

New Hampshire Sununu Youth Services Center

Successful Youth ~ Strong Leaders ~ Safer Communities



Prison Rape Elimination Act 2018 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 in detention and residential facilities. After public review and comment, the DOJ published final PREA Juvenile Facility Standards which became effective on August 20, 2012. According to the PREA Standards and definitions, the Sununu Youth Services Center (SYSC) must comply with these standards.

Table of Contents

Introduction.....	3
3 Year Prison Rape Elimination Act Summary 2015-2017.....	4
PREA Allegations by Month.....	4
PREA Allegations of Sexual Harassment and Sexual Abuse by Gender.....	6
PREA Allegations by Location	6
PREA Allegations by Age	7
ACCOMPLISHMENTS	9
Appendix A.....	11

Introduction

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

Pursuant to PREA Juvenile Facility Standards §115.387 and §115.388, the Department of Health and Human Services (DHHS) 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, DHHS 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. DHHS 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 (DOJ) Survey of Sexual Victimization data for calendar years 2015, 2016, and 2017. Data is categorized in the following areas:

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

The DOJ Survey of Sexual Victimization defines four investigation outcomes:

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

Three Year Prison Rape Elimination Act Summary 2015-2017

The year 2015 marked the first full 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 became more familiarized with the PREA requirements early on in this reporting period. As staff became more familiar with the reporting process, and youth were becoming more connected with the process of reporting and asserting their rights, the sexual harassment allegation rate increased fourfold in 2015 as compared to data from the previous year. The SYSC Management Team attributed this increase to factors such as staff erring on the side of caution, youth allegations made as a means to see what would happen next, and retaliatory allegations. In 2016, even though the population increased by forty percent, the sexual harassment allegation rate dropped more than fifty percent with the overall allegation numbers falling as much. A further decline in the sexual harassment allegation rate occurred throughout 2017. No allegations of sexual abuse were made in 2017. The SYSC Management Team has 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 allegation rate may fluctuate depending on the dynamic of the youth population in the facility during any given year, the facility Management Team understands that there is a responsibility to respond to any trend. While striving to accurately report all PREA allegations, staff are trained to be aware of factors which could contribute to sexual harassment or sexual assault, and are supported to act preemptively to create an atmosphere of prevention and sexual safety.

ALLEGATIONS BY YOUTH DAYS/1000	Number of Admissions	Number of Stays	Number of Youth	Average Length	Total Days	1000 Youth Days	PREA Allegations	Allegations Per 1000 Youth Days
2015	283	327	205	52.52	17174.8	17.2	92	5.35
2016	343	407	264	60.83	24795.4	24.8	56	2.26
2017	265	331	215	60.17	19917	19.9	19	0.95

Table 1

PREA Allegations by Month

SYSC analyzes all PREA allegations by month. The table below consists of all allegations of sexual abuse and sexual harassment delineated by month. Over the prior three years, the data indicates a declining pattern of allegations from a total of ninety-two in 2015 to nineteen in 2017. As mentioned above, 2015 marked the first full year of PREA compliance at SYSC. The planned transition to compliance with the PREA Juvenile Facility Standards had been formulated the previous year and sexual safety became standard operating procedure. For example, youth education on the PREA Standards was adjusted and refined based on feedback by youth and staff. Also, staff education was standardized to include an online program to ensure consistency of materials presented.

For 2015 and 2016, there were two distinct periods of increased PREA harassment allegations by youth: the first being January and February; and the second being June and July. This data had coincided with seasonal and programmatic changes at the facility. As with most populations, the SYSC Management Team considered changes, in general, creating periods of increased stress and a decrease in frustration tolerance as contributing factors.

A review of the data for 2017 shows this seasonal pattern did not repeat in the summer months but again sexual harassment allegations spiked during January and February. Programmatic changes had stabilized by then, however the facility did admit a youth who presented certain challenges as described further in the gender section of this report.

Recognizing these seasonal influences, staffing patterns at SYSC are adjusted and programs are tailored to provide opportunities for youth to occupy their time in developmentally appropriate outlets.

ALLEGATIONS BY MONTH	HARRASSMENT												TOTAL	TOTAL PERCENT
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation				
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017		
JAN	3	3	0	0	0	3	5	5	3	0	0	0	22	13.7%
FEB	4	5	0	0	0	2	5	1	1	0	0	0	18	11.2%
MAR	0	5	0	0	0	2	2	3	0	0	0	0	12	7.5%
APR	1	1	0	0	0	1	2	3	0	0	0	0	8	5.0%
MAY	1	1	0	0	0	0	3	1	2	0	0	0	8	5.0%
JUN	4	5	0	0	0	0	8	5	0	0	0	0	22	13.7%
JUL	9	1	0	0	0	0	9	1	0	0	0	0	20	12.4%
AUG	5	0	0	0	0	0	4	0	0	0	0	0	9	5.6%
SEP	7	2	0	0	0	0	0	2	0	0	0	0	11	6.8%
OCT	5	2	0	0	0	0	4	1	0	0	0	0	12	7.5%
NOV	1	0	0	0	0	2	4	1	1	0	0	0	9	5.6%
DEC	2	3	0	0	0	1	2	1	1	0	0	0	10	6.2%
TOTAL	42	28	0	0	0	11	48	24	8	0	0	0	161	

ALLEGATIONS BY MONTH	ASSAULT												TOTAL	TOTAL PERCENT
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation				
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017		
JAN	2	0	0	0	0	0	0	0	0	0	0	0	2	33.3%
FEB	0	3	0	0	0	0	0	0	0	0	0	0	3	50.0%
MAR	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
APR	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%
JUN	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%
AUG	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
SEP	0	0	0	0	0	0	0	1	0	0	0	0	1	16.7%
OCT	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%
DEC	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
TOTAL	2	3	0	0	0	0	0	1	0	0	0	0	6	

Table 2

PREA Allegations of Sexual Harassment and Sexual Abuse by Gender

SYSC analyzes allegations of sexual harassment and sexual abuse by gender. The table below consists of a breakdown of sexual harassment and sexual abuse allegations by gender for the reporting period.

The number of allegations of sexual harassment by males and females were almost identical for the years 2015 and 2016. In 2017, the number of female youth allegations of harassment increased and exceeded the number of male youth allegations despite the facility population comprising more male than female youth. This increase in female youth harassment allegations was determined to be attributable to population dynamics on the female unit. All allegations made were investigated and the youth’s clinical team attempted to address her allegations as part of her treatment program. The number of sexual harassment allegations from female youth dropped after the population dynamics changed.

The data does not show any trends whether or not gender plays a role on whether a sexual harassment allegation tends to be substantiated or unfounded.

ALLEGATIONS BY GENDER	HARRASSMENT												TOTAL	TOTAL PERCENT
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation				
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017		
FEMALE	27	12	0	0	0	7	26	9	4	0	0	0	85	52.8%
MALE	15	16	0	0	0	4	22	15	4	0	0	0	76	47.2%
TOTAL	42	28	0	0	0	11	48	24	8	0	0	0	161	

ALLEGATIONS BY GENDER	ASSAULT												TOTAL	TOTAL PERCENT
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation				
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017		
FEMALE	2	2	0	0	0	0	0	0	0	0	0	0	4	66.7%
MALE	0	1	0	0	0	0	0	1	0	0	0	0	2	33.3%
TOTAL	2	3	0	0	0	0	0	1	0	0	0	0	6	

Table 3

PREA Allegations by Location

The table below shows sexual harassment allegations may occur in any location with the majority, almost 50% of allegations, being reported in the residential areas. The Management Team has determined that this is, in all probability, because the youths spend the majority of their time there and is able to socialize more freely and more frequently than in other areas of the facility. The gymnasium appears to be over-represented which may be accounted for by the language related to the competitive nature of activities in that area. The declining number of sexual harassment allegations overall has been determined to be the impact of 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				
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017		
RESIDENTIAL FLOOR	12	14	0	0	0	5	32	9	4	0	0	0	76	47.2%
SCHOOL	9	6	0	0	0	2	9	8	0	0	0	0	34	21.1%
DINING AREA	5	4	0	0	0	3	3	4	2	0	0	0	21	13.0%
GYM	13	3	0	0	0	0	1	3	1	0	0	0	21	13.0%
CHAPEL	0	1	0	0	0	0	1	0	1	0	0	0	3	1.9%
OTHER	3	0	0	0	0	1	2	0	0	0	0	0	6	3.7%
TOTAL	42	28	0	0	0	11	48	24	8	0	0	0	161	

ALLEGATIONS BY LOCATION OF VICTIM	ASSAULT												TOTAL	TOTAL PERCENT
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation				
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017		
RESIDENTIAL FLOOR	1	2	0	0	0	0	0	1	0	0	0	0	4	66.7%
SCHOOL	0	1	0	0	0	0	0	0	0	0	0	0	1	16.7%
DINING AREA	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
GYM	1	0	0	0	0	0	0	0	0	0	0	0	1	16.7%
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	2	3	0	0	0	0	0	1	0	0	0	0	6	

Table 4

PREA Allegations by Age

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

Although the youngest age a youth may be committed to SYSC is statutorily set at eleven, youth that young are rarely, if ever, committed or detained. Sexual harassment allegations by age tend to mirror the population at large, not showing that younger youth are over-represented or other general trends. SYSC staff are mindful of activities that could result in a sexual harassment allegation and closely supervise interactions between various age groups.

In 2016, there were two allegations of sexual abuse that were unfounded and one substantiated to occur. The matter that was substantiated involved an adolescent male committed youth who was assaulted by a female staff member. This female staff member was later convicted on charges related to her assault. There were no allegations of sexual assault in 2017.

ALLEGATIONS BY AGE OF VICTIM	HARRASSMENT												TOTAL	TOTAL PERCENT
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation				
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017		
13	1	0	0	0	0	0	0	0	0	0	0	0	1	0.6%
14	4	4	0	0	0	2	1	1	0	0	0	0	12	7.5%
15	15	8	0	0	0	2	14	9	0	0	0	0	48	29.8%
16	10	8	0	0	0	0	22	10	5	0	0	0	55	34.2%
17	12	8	0	0	0	7	11	4	3	0	0	0	45	28.0%
TOTAL	42	28	0	0	0	11	48	24	8	0	0	0	161	

ALLEGATIONS BY AGE OF VICTIM	ASSAULT												TOTAL	TOTAL PERCENT	
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation					
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017			
13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
14	0	2	0	0	0	0	0	0	0	0	0	0	0	2	33.3%
15	2	1	0	0	0	0	0	0	0	0	0	0	0	3	50.0%
16	0	0	0	0	0	0	0	1	0	0	0	0	0	1	16.7%
17	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
TOTAL	2	3	0	0	0	0	0	1	0	0	0	0	0	6	

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 to better 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 any and all alleged sexual abuses.

SYSC partnered with the PREA Auditor to develop and implement a Corrective Action Plan that was successfully completed within the requirements of the PREA Standards. The final audit report has been posted to the Division's website.

SYSC has trained all 113 current facility staff on PREA Juvenile Facility Standards. This includes all 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. 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. The practice of annual re-trainings was 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 ensures PREA-related information regarding youth rights, protections, and reporting is posted 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 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 are fostered with ongoing conversations and updates to memorandums of understanding when needed.

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.

Appendix A

The following information is provided to complete the information required by the latest version of the U.S. Department of Justice, Bureau of Justice Statistics' Survey of Sexual Victimization – State Juvenile Systems Summary Form (SSV-5).

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, 2017 to December 31, 2017, SYSC had 265 admissions (or change of status) by 175 individuals. There were also 295 discharges, by 207 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.

The following table shows the total SYSC population on the last day of each calendar year from 2015 to 2017.

ANNUAL POPULATION	GENDER		TOTAL
	FEMALE	MALE	
12/31/2015	21	43	64
12/31/2016	14	52	66
12/31/2017	6	30	36