

New Hampshire Sununu Youth Services Center

Successful Youth ~ Strong Leaders ~ Safer Communities



Prison Rape Elimination Act 2020 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 prohibit and prevent sexual abuse and harassment and require SYSC to detect, report, investigate, and address allegations of abuse or harassment involving any youth in the custody of SYSC.

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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 the final rule adopting national standards to prevent, detect and respond to sexual abuse and harassment in four sets of standards: Adult Prisons and Jails, Lockups, Community Confinement Programs and Juvenile Facilities. The DOJ issued additional guidance stating the Juvenile Facility Standards would govern all juvenile facilities including group homes and halfway houses. PREA became effective on August 20, 2012.

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INTRODUCTION

The Sununu Youth Services Center (SYSC) is committed to providing safe and secure environments for youth. Extensive efforts are taken to comprehensively investigate all reported allegations of sexual abuse and harassment either administratively and/or criminally. Depending on the nature of an allegation, investigations proceed in conjunction with the Division for Children, Youth and Families' Special Investigations Unit, the Department of Health and Human Services' Ombudsman Office, the New Hampshire State Police, and the 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 is not limited to, policy revision, procedural review/modification, or disciplinary actions up to termination.

Pursuant to PREA Juvenile Facility Standards 28 C.F.R. §115.387 and 28 C.F.R. §115.388, the SYSC 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, SYSC 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 *Survey of Sexual Victimization* data for the calendar years 2017, 2018 and 2019. Data is categorized in the following areas:

- Youth-on-Youth Nonconsensual Sexual Acts;
- Youth-on-Youth Abusive Sexual Contact;
- Youth-on-Youth Sexual Harassment.
- Staff-on-Youth Sexual Misconduct; and
- Staff-on-Youth Sexual Harassment.

The Survey of Sexual Victimization defines four investigatory 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 event occurred or did not occur;
3. **Unfounded** – the investigation determined that the event did not occur; and
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 2020

2019 marked the fifth year of operational PREA compliance at SYSC.

SYSC has maintained the practice of providing the full PREA training for all staff on an annual basis which helps keep staff familiar and knowledgeable about preventing, detecting and responding to sexual harassment and sexual abuse. In addition to the PREA defined terms for sexual harassment and sexual abuse, SYSC operationalizes a definition for 'sexual misconduct' comprised of sexualized behavior not included in the PREA definitions. This provides SYSC with the ability to respond to all sexualized behaviors to create an environment of prevention and sexual safety as PREA intends.

SYSC admission and orientation practices ensure all youth know their rights and are assessed for sexual victimization and perpetration within the timeframes mandated by PREA.

For this reporting period, the downward trend in youth population due to legislative actions in 2018 continued. The rate of reported sexual harassment allegations remained low overall, but fluctuated slightly higher when compared with the two prior years included in this report. The SYSC Management Team attributed this increase to a trend among a cohort of youth. After investigating each complaint it was determined the complaints were made without factual substance. Staff, specially trained and designated as PREA investigators, pursuant to 28 C.F.R. § 115.344, screen all allegations.

SYSC substantiated two reports of sexual abuse in 2019 after investigations that began with the SYSC Internal Investigator and were then referred to the New Hampshire State Police (NHSP) and DCYF Special Investigations Unit (SIU). The first matter involved a report of youth-on-youth inappropriate touching while in the recreational area of one of the residential units. The alleged victim in this matter did not want to pursue charges and the NHSP closed the case. The NHSP, DCYF SIU and the SYSC Internal Investigator all determined the incident was most likely accidental contact. The SYSC Internal Investigator also referred the alleged perpetrator to clinical services.

The second matter was a report of staff-on-youth inappropriate touching during a pat-frisk search and sexualized comments made to the youth. The NHSP concluded the allegation did not rise to the level of a criminal offense. However, the NHSP and SIU corroborated the allegation of sexualized comments. Administratively, SYSC determined this matter was substantiated for sexual abuse and sexual harassment due to the sexualized comments and commenced disciplinary action.

SYSC Management Team continues to find the PREA allegation report rate fluctuates depending on the dynamics of the youth population in the facility. In addition to completing sexual abuse incident reviews according to the PREA Standards, SYSC conducts reviews at least quarterly of screened-in sexual harassment allegations to consider changes to policy or practice, the motivation of the perpetrator, and the location of incidents. Other considerations include the possibility of physical barriers, staffing levels, and deployed technology to better prevent, detect, and respond to incidents.

The following table shows the proportion of sexual harassment and sexual abuse allegations per “youth days” per year.

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
2017	265	331	215	60.17	19917	19.9	19	0.95
2018	170	206	122	64.07	13198	13.2	4	0.30
2019	130	151	83	61.41	6881	6.88	11	1.45

Table 1: Allegations per Youth Days

PREA Allegations of Sexual Harassment and Abuse by Month

SYSC analyzes all PREA allegations, including sexual misconduct, on a monthly basis. The following table consists of allegations of sexual abuse and sexual harassment delineated by month.

In reviewing seasonal patterns, the SYSC Management Team determined there was a downward trend in overall allegations from 2017 through 2019. In 2018 and 2019, it was determined there were no distinctive seasonal pattern for sexual harassment allegations when analyzing the data during this time span. It should be noted that in 2018, New Hampshire enacted statutes that resulted in a decreased number of youth admitted to SYSC by limiting the specific offenses for which youth may be detained or committed, and amending the standards for juvenile parole hearings. The reduced number of PREA incidents reported correlated with the lower youth population.

In 2019, the total number of sexual harassment allegations was eight. Allegations were made in January, April, May, July, August, and September. Although there was a cluster of three allegations in July, the SYSC Management Team determined this did not account for a seasonal pattern. In any case, staffing patterns are adjusted based on youth population and seasonal programming changes such as the summer school break. All staff remain vigilant throughout the year for seasonal patterns of all behaviors.

ALLEGATIONS BY MONTH	HARASSMENT												TOTAL	TOTAL PERCENT
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation				
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019		
January	0	0	1	3	0	0	3	0	0	0	0	0	7	23.3%
February	0	0	0	2	0	0	1	0	0	0	0	0	3	10.0%
March	0	0	0	2	0	0	0	0	0	0	0	0	2	6.7%
April	0	0	0	1	0	0	0	0	1	0	0	0	2	6.7%
May	0	0	0	0	0	0	2	1	1	0	0	0	4	13.3%
June	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
July	0	0	1	0	1	0	0	0	2	0	0	0	4	13.3%
August	0	1	0	0	0	0	0	0	0	0	0	0	1	3.3%
September	0	0	0	0	0	2	0	0	0	0	0	0	2	6.7%
October	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
November	0	0	0	2	0	0	1	0	0	0	0	0	3	10.0%
December	0	0	0	1	0	0	1	0	0	0	0	0	2	6.7%
TOTAL	0	1	2	11	1	2	8	1	4	0	0	0	30	

ALLEGATIONS BY MONTH	ASSAULT												TOTAL	TOTAL PERCENT
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation				
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019		
January	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
February	0	0	0	0	0	0	0	0	1	0	0	0	1	25.0%
March	0	0	0	0	1	0	0	0	0	0	0	0	1	25.0%
April	0	0	0	0	0	0	0	0	1	0	0	0	1	25.0%
May	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
June	0	0	1	0	0	0	0	0	0	0	0	0	1	25.0%
July	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
August	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
September	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
October	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
November	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
December	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
TOTAL	0	0	1	0	1	0	0	0	2	0	0	0	4	

Table 2: Allegations per Month

PREA Allegations of Sexual Harassment and Abuse by Gender

SYSC examines allegations of sexual harassment and sexual abuse by gender. The following table consists of a breakdown by sexual harassment and sexual abuse allegations by male and female youth. There were no transgender or intersex youth admitted to the SYSC in 2019.

Over the three-year reporting period, the data did not show any trends demonstrating that gender played a role in the determination of sexual harassment allegations.

ALLEGATIONS BY GENDER	HARASSMENT												TOTAL	TOTAL PERCENT
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation				
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019		
FEMALE	0	0	1	7	0	0	4	1	0	0	0	0	13	43.3%
MALE	0	1	1	4	1	2	4	0	4	0	0	0	17	56.7%
TOTAL	0	1	2	11	1	2	8	1	4	0	0	0	30	

ALLEGATIONS BY GENDER	ASSAULT												TOTAL	TOTAL PERCENT
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation				
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019		
FEMALE	0	0	1	0	0	0	0	0	0	0	0	0	1	25.0%
MALE	0	0	0	0	1	0	0	0	2	0	0	0	3	75.0%
TOTAL	0	0	1	0	1	0	0	0	2	0	0	0	4	

Table 3: Allegations by Gender

PREA Allegations of Sexual Harassment and Abuse by Location

The table below shows PREA allegations have occurred in various locations with the majority, 50% of allegations, being reported as having occurred in the residential areas. Since youth spend the majority of the day on their units, the SYSC Management Team concluded that the high percentage of youth PREA allegations logically corresponded with where they spend the majority of their time. On the units, youth are able to socialize more freely and more frequently than in other areas of the facility. Other locations of note were the School and Dining Area where female and male youth occupy the same area. SYSC staffing plan includes increased supervision and monitoring in these areas in an attempt to mitigate risk.

ALLEGATIONS BY LOCATION	HARASSMENT												TOTAL	TOTAL PERCENT
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation				
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019		
Residential Floor	0	1	0	5	0	2	4	0	3	0	0	0	15	50.0%
School	0	0	1	2	0	0	0	1	1	0	0	0	5	16.7%
Dining Area	0	0	0	3	1	0	2	0	0	0	0	0	6	20.0%
Gym	0	0	1	0	0	0	1	0	0	0	0	0	2	6.7%
Chapel	0	0	0	0	0	0	1	0	0	0	0	0	1	3.3%
Other	0	0	0	1	0	0	0	0	0	0	0	0	1	3.3%
TOTAL	0	1	2	11	1	2	8	1	4	0	0	0	30	

ALLEGATIONS BY LOCATION	ASSAULT												TOTAL	TOTAL PERCENT
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation				
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019		
Residential Floor	0	0	0	0	1	0	0	0	0	0	0	0	1	25.0%
School	0	0	1	0	0	0	0	0	0	0	0	0	1	25.0%
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	2	0	0	0	2	50.0%
TOTAL	0	0	1	0	1	0	0	0	2	0	0	0	4	

Table 4: Allegations by Location

PREA Allegations of Sexual Harassment and Abuse by Age

The following table 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 with no notable disproportionate representation among younger and older youth. 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.

ALLEGATIONS BY AGE	HARASSMENT												TOTAL	TOTAL PERCENT	
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation					
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019			
13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
14	0	0	0	2	0	0	0	0	2	0	0	0	4	13.3	
15	0	0	0	2	0	0	0	0	0	0	0	0	2	6.7	
16	0	1	2	0	0	1	5	1	2	0	0	0	12	40.0	
17	0	0	0	7	1	1	3	0	0	0	0	0	12	40.0	
TOTAL	0	1	2	11	1	2	8	1	4	0	0	0	30		

ALLEGATIONS BY AGE	ASSAULT												TOTAL	TOTAL PERCENT
	Unfounded			Unsubstantiated			Substantiated			Ongoing Investigation				
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019		
13	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
14	0	0	0	0	0	0	0	0	1	0	0	0	1	25.0
15	0	0	0	0	1	0	0	0	0	0	0	0	1	25.0
16	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
17	0	0	1	0	0	0	0	0	1	0	0	0	2	50.0%
TOTAL	0	0	1	0	1	0	0	0	2	0	0	0	4	

Table 5: Allegations by Age

ACCOMPLISHMENTS

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

The downward trend in number of youth committed or detained at SYSC due to the legislation passed in 2017 continued through 2019. To recap over the past three years:

- In 2017, the average monthly youth population ranged from 40-50;
- In 2018, the average youth population declined to and settled in the twenties by the end of the year; and
- In 2019, the average monthly youth population was mostly in the twenties, but fell as low as the teens and on a few occasions, in the single digits.

All SYSC staff underwent five-year background record checks in 2019 as required by PREA Juvenile Facility Standard 28 C.F.R. 115.317(e).

SYSC prioritizes training on the PREA Standards. SYSC has trained 105 current facility staff on the Juvenile Facility Standards. This includes direct care, supervisory, educational, and support staff. SYSC has implemented a pre-interview screening process regarding PREA for all potential candidates based on the Juvenile Facility Standards. Upon hire, all staff participate in an initial PREA orientation and acknowledge this training through 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 training as part of annual re-trainings. SYSC ensures all volunteers and contractors participate in the appropriate screening process and PREA orientation/training, too. The SYSC's practice of annual refresher training was recognized during the 2017 PREA audit as an area exceeding expectations.

The SYSC has continuously evaluated and enhanced the admissions process for youth to include a comprehensive orientation to the prevention and reporting of sexual abuse and harassment. Education on PREA rights, protections, and procedures 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 multiple ways to report both internally and externally. This information is available throughout the facility including on each floor in the unit and community room.

The SYSC replaced the video surveillance system in 2019. Highlights to the upgraded system include:

- Constant monitoring of the Medical Hallway;
- Movement initiated activation of cameras in the Gymnasium;
- Adjusted camera locations and additional cameras added to all residential units, to afford multiple views of covered areas and further eliminate blind spots;
- Improved cameras covering the SYSC grounds affording zoom and privacy protection for neighbors (auto blur at property line);
- Six month retention of footage with the ability to download incidents to thumb drive; and
- Computer reporting station added to Central Control to afford centralized location to assist with documentation and report filing.

SYSC continues to build and maintain relationships with community victim resources to ensure youth have access to third-party advocacy services when requested.

CONCLUSION

In conclusion, SYSC is committed to the highest level of quality care for youth committed or detained at all times. SYSC has maintained compliance with all applicable PREA Standards since the first audit in August 2014. From staff training to youth and family education, the high standards PREA establishes are seamlessly integrated into programming at SYSC. SYSC continues to maintain connections with external stakeholders, such as the NH State Police and local domestic and sexual violence agencies to ensure the rights provided by PREA are available when needed. The main goal for SYSC is to provide youth with a safe and secure environment in which to build skills for successful reintegration back to the community. Maintaining a safe and secure environment during day-to-day operations is essential for youth and staff to succeed with this goal.

APPENDIX A

The Sununu Youth Services Center is the only secure detention and commitment facility in New Hampshire for juveniles charged with criminal offenses. All juveniles at SYSC are under the age of eighteen. In 2019, there were 130 admissions by 74 individuals, and 137 discharges, by 81 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 2019, there was one allegation investigated by the NHSP who determined it did not rise to the level of a criminal offense. The SYSC Administration determined this allegation as founded for sexual abuse pursuant to PREA Juvenile Facility Standard 28 C.F.R. 115.372 (a).

SYSC records all allegations of staff-on-youth sexual harassment. In 2019, there was one allegation administratively determined to be unfounded.

The following table shows the total SYSC population on the last day of each calendar year from 2017 to 2019.

ANNUAL POPULATION	GENDER		TOTAL
	FEMALE	MALE	
12/31/2017	6	30	36
12/31/2018	3	18	21
12/31/2019	2	12	14

Table 6: SYSC Population