

New Hampshire Sununu Youth Services Center

Successful Youth ~ Strong Leaders ~ Safer Communities



Prison Rape Elimination Act 2019 Annual Report



STATE OF NEW HAMPSHIRE
Department of Health and Human Services
Division for Children, Youth and Families

The New Hampshire John H. Sununu Youth Services Center (SYSC) has a zero tolerance policy for all acts of sexual abuse and harassment consistent with the Prison Rape Elimination Act Juvenile Facility Standards. These standards are established to prohibit and prevent sexual abuse and harassment and to detect, report, investigate, and address any allegation of abuse or harassment involving any youth in the custody of SYSC and its licensed or contracted residential program providers.

In 2003, President Bush signed the Prison Rape Elimination Act (PREA) into law. The Department of Justice (DOJ) developed national standards for implementation by federal, state, and local correctional organizations. The intended purpose of these standards was to provide comprehensive guidelines for preventing, detecting, and eliminating incidents of sexual abuse and harassment involving adult inmates and youth detention residential facilities. After public review and comment, the DOJ published final PREA of sexual abuse and harassment involving adult inmates and youth in detention and Juvenile Facility Standards, that became effective on August 20, 2012. According to the PREA standards and definitions, SYSC must comply with these standards.

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Introduction

The Sununu Youth Services Center (SYSC) is committed to providing safe and secure environments for youth. Extensive efforts occur that comprehensively investigate all reported allegations of sexual abuse and harassment either administratively or criminally. Depending on the nature of an allegation, conducted investigations proceed in conjunction with the Division of Children, Youth and Families Special Investigations Services Unit, the Department of Health and Human Services Ombudsman Office, the New Hampshire State Police and/or New Hampshire Attorney General's Office. The SYSC Management team reviews all administrative or criminal investigations to determine the need for corrective actions. This may include, but are not limited to, policy revision, procedural review/modification, or disciplinary actions up to termination.

Pursuant to PREA Juvenile Facility Standards §115.387 and §115.388, the Department is mandated to collect data for each allegation of sexual abuse occurring in its facilities. This data includes, at a minimum, the data required to answer all questions from the most recent version of the Survey of Sexual Victimization published by the U.S. Department of Justice- Bureau of Justice Statistics. Additionally, the Department is required to obtain incident-based and aggregate data from contracted private providers; however, this is not currently applicable as there are no contracted private providers. The Department redacts specific material from publication such as personal identifying information and information that would present a clear and specific threat to the safety and security of the facility.

This report presents the Department of Justice Survey of Sexual Victimization data for the calendar years 2016, 2017 and 2018. Data categorized in the following areas below:

- Youth-on-Youth Nonconsensual Sexual Acts
- Youth-on-Youth Abusive Sexual Contact
- Staff-on-Youth Sexual Misconduct
- Staff-on-Youth Sexual Harassment
- Youth-on-Youth Sexual Harassment (added by DOJ in 2013)

The Department of Justice Survey of Sexual Victimization defines four investigation outcomes:

1. **Substantiated** – the event was investigated and determined to have occurred, based on a preponderance of the evidence (28 C.F.R. §115.72).
2. **Unsubstantiated** – the investigation concluded that evidence was insufficient to determine whether the even occurred or not occurred.
3. **Unfounded** – the investigation determined that the event did not occur.
4. **Investigation Ongoing** – evidence is still being gathered, processed or evaluated and a final determination has not been made.

Three-Year Prison Rape Elimination Act Summary 2019

The year 2018 marked the fourth year of operational PREA compliance at SYSC. The table below consists of the proportion of sexual harassment and sexual abuse allegations per 'youth days' per year.

Staff and youth had become more familiarized and knowledgeable with the PREA requirements associated with reporting process. Youth connected with the process of reporting and asserted their rights when deemed applicable. The sexual harassment allegation rate remained low. The SYSC Management Team attributed this to reduced youth population and knowledge of the PREA process as a whole. Continued education of staff and youth about what constituted sexual harassment and sexual abuse were beneficial to all involved. SYSC staff stressed the importance of false accusations made by youth on youth and/or youth on staff. There were no allegations of sexual abuse made in 2017. A further decline in the sexual harassment allegation rate occurred throughout 2018. The SYSC Management Team determined the efficacy of the PREA Juvenile Facility Standards and the facilities' experience in the implementation of PREA as being primary factors.

Recognizing that the PREA allegations fluctuate depending on the dynamic of youth population in the facility throughout the year. The SYSC Management Team understands the need to adjust and respond to changes in the trends as they occur. To ensure PREA reporting is accurate, staff are regularly, updated on changes, including interpretation, to all PREA related matters; this includes factors that contribute to sexual harassment, sexual abuse and sexual misconduct—and support to proactively create an environment of prevention and sexual safety.

ALLEGATIONS BY YOUTH DAYS/1000	Number of Admissions	Number of Stays	Number of Youth	Average Length of Stay*	Total Days	1000 Youth Days	PREA Allegations	Allegations Per 1000 Youth Days
2016	343	407	264	60.83	24795	24.8	56	2.26
2017	265	331	215	60.17	19917	19.9	19	0.95
2018	170	206	122	64.07	13198	13.2	4	0.30

Table 1

PREA Allegations by Month

SYSC examines all allegations made monthly, including gestures. The table below consists of all allegations of verbal abuse and harassment made verbally, including gestures. Over the last year, the data indicated a decline of allegations from continued programmatic changes and a reduction of youth placed at SYSC.

Even though our first full year of compliance took place 2015, the compliance with the PREA Juvenile Facility Standards had been developed and integrated at SYSC in 2014; sexual safety became a standard of operation procedure. Youth education on the PREA standards are constantly evolving; they continue to be adjusted and refined based on feedback from youth and staff. Mandatory Standardized yearly testing, provided via an online program, is to maintain consistency of materials presented and reinforced for learning.

For 2016, there were three noticeable months of increased PREA harassment allegations by youth: January, February and June. The data had concurred with seasonal and programmatic changes at the facility. The SYSC Management Team considered changes such as creating periods of increased stress and a decline in frustration tolerance as contributing factors.

For 2017, the seasonal pattern for sexual harassment was not distinctive and did not show any correlation to support this in any way. The allegations were sporadic. Programmatic changes had been in place and stabilized by that point.

In 2018, data reviewed for sexual harassment, per PREA policy, showed no repeat in seasonal patterns. Recent NH statues contributed to the reduction of youth placed at SYSC. The lower youth population coincided with the reduced number of PREA incidents reported.

SYSC recognized and responded to outside influences. Adjusted Staffing patterns and designed individualized treatment programming for each youth are important aspects of provided opportunities for youth that incorporated new skills that helped achieve with positive learning outcomes.

ALLEGATIONS BY MONTH	HARRASSMENT												TOTAL	TOTAL PERCENT
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation				
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018		
JAN	3	0	0	0	3	0	5	3	0	0	0	0	14	18.9%
FEB	5	0	0	0	2	0	1	1	0	0	0	0	9	12.2%
MAR	5	0	0	0	2	0	3	0	0	0	0	0	10	13.5%
APR	1	0	0	0	1	0	3	0	0	0	0	0	5	6.8%
MAY	1	0	0	0	0	0	1	2	1	0	0	0	5	6.8%
JUN	5	0	0	0	0	0	5	0	0	0	0	0	10	13.5%
JUL	1	0	0	0	0	1	1	0	0	0	0	0	3	4.1%
AUG	0	0	1	0	0	0	0	0	0	0	0	0	1	1.4%
SEP	2	0	0	0	0	0	2	0	0	0	0	0	4	5.4%
OCT	2	0	0	0	0	0	1	0	0	0	0	0	3	4.1%
NOV	0	0	0	0	2	0	1	1	0	0	0	0	4	5.4%
DEC	3	0	0	0	1	0	1	1	0	0	0	0	6	8.1%
TOTAL	28	0	1	0	11	1	24	8	1	0	0	0	74	

ALLEGATIONS BY MONTH	ASSAULT												TOTAL	TOTAL PERCENT	
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation					
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018			
JAN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
FEB	3	0	0	0	0	0	0	0	0	0	0	0	0	3	60.0%
MAR	0	0	0	0	0	1	0	0	0	0	0	0	0	1	20.0%
APR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
MAY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
JUN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
JUL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
AUG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
SEP	0	0	0	0	0	0	1	0	0	0	0	0	0	1	20.0%
OCT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
NOV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
DEC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
TOTAL	3	0	0	0	0	1	1	0	0	0	0	0	0	5	

Table 2

PREA Allegations of Sexual Harassment and Abuse by Gender

SYSC examines allegations of sexual harassment, sexual abuse by gender. The table below consist of a breakdown by sexual harassment and sexual abuse allegations.

The number of allegations of sexual harassment in 2016 were a lot higher than in 2017. The number of allegations decreased even more in 2018. In 2017, the number of female allegations of harassment increased and exceeded male youth in allegations despite the facility population that comprised of more male youth than female youth. The increase in female youth harassment allegations was determined and attributed to the population dynamics on the female unit. This increase in female youth harassment allegations was determined to be attributable to population dynamics on the female unit. SYSC investigated all allegations and the youth’s clinical team attempted to address the allegations as part of their treatment program. The number of sexual harassment allegations from female youth dropped after the population dynamics changed.

The data did not show any trends if gender played a role in sexual harassment allegations being determined substantiated or unfounded.

ALLEGATIONS BY GENDER	HARRASSMENT												TOTAL	TOTAL PERCENT
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation				
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018		
FEMALE	12	0	0	0	7	0	9	4	1	0	0	0	33	44.6%
MALE	16	0	1	0	4	1	15	4	0	0	0	0	41	55.4%
TOTAL	28	0	1	0	11	1	24	8	1	0	0	0	74	

ALLEGATIONS BY GENDER	ASSAULT												TOTAL	TOTAL PERCENT
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation				
	2016	2017	2018	2016	2017	2018	2016	2018	2017	2016	2017	2018		
FEMALE	2	0	0	0	0	0	0	0	0	0	0	0	2	40.0%
MALE	1	0	0	0	0	1	1	0	0	0	0	0	3	60.0%
TOTAL	3	0	0	0	0	1	1	0	0	0	0	0	5	

Table 3

PREA Allegations by Location

The table below shows sexual harassment allegations may occur in any location with the majority, almost 45% of allegations reported occurred in residential areas. Since the youth spend the majority of the days on their units, the Management Team concluded that the high percentage of youth PREA allegations corresponded with the majority of their time on their respective units. On the units, youth were able to socialize more freely and more frequently than in other areas of the facility. The school setting is another area of where PREA allegations displayed noticeable occurrences by percentage. In the educational setting, both females and males attend school together. They together within the classroom environment that accounted for the opposite gender-to-gender allegations. The declining number of sexual harassment allegations overall has been determined to be the impact of lower youth population along with ongoing PREA compliance in that staff remain cognizant of the factors contributing to allegations sexual harassment and intervene in situations before the behavior may occur.

ALLEGATIONS BY LOCATION OF VICTIM	HARRASSMENT												TOTAL	TOTAL PERCENT
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation				
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018		
RESIDENTIAL FLOOR	14	0	1	0	5	0	9	4	0	0	0	0	33	44.6%
SCHOOL	6	0	0	0	2	0	8	0	1	0	0	0	17	23.0%
DINING AREA	4	0	0	0	3	1	4	2	0	0	0	0	14	18.9%
GYM	3	0	0	0	0	0	3	1	0	0	0	0	7	9.5%
CHAPEL	1	0	0	0	0	0	0	1	0	0	0	0	2	2.7%
OTHER	0	0	0	0	1	0	0	0	0	0	0	0	1	1.4%
TOTAL	28	0	1	0	11	1	24	8	1	0	0	0	74	

ALLEGATIONS BY LOCATION OF VICTIM	ASSAULT												TOTAL	TOTAL PERCENT
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation				
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018		
RESIDENTIAL FLOOR	2	0	0	0	0	1	1	0	0	0	0	0	4	80.0%
SCHOOL	1	0	0	0	0	0	0	0	0	0	0	0	1	20.0%
DINING AREA	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
GYM	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
CHAPEL	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
OTHER	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
TOTAL	3	0	0	0	0	1	1	0	0	0	0	0	5	

Table 4

PREA Allegations by Age

SYSC reviews PREA allegations by age. The table below breaks down sexual harassment and sexual assault by the age of the victim reporting the allegation.

Sexual harassment allegations, by age, generally reflect the population at large; there were no notable represented disproportions in regards to younger youth and older youth or other general trends. According to statute, youth can be committed to SYSC at the age of eleven. However, youth that young are seldom committed or detained. SYSC staff are conscious of the environment and situations that could result in a sexual allegation and diligently supervise interactions between youth of all age groups.

In 2016, there were two allegations of sexual abuse that were unfounded and one substantiated that occurred. The substantiated incident involved and committed male youth who assaulted a female staff member. A conviction for the female staff member for charges related to her assault. There no allegations for sexual assault in 2017.

In 2018, there was one sexual abuse allegation made by a youth on a staff member. A male youth reported a youth counselor touched him inappropriately during a search. Video review and witness reports showed the youth counselor performed a personal search of a youth after visits. It is SYSC protocol. The search performed by the youth counselor was appropriate and adhered to the standards of the SYSC training program. The allegation was unsubstantiated.

ALLEGATIONS BY AGE OF VICTIM	HARRASSMENT												TOTAL	TOTAL PERCENT	
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation					
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018			
13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
14	4	0	0	0	2	0	1	0	0	0	0	0	0	7	9.5%
15	8	0	0	0	2	0	9	0	0	0	0	0	0	19	25.7%
16	8	0	1	0	0	0	10	5	1	0	0	0	0	25	33.8%
17	8	0	0	0	7	1	4	3	0	0	0	0	0	23	31.1%
TOTAL	28	0	1	0	11	1	24	8	1	0	0	0	74		

ALLEGATIONS BY AGE OF VICTIM	ASSAULT												TOTAL	TOTAL PERCENT	
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation					
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018			
13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
14	2	0	0	0	0	0	0	0	0	0	0	0	0	2	40.0%
15	1	0	0	0	0	1	0	0	0	0	0	0	0	2	40.0%
16	0	0	0	0	0	0	1	0	0	0	0	0	0	1	20.0%
17	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
TOTAL	3	0	0	0	0	1	1	0	0	0	0	0	5		

Table 5

Accomplishments

The Division for Children, Youth and Families - Sununu Youth Services Center works diligently to reduce and eliminate sexual abuse and harassment within this facility. A critical part of eliminating sexual abuse and harassment is to implement each standard established by the PREA Juvenile Facility Standards.

During 2017, DCYF further delineated the roles of the DCYF PREA Coordinator and the SYSC PREA Compliance Manager as part of an effort to support other residential programs that may need to comply with the PREA Standards. This effort included further discussions of the roles and responsibilities of the two positions and revision to DCYF policies, forms, and procedures that accurately reflect the responsibilities of the two roles.

Also in 2017, SYSC underwent its second PREA Audit as required by the PREA Juvenile Facility Standards. The Interim Report reflected: During the audit, facility staff displayed a high level of professionalism and working knowledge of the PREA requirements and their roles in the PREA process. All residents interviewed, both formal and informal, were found to be well aware of their rights granted by the PREA Standards. Residents stated that they felt very safe at SYSC and they believed that staff cared about their well-being and safety and would thoroughly investigate all alleged sexual abuses.

SYSC teamed up with the PREA Auditor; they developed and implemented a Corrective Action Plan and completed within the requirements of the PREA Standards; the final audit report posted to the Division's website.

Also in 2017, the State of New Hampshire passed legislation resulting in fewer youth being committed to SYSC. This has resulted in a decline in the number of youth admitted to SYSC and the proposed repurposed use of one of the units.

In 2018, the youth population continued to remain down as a result New Hampshire State legislation passed the previous year.

SYSC has trained 123 current facility staff on PREA Juvenile Facility Standards. This includes direct care, educational, and support staff. The facility has implemented a pre-interview screening process regarding PREA for all potential candidates based on the PREA Juvenile Standards. All staff undergo required background checks for criminal and abusive histories every five years. Upon hiring, all staff participate in an initial PREA orientation and acknowledge this training through completing post-tests and signing a statement of understanding. Training staff, the Division's PREA Coordinator, the facility PREA Compliance Manager, Internal Investigators, and SYSC Supervisory and Administrative staff are available as needed to reinforce learning opportunities. All staff participate in an initial certification PREA training during their "Core Academy" and participate in annual PREA re-certification trainings; this was part of annual re-trainings and recognized by the PREA Auditors as an area exceeding the PREA training standards.

SYSC ensures all volunteers and contractors participate in the appropriate screening process and PREA orientation/training. The facility has continuously improved and enhanced the admissions process for youth to include a comprehensive orientation to the prevention and reporting of sexual abuse and harassment. Education regarding PREA continues with youth as they progress through unit orientation, during pre-classification, the classification process, treatment planning process, and throughout the youth's stay in the facility. Each residential unit displays PREA-related information regarding youth rights, protections, and reporting. The information is on each floor and in each community room

SYSC utilizes a comprehensive video surveillance system to assist with the detection and prevention of sexual abuse and harassment. In 2016, SYSC increased video surveillance within four rooms in the Crisis Stabilization Unit to ensure the most vulnerable youth receive additional supports and protections regarding their safety and compliance with PREA Juvenile Facility Standards.

SYSC continues to build and maintain relationships with community victim resources to ensure youth have access to third-party advocacy services when requested. These relationships continue and foster with ongoing conversations and updates to memorandums of understanding when needed.

Appendix A

The Sununu Youth Services Center is the only secure detention and commitment facility in the State of New Hampshire for juveniles charged with criminal offenses. All juveniles at SYSC are under the age of eighteen. From January 1, 2018 to December 31, 2018, SYSC had 170 admissions (or change of status) by 119 individuals. There were also 185 discharges, by 119 individuals.

SYSC records all allegations of youth-on-youth nonconsensual sexual acts, abusive sexual contact, and sexual harassment.

SYSC records all allegations of staff-on-youth sexual abuse. In 2017, there were no such allegations.

SYSC records all allegations of staff-on-youth sexual harassment. During 2017, there were no such allegations.

SYSC records all allegations of staff-on-youth sexual abuse. In 2018, there was one allegation. The investigation determined the incident unsubstantiated.

SYSC record all allegation of staff-on-youth sexual harassment. In 2018, there were no such allegations.

The following table shows the total SYSC population on the last day of each calendar year from 2016 to 2018.

ANNUAL POPULATION	GENDER		TOTAL
	FEMALE	MALE	
12/31/2016	14	52	66
12/31/2017	6	30	36
12/31/2018	3	18	21

Table 6