The operations manager must approve any waiver of this requirement”* (page 1).

The Seall Inc. agency provides a breadth of information about conducting personnel investigations. The Seall Inc. Employee Handbook describes in detail its policy on sexual harassment; criteria for launching an investigation; who is responsible for conducting investigations into “improper government activities;” how staff will be handled during an investigation (i.e. administrative leave); who will be notified about the outcome of the investigation; local law enforcement will be contacted if an investigation leads to possible criminal activity, to name a few. The auditor applauds the Seall Inc. for providing significant details to its employees around these matters.

The State of Vermont AHS has numerous policies describing the investigation process (e.g. Policies 50, 51, 52, 54, 56, 57, 60, and 66). Under Vermont law, the RLSI is not required to investigate every allegation of “sexual abuse” as defined by PREA standards. Vermont does not consider all youth-on-youth sexual activities to be “abuse”. The Vermont AHS policy dictates that if the youth-to-youth interactions indicate *“the alleged perpetrator used force, threat or coercion to victimize the child and/or the victim did not have an opportunity to consent”* (page 8) or if *“there is a five-year developmental or chronological age differential”* (page 9) this is considered abuse and would be thoroughly investigated.

Regarding allegations of sexual harassment, AHS DCF policies do not require RLSI to investigate incidents of sexual harassment between youth. However, although a sexual harassment allegation would not be “accepted” as a report of sexual abuse, RLSI is notified of these reports and often delegates investigation of the incident to the program. RLSI ensures these incidents are properly investigated by closely monitoring the program. This may involve mapping out clear deliverables/expectations and requiring the program report back to RLSI on progress made in

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addressing the identified issues. In cases in which there have been allegations of sexual harassment against staff, volunteers, and contractors and any allegations of retaliation, the Depot Street Executive Director and Program Director would conduct personnel investigations.

Review of State of Vermont AHS DCF policies and RLSI staff interviews verified that there is significant effort on behalf of investigators to determine whether staff actions or failures to act contributed to abuse. Sexual abuse investigations are conducted promptly and once an investigation is completed, information is summarized in a written report that contains a thorough description of physical, testimonial, and documentary evidence. These final reports are stored in the electronic system, FSDNet. After the conclusion of a sexual abuse investigation, a formal letter detailing the outcome of the investigation is sent to the program in which the youth resides, indicating whether the report was substantiated or unsubstantiated. Interviews revealed that polygraph tests are not used by DCF RLSI to determine whether a victim's allegation is true. In addition, the RLSI does not terminate a sexual abuse investigation if a youth recants the allegation.

The DCF Policy 241 requires specialized training for investigators that includes “*techniques for interviewing child/youth sexual abuse victims, understanding law enforcement's proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.*” The policy further requires all investigators to complete the National Institute of Corrections Investigating Sexual Abuse in a Confinement Setting Course. The RLSI Director is responsible for maintaining documentation that RLSI social workers have completed the required specialized training. Interviews with the Lead Social Worker of RLSI indicate the investigator who is assigned to the Depot Street program has received formal training in conducting investigations with juveniles. These specific trainings are discussed in Standard 115.334 of this report. Review of documentation while onsite verified that all investigators are adequately trained and therefore, in compliance on related provisions in this PREA standard.

The practice of comprehensive investigative report writing is directed by formal agency policy. DCF Policy 241 “Licensing Residential Treatment Programs and Regulatory Interventions” dictates, “*Written reports of child safety interventions include descriptions of physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. The division retains all written reports and documentation related to child safety interventions in FSDNet forever (which exceeds the requirements outlined in 28 CFR 115.371(j)).*” Final investigation reports are sent to the “Appointing Agency” which, in the case of Depot Street, is Seall Inc. These reports are stored in the electronic database, FSDNet, and are retained indefinitely. This exceeds the PREA requirement of retaining all written information for as long as the alleged abuse is incarcerated or employed by the agency plus five years. Although the program has not had any investigations of sexual abuse in the past 12 months, reports from a previous audit (in 2015) provides evidence investigations are conducted consistent with PREA standards.

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In further support of provisions in this standard, the State of Vermont Policy 241 “Licensing Residential Treatment Programs and Regulatory Interventions” includes specific information about the investigation process. The policy states:

- The use of a polygraph examination or other truth-telling devices as a condition for proceeding with the child safety intervention and/or criminal investigation is prohibited;
- Written investigative reports must include descriptions of physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings;
- Programs are required to conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation and RLSI social workers must participate on these reviews and make recommendations for improvement
- RLSI social workers will collaborate with law enforcement in the gathering and preserving direct and circumstantial evidence and when interviewing child/youth victims, alleged actors, and witnesses.

Interviews conducted during the onsite visit verified that polygraph tests are not used by RLSI to determine whether a victim’s allegation is true. In addition, RLSI would continue the investigation despite a youth recanting the allegation or if the staff member resigned.

Although there have been no administrative investigations related to PREA conducted in the past 12 months, administrative reports reviewed in the previous audit (in 2015) provide some evidence that administrative investigations are conducted consistent with PREA expectations. These reports detailed how staff actions or failures contributed to the abuse. This information was summarized in a written report that included information obtained from youth and staff and other sources of evidence supporting/not supporting the allegation.

The Seall Inc. website (www.seallinc.org) provides a description of the Depot Street investigation and includes a working link to the DCF RLSI investigation policy 241. Due to the evidence described above, the Depot Street program is in compliance with provisions of this standard.

§115.372 – Evidentiary standards for administrative investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Interviews conducted with RLSI investigative staff indicate that DCF RLSI imposes a standard of preponderance of evidence for proof, or a lower standard, when determining whether allegations of sexual abuse or sexual harassment are substantiated. The State of Vermont DCF Policy 241 policy states, “...a substantiated report means the Commissioner or the Commissioner's designee (RLSI for the purposes of this policy) has determined after investigation that a report is based upon accurate and reliable information that would lead a reasonable person to believe the child

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has been abused or neglected. The substantiation standard described above is consistent with the “reasonable belief standard” or “reasonable suspicion standard”, which is lower than the “preponderance of evidence standard” and meets the requirements of 28 CFR 115.372.”

Interviews with investigative and agency leadership staff indicate that DCF RLSI and the Depot Street program impose a standard of preponderance of evidence for proof, or a lower standard, when determining whether allegations of sexual abuse or sexual harassment are substantiated.

§115.373 – Reporting to residents

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The State of Vermont DCF Policy 54 “Investigating Reports of Child Abuse or Neglect in Regulated Facilities” states, *“The SIU Chief will notify the district office and the appropriate licensing and program units of the following: whether or not the referral has been accepted as a report; if the report is not accepted, what further actions the SIU will take, if any; and, if the report was accepted, the case determination, including any necessary follow-up by the district.”* Interviews with RLSI unit staff confirmed current practice is consistent with policy expectations.

Once a sexual abuse investigation is completed, the final report is stored in the electronic state system, FSDNet. A formal letter detailing the outcome of the investigation is sent to the Program Director of the facility in which the youth currently resides. Victims are notified of the determination, regardless of the investigation outcome (i.e. whether the case was substantiated or unsubstantiated). Since the State of Vermont does not include an “unfounded” investigatory finding, notifying the victim regardless of the outcome is required to achieve compliance with this PREA standard. This is supported by the 204 Depot PREA policy which states the specific situations in which youth (victim) will be kept informed (i.e. staff no longer works in the program, been indicted on a charge related to sexual abuse at the program, etc.). Additionally, the policy states the PREA Compliance Manager is responsible for following up with DCF RLSI to gather information about progress on the investigation. Although there have been no allegations of sexual abuse and/or harassment in the past 12 months, interviews with RLSI staff and Depot Street managers confirmed these practices are in place.

§115.376 – Disciplinary sanctions for staff

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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Seall Inc. Employee Handbook describes in detail its zero tolerance, sexual harassment, and discipline policies. Regarding progressive discipline, the handbook clearly states, *“Behavior that is illegal is not subject to progressive discipline and may be reported to local law enforcement. Theft, intoxication at work, fighting and other acts of violence are also not subject to progressive discipline and may be grounds for immediate termination”* (page 17). The agency handbook also states, *“Seall reserves the right to combine and skip steps depending upon the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action”* (page 19). Interviews with Seall Inc. leadership and the Depot Street Program Director confirmed that if a staff member was substantiated on sexual abuse or sexual harassment, their employment would be terminated. The State of Vermont RLSI unit licensing regulations clearly direct that a residential treatment program may not continue to employ any person who has been substantiated for child abuse or neglect (“AHS DCF Licensing Regulations for Residential Treatment Programs in Vermont,” Standard 402).

As cited elsewhere in this report, during a personnel investigation if there appears to be criminal activity, the RLSI unit and local law enforcement will be notified immediately. More specifically, the employee handbook puts forth, *“If an investigation leads Seall Inc. to conclude that a crime has probably been committed, the results of the investigation shall be reported to the States Attorney or other appropriate law enforcement agency. If an investigation leads Seall Inc. to conclude that a staff member has engaged in conduct less than criminal, the Board of Directors shall be notified and shall engage in determining proper resolution of the matter, consistent with established personnel procedures”* (page 36).

When RLSI receives a report through the abuse hotline number, they determine whether it will be “accepted” for investigation. If “accepted” as an abuse allegation an investigation is launched and local law enforcement is contacted. Law enforcement leads the criminal investigation while RLSI spearheads the regulatory compliance portion of the investigation. If a staff member was substantiated for sexual abuse, the RLSI would be responsible for contacting the relevant licensing bodies. This practice was confirmed through discussions and additional communications with the RLSI Lead Social Worker.

§115.377 – Corrective action for contractors and volunteers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

All contractors and volunteers are subject to agency policies and protocols related to sexual abuse and harassment. Information derived from interviews and additional evidence described in Standard 115.376 of this report, support compliance with this PREA standard. There have been no volunteers, interns, or contractors working at the 204 Depot Street program who have violated these policies to date.

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§115.378 – Disciplinary sanctions for residents

- Exceeds Standard (substantially exceeds requirement of standard)
- ✓ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Depot Street youth handbook states, *“Discipline must be firm, fair and consistent for everyone’s safety. As its goal: discipline is to modify or change behavior. All rules must be enforceable and disciplinary action must be in accordance with state and federal regulations”* (page 3). The youth manual explains the consequences for major offenses committed while in the program. In addition to criminal charges that may be filed against the violator, the youth would be placed in the dining room for periodic review. The youth is considered on “red sweat” status and loses all privileges for a 24-hour period. After a 24-hours, the staff is reviewed to determine if the youth is ready to rejoin the group. In the past 12 months, there have been no criminal or administrative findings of guilt for resident-on-resident sexual abuse at the Depot Street program. Interviews with the Executive Director and Program Director verified that in the event a youth-on-youth sexual assault, the alleged abuser would be placed on a one-on-one status and moved to another program as soon as possible. The auditor concludes that these disciplinary actions are fair and aligned with PREA expectations.

The Depot Street “PREA Notice to Residents” addresses retaliation and clearly states that youth shall not be retaliated against for filing a complaint or participating in an investigation (page 5). In addition, the Depot Street policy states that youth who make sexual abuse reports in good faith based will not be punished; sexual activity is prohibited between residents; and that all consequences will be monitored. Staff and youth interviews confirmed that they understand these practices. The Depot Street policy states that all resident-on-resident sexual abuse and sexual harassment allegations will be investigated internally by staff.

Although not required, during the corrective action period the agency PREA policy was updated to more clearly reflect provisions in this standard. More specifically, the policy now states, *“....204 Depot will not discipline any resident who is found to have had consensual sexual intercourse with a staff member. If it is found that a resident forced/coerced sexual activity with a staff member, the resident will be removed and charged accordingly. 204 Depot staff will make themselves available for any questions as needed... Residents will not be disciplined for reports made in ‘good faith’ even if the allegation is determined to be ‘unfounded.’*

In addition, following the onsite visit the resident handbook was updated to state, *“Any resident, who makes a sexual abuse or harassment allegation ‘in good faith’ will not be punished if you honestly suspected or believe abuse happened, even if the allegation is ‘unsubstantiated’ or ‘unfounded.’ This means that even if you have the slightest doubt that abuse has occurred, please report it. If there is a finding that shows youth forced or coerced another resident into sexual interaction, that youth would be removed from the program (and receive additional criminal charges if substantiated). Counseling and/or an advocate (somebody to guide you) is available to help you through this process.”*

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§115.381 – Medical and mental health screenings; history of sexual abuse

- Exceeds Standard (substantially exceeds requirement of standard)
- ✓ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Seall Inc. Depot Street program does not currently conduct formal mental health and medical screenings when a youth arrives to the program. However, the program does use the Colorado Vulnerability tool to gather information about previous sexual victimization and/or perpetration. The program's PREA policy states that if a youth discloses at intake they have either been a victim of sexual abuse or have sexually perpetrated, Depot staff will notify the DCF social worker and inform them the youth must be seen by a mental health professional within 14 days. Review of youth case files during the onsite audit revealed there was a need to better ensure referrals to mental health services are made as well as more clearly documented. As a result, during the corrective action period the program added a series of questions to the vulnerability tool to document these referrals. The tool now asks:

- *If resident had a history of victimization or perpetration was he offered counseling? Y/N*
- *Did resident accept or decline offer for counseling? Accept/Decline*
- *If resident accepted offer for counseling, what were the next steps?*
 - *Was Social Worker notified? Y/N and date notified*
 - *Did resident see a counselor within 14 days? Y/N and date notified*
 - *What were the reasons if not within 14 days?*

These additional questions will allow the program to more clearly demonstrate compliance with this standard through enhanced documentation. As part of the new practice, the Case Manager will print a hardcopy of the email sent to the DCF social worker requesting counseling services and attach it to the completed vulnerability tool. This will provide additional evidence the required referral was made within the expected time frame. The Depot Street Case Manager will be responsible for following-up with DCF to ensure youth are referred to mental health services as requested. The auditor reviewed completed vulnerability tools to verify this practice is now in place.

The program houses vulnerability risk information in a locked filing cabinet in the Seall Inc. main office. This filing cabinet is only accessible by the Executive Director and the Depot Street Program Director/PREA Facility Compliance Manager. This limited access is also outlined in the Depot Street PREA policy. Following the onsite portion of the audit, the agency's PREA policy was revised to support its existing practice. The revised policy clarifies who is responsible for making referrals, how this sensitive information will be protected (will be stored in the locked PREA file cabinet), and who has access to this information (listed by job titles). The auditor applauds the program for memorializing this practice in policy.

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§115.382 – Access to emergency medical and mental health services

- Exceeds Standard (substantially exceeds requirement of standard)
- ✓ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Depot Street program has a detailed coordination plan to ensure effective response to allegations of sexual abuse. The plan provides a detailed step-by-step process in responding to allegations of sexual abuse and/or assault. The Depot Street PREA policy also states that all staff will complete an annual training on how staff should interact with a victim of sexual abuse while awaiting the arrival of victim advocates/crisis service workers. Onsite interviews with staff verified that all staff know the proper steps to take to protect the victim and potential criminal evidence. All staff also understood that action in these circumstances is taken immediately.

In the event of sexual abuse or assault allegation, youth would be taken to Southwestern Vermont Medical Center (SVMC), since the Depot Street program does not employ medical staff. The SVMC hospital policy and procedures describes the process for handling sexual assaults. The hospital policy requires sexual assault victims be examined by a SANE if the assault occurred in less than 24 hours. The hospital policy references the Vermont Center for Prevention and Treatment of Sexual Abuse Guidelines (2006) as well as the Vermont SANE Program (2006). An interview with the Assistant Director of Nursing for the emergency room verified this protocol is closely adhered to. These hospital's standards are consistent with the requirements put forth in this PREA standard.

The Depot Street's PREA policy states that emergency contraception and access to sexually transmitted infections (STI) prophylaxis will be provided to victims of sexual abuse or assault without cost to them. In addition, emergency contraception and STI testing and treatment is part of the hospital's SANE examination protocol.

§115.383 – Ongoing medical and mental health care for sexual abuse victims and abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- ✓ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Depot Street PREA policy supports provisions outlined in this standard. Since the Depot program does not currently employ mental health clinicians, in the event of a sexual abuse allegation occurring in the program, Depot Street first responders would contact the local advocacy group, PAVE, as well as United Counseling Services (UCS) to provide support to youth. UCS would be responsible for evaluating the victim and for providing any follow-up mental health treatment services the victim may need. The Depot program would work closely with the DFS social worker and UCS to ensure the youth is provided with adequate treatment while in the Depot program. This would include any follow-up mental health treatment while youth remains in the

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program; a continuation of treatment services if youth is released from the program; and in the case of a resident-on-resident abuse situation, a mental health evaluation within 60 days of the incident.

As previously mentioned, the hospital’s SANE process includes pregnancy testing, emergency contraception, and sexually transmitted disease testing. Several Depot Street policies state any mental health or medical treatment services needed will be the responsibility of the Depot Street program while youth are in the program (i.e. services will be arranged by DCF and be provided at no cost to victim). Interviews with the Depot Street Program Director and the Assistant Director of Nursing at SVMC confirmed these policies would be followed in the event of an allegation of sexual abuse.

§115.386 – Sexual abuse incident reviews

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The State of Vermont regulatory standards set forth by RLSI state, *“PREA-compliant RTPs are required to conduct sexual abuse incident reviews at the conclusion of every sexual abuse investigation. RLSI social workers shall participate in these sexual abuse incident reviews and make recommendations for improvement if needed.”*

The State of Vermont and the Seall Inc. both use two categories for concluding the outcome of investigations for sexual abuse and sexual harassment (respectively): Substantiated or Unsubstantiated. The term “unfounded” is not used when describing a possible outcome of an investigation case. PREA standards require all sexual abuse incidents that have been investigated, be subject to a formal review process within 30 days. Since the term “unfounded” is not used, according to PREA standards, all cases of sexual abuse would need to be formally reviewed by the incident review committee.

The Depot Street PREA policy requires the PREA Coordinator to initiate the sexual abuse incident review committee within one week of the final investigation report being issued. The policy also states the committee will convene within 30 days of the conclusion of the investigation. The policy defines the committee to include PREA personal (Agency Coordinator and Facility Compliance Manager), Depot Street Program Manager, investigators, and medical and mental health practitioners.

In addition, the policy specifically addresses what the incident committee must consider during these reviews. For example: If the incident or allegation was motivated by race; ethnicity; gender identity: lesbian, gay, bisexual, transgender, intersex identification, status or perceived status; or, gang affiliation; or resulting from other group dynamics at the facility; whether the staff levels where the incident occurred are adequate; whether monitoring technology should be considered or

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augmented to supplement staff supervision; and other areas required by the provisions set forth in these standards. In addition, program policy requires a formal summary report to be created to capture the committee’s discussion and decisions made during the incident review meeting. During the corrective action period, the program developed a form that will be used to document areas discussed during the incident review committee. The topics on this form mirror those required in provision (d) of this PREA standard. The auditor applauds the program for ensuring that all areas are addressed by creating a formal document to capture this information.

The State of Vermont Policy 241 clearly states, RLSI investigators are required to participate in the sexual abuse incident review committee. Since the Depot program has implemented this practice, there have been no incidents of sexual abuse allegations and therefore, the auditor was not able to review hard evidence that this process has been implemented. That said, given the program’s commitment to meeting the PREA standards and their response to incidents of sexual harassment, the auditor is confident the program will adhere to their policy in the event of a sexual abuse allegation. Although not required, during the corrective action period the program updated its PREA policy to more clearly state who will serve on the Incident Review Committee and who is responsible for drafting the committee’s findings report. The committee now includes the PREA Compliance Manager, Agency PREA Coordinator, the Program Manager, and Executive Director. In addition, the policy upholds the PREA Compliance Manager is responsible for drafting a report of the committee’s findings and submitting the report to the Agency PREA Coordinator and Personnel Committee. This will be filed in the PREA file cabinet.

Interviews revealed that program leadership and the PREA Compliance Manager understand the practice of conducting incident reviews of all sexual abuse investigations (substantiated or not substantiated). They were able articulate what would be discussed during these meetings and who comprises the sexual abuse incident review committee.

§115.387 – Data collection

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The State of Vermont has included language in its Fiscal Year 2016 contract with Seall Inc. requiring collection of PREA related data. The contract specifically states, *“In accordance with State Licensing Regulations and §115.387 of the PREA National Standards, contractor will collect accurate and uniform data for every allegation of sexual abuse. Contractor will aggregate the incident-based sexual abuse data at least annually. Contractor will provide sexual abuse and sexual harassment data, admission and adjudication data, and the most recent version of the Survey of Sexual Violence conducted by the Department of Justice to the State Licensing Authority and Juvenile Justice Director no later than **January 30** each calendar year.”* This contract language provides evidence that Seall Inc. Depot Street is in compliance with provisions a, b, and c in this PREA standard. The auditor confirmed with the State of Vermont PREA Coordinator that

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the Depot Street program submitted completed DOJ surveys to the State of Vermont DCF in 2016 which is consistent with the State of Vermont contract expectations.

In support of the State of Vermont contract requirement, the Depot PREA policy sets forth clear expectations regarding annual data collection, document submission to DCF, using the information from the DOJ survey to make program improvements, and developing an annual report detailing sexual abuse data and related PREA information. All information related to incidents of sexual abuse and sexual harassment are retained in the main Seall Inc. office in a locked file cabinet.

The Seall Inc website declares, *“In compliance with 204 Depot St’s PREA Policies, regarding publication of annual reporting and aggregated sexual abuse data, 204 Depot Street will report each year using the U.S. Department of Justice Survey of Sexual Violence Summary form, regarding founded allegations of sexual abuse in our programs (PREA Standards 115.388 &115.389).”*

§115.388 – Data review for corrective action

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Depot Street program has developed a 2016 annual PREA report to highlight progress with implementing PREA standards. The report includes comparison data from 2015. The Depot Street has a policy supporting this practice of creating an annual report and describes corrective actions taken to address deficiencies related to preventing sexual abuse, assaults, and harassment. The Depot Street PREA policy also requires the Board of Directors to approve the annual report and states that the report will be posted to its website within 30 days of board approval.

The Seall Inc. 204 Depot Street 2016 Annual Report is posted on the agency’s website (through a working link). Review of the 2016 report provides evidence for compliance with this standard, as the report includes comparison data and does not include any unique identifiers that would present a threat to the safety and security of the program.

§115.389 – Data storage, publication, and destruction

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Seall Inc. program has a policy titled, “Document Retention and Destruction Policy” which provides guidance regarding the retention and destruction of agency records. The policy explains, “Records containing confidential and proprietary information will be securely maintained,

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controlled, and protected to prevent unauthorized access. All records generated and received by the organization are the property of the organization. No employee, by virtue of their position, has any personal or property right to such records even though they may have developed or compiled them. The unauthorized destruction, removal, or use of such records is prohibited” (page 1).

The policy referenced above directs personnel files to be retained and safely stored for 10 years following the termination of employment (pages 4 and 5). The program PREA policy states, *“204 Depot will ensure safe storage of any information/data related to a resident who was found guilty or was a victim of sexual abuse or harassment while in our program. This information can be collected from incident reports, investigation files, and sexual abuse/harassment reviews. This information will be kept in a locked file cabinet that contains any PREA files for at least ten years after the date of its initial collection. The PREA Coordinator and the Executive Director will have keys to this file cabinet.”* In addition, the policy dictates, *“Any data will be readily available to the public at least annually through an impending website and its Annual Report, which is published during the first quarter of each New Year. All personal identifiers will be removed from such data.”*

The State of Vermont’s Family Services Division (FSD) Policy 305 (effective May 2015) requires sexual abuse incident data be collected from all facilities under its control and that these data be retained for at least ten years. This retention period applies to investigative reports for incidents of sexual abuse (housed in the electronic database, FSDNet).

The 2016 Depot Street program’s annual report is posted on the agency website. The report does not include any unique identifiers that would present a threat to the safety and security of the program. The State of Vermont also has their annual report posted on the DCF website which provides information about PREA compliance for all programs with which it contracts.

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| <p>§115.401 - Frequency and scope of audits; §115.402 – Auditor qualifications; §115.403 – Audit content and findings; and §115.404 - Audit corrective action plan</p> |
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The following information is provided as a way of demonstrating compliance with federal PREA Standards 115.401 through 115.405. This audit represents the second PREA audit for the Seall Inc. 204 Depot Street program. Since the initial audit was conducted in August 2015 and the second audit was conducted in June 2017, the 204 Depot Street program is in compliance with Standard 115.401 (a) and (b) which requires facilities that house juvenile justice youth to undergo a PREA audit by August 2016.

The auditor is a federal PREA auditor certified by the Department of Justice. She has not received any financial compensation from the agency being audited beyond the contracted amount for conducting the PREA audit. There are no other conflicts of interest, as defined by Standard 115.402 and 115.403, between the auditor and the Seall Inc. 204 Depot Street program.

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The audit was conducted consistent with Department of Justice PREA expectations. Some of the highlights demonstrating compliance in this area include conducting extensive review of program materials, protocols, agency policies, staff records, youth files, various internal/external reports, licensing reports and conducting a facility tour. The process also included interviews with several staff, contractors, youth, and the local victim advocacy group. During the corrective action period revised documents were reviewed, feedback provided to the Agency PREA Coordinator, and several follow-up telephone interviews were conducted (i.e. Director of SANE program and Senior Social Worker for DCF RLSI).

Throughout the audit review process, as well as during the onsite debriefing meeting, agency and program leadership were made aware of additional PREA requirements and next steps. Conversations included, but was not limited to, describing the purpose of the 180-day corrective action period and explaining the federal requirement that the final PREA audit report must be made available to the public. Seall Inc. and the Depot Street leadership team have expressed a sincere commitment to continue to uphold compliance with all PREA standards.

AUDITOR CERTIFICATION:

Program Audited: Seall Inc., 204 Depot Street Program

Date of On-Site Review: June 7, 8, and 9, 2017

The auditor certifies that the contents of the report are accurate to the best of her knowledge and no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.



Sharon Pette, MSC, GBSS
Certified DOJ PREA Auditor

Date: 10/15/2017