New Hampshire Sununu Youth Services Center

Successful Youth ~ Strong Leaders ~ Safer Communities



Prison Rape Elimination Act 2021 Annual Report



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 requires SYSC to detect, report, investigate, and address allegations of abuse or harassment involving any youth in the custody of SYSC and its licensed or contracted residential program providers.

New Hampshire Sununu Youth Services Center Prison Rape Elimination Act 2021 Annual Report

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 a safe and secure environment 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 (SIU), the Department of Health and Human Services' 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. This may include, but is not limited to, policy revision, procedural review/modification, or disciplinary actions for staff, including termination.

Pursuant to PREA Juvenile Facility Standards 28 C.F.R. §115.387 and 28 C.F.R. §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. 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 *Survey of Sexual Victimization* data for the calendar years 2018, 2019, and 2020. The data categories are:

- 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* utilizes three investigatory outcomes, as defined by PREA Standards (28 C.F.R. §115.5) and a fourth category for on-going investigations:

- Substantiated allegation means the allegation was investigated and determined to have occurred, based on a preponderance of the evidence (28 C.F.R. §115.72);
- Unfounded allegation means the allegation was investigated and determined that the event did not occur; and
- Unsubstantiated allegation means the allegation was investigated and there was insufficient
 evidence to make a final determination as to whether or not the event occurred.

 Investigation Ongoing – means a final determination has not been made, as evidence is still being gathered, processed and/or evaluated.

THREE-YEAR PRISON RAPE ELIMINATION ACT SUMMARY 2021

2020 marked the sixth 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 defines and operationalizes a definition for 'sexual misconduct' that comprises 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. Staff, specially trained and designated as PREA investigators, pursuant 70 28 C.F.R. & 115.344, screen and investigate all allegations.

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, there was an increase in harassment allegations in 2018, 2019, and 2020. The rate of sexual harassment reported remained low overall, but doubled in from 2018 to 2019 and nearly tripled from 2019 to 2020. The SYSC Management Team attributed this increase to a trend among a cohort of youth in 2019 and 2020, who, following an investigation of each compliant, were determined to have made allegations in bad faith. The SYSC Team also determined that cohort dynamics, and accommodations implemented to mitigate the spread of COVID-19 within the facility, contributed to the increase of allegations as well.

In 2020, from the onset of COVID-19, the facility developed cohort models. The reduction in furloughs, community trips, and mixing of cohorts for activities played a factor in the increase of allegations reported.

As the seriousness of the COVID-19 pandemic became apparent, SYSC considered the best possible response to ensure the safety and security of youth and staff alike. SYSC utilized guidance offered by the United States Department of Justice PREA Management Office, in consultation with the New Hampshire Department of Public Health Services (DPHS), to implement staffing and admissions procedures to minimize the potential for the spread of COVID -19 throughout the facility. Admissions procedures during this time utilized the SYSC Infirmary and Quarantine Units, which provided increased staffing flexibility. No allegations occurred during the response and no transmission of COVID-19 was traced to SYSC. SYSC was able to modify these proactive procedures in 2021 based on improved conditions and recommendations by the DPHS.

In 2020, there were five staff-on-youth sexual harassment allegations received. All five of the allegations were reviewed. Two of the allegations were screened out, as they did not meet the

Standards and Guidelines of PREA. The remaining three were investigated and determined unsubstantiated. One of the screened out allegations was determined to be retaliatory by a youth on staff. Although, it did not meet the standards and guidelines for an investigation, the allegation was assessed. The youth claimed a staff member asked him to go to his room because he was involved as the alleged victim in a PREA allegation, involving two other youth earlier in the day. The youth believed this to be retaliatory. When reviewed, it was determined the staff member sent the youth to his room because he was not complying with basic directives as part of the daily programming, completely unrelated to PREA. This determination was supported by two peers present during the time of the allegation who contradicted the facts, and a review of video monitoring from the time of the allegation that did not corroborate the report.

There were no allegations of sexual abuse reported at SYSC in 2020.

SYSC Management 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 at least quarterly reviews 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
2018	170	206	122	64.07	13198	13.2	4	0.30
2019	130	151	83	61.41	6881	6.88	10	1.45
2020	98	112	63	41.1	3946	3.94	21	5.33

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 an upward trend in overall allegations from 2018 through 2020. In 2018 and 2019, it was determined there were no distinctive pattern for sexual harassment allegations when analyzing the data during this time span. In 2020, SYSC saw a pattern of sexual harassment allegations from August through November; a total of eight.

It should be noted that in 2018 New Hampshire enacted statues that resulted in a decrease 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 2020, there were 18 allegations of sexual harassment allegations. Allegations were made in January, February, April, August, September, October, and November. There was a cluster of four allegations in January and three allegations in September. In addition, a small, pattern of sexual harassment allegations was noticed from August-November. There were allegations made in eight out of the twelve months. In any case, staffing patterns are adjusted based on youth population and seasonal programming changes such as school breaks. All staff remain vigilant throughout the year for seasonal patterns of all behaviors.

ALLEGATIONS						HARAS	SMEN	Т					TOTAL	TOTAL
BY MONTH	U	nfounde	ed	Unsi	ubstanti	ated	Sub	ostantia	ted		Ongoing vestigat	-		PERCENT
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020		
January	0	1	0	0	0	2	0	0	2	0	0	0	5	17.2%
February	0	0	0	0	0	2	0	0	0	0	0	0	2	6.9%
March	0	0	0	0	0	0	0	0	1	0	0	0	1	3.4%
April	0	0	0	0	0	1	0	1	0	0	0	0	2	6.9%
May	0	0	0	0	0	0	1	1	0	0	0	0	2	6.9%
June	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
July	0	1	0	1	0	0	0	2	0	0	0	0	4	13.8%
August	1	0	0	0	0	1	0	0	1	0	0	0	3	10.3%
17.2	0	0	0	0	2	2	0	0	1	0	0	0	5	17.2%
October	0	0	0	0	0	0	0	0	2	0	0	0	1	3.4%
November	0	0	0	0	0	2	0	0	1	0	0	0	2	6.9%
December	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
TOTAL	1	2	0	1	2	10	1	4	8	0	0	0	29	

ALLEGATIONS						ASS	AULT						TOTAL	TOTAL
BY MONTH	U	nfounde	ed	Unsı	ubstanti	ated	Sul	ostantia	ted		Ongoin; vestigat	_		PERCENT
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020		
January	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
February	0	0	0	0	0	0	0	1	0	0	0	0	1	25.0%
March	0	0	0	1	0	0	0	0	0	0	0	0	1	25.0%
April	0	0	0	0	0	0	0	1	0	0	0	0	1	25.0%
May	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
June	0	1	0	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	1	0	1	0	0	0	2	0	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 or 2020.

Over the three-year reporting period, the data did show a trend of gender playing a role in the determination of sexual harassment allegations. In 2020, there were fourteen sexual harassment allegations made by male youth on other youth. Out of this total, seven were unsubstantiated and seven substantiated. Female youth accounted for four sexual harassment allegations. Three were unsubstantiated and one substantiated. The SYSC Management Team determined the increase in male reported allegations attributed to the majority of youth placed at SYSC committed or detained are predominantly males.

ALLEGATIONS						HARAS	SMEN	Т					TOTAL	TOTAL
BY GENDER	U	nfounde	ed	Unsi	ubstanti	ated	Sul	ostantia	ted	Ongoin	g Investi	gation		PERCENT
	2018	018 2019 2020 2018 2019 2020 2018 2019 2020 2018 2019 2020												
FEMALE	0	1 0 0 0 3 1 0 1 0 0					6	20.7%						
MALE	1	1	0	1	2	7	0	4	7	0	0	0	23	79.3%
TOTAL	1	2	0	1	2	10	1	4	8	0	0	0	29	

ALLEGATI	ONS						ASS	AULT						TOTAL	TOTAL
BY GENDE	ER	U	nfounde	ed	Unsi	ubstanti	ated	Sul	ostantia	ted	Ongoin	g Investi	gation		PERCENT
		2018	018 2019 2020 2018 2019 2020 2018 2019 2020 2018 2019 2020												
FEMALE		0	1 0 0 0 0 0 0 0 0 0						1	25.0%					
MALE		0	0	0	1	0	0	0	2	0	0	0	0	3	75.0%
TOTAL		0	0 1 0 1 0 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, 62.1% of allegations, being reported as having occurred in residential units over the three-year reporting period. In 2020, the data for the location of allegations coincided with the previous two years. The majority of allegations, seven, took place on residential floors. The School Department followed with four allegations. Since youth spend the majority of their time on their units, the SYSC Management Team concluded that the high percentage of youth PREA allegations logically corresponded with the majority of their time. Youth are able to socialize more freely and more frequently on their units than in other areas of the facility. The other notable location was the School Department where female and male youth occupy the same area. The SYSC staffing plan includes increased supervision and monitoring in these areas in an attempt to mitigate risk.

ALLEGATIONS					ı	HARAS	SMEN ⁻	Γ					TOTAL	TOTAL
BY LOCATION	U	nfounde	ed	Unsi	ubstanti	ated	Sul	ostantia	ted		Ongoing estigati			PERCENT
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020		
Residential Floor	1	0	0	0	2	5	0	3	7	0	0	0	18	62.1%
School	0	1	0	0	0	2	1	1	2	0	0	0	7	24.1%
Dining Area	0	0	0	1	0	0	0	0	0	0	0	0	1	3.5%
Gym	0	1	0	0	0	1	0	0	0	0	0	0	2	6.9%
Chapel	0	0	0	0	0	0	0	0	1	0	0	0	1	3.5%
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
TOTAL	1	2	0	1	2	8	1	4	10	0	0	0	29	

ALLEGATIONS						ASSA	AULT						TOTAL	TOTAL
BY LOCATION	U	nfounde	ed	Unsi	ubstanti	ated	Sul	ostantia	ted		Ongoing estigati			PERCENT
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020		
Residential Floor	0	0	0	1	0	0	0	0	0	0	0	0	1	25.0%
School	0	1	0	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	2	0	0	0	0	2	50.0%
TOTAL	0	1	0	1	0	0	0	2	0	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 with the exception of sixteen-year-old youth. The majority of youth placed at SYSC during the past two years are sixteen and seventeen. 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					H	HARAS	SMEN ⁻	Г					TOTAL	TOTAL PERCENT
BY AGE	U	nfounde	ed	Unsi	ubstanti	ated	Sul	ostantia	ted		Ongoing estigati			PERCEIVI
	2018	2018 2019 2020 2018 2019 <td< td=""><td></td><td></td></td<>												
13	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
14	0	0	0	0	0	3	0	2	3	0	0	0	8	27.6%
15	0	0	0	0	0	0	0	0	1	0	0	0	1	3.4%
16	1	2	0	0	1	4	1	2	4	0	0	0	15	51.7%
17	0	0	0	1	1	3	0	0	0	0	0	0	5	17.2%
TOTAL	1	2	0	1	2	10	1	4	8	0	0	0	29	

ALLEGATIONS						ASSA	AULT						TOTAL	TOTAL
BY AGE	U	nfounde	ed	Unsı	ubstanti	ated	Sul	ostantia	ted		Ongoing estigati			PERCENT
	2018													
13	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
14	0	0	0	0	0	0	0	1	0	0	0	0	1	25.0%
15	0	0	0	1	0	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	1	0	0	0	0	0	1	0	0	0	0	2	50.0%
TOTAL	0	1	0	1	0	0	0	2	0	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 2020. To recap, over the past three years:

- In 2018, the average youth population declined and settled in the twenties by the end of the year;
- 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; and
- In 2020, the average monthly youth population was mostly in the mid-teens. The census reached twenty for a brief period, and fell as low as single digits on a few occasions.

All SYSC staff underwent five-year re-checks for criminal and abusive histories in 2019 as required by PREA Juvenile Facility Standard 115.317(e).

SYSC prioritizes training on the PREA Standards and has trained 95 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. To help support staffing at SYSC, especially during COVID-19, Juvenile Probation and Parole Officers (JPPOs) are assisting the staffing at SYSC by covering shifts within the facility. JPPOs must pass all required training, including initial and annual PREA training, to work at the facility. In addition, SYSC ensures all volunteers and contractors participate in the appropriate screening process and PREA orientation/training as well. During the 2017 PREA audit, SYSC's practice of annual refresher training was recognized 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.

In 2019, SYSC replaced the comprehensive video surveillance system. Highlights of the upgraded system include:

- More constant monitoring of area in the facility;
- Movement initiated activation of cameras in key areas of the facility;
- Additional and improved locations for existing cameras to all residential units, which affords multiple views of covered areas and further eliminated blind spots;
- Improved cameras covering the SYSC grounds, affording zoom and privacy protection for neighbors that blur automatically at the SYSC property line);
- Six-month retention of footage with the ability to download incidents to a thumb drive; and
- An additional computer reporting station added to the Central Control area to assist with documentation and report filing into the electronic information system.

In 2020, SYSC worked collaboratively with the DPHS and the DCYF Management Team to ensure effective management of the COVID-19 Pandemic. No instance of COVID transmission has been attributed to the SYSC as of the writing of this report.

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 established by PREA are integrated into programming at SYSC.

SYSC continues to maintain connections with external stakeholders, such as local law enforcement, the NH State Police, and sexual and domestic violence programs like the YWCA. These agencies ensure the rights provided by PREA are available when needed. The main goal of SYSC is to provide youth with a safe and secure environment where they can build skills for successful reintegration into the community. Maintaining a safe and secure environment during day-to-day operations is essential for youth and staff to succeed.

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. In 2020, there were 100 admissions of 64 different individuals and 104 discharges of 71 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 to rise to the level of a criminal offense. The SYSC Administration determined this allegation as founded for sexual abuse.

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

In 2020, there were no staff-on-youth sexual abuse allegations. There were five reports of staff-on-youth sexual harassment received. All five of the sexual harassment allegations were reviewed. Two of the allegations reviewed did not meet the Standards and Guidelines of PREA and were screened out. The remaining three allegations reviewed were investigated and determined unsubstantiated.

The following table shows the total SYSC population on the last day of each calendar year from 2018 to 2020.

ANNUAL POPULATION	GENE	DER	TOTAL
	FEMALE	MALE	
12/31/2018	3	18	21
12/31/2019	2	12	14
12/31/2020	2	10	12

Table 6: SYSC Population