

Eliminating Sexual Abuse & Sexual Harassment of Vermont Youth in Custody

Compliance with the 2003 National
Prison Rape Elimination Act (PREA)



**Vermont Agency of Human Services
Department for Children and Families
Family Services Division**

January – December 2014

PURPOSE

The Agency of Human Services, Department for Children and Families, Family Services Division (FSD) is Vermont's child welfare and youth justice agency. FSD is responsible for making sure children and youth are safe, their basic needs are met, they abide by the law, and families are supported to achieve these goals. FSD is committed to meeting the requirements of the 2003 [Prison Rape Elimination Act \(PREA\)](#) and ensuring that all youth are safe and free from sexual abuse and harassment. This report outlines how FSD is responding to the PREA requirements and promoting safety for all youth.

FACILITIES

Vermont has one state-operated locked/secure juvenile rehabilitation center and three contracted community-based staff-secure residential treatment programs that are considered confinement facilities under the PREA standards.

	2013 total admissions	# of youth with pending charges or adjudicated delinquents	% of youth with pending charges or adjudicated delinquents	2014 total admissions	# of youth with pending charges or adjudicated delinquents	% of youth with pending charges or adjudicated delinquents
Woodside Juvenile Rehabilitation Center	157	157 *	100%	152	152 *	100%

	2013 total admissions	# adjudicated delinquents	% adjudicated delinquents	2014 total admissions	# adjudicated delinquents	% adjudicated delinquents
Howard Center Park Street	14	10	71.4%	15	10	66.7%
Howard Center Transition House	7	6	85.7%	6	5	83.3%
Seall, Inc. (204 Depot Street Program)	120	80	66.7%	117	58	49.6%

Woodside Juvenile Rehabilitation Center is a state-operated locked/secure juvenile rehabilitation center with the capacity to serve thirty (30) youth, males and females, ages 10–18. The purpose of the program is to provide short-term and long-term trauma-informed services within a safe and secure environment. The program serves youth who are in the custody of the Vermont DCF Commissioner with a delinquency charge or adjudication¹, and exhibiting self or other harming behavior(s).

Howard Center Park Street Program is a contracted community-based residential treatment program with the capacity to serve ten (10) adolescent males ages 12–18 with sexual harming behaviors. The components offered are 90-day assessments, long-term treatment (12-18 months) and short-term stabilization for clients who have previously received treatment – with the goal of safe community reintegration.

Howard Center Transition House is a contracted community-based residential treatment program with the capacity to serve four (4) adolescent males, ages 16–22. This program acts as a step-down program for youth transitioning out of the locked/secure juvenile rehabilitation center. The primary goal of this program is to promote and support successful transitions for youth back into their communities.

¹ * Per Vermont Statute [§5801](#), the Woodside Juvenile Rehabilitation Center can only admit youth who have been adjudicated or charged with a delinquency or criminal act. Data pertaining to placements of youth with adjudications vs. pending charges have not been tracked for 2013 and 2014.

Seall, Inc. (204 Depot Street Program) is a contracted 10-day stabilization program with the capacity to serve eight (8) adolescent males ages 13–18. The primary goal of the program is to help residents recognize the behaviors that contributed to their need for this placement and to provide skills that will prepare them for their next placement.

PREA COMPLIANCE ACTIVITIES

Statewide PREA compliance activities that occurred during 2014 include:

- Vermont’s Juvenile Justice Director was designated as the PREA contact person for FSD.
- FSD contracted with Lindsay Barron to provide technical assistance to community-based residential treatment programs as they work towards PREA compliance.
- FSD’s Residential Licensing and Special Investigations Unit partnered with the contractor to ensure the alignment of the [Licensing Regulations for Residential Treatment Programs](#) with the PREA standards.
- FSD contracted with Sharon Pette of Effective System Innovations (ESI), a certified Department of Justice (DOJ) PREA auditor, on October 4, 2014 to conduct PREA audits of Vermont’s juvenile facilities.
- Woodside Juvenile Rehabilitation Center’s PREA audit occurred.
- Woodside Juvenile Rehabilitation Center’s PREA 180-day corrective action period began.

Woodside Juvenile Rehabilitation Center

The onsite portion of Woodside Juvenile Rehabilitation Center’s PREA audit was conducted over a three day period: November 12th, 13th, and 14th, 2014. At the close of the onsite portion of the audit, it was determined that 35 standards were met, five standards were not met, and one standard was not applicable. Woodside is in the midst of the automatic 180-day corrective action period during which the auditor is working with leadership and central office to remedy and verify remedial action for any deficiencies. In addition to detailing the necessary steps to come into PREA compliance, the auditor also provided considerations for enhancement to strengthen practice and exceed the requirements of the standards.

Howard Center Park Street Program

The onsite PREA audit of Howard Center Park Street Program is scheduled for July 8th, 9th, and 10th, 2015. Park Street, along with every other residential treatment program subject to PREA, has been working on coming into compliance since April 2014 when they learned of PREA’s applicability to community-based programs. Community-based programs are facing the challenge and question of how to best implement correctional standards into clinically-driven treatment programs without altering the purpose and goals of the programs or offsetting the therapeutic milieu.

Because Park Street specializes in providing treatment to address sexually harmful behaviors and has always been committed to ensuring sexual safety for all youth, their PREA compliance activities are focused on formalizing procedures and thoroughly documenting existing practices. Staff meetings are being used to provide PREA training and facilitate practice discussions.

Howard Center Transition House

The onsite PREA audit of Howard Center Transition House is scheduled for July 13th and 14th, 2015 – immediately following Park Street’s PREA audit. Transition House’s PREA compliance activities are focused on improving documentation and developing policies reflective of practice.

Seall, Inc. (204 Depot Street Program)

The onsite PREA audit of Seall, Inc. (204 Depot Street Program) is scheduled for August 10th, 11th, and 12th, 2015. Seall, Inc. is in the process of developing a PREA Site Coordinator position and will be recruiting and hiring for this new position during 2015.

SEXUAL ABUSE DATA

Woodside Juvenile Rehabilitation Center

There were eight sexual abuse/harassment incidents reported at Woodside during 2014. Three of these reports were youth who alleged they were abused by Woodside staff. All three reports were investigated and deemed to be unfounded. Six out of the eight reports made during 2014 were investigated. One case not accepted for investigation involved alleged abuse that occurred in another state. The other case was an allegation of sexual harassment where a youth alleged another youth was sexually harassing him verbally. This allegation did not meet criteria for a child abuse investigation. Woodside responded to the situation internally through a restorative plan with both youth.

Howard Center Park Street Program

There was one incident reported at Howard Center Park Street during 2014. The case involved a youth exposing himself. It was not accepted for investigation because it did not meet Vermont's statutory standard for investigations of sexual abuse. Park Street responded to the situation internally through a safety plan and providing treatment to the victim and recommendations for treatment to the perpetrator who had been discharged from the program.

Howard Center Transition House

There were no reports of sexual abuse or harassment at Howard Center Transition House during 2014.

Seall, Inc. (204 Depot Street Program)

There were no reports of sexual abuse or harassment at Seall, Inc. during 2014.

STRENGTHS IDENTIFIED DURING WOODSIDE'S PREA AUDIT

Woodside's strengths were identified in Sharon Pette's summary of audit findings:

Overall, Woodside exceeded expectations. Some of the highlights included 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 genuinely cared about their safety and well-being. When several youth were asked the question, "What kinds of things can you get away with here at Woodside?" all youth responded similarly – that youth are under constant and close supervision. In response to the question, one youth captured the sentiment of other residents by stating, "Nothing! There are cameras everywhere and staff are always with you. You can't get away with anything."

In addition, interviews supported that staff are professional and dedicated to ensuring youth are safe and receive the treatment services they need in order to turn their lives around. All staff clearly understood their first responder responsibilities and knew exactly what they needed to do in the event a youth alleged sexual abuse.

Evidence supports there is exceptionally strong leadership at the WJRC facility. The WJRC Director, Mr. Jay Simons, is professional, well respected by staff, and has a strong positive presence at the facility. It was repeatedly demonstrated throughout the three day on-site visit that Mr. Simons makes himself readily available to staff; that youth and staff respect and trust him; and that he is committed to keeping youth safe and helping youth make positive changes in their lives. It was also confirmed through observations and staff and youth interviews, that Mr. Simons assists his staff and youth whenever they are in need (i.e. helping to verbally de-escalate youth to prevent a crisis, assisting in physically restraining youth as a last resort, etc.). In addition, interviews with staff and youth verified that the Operations Supervisors and all WJRC management and direct care staff are experienced, skilled, and possess a genuine passion for the work they do.

AREAS FOR IMPROVEMENT IDENTIFIED DURING WOODSIDE'S PREA AUDIT

Woodside Juvenile Rehabilitation Center's PREA audit illustrated the need for corrective action regarding (1) employee training, (2) volunteer and contractor training, (3) reporting to residents, (4) data review for corrective action, and (5) data storage, publication, and destruction.

§115.331 | All Woodside employees have been formally trained on PREA. However, Woodside's training records had not been updated to indicate that all temporary staff had been trained on PREA by the time of the audit. In order to be in full compliance with §115.331 regarding employee training, Woodside will ensure all employees who are in direct contact with youth complete the requisite PREA training. Dated and completed training rosters demonstrating all employees have received training will be submitted to the auditor. Woodside also plans to enhance procedures to state that all staff will participate in a PREA refresher training at a minimum of every two years. During the years when the refresher training is not required, Woodside will provide refresher information on current sexual abuse and sexual harassment policies.

§115.332 | At the time of Woodside's audit the majority of contractors had completed the PREA training prior to assuming their responsibilities. However, a few contractors and volunteers had not yet completed the requisite training. In order to be in full compliance with §115.332 regarding volunteer and contractor training, Woodside will ensure all volunteers and contractors who are in direct contact with youth complete the requisite PREA training and sign the accompanying form stating they understand their responsibilities as a mandatory reporter and how to report such incidents. Dated and completed training rosters demonstrating all contractors and volunteers have received training will be submitted to the auditor. Woodside will also revise their training program procedure to reflect this requirement.

§115.373 | In order to be in full compliance with §115.373 regarding reporting to residents, Woodside will revise procedures to reflect that youth will be notified of the outcome of an investigation in all cases of alleged abuse. Youth will be notified either verbally or in writing regardless of the investigation outcome – substantiated, unsubstantiated, or unfounded. A Woodside staff member will be responsible for the notification, the process for notification, and documenting notifications to youth. Additionally, communication will be enhanced between AHS's Investigations Unit and FSD's Residential Licensing and Special Investigations Unit to ensure that Woodside receives the results of all investigation reports related to the facility in a timely manner.

§115.388 | FSD had not yet implemented the required annual reporting process by the time of Woodside's PREA audit. In order to be in full compliance with §115.388 regarding data review for corrective action, FSD will review sexual abuse and harassment data, identify problem areas, take corrective action on an ongoing basis, and prepare an annual report of findings. Contracts with community-based residential treatment programs affected by PREA requirements will be amended in 2015 to reflect data reporting requirements. FSD policy on collecting sexual abuse incident data and reporting annually will be implemented during 2015. An iteration of this report was in draft form during December 2014 but not yet available to the public on FSD's website.

§115.389 | Woodside and FSD retain sexual abuse data consistent with PREA standards. In order to be in full compliance with §115.389 regarding data storage, publication, and destruction, FSD will remove all personal identifiers and make aggregated sexual abuse data available to the public annually. Sexual abuse and harassment data will be maintained for at least ten years after the date of its initial collection.

CONCLUSION

Corrective action items for community-based programs are not detailed in the 2014 report because their PREA audits have not yet occurred. Howard Center Park Street, Howard Center Transition House, and Seall, Inc. will continue working towards PREA compliance during 2015. As noted earlier, their PREA audits are scheduled for July and August 2015.

Efforts are underway to successfully complete the requirements of Woodside's corrective action plan. Dates for all audits occurring during 2015 have been identified and daily schedules for each audit are in draft form. FSD expects to be in full compliance with the PREA standards by the end of 2015.