Report on Sexual Victimization in Juvenile Correctional Facilities

Review Panel
on Prison Rape

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Review Panel on Prison Rape, U.S. Department of Justice, Washington, DC (October 2010)

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Executive Summary

In accordance with the Prison Rape Elimination Act (PREA) of 2003, the Bureau of Justice Statistics (BJS) published *Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-09* (Jan. 2010). The report, the first of its kind that relied on data from juvenile offenders, surveyed the incidence of sexual victimization in the United States by facility.

Mindful that even one incident of sexual victimization of a youth in custody is unacceptable, the Review Panel on Prison Rape (Panel) found that BJS' report indicated that violent sexual assault in juvenile facilities was relatively rare and facility staff, for the most part, did not victimize juvenile offenders.

Also in accordance with PREA, the Panel held public hearings in Washington, DC, on June 3-4, 2010, to identify, based on the BJS' survey of juvenile facilities, the common characteristics of the following: (1) victims and perpetrators, (2) two facilities with the lowest prevalence of sexual victimization, and (3) three facilities with the highest prevalence of sexual victimization. In light of the hearing testimony and other collected data, the Panel is issuing this Report, which offers general observations, identifies common themes, and poses questions for further study.

General Observations

Given the small number and the unique characteristics of each selected facility, the Panel recognizes the limits in making generalizations. The Panel also notes that some widely recommended practices do not necessarily lead to positive results. For example, the two facilities with the lowest prevalence of sexual victimization did not have express PREA policies.

Common Themes

Culture

Institutional culture plays an important part in creating a safe environment. Facilities that foster a therapeutic model, emphasizing rehabilitation, were more likely to have less prevalence of sexual victimization than facilities that rely on a corrections model, emphasizing punishment.

Staff Training

The administrators of all of the selected facilities agreed on the need to train staff on the perils of crossing professional boundaries that lead to inappropriate relationships with youth.

Facility Size

Small facilities tend to have less prevalence of sexual victimization.

Unresolved Institutional Questions that Warrant Further Study

- What are the factors that lead female staff to become involved emotionally or sexually with male juveniles?
- What is the most effective training to encourage healthy professional boundaries?
- What are the best practices for maintaining the appropriate professional boundaries between staff and juvenile offenders?
- How can institutions better screen staff to avoid sexual misconduct?
- For youth in custody, what are the common characteristics of victims and perpetrators of sexual victimization?
- How can juvenile justice systems assist staff falsely accused of sexual misconduct?
- What are the factors that contribute to youth-on-youth sexual assault in juvenile justice facilities?
- Taking into account youth development, what are healthy, realistic expectations for youth in managing sexual expression while in custody?

The Review Panel on Prison Rape
Report on Sexual Victimization in Juvenile Correctional Facilities

In accordance with the Prison Rape Elimination Act (PREA) of 2003,[1] the Review Panel on Prison Rape (Panel) conducted public hearings and gathered relevant data based on the survey that the Bureau of Justice Statistics (BJS) published in January of 2010 on the incidence of sexual victimization in juvenile correctional facilities in the United States, *Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-09*.[2] The Panel presents this Report, which contains its observations and recommendations, to assist both practitioners and advocates in the juvenile justice community to eliminate sexual victimization in the nation's juvenile correctional facilities.[3]

Background

On January 1, 2010, with delegation from the Attorney General, Laurie Robinson, Assistant Attorney General for the Office of Justice Programs, appointed the current Panel members, who are Dr. Reginald Wilkinson, Panel Chairperson, President and Chief Executive Officer of Ohio College Access Network; Ms. Gwendolyn Chunn, retired Executive Director, Juvenile Justice Institute, Center for Criminal Justice Research and International Initiatives, Department of Criminal Justice, North Carolina Central University; and Ms. Sharon English, retired Deputy Director, California Youth Authority, Office of Prevention and Victim Services.

The Attorney General, through BJS, identified juvenile justice facilities as one of the prison categories under PREA meriting a survey on the incidence of sexual victimization.[4] PREA entrusted to the Panel the mission of holding annual public hearings—in this instance, on juvenile justice facilities—to assist BJS in identifying the common characteristics of (1) victims and perpetrators of sexual victimization, (2) the two correctional facilities with the lowest incidence of prison rape, and (3) the three correctional facilities with the highest incidence of prison rape.[5]

BJS Juvenile Report

In a society that values the dignity of each individual, any incident of sexual victimization of a youth in custody is unacceptable. From this perspective, the Panel reviewed the *BJS Juvenile Report* and noted that violent sexual assault in juvenile facilities is relatively rare and that facility

[1] 42 U.S.C. §§ 15601-15609 (2006) (Pub. L. No. 108-79, 117 Stat. 972).
[2] BJS, *Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-09* (Jan. 2010) (A. Beck et al.), *available at* http://bjs.ojp.usdoj.gov/content/pub/pdf/svjfry09.pdf [hereinafter *BJS Juvenile Report*].
[3] For general information on the juvenile justice system in the United States, see Appendix A.
[4] 42 U.S.C. § 15603(c)(4).
[5] *Id.* § 15603(b)(3)(A).

staff members, for the most part, do not victimize juvenile offenders. The Panel commends juvenile justice administrators who have, as a whole, worked hard toward eliminating sexual victimization in their facilities.

The *BJS Juvenile Report* found that of the estimated 26,551 adjudicated youth held in state facilities or large non-state facilities in 2008-09, about 12.1% (3,220) reported experiencing sexual violence.[6] About 2.6% of these reported incidents involved other youths, whereas about 10.3% involved facility staff members.[7] For the reported youth-on-youth incidents, 2.0% involved nonconsensual acts;[8] for the reported staff-on-youth incidents, 4.3% involved force and 6.4% did not involve force.[9] Facilities that housed only female youth offenders had the highest rates of youth-on-youth victimization (11.0%), whereas facilities that housed only male youth offenders had the highest rates of staff sexual misconduct (11.3%).[10]

Small juvenile facilities had lower victimization rates than larger ones.[11] Facilities that held between ten and twenty-five adjudicated youth had the lowest overall rates of sexual victimization (6.3%), a result of the relatively low rate of staff sexual misconduct (2.7%), whereas facilities that held one hundred or more adjudicated youth had the highest overall rates of sexual victimization (12.9%).[12]

The more time that youth offenders spent in a juvenile facility, the more likely they were to experience sexual victimization: for youth held under five months, the victimization rate was 7.4%; for youth held between five and six months, the victimization rate was 12.7%; and for youth held between seven and twelve months, the victimization rate was 14.2%.[13]

The *BJS Juvenile Report* found that the rate of sexual victimization varied among youth depending on a variety of characteristics, including some of the following: males were more likely than females to experience sexual activity with staff; females were more likely than males to report forced sexual activity with other youth; black youth were more likely than white youth to experience sexual victimization by facility staff; youth with a sexual orientation other than heterosexual were significantly more likely to experience sexual victimization than heterosexual youth; youth who had a prior history of sexual assault were twice as likely to report sexual victimization than youth with no history of sexual assault; and among youth who reported being victims of sexual assault at another facility, two-thirds reported being sexually victimized at the

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[6] *BJS Juvenile Report* 3 & tbl.1.
[7] *Id.*
[8] The *BJS Juvenile Report* excluded from its reporting of sexual victimization sexual acts between youth in which there was no report of force. *Id.*
[9] *Id.*
[10] *Id.* 10 & tbl.7.
[11] *Id.*
[12] *Id.*
[13] *Id.*

facility that currently housed them.[14] For youth reporting youth-on-youth incidents of sexual victimization, 81% reported more than one incident, and 43% reported more than one perpetrator.[15] For youth reporting staff-on-youth incidents of sexual victimization, 95% reported that the perpetrator involved a female staff member.[16] In regard to incidents of staff sexual misconduct, 92.0% involved male youth and female staff members; 1.7% involved male youth and male staff members; 2.5% involved male youth and both male and female staff members; 3.0% involved female youth and male staff members; 0.0% involved female youth and female staff members; and 0.8% involved female youth and both male and female staff members.[17] In 2008, males made up 91% of all adjudicated youth in the sampled facilities; and in facilities under state jurisdiction, females represented 42% of the staff.[18] Victims of staff sexual misconduct reported that for incidents involving physical force or other forms of coercion, 14% of the perpetrators were male, whereas for incidents that did not involve any force, 4% of the perpetrators were male.[19] Nearly all youth (95%) who reported being a victim of staff sexual misconduct reported that the incident did not result in physical injury.[20]

National Prison Rape Reduction Commission and National Standards

In addition to the Panel, PREA created the National Prison Rape Elimination Commission (NPREC or Commission)[21] and charged it with the task of conducting a comprehensive study on the impact of prison rape on communities, social institutions, and every level of government and of assessing the relationship between prison rape and prison conditions.[22] According to the scheme set forth in PREA,[23] the Commission held public hearings and then published a report of its findings with recommendations for national standards for reducing prison rape.[24] The Commission disbanded shortly after the publication of its report.

According to PREA, the Attorney General is to rely on the Commission's recommendations in issuing regulations that establish "national standards for the detection, prevention, reduction, and punishment of prison rape."[25] As of the date of the writing of this Report, the Justice Department is in the process of reviewing the Commission's recommended standards.

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[14] *Id.* 10, 11 & tbl.8.
[15] *Id.* 12 & tbl.9.
[16] *Id.* 13 & tbl.11.
[17] *Id.*
[18] *Id.* 13.
[19] *Id.*
[20] *Id.* 14 & tbl.12.
[21] 42 U.S.C. § 15606(a).
[22] *Id.* § 15606(d).
[23] *Id.* § 15606(d)(3).
[24] NATIONAL PRISON RAPE ELIMINATION COMMISSION REPORT (June 2009), *available at* http://www.cybercemetery.unt.edu/archive/nprec/20090820154816/http://nprec.us/publication/.
[25] 42 U.S.C. § 15607(a)(1).

Mindful of the Commission's thorough recommendations and the Justice Department's current posture in issuing regulatory national standards, the Panel recognizes that its mission differs from that of the Commission. Relying on the surveys of correctional institutions that BJS produces, the Panel has focused on its role in identifying the common characteristics of facilities with the highest incidence of sexual victimization and the facilities with the lowest incidence. In undertaking this task, the Panel may be able to provide insight into the results of BJS' surveys, to highlight examples of promising practices that complement the work of the Commission, and to suggest topics for further study.

Selection of Juvenile Justice Facilities for the Public Hearings

The *BJS Juvenile Report* was unable to provide an exact ranking of juvenile justice facilities in the United States based on the incidence of sexual victimization because the study relied on a sampling of youth responses at 195 juvenile facilities rather than on a complete enumeration.[26] Nonetheless, the *BJS Juvenile Report* identified eleven facilities with the lowest prevalence of sexual victimization and thirteen facilities with the highest.[27] Relying on this information as a starting point, the Panel selected the following institutions to appear at the PREA-mandated public hearings: the two facilities representing the lowest incidence of sexual victimization were (1) the Fort Bellefontaine, Missouri, Campus (Ft. Bellefontaine) and (2) the Rhode Island Training School (RITS); the three facilities representing the highest incidence of sexual victimization were (1) the Pendleton, Indiana, Juvenile Correctional Facility (Pendleton); (2) the Woodland Hills, Tennessee, Youth Development Center (Woodland Hills); and (3) the Corsicana, Texas, Residential Treatment Center (Corsicana).

The Panel chose Ft. Bellefontaine because it had a high response rate with no reported incidents of sexual abuse.[28] The Panel was also interested in learning more about Ft. Bellefontaine because the Missouri Department of Social Services (MDSS), which operates Ft. Bellefontaine, had another facility listed in the *BJS Juvenile Report* with one of the lowest reported incidence of sexual victimization.[29] The Panel chose the RITS because it had few reported incidents of sexual abuse; it housed both male and female juvenile offenders; and in comparison to other low-incidence facilities that serve both males and females, it had a relatively large number of respondents.[30] The Panel chose Pendleton because it had the highest rate of reported sexual victimization,[31] the second highest rate of reported sexual victimization by facility staff,[32] and the third highest rate of reported staff sexual misconduct with force.[33] One of the factors that

[26] *BJS Juvenile Report* 4.
[27] *Id.* 4, 5.
[28] *Id.* 5 tbl.3.
[29] *Id.* 4 tbl.2 (Ft. Bellefontaine and Montgomery City Youth Center).
[30] *Id.* 5 tbl.3.
[31] *Id.* 4 tbl.2.
[32] *Id.* 8 tbl.5.
[33] *Id.* 9 tbl.6.

contributed to the Panel's decision to select Pendleton was that the Indiana Department of Correction (IDOC), which operates Pendleton, also had another facility that the *BJS Juvenile Report* identified as having one of the highest rates of sexual victimization.[34] The Panel chose Woodland Hills because of the high rate of reported sexual victimization, the relatively large number of respondents, and the relatively high response rate in comparison to other high-incidence facilities that required juvenile offenders to obtain parental/guardian consent (PGC) to participate in BJS' survey.[35] The Panel chose Corsicana because it had the fifth highest rate of reported sexual victimization,[36] the sixth highest rate of reported sexual victimization by facility staff,[37] and the third highest rate of reported juvenile-on-juvenile sexual victimization.[38]

Hearings on Sexual Victimization in Juvenile Correctional Facilities

After selecting the facilities to appear at the hearings, the Panel sent data requests to all of the invited facilities.[39] On receiving the responses from the facilities, the Panel prepared a chart that compares the facilities' responses.[40] The Panel and its staff also conducted onsite visits to all of the facilities invited to the hearings, touring the buildings and meeting informally with administrators.

The Panel conducted two public hearings on June 3-4, 2010, at the Office of Justice Programs Building in Washington, DC.[41]

This Report presents each of the five facilities invited to the public hearings, providing a brief description of each one along with the facility's explanation for its either high or low incidence of sexual victimization. Taking these data into account, the Panel's Report offers general observations, identifies common themes, and encourages research on unresolved institutional questions that warrant further study.

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[34] *Id.* 4 tbl.2 (Indianapolis Juvenile Correctional Facility).
[35] *Id.* In gathering information on sexual victimization from juvenile offenders, BJS distinguished between institutions that were able to provide consent for juvenile offenders to participate in the survey (i.e., *in loco parentis*) and institutions that had to obtain the prior consent of parents or guardians for juvenile offenders to participate in the survey (i.e., PGC). *Id.* 2. Woodland Hills was the only PGC facility that the Panel invited to the hearings. *Id.* 4 tbl.2, 5 tbl.3. The Panel was interested in learning whether Woodland Hills' designation as a PGC institution contributed to the reported high level of sexual victimization at the facility.
[36] *Id.* 4 tbl.2.
[37] *Id.* 8 tbl.5.
[38] *Id.*
[39] A copy of the Data Request appears in Appendix B.
[40] App. C (Side-by-Side Data Matrix of Juvenile Facility Responses to Review Panel on Prison Rape Data Requests (June 2, 2010)).
[41] For a list of the witnesses who testified at the hearings, see Appendix D.

Institutions with the Lowest Prevalence of Sexual Victimization

Ft. Bellefontaine

Facility Description

The Missouri Division of Youth Services (DYS), which is part of the MDSS, operates Ft. Bellefontaine, which is a medium-security, residential facility serving about twenty young men, located on a campus with other similar facilities in an expansive, wooded area adjacent to a state park on the west bank of the Mississippi River, north of downtown St. Louis.[42] DYS refers to Ft. Bellefontaine as a "cottage," but it is actually a large, two-storey, box-like building.[43] Ft. Bellefontaine has two sections, each with about a dozen residents.[44] The residents of each section sleep together in an open dormitory; bunk beds line the walls of the room, surrounding the desk of a staff person who monitors the sleeping arrangements throughout the night.[45] Although it may share some facilities with the other nearby cottages (e.g., computer labs and classrooms), Ft. Bellefontaine operates independently, offering programming, including counseling services, to all of its residents.[46] Ft. Bellefontaine has about twenty-four staff persons.[47] The staff-student ratio is one-to-six, which is the same for all moderate and secure care facilities in DYS.[48] DYS does require a background check for employees, which includes verifying educational background and professional licenses, fingerprinting, and reviewing disqualification lists from state agencies.[49]

Ft. Bellefontaine residents have a variety of avenues for reporting sexual abuse: filing a grievance or speaking to a personal advocate, facility manager, nurse, parent, service coordinator, volunteer, DYS staff person, or another trusted adult.[50] According to the *BJS Juvenile Report*, Ft. Bellefontaine had no reported incidents of sexual victimization during the reporting period.[51]

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[42] Transcript of Record: Panel Hearings on Sexual Victimization in Juvenile Correctional Facilities, T. Decker, 49:20-21 (June 3-4, 2010), *available at* http://www.ojp.usdoj.gov//reviewpanel/pdfs_june10/transcript_060410.pdf [hereinafter Tr.]; Interview with Timothy Decker, Director of DYS, et al. in Ft. Bellefontaine, Mo. (July 20, 2010) [hereinafter Decker Interview].
[43] *Id.*
[44] Tr., T. Decker, 50:21-51:1, 61:5-6.
[45] Decker Interview.
[46] *Id.*
[47] Tr., T. Decker, 49:22-50:2.
[48] *Id.* 61:8-9.
[49] App. C 10-11 (Ft. Bellefontaine response to Question 9(b)).
[50] *Id.* 14 (Ft. Bellefontaine response to Question 12).
[51] *BJS Juvenile Report* 5 tbl.3.

Facility's Explanation of Low Incidence of Sexual Victimization

Mr. Timothy Decker, Director of DYS, testified on June 3, 2010, that one could attribute the lack of any reported sexual victimization at Ft. Bellefontaine to DYS' philosophy, focusing on rehabilitation over punishment.[52]

Mr. Decker said that, like other states, Missouri at one time operated a large, central, residential training school for boys.[53] A federal report condemning Missouri's operation of the school led to reform, creating smaller regional facilities, like Ft. Bellefontaine, that allow residents to be as close as possible to their families.[54] Mr. Decker testified, "The punitive culture of the early days has been replaced with a safe, structured and therapeutic environment."[55] At DYS, he said, "Young people are in the constant presence of caring staff, learning firsthand what it means to have healthy relationships with peers and adults."[56]

Mr. Decker testified that each DYS facility divides the residents into groups of ten or twelve, and this group then does everything together, including chores, school activities, and group sessions.[57]

Mr. Decker said that one of the distinctive features of DYS programming is the building of group cohesion through a culture of open communication. "When a conflict or concern arises, a group circle is called by a group member or staff. Everyone stops what they are doing to share observations, feelings, discuss alternatives and help each other achieve their goals."[58] Mr. Decker stated that DYS supports this therapeutic culture with specialists and group leaders who work as a team.[59] The involvement of families and community groups with youth in DYS programs also contributes to "creating a culture of openness, engagement and transparency."[60]

Commenting on the number of juvenile justice systems that come to visit DYS facilities to learn from them, he said that he emphasizes to visitors the importance of focusing on institutional culture:

> A common message to our visitors is simple but compelling. Changing your end destination often involves starting from a fundamentally different place. To create safer institutions, leaders must often question the very philosophical foundations of their work and address the underlying organizational culture within facilities along with strengthening and changing fundamental practices. . . .

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[52] Tr., T. Decker, 49:8-17, 55:17-56:8.
[53] *Id.* 48:21-49:5.
[54] *Id.* 49:12-13.
[55] *Id.* 50:11-13.
[56] *Id.* 50:17-19.
[57] *Id.* 50:21-51:2.
[58] *Id.* 51:3-6.
[59] *Id.* 51:7-12.
[60] *Id.* 51:13-15.

> Missouri DYS is very deliberate in aligning all practices with our core values. . . . The very assumptions of which many youth correctional programs are based are counter to the research and experience related to the cognitive behavioral and emotional development of adolescents. If we view young people in the system as a product of their past experiences, a work in progress, and a potential resource to others, we are compelled to weave together a safe and humane system that supports personal development and change, and to continually try to make it better.[61]

Mr. Decker contrasted DYS' therapeutic approach to the punitive approach that many other states use, noting that there are a range of services available, from placing youths back in the community to group homes, moderate care facilities, and secure facilities.[62] He said, "The emphasis is on actually rehabilitation of the youth as opposed to control of their behaviors. Positional power, autocratic approaches . . . are de-emphasized, and instead we emphasize healthy hierarchy, boundaries, and development of healthy relationships."[63]

Mr. Decker said that the terms used in a juvenile justice system tellingly reflect its culture:

> Instead of viewing the young people as inmates, we see them as young people. Instead of having majors, lieutenants and sergeants, we have leaders, managers and directors. There's a lot to be said for what you call things in these systems. We don't have correctional officer[s] or security workers or security. We have youth care workers. We have service coordinators, and we have counselors.[64]

Mr. Decker said that the youth's family plays an important part in the rehabilitation process. The family is not a problem, he observed, but a partner.[65]

Mr. Decker testified that there is a correlation between the institutional methods for treating youth in custody and sexual victimization; when coercion is the tactic for controlling youth, one should not be surprised to find youth relying on coercion as well:

> Many aspects of traditional institutional and correctional practices in juvenile justice include punitive and coercive approaches that devalue and objectify young people creating fertile ground for safety issues and sexual victimization. It should be no surprise that if the way we control the kids is through coercion that we will . . . have a growth of other coercive behavior such as sexual victimization.

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[61] *Id.* 52:2-53:13.
[62] *Id.* 54:2-9.
[63] *Id.* 54:10-15.
[64] *Id.* 54:16-55:1.
[65] *Id.* 55:2-4.

> It has been our experience that in order to protect youth from being sexually victimized in our programs, we must address the issue systemically by creating physically and emotionally safe environments that protect our youth from all forms of harm, whether that be emotional, verbal, physical, sexual, et cetera.
>
> Sexual victimization in institutions cannot be effectively dealt with in isolation or as a singular issue. At the core, all forms of institutional abuse create a lack of safety for young people, staff, and eventually for the public because young people get released without having the root causes addressed.[66]

Missouri's emphasis on building a therapeutic culture in its juvenile correctional facilities, Mr. Decker testified, does not come at the expense of weakened security:

> Security is a very important aspect of all programming. . . . Missouri has found that even with the best security tools and high-tech equipment, youth are still not protected from harm, and public safety may be compromised. Safety and security is actually enhanced by creating a humane culture of care. This is ultimately what keeps young people safe, not hard work, fences or cameras.[67]

Mr. Decker stated that a safe environment in DYS facilities relies on five building blocks: (1) basic expectations, (2) basic needs, (3) engaged supervision, (4) clear boundaries in communication, and (5) unconditional positive regard.[68]

"Basic expectations are norms created for the program environment and how staff and students are expected to treat one another."[69]

Basic needs are food, clothing, and shelter. Many young people who come under the protection of juvenile facilities come from backgrounds where they did not get their basic needs met.[70] Unless juvenile facilities meet the residents' basic needs in a healthy way, residents may seek to meet them in unhealthy ways, through bartering, hoarding, or misuse of power.[71]

Engaged supervision differs from the traditional custodial-care approach in that the staff is involved in all group activities, not posting themselves on a stand or patrolling from the sidelines.[72] Mr. Decker said, "In all programs staff are required to see all youth at all times, except during hygiene, and even then staff are strategically placed and aware. . . . By keeping

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[66] *Id.* 55:17-56:14.
[67] *Id.* 56:15-57:3.
[68] *Id.* 57:20-58:1.
[69] *Id.* 58:5-8.
[70] *Id.* 59:12-14.
[71] *Id.* 59:14-18.
[72] *Id.* 60:21-61:4, 61:13-15.

youth productively engaged and structuring staff member involvement, opportunities for unproductive or harmful interactions are decreased."[73]

Setting clear boundaries in communication is essential for establishing safe relationships, not only in the institution, but also when the young person returns home.[74] Because many young people come to juvenile institutions with compromised boundaries, Mr. Decker testified, it is critical that the staff has extensive training on "staff roles, ethical conduct, adolescent development . . . [and] indicators in what we call slippery slopes, and team responsibilities."[75] DYS requires all staff members to participate in professional boundary training sessions within the first three months of employment; the DYS offers more advanced training to staff members within their first three to twelve months of employment.[76] DYS also provides training to staff in providing feedback to peers, supervisors, and direct reports by offering coaching to all leaders at DYS.[77]

A program with staff members who have an unconditional positive regard for youth and their families enhances safety by cultivating an environment that does not tolerate harmful behavior.[78] According to Mr. Decker, one has to be able to see beyond the problematic behavior that brought a young person into the juvenile justice system, otherwise one cannot address the underlying core issues that led to the misconduct.[79]

Mr. Decker added five other observations. First, juvenile justice facilities need to recognize that they are responsible for insuring the safety of youth in custody and that "juveniles have rights to a safe, humane, and developmentally appropriate environment."[80] Second, juvenile justice systems should focus on changing the culture within juvenile correctional institutions.[81] Mr. Decker noted that sexual victimization is often a symptom of the compromised safety young people experience in institutional settings. "Developing action plans to proactively address the systemic problems with prevention of institutional victimization will pay greater dividends than action and efforts focused only on education, detection, investigation, and disciplinary responses to sexual abuse. In other words, culture trumps everything."[82] Third, there are drawbacks in relying too heavily on a medical model for classification and treatment.[83] Mr. Decker said that when placement decisions rely only on professional, medical, and mental-health assessments, youths may remain unnecessarily in custody.[84] Fourth, national standards need to take into

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[73] *Id.* 61:9-12, 61:17-20.
[74] *Id.* 61:22-62:4.
[75] *Id.* 62:10-15.
[76] *Id.* 61:16-20.
[77] *Id.* 63:3-16.
[78] *Id.* 63:17-21.
[79] *Id.* 64:3-9.
[80] *Id.* 64:15-20.
[81] *Id.* 64:21-65:1.
[82] *Id.* 65:9-15.
[83] *Id.* 65:16-18.
[84] *Id.* 66:3-8.

account the successes of state juvenile justice systems.[85] "Overly prescriptive models for achieving standards and capacity-building risk compromising the structure and goals of effective systems."[86] Fifth, juvenile justice systems need to address the cycle of offending that leads to sexual victimization.[87] When youth who have been sexually victimized return to their communities, they not only need effective support, but those who were involved in inappropriate sexual behavior also need effective intervention programs.[88]

DYS provides training to its staff on a broad range of topics, including programs on conducting investigations and identifying child abuse and neglect.[89] Within the first two years of employment, all DYS staff must complete at least 180 hours in adolescent care with forty hours of on-the-job coaching.[90] After the initial training, each staff person receives annually forty hours of professional development training.[91]

In response to the Panel's request, DYS provided after the hearing more information on its training program for staff on maintaining professional boundaries.[92] The training program identifies what it terms "the zone of helpfulness," the optimal professional relationship staff should have with juvenile residents.[93] Staff members miss this mark when they are either under-involved or over-involved with the youth in their care.[94] From the youth's perspective, an example of a staff person being under-involved is "[s]taff doesn't know anything about my family."[95] Again, from the youth's perspective, an example of a staff person being over-involved is "[s]taff spends time with me even when not on shift."[96] The training program addresses the "gray areas" in professional boundaries, noting that when the relationship between a staff member and a resident becomes confused, the boundaries blur.[97]

The training program cautions employees that they may encounter professional boundary issues under circumstances that do not rise to the level of a legal or policy violation.[98] According to the staff training program, warning signs of inappropriate boundary-crossing may include the following actions: "isolating yourself with youth . . . confiding secrets to youth; relying on a youth for emotional support . . . telling sexual jokes or stories; giving or receiving gifts;

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[85] *Id.* 66:15-18.
[86] *Id.* 66:18-20.
[87] *Id.* 67:7-9.
[88] *Id.* 67:1-5.
[89] App. C 19-20 (Ft. Bellefontaine response to Question 17(b)).
[90] *Id.* 21 (Ft. Bellefontaine response to Question 19(a)).
[91] *Id.*
[92] Supplemental Materials (Ft. Bellefontaine) (on file with the Panel) [hereinafter Supp.].
[93] Supp. (Slide 1(b)).
[94] *Id.*
[95] *Id.*
[96] *Id.*
[97] *Id.* (Slide 1(d)).
[98] *Id.*

'defending' the youth's inappropriate behavior . . . unauthorized and personal letters, email, calls, text[s] . . . staff covering for staff in regard to inappropriate behavior."[99]

The program also identifies practices that support healthy boundaries and the practices that undermine them.[100] Examples of practices supporting healthy boundaries include hiring the right staff, having one-on-one conversations with youth in view of others, scheduling inexperienced staff to work with more experienced colleagues, and staying on the topic in team meetings.[101] Examples of practices that undermine healthy boundaries are transporting a youth alone in a staff person's personal vehicle, talking to a youth about another staff person, making inappropriate self-disclosures to a youth, and having a conversation with a youth at night when the rest of the residents are sleeping.[102]

In regard to training for supervisors and coworkers, DYS' training program notes the following areas that require watchfulness: a staff member's distress or upset, therapeutic drift, lack of counseling goals, counseling that exceeds the usual time limit, reluctance to refer a youth to another staff person for help, and becoming overly involved in a youth's life.[103] The watchfulness list also flags "unwise techniques" and "unique vulnerabilities."[104] Unwise techniques include establishing a relationship with routine hugging or excessive touching, counseling in non-traditional settings, socializing with a youth, and intervening inappropriately in a youth's life.[105] Unique vulnerabilities include being attracted to the youth, over-identifying with the youth, having similar family dynamics as the youth's, experiencing divorce or loss, or undergoing identity confusion.[106]

Rhode Island Training School

Facility Description

The RITS, located in Cranston, Rhode Island, operates under the auspices of the Rhode Island Department of Children, Youth and Families (DCYF), a unified state agency responsible for child welfare, child protection, behavior health, juvenile probation, parole, detention, and secure corrections.[107]

Since January of 2009, the RITS has undergone a major change, moving to new facilities and reorganizing the services it provides residents.[108] Prior to January 2009, the RITS had a total

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[99] *Id.* (Slide 1(e)).
[100] *Id.* (Slide 1(g)).
[101] *Id.*
[102] *Id.*
[103] *Id.* (Slide 1(i)).
[104] *Id.*
[105] *Id.*
[106] *Id.*
[107] Tr., P. Martinez, 145:8-12.
[108] *Id.* 146:6-20.

capacity of 205 residents, housing both male and female residents in eight units, including a detention center, a maximum security unit, a specialized unit, a substance abuse unit, and four general population units.[109] The RITS has moved to three smaller facilities: two facilities for male residents (i.e., a youth assessment center with fifty-two beds and a youth development center with ninety-six beds), and one facility for female residents with twenty-four beds, which houses both detailed and adjudicated youth.[110] The youth development center has a specialized treatment program, which houses two distinct populations: youth with aggressive behavior and youth with a history of sex-offender behavior.[111] The development center also has a specialized treatment program for substance abuse.[112] For juvenile program workers, the staff-to-student ratio is one to eight.[113]

The RITS staff includes administrators, unit managers, clinical social workers, and juvenile program workers.[114] The RITS has a staff that provides a regular education program for residents (i.e., principal, guidance counselor, psychologist, and teachers).[115] The RITS also has five registered nurses, and a private vendor, the Life Span hospital system, provides medical and psychiatric services.[116]

In the time period of the survey that produced the *BJS Juvenile Report*, there was a single reported juvenile-on-juvenile sexual encounter at the RITS, but a thorough investigation concluded that the charge was unfounded.[117]

Facility's Explanation of Low Incidence of Sexual Victimization

Ms. Patricia Martinez, Director of DCYF, testified at the Panel hearing on June 3, 2010, that in addition to a commitment to a zero-tolerance policy regarding sexual misconduct,[118] there may be three factors that contributed to the low prevalence of sexual victimization at the RITS: (1) the training program for staff, (2) the assessment procedures for youth, and (3) transition planning.[119]

In regard to training, before DCYF hires each staff member, the applicant must complete six weeks of training, with forty hours each week.[120] The training academy covers a wide range of topics, including laws on identifying and reporting abuse, with a special emphasis on the staff of

[109] *Id.* 146:6-12.
[110] *Id.* 146:13-147:1.
[111] *Id.* 147:9-13; *id.*, K. Aucoin, 166:17-21.
[112] *Id.*, P. Martinez, 147:13-17.
[113] App. C 13 (RITS response to Question 11).
[114] Tr., P. Martinez, 148:4-9.
[115] *Id.* 148:10-14.
[116] *Id.* 148:15-19.
[117] App. C 17 (RITS response to Question 16).
[118] Tr., P. Martinez, 145:13-15.
[119] *Id.* 148:20-149:2, 150:14-16, 151:5-9.
[120] *Id.* 149:2-6.

the RITS.[121] Topics include issues related to the abuse of residents, the investigative process, and the various treatment programs available to residents.[122] In addition to this training program, DCYF partners with the Rhode Island College's School of Social Work through the Child Welfare Institute to provide in-service training for each RITS staff member.[123] Every week, staff members attend a training session offering professional development.[124]

In regard to student assessment, within forty-eight to seventy-two hours of a youth being admitted to the detention facility at the RITS, the staff conducts assessments.[125] The RITS uses the Massachusetts Youth Screening Inventory (MAYSI) to evaluate safety and risk issues for each new student.[126] Once the youth is adjudicated, the RITS makes another assessment using a global assessment instrument to determine the youth's treatment plan during the youth's tenure at the RITS.[127]

In regard to transition planning, Ms. Martinez testified that DCYF understands its mission as planning for transition from the first day that the youth comes to the RITS, which entails working with the youth's family to prepare for the success of the youth's eventual discharge.[128] Ms. Martinez said, "[I]t's our mission to do transitioning from day one, from the day that that youth comes into the Training School."[129]

Mr. Kevin Aucoin, the Acting Superintendent of the RITS, identified additional factors that contributed to the RITS' low incidence of sexual victimization. Consistent with Ms. Martinez's testimony, Mr. Aucoin emphasized the importance of transition planning.[130] Mr. Aucoin said, "Our goal is to decrease the length of time youth have to spend in institutional care, and I think that culture has very much helped us and achieved some of the results that you have before you today."[131] Mr. Aucoin said, "My feeling is the longer [a] youth stays in institutional care, the worse off the outcome is going to be for that youth, both in-house and out of the facility."[132]

In addition to transition planning, Mr. Aucoin said the RITS' success relies on the programming it provides its residents.[133] Mr. Aucoin noted that the RITS has been under a federal court consent decree since the 1970s, which is still in effect.[134] One of the key elements of the consent decree is that within thirty days of adjudication, every youth must have an individualized

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[121] *Id.* 149:7-13.
[122] *Id.* 149:13-19.
[123] *Id.* 149:20-150:6.
[124] *Id.* 150:7-9.
[125] *Id.* 150:14-19.
[126] *Id.* 150:19-21.
[127] *Id.* 150:22-151:4.
[128] *Id.* 151:5-14; *id.*, K. Aucoin, 165:17-21.
[129] *Id.*, P. Martinez, 151:7-9.
[130] *Id.*, K. Aucoin, 163:9.
[131] *Id.* 163:9-13.
[132] *Id.* 168:21-169:2.
[133] *Id.* 164:11-14.
[134] *Id.* 164:15-18.

treatment plan.[135] Once a youth has a treatment plan, the RITS reviews the plan bimonthly and includes in the program transition planning.[136]

Mr. Aucoin noted that the relatively high educational level of RITS staff members contributes to its success; all have at least an associate's degree, and many have a bachelor's degree.[137]

Mr. Aucoin said that the RITS benefits from being part of DCYF; as a unified agency, DCYF is concerned about the broader project of community development—being able to provide services that involve children's health and welfare, not just juvenile justice services.[138]

Mr. Aucoin said that the RITS considers whether an alternative program would better serve a youth who is in custody, which may lead DCYF to placing the youth at home with a variety of services.[139]

In 2006 and 2007, the RITS had a population of over 200; at the time of the hearing on June 3, 2010, it had a population of 146.[140] Mr. Aucoin said that the reduction in numbers reflects the ability of the RITS to integrate juvenile offenders back into the community, shortening the length of time in the program.[141] "It [the reduced population] has communicated a culture both inside and outside the Training School that we will work together. We will work with the family. We will work with community providers to insure . . . the safety of youth both in the facility and outside the facility."[142]

According to Mr. Aucoin, youth who arrive at the RITS immediately become aware of the RITS' process for investigating complaints: they meet with the unit manager and the unit social worker and they receive the rules for the facility.[143] One of the clear rules in all units is zero tolerance for abuse and neglect, and the RITS encourages youth to meet with the unit manager or with a social worker if an issue arises that needs attention.[144] Residents are also aware of the right to call (or have administrative management call) the child-abuse hotline.[145] They also have access to nurses, doctors, clinicians, and therapists to report sexual victimization; and as Rhode Island is a mandatory reporting state, any of these professionals who has reason to believe a child has been abused has a duty to report the suspected abuse to the child-abuse hotline.[146] In Rhode Island, the Child Advocate's Office serves as an ombudsman for all youth in DCYF's care; it has

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[135] *Id.* 165:6-16.
[136] *Id.*
[137] Interview with K. Aucoin, Acting Superintendent of RITS, et al., in Cranston, R.I. (July 22, 2010).
[138] Tr., K. Aucoin, 163:2-8.
[139] *Id.* 165:22-166:7.
[140] *Id.* 178:6-9.
[141] *Id.* 178:10-12.
[142] *Id.* 178:13-17.
[143] *Id.* 170:14-21.
[144] *Id.* 171:6-11.
[145] *Id.* 171:11-17.
[146] *Id.* 171:18-172:3.

unrestricted access to all youth at the RITS at any time to inspect conditions of confinement without obtaining prior permission.[147] Citing the role of the Child Advocate's Office, Mr. Aucoin noted that it promotes a culture of deterrence and safety within the facility.[148]

Included in the orientation packet for new arrivals at the RITS is the Rhode Island Children's Bill of Rights, which clearly states the civil and due process rights of children in DCYF's care, and the RITS displays posters with the same information in all living units.[149]

Child Protective Services (CPS), which is part of DCYF but separate from the RITS, provides training to RITS staff on its duty to protect children and report abuse; operates the child-abuse hotline; and investigates any allegations of child abuse, including sexual victimization at the RITS.[150]

In the RITS facilities, there is constant video surveillance in the two programs for boys.[151] Mr. Aucoin said that he thought the cameras provided "a very strong deterrent in terms of conduct, [for] both residents and . . . staff."[152]

Institutions with the Highest Prevalence of Sexual Victimization

Pendleton

Facility Description

Pendleton, located in Pendleton, Indiana, about an hour's drive northeast of Indianapolis, operates under the auspices of the Division of Youth Services (DYS) of the IDOC. Pendleton is a 360-bed maximum security facility for males between the ages of twelve and twenty-one.[153] "Pendleton typically holds Indiana's most violent youth, including all adjudicated male sex offenders. The facility's sex offender population currently accounts for approximately 37 percent of the overall population."[154] Pendleton also holds youth with special needs and mental health issues.[155]

The complex for sex offenders at Pendleton, which has ninety-six beds, has cameras in all of the rooms; the other housing units do not have cameras, except for the segregation unit.[156]

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[147] *Id.* 172:4-21.
[148] *Id.* 172:22-173:3.
[149] *Id.* 199:11-14; app. C 25 (RITS response to Question 20(a)).
[150] Tr., S. Fogli-Terry, 153:20-155:16.
[151] *Id.*, K. Aucoin, 177:5-8.
[152] *Id.* 177:17-19.
[153] *Id.*, E. Buss, 219:11-13.
[154] *Id.* 219:13-17.
[155] *Id.* 219:19-21.
[156] *Id.*, L. Commons, 264:2-5.

The Panel noted that during the onsite visit to Pendleton, it would be difficult on first impression to distinguish Pendleton from an adult facility—residents wore orange jumpsuits and the atmosphere had a heavy corrections emphasis.[157]

The *BJS Juvenile Report* found that 36.2% of the youth at Pendleton reported sexual victimization,[158] with 18.1% reporting staff sexual misconduct with force and 16.8% reporting staff sexual misconduct without force.[159] During the time period of review, Pendleton reported nineteen complaints with allegations of sexual victimization of a youth.[160]

Response to the *BJS Juvenile Report* and Corrective Actions

In preventing prison rape in IDOC facilities, and especially at Pendleton, Mr. Edwin Buss, Commissioner of IDOC, testified that IDOC has taken the following actions: (1) implementing policies and procedures to enforce zero tolerance for sexual victimization, including the issuance of an executive directive in the wake of the findings of the *BJS Juvenile Report*; (2) having a Prison Rape Oversight Group (PROG), which is responsible for working with both adult and juvenile facilities to address issues related to prison rape and to respond to incidents of sexual assault; (3) restructuring the DYS; (4) adopting a balanced and restorative justice model, moving toward a more therapeutic model in managing corrections facilities; (5) adhering to the Council of Juvenile Correctional Administrators' performance-based standards; (6) reducing the stay for youths in secure facilities; (7) working to return youth to community-based supervision; (8) reducing the population of residents; (9) maintaining staffing levels despite budget constraints; (10) moving the youngest offenders at Pendleton to a separate facility; (11) partnering with a private service provider to oversee the sex offender treatment program at Pendleton; (12) conducting sexual victimization interviews with all Pendleton residents; (13) developing a digital, web-based education training video on PREA and prevention of sexual abuse in a secure environment; (14) requiring all staff to complete the National Institute of Corrections' online course on responding to sexual abuse and providing staff with other opportunities for training; (15) creating a PREA-awareness public-service announcement, which Pendleton shows to every new resident at intake and broadcasts to residents every week over its TV-video system during school hours; (16) enhancing reporting procedures for incidents of sexual victimization; (17) requesting technical assistance from the Indiana Juvenile Justice Task Force to strengthen staff hiring and screening practices; (18) removing solid doors to coat closets, living areas, and storage rooms at Pendleton; (19) relocating and installing cameras at Pendleton to avoid blind spots in housing units, the kitchen, and the laundry; (20) creating a camera surveillance monitoring room at Pendleton, staffed eighteen hours per day, seven days per week; (21)

[157] *Id.*, R. Wilkinson, 234:15-235:2.
[158] *BJS Juvenile Report* 4 tbl.2.
[159] *Id.* 9 tbl.6.
[160] App. C 17 (Pendleton response to Question 16).

initiating a staff-to-youth mentoring program; and (22) adding correctional officer positions, especially during the evening shift.[161]

Mr. Buss noted the reduction of the average length of stay at Pendleton from 256 days in 2007 to 186 days in 2009.[162] The overall population at Pendleton has also decreased; at one time it was over 360, whereas in recent months, it has remained about 270.[163]

Ninety-four percent of the staff at Pendleton has undergone a six-hour training program on offender manipulation and sexual misconduct.[164]

The *BJS Juvenile Report* also prompted a review of every place at Pendleton a staff person could be alone with a student, which led to making as many changes as possible not only to protect the youth but also to prevent the staff from being in a vulnerable position.[165] Pendleton has also developed an employee council to listen to the concerns of staff members who were affected by the negative publicity connected to the reported high incidence of staff sexual misconduct at the facility.[166] Training and the publication of the *BJS Juvenile Report* have raised awareness among employees of the responsibility that they share to pay attention to one another and to hold each other accountable.[167]

There are different reporting mechanisms now in place at Pendleton than there were at the time of the BJS study.[168] One of the changes in the reporting process is the establishment of an anonymous tip line that residents may call by pressing #22 (pound twenty-two) on the key pad of telephones readily accessible to them.[169] Pendleton has also posted PREA posters in the facility with relevant information on preventing and reporting sexual abuse.[170]

Intake at Pendleton is a two-week process and preventing sexual victimization is one of the issues covered.[171] During the orientation for new residents, the staff discusses the PREA manual and has a lesson on preventing sexual victimization; moreover, the staff calls each new resident's home and has the same discussion with the youth's parents.[172] Every Wednesday, a multi-disciplinary committee convenes to classify residents; for new residents, one of the factors the committee considers is prevention of sexual victimization.[173] In placing residents, DYS

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[161] Tr., E. Buss, 220-27.
[162] *Id.* 222:4-6.
[163] *Id.* 222:17-20.
[164] *Id.*, M. Grady, 250:20-251:3.
[165] *Id.*, L. Commons, 277:9-15.
[166] *Id.* 277:22-278:5.
[167] *Id.* 278:6-13.
[168] *Id.* 267:2-4.
[169] *Id.* 267:4-5.
[170] *Id.* 267:5-8, 10-11.
[171] *Id.*, M. Greathouse, 271:7-11.
[172] *Id.* 271:12-15.
[173] *Id.* 240:11-241:8.

separates younger students from older ones; it also separates residents by their offenses.[174] For example, in the sex offender unit, predators and victims do not share the same room.[175]

After reviewing the data on sexual incidents in the facility, Pendleton found that most of them occurred during the evening shift.[176] To address this problem, Pendleton increased the frequency of staff tours from every fifteen minutes to every five minutes.[177] Now staff members must have their eyes on offenders every five minutes.[178]

Ms. Commons, the current superintendent at Pendleton, stated that Pendleton is currently involved in a program to assess its cultural competency by having outside officials work with staff members by listening to their comments and coaching them to develop values statements for the facility.[179] Echoing the testimony from Missouri, Ms. Commons stressed the importance of institutional culture:

> [C]ulture is the issue, and if you can change that culture, if you can find the areas that are weak or wanting in your culture, you can make all of the difference in the world, and when you empower staff to be involved in that process so that it comes from the bottom up, it can be very powerful.[180]

In regard to institutional culture, Mr. Buss observed that, contrary to his own viewpoint, IDOC in the past, reflecting the national mood at the time, had a philosophy of operating juvenile facilities similar to adult facilities.[181] He said that two years ago, when he walked into his first juvenile facility at DYS, he was surprised to find a twelve-year-old boy in a segregation cell similar to one found in an adult facility.[182] Up to a few years ago, adult and juvenile policies were in the same book; and superintendents transferred back and forth from adult facilities to juvenile facilities, as there was no thought to whether a superintendent needed special skills to work with youth offenders.[183] There was also a time when the distinctions between staffing adult and juvenile facilities blurred; staff members who worked in juvenile facilities received training that allowed them to work in adult facilities.[184] IDOC has been moving away from this model, training youth service officers through a separate training academy with the focus on serving young people.[185]

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[174] *Id.*, L. Commons, 239:10-13, 19.
[175] *Id.* 239:20-240:3.
[176] *Id.* 263:15-16.
[177] *Id.* 263:16-17.
[178] *Id.* 263:18-19.
[179] *Id.* 233:4-17, 234:3-13.
[180] *Id.* 233:18-234:2.
[181] *Id.*, E. Buss, 235:15-20.
[182] *Id.* 235:21-236:6.
[183] *Id.* 284:2-3, 9-13.
[184] *Id.*, M. Dempsey, 256:10-20.
[185] *Id.*

In assessing why Pendleton had a high incidence of sexual victimization, Mr. Michael Dempsey, Executive Director of DYS, who was also previously the superintendent at Pendleton, identified a number of contributing causes.

Mr. Dempsey stated that the "number one factor" was overcrowding.[186] He testified, "When you put that many kids in one facility like that, bad things tend to happen. Regardless of your best efforts, they do."[187] Mr. Dempsey said that another contributing factor was staffing; at the time BJS interviewed residents at Pendleton, there were significant hiring delays.[188]

Mr. Dempsey said that another one of the principal failings of Pendleton was failing to train staff on dealing with adolescent development:

> I think if there is any one particular area where we're failing, it's in providing . . . training where they [staff members] can effectively manage and deal with adolescent development, particularly as it relates back to sexual growth. I think that many times they just simply don't know how to deal with those situations with those children as they're growing and developing inside a correctional facility.[189]

Reflecting on staff members who cross professional boundaries to become sexually involved with residents, Mr. Dempsey said that a traumatic event in the life of a staff person might have caused a serious lapse in judgment:

> I have seen seasoned correctional professionals who have been in the business for many, many years, who you would at first never believe to be involved in . . . a situation like that . . . at some point they grew close to that child. They developed a personal relationship and a professional one at that, and at some point in time, some sort of traumatic event took place in that person's life, a death, a divorce, something occurred, and the situation was manipulated from there.[190]

Mr. Dempsey said that staff members becoming involved in these misguided relationships is just one source of youth sexual victimization; he recognized that other sources included staff members who are predators and staff members who fail to follow proper procedures and find themselves manipulated by a resident.[191]

In thinking about why supervisors and colleagues fail to recognize the indicators that may identify a staff person becoming overly involved with a youth, Mr. Dempsey suggested that

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[186] *Id.* 260:19-21, 261:1-2.
[187] *Id.* 261:4-6.
[188] *Id.* 262:2-6.
[189] *Id.* 242:13-20.
[190] *Id.* 247:7-20.
[191] *Id.* 247:21-248:1-7.

employees may discount what they are observing because they have a relationship with the coworker and they know that the ramifications of falsely accusing a colleague are grave:

> I think that in most cases people work so closely with one another that they believe in that person, and they don't believe that that other person would get off into a situation like that or do anything that would harm a kid, and they know that those are serious allegations to raise against another fellow staff member, and if you're going to raise that type of allegation, you need to be 100 percent sure that that's what's taking place.[192]

Mr. Dempsey expressed frustration in not being able to identify reliable screening mechanisms that would identify candidates for employment who have a propensity for entering into inappropriate relationships with youth:

> I think when you're looking at the perspective of how we screen and qualify staff to work in our juvenile facilities, I have looked at . . . what the other states are doing, and I have yet to find anything that anybody is doing that we're not already doing or at least looking into. . . . So I don't think there's an easy answer and I don't believe that there's any one system that anybody has employed that helps fight this issue. It's an incredibly complex issue when you look at it from the perspective of staff sexual misconduct with youth, and it's not something that is unique to prisons.[193]

The Panel noted in response to its Data Request that Pendleton reported a high rate of attempted suicides and one suicide during the time period under review.[194] Pendleton administrators reported that there was no linkage between sexual victimization and the suicide or the attempted suicides.[195]

Woodland Hills

Facility Description

Woodland Hills, located in Nashville, Tennessee, serves 120 male youth offenders, and is one of the five secure youth development centers that the Division of Juvenile Justice (DJJ) of the Tennessee Department of Children's Services (TDCS) operates.[196] The staff-to-resident ratio is one to twelve.[197]

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[192] *Id.* 249:13-21.
[193] *Id.* 245:22-246:20.
[194] App. C 9 (Pendleton responses to Questions 8(a) and 8(b)).
[195] Tr., L. Commons, 274:14-275:9; *id.*, M. Dempsey, 275:19.
[196] *Id.*, S. Hornsby, 305:4-12.
[197] *Id.*, A. Dawson, 320:21-321:2.

According to the *BJS Juvenile Report*, the only incidents of sexual victimization at Woodland Hills involved staff and youth; there were no youth-on-youth incidents.[198] Twenty-six percent of youths reported sexual victimization by staff,[199] but the reported incidents with staff did not involve force, coercion, or pressure.[200]

Response to the *BJS Juvenile Report* and Corrective Actions

Steven C. Hornsby, Deputy Commissioner, DJJ, TDCS, testifying at the hearing on June 4, 2010, explained the organization of TDCS and summarized the TDCS response to the publication of the *BJS Juvenile Report*. Neither Mr. Hornsby nor any of the other witnesses from Tennessee provided an explanation for the high incidence of sexual victimization at Woodland Hills, as TDCS questioned the accuracy of the *BJS Juvenile Report* as it pertains to Woodland Hills.

Mr. Hornsby stated, "Tennessee has long recognized the need for a juvenile justice system that is separate and distinct from the adult correctional system and which is focused on rehabilitation, treatment and training of young offenders."[201] Mr. Hornsby explained that Tennessee was one of the leading states, beginning in the 1970s, to recognize that issues relating to juvenile justice are completely separate from adult corrections; and in 1987, the state created a separate juvenile justice department, which later merged with child welfare and mental health services for youth to become the TDCS in 1996.[202] TDCS "handles all child protection, dependency, abuse, neglect and delinquency" in Tennessee.[203] Youth in custody who are not in the development centers, such as Woodland Hills, are in a variety of other placements, "including private and state-operated group homes, therapeutic foster care and adolescent mental health facilities."[204]

As DJJ is part of a larger child welfare organization, external organizations undertake any investigations of DJJ facilities related to sexual victimization.[205] The external investigatory organizations are the Internal Affairs (IA) unit, which is under the Office of the Inspector General (OIG), and the Special Investigations Unit (SIU), which is under the Division of Child Safety.[206]

Each year, the Tennessee Commission of Children and Youth (TCCY or Commission) conducts an onsite quality service review of all of the youth development centers.[207] A component of the review is an examination of safety issues and concerns, and it includes private interviews with

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[198] *Id.*, A. Beck, 339:11-14; *see also BJS Juvenile Report* 8 tbl.5.
[199] *Id.*
[200] Tr., A. Beck, 339:20-340:1.
[201] *Id.*, S. Hornsby, 303:22-304:4.
[202] *Id.* 304:12-305:1.
[203] *Id.* 305:2-4.
[204] *Id.* 305:14-16.
[205] *Id.* 305:17-19.
[206] *Id.* 305:19-306:1.
[207] *Id.* 306:5-10.

residents, families, service providers, and staff.[208] After its review, the Commission releases its findings and recommendations and works with TDCS on making improvements.[209] For the last three years, the Commission's quality service reviews gave Woodland Hills top scores on child safety.[210]

Following the publication of the *BJS Juvenile Report*, DJJ asked TCCY and SIU to conduct another review of the youth development centers in Tennessee, including in-depth interviews of residents, to determine whether they are safe from sexual victimization.[211] The survey concluded that there was no evidence of current sexual abuse.[212]

Mr. Hornsby said, "After thoroughly reviewing all of the facts, we have significant concerns that Woodland Hills was identified and labeled as having a high . . . prevalence of sexual victimization . . . ."[213] [214]

In addition to resurveying youth development centers, in response to the *BJS Juvenile Report*, the DJJ convened a PREA compliance task force, which undertook a comprehensive review of DJJ operations to identify deficiencies and to address them.[215] Consequently, the task force drafted a new PREA-specific policy.[216] The new policy includes notification forms that both residents and staff must sign, acknowledging that they are aware of their legal rights and obligations; the forms then become part of the employee's personnel file and the resident's file.[217] DJJ has also initiated a PREA-awareness campaign, with all of the superintendents of the youth development centers meeting with each staff member to review applicable policies and state laws.[218] DJJ created a frequently-asked-question sheet related to PREA and produced a hotline-reporting poster for distribution at its facilities.[219] DJJ is in the process of revising the student handbook and expanding the section on sexual abuse, noting in particular how to report violations.[220] Woodland Hills is revising its staff-training curriculum to include PREA-related materials, focusing in particular on how to identify and protect vulnerable youth.[221] The TDCS' medical

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[208] *Id.* 306:10-14.
[209] *Id.* 306:14-22.
[210] *Id.* 306:22-307:2.
[211] *Id.* 312:18-313:5.
[212] *Id.*, C Aaron, 325:2-6.
[213] *Id.*, S. Hornsby, 316:7-10.
[214] Dr. Allen Beck, the principal author of the *BJS Juvenile Report*, provided testimony supporting the methodology of the BJS' findings related to Woodland Hills. He distinguished between surveys based on personal interviews, which are less reliable because they introduce into the data-collection process the elements of embarrassment and fear of retaliation, and surveys that use self-administered instruments, such as BJS' survey, which are more reliable because these elements are less present. *See id.*, A. Beck, 337:1-338:4, 338:7-343:16, 349:13-350:22.
[215] *Id.*, S. Hornsby, 309:18-310:1.
[216] *Id.* 310:3-8.
[217] *Id.* 310:9-13.
[218] *Id.* 310:13-18.
[219] *Id.* 310:19-21.
[220] *Id.* 311:6-9.
[221] *Id.* 311:9-12.

staff is also receiving enhanced PREA-specific training, and each member of the nursing staff is being trained on Sex Abuse Nurse Examiner (SANE) procedures.[222]

Mr. Albert Dawson, Superintendent of Woodland Hills, testified that in response to the *BJS Juvenile Report*, he met with the staff of Woodland Hills in small groups to provide a forum for questions, to emphasize the DJJ's zero-tolerance policy concerning sexual abuse, and to remind the staff of its responsibility under state law to report misconduct.[223] Mr. Dawson stated that his staff also reminded students at Woodland Hills of the various ways in which they can report abuse, which include filing a grievance or by notifying case managers, therapists, legal aid staff, or other staff members.[224]

In addition to serving as the superintendent at Woodland Hills, Mr. Dawson is the facility's PREA coordinator.[225]

In responding to the Panel's inquiry about what was happening at Woodland Hills during the period of the BJS survey, Mr. Dawson said that the population was manageable, noting that the facility's capacity is 144; and at the time of the survey, the population was about 120.[226] Also, during the relevant time period, Mr. Dawson said there were no staff shortages at Woodland Hills.[227] At the time BJS was interviewing youth, Mr. Dawson said that Woodland Hills was in the process of eliminating blind spots in the facility and implementing programs to encourage residents though positive incentives.[228]

Mr. Dawson said that in regard to providing training to staff on inappropriate relations with youth, staff members receive a two-hour orientation on PREA at the pre-service training academy.[229] One of the most important components of the nine-week, pre-service training academy is that newly hired staff shadow selected veteran employees who are aware of issues regarding adolescents, supervision, and reporting.[230]

According to Mr. Dawson, among the warning signals that indicate that a staff person may be crossing a professional boundary in relating to youth are the following: working with a youth in a one-on-one setting, selecting a youth for a work project, bringing things into the institution for the youth, giving the youth unusual attention, or calling the youth after hours.[231]

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[222] *Id.* 311:12-15.
[223] *Id.*, A. Dawson, 319:21-320:9.
[224] *Id.* 320:17-321:7.
[225] *Id.* 354:14.
[226] *Id.* 351:16-21.
[227] *Id.* 352:3-6.
[228] *Id.* 352:14-353:17.
[229] *Id.* 373:16-22.
[230] *Id.* 374:1-16.
[231] *Id.* 376:9-15.

When a youth comes to the DJJ, the youth undergoes two assessments, one for risk and one for clinical needs.[232] This information is available for the classification process.[233]

The staff at the medical center at Vanderbilt University conducts a psychological evaluation of a Woodland Hills resident on arrival; the staff then makes recommendations regarding the youth's care.[234] According to Mr. Dawson, most residents at Woodland Hills have mental health issues, but Mr. Dawson distinguishes between having mental health issues and suffering mental illness.[235] Woodland Hills refers residents with mental health issues to individual, group, or family therapy, which the Vanderbilt University staff provides.[236] All students have a case manager or family service worker,[237] and DJJ contracts with private vendors to provide behavior health services, including substance abuse and sex offender treatment as well as individual and group counseling.[238]

Parents or guardians participate in the initial classification meeting with their son and Woodland Hills staff, and they contribute to the decisions regarding the youth's program.[239] Woodland Hills also invites parents to participate in monthly and quarterly institutional team reviews of their son's progress, and it notifies the parents of any significant events (e.g., illness or injury) affecting their son.[240]

Residents of Woodland Hills with mental illness have access to the services of a psychologist who is available around the clock.[241] If there is a need for an outside evaluation, then Woodland Hills will refer the resident to a local hospital for screening.[242] If the hospital determines that the youth is suffering from mental illness, then Woodland Hills arranges for the youth's transfer to another facility, as Woodland Hills does not provide treatment for mental illness.[243]

The student handbook at Woodland Hills contains information on how a student should report any concerns related to sexual activity.[244] Woodland Hills, like other youth development centers in Tennessee, has a policy that designates a staff member as the responsible person to receive and deal with reports from residents alleging sexual abuse.[245]

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[232] *Id.*, S. Hornsby, 364:15-22.
[233] *Id.* 365:5-12.
[234] *Id.*, A. Dawson, 366:17-367:1.
[235] *Id.* 367:2-4.
[236] *Id.* 367:4-9.
[237] *Id.*, S. Hornsby, 364:8-12.
[238] *Id.* 307:3-6.
[239] *Id.*, A. Dawson, 385:13-21.
[240] *Id.* 385:22-386:9.
[241] *Id.* 367:10-18.
[242] *Id.* 367:19-22.
[243] *Id.* 368:3-7.
[244] *Id.*, S. Hornsby, 309:3-5.
[245] *Id.* 308:20-309:2.

In processing a complaint of alleged sexual victimization, Woodland Hills has the following protocols: the resident files a complaint alleging staff sexual misconduct, either through the grievance process or by notifying a staff member; Woodland Hills immediately reports the complaint to Child Protective Services; the complaint comes to the attention of the superintendent, who then enforces a no-contact period between the accused staff member and the youth; Woodland Hills then notifies Internal Affairs; and if there is a need, Woodland Hills secures medical attention for the resident.[246] A student can also request at any time protective custody.[247]

Although the process began in 2007, by December of 2009, the DJJ installed cameras in all of its youth development centers to improve its surveillance capacity to promote safety.[248]

Corsicana

Facility Description

Corsicana, which originally served as an orphanage in the nineteenth century, operates under the auspices of the Texas Youth Commission (TYC) and houses 145 adjudicated youth (i.e., 133 males and twelve females) who have either a serious mental illness or a delay in mental development.[249] What is unique about Corsicana is that all residents have a medical diagnosis.[250] The current staff-to-resident ratio is one to twelve.[251] Corsicana contains a special fourteen-bed unit, the Crisis Stabilization Unit, which provides hospital-level care to residents.[252] Corsicana employs 162 correctional officers, twenty caseworkers, and eight psychologists; it contracts with the University of Texas Medical Branch for psychiatric services.[253] As many as thirty-six percent of Corsicana residents have past trauma abuse.[254] The population of Corsicana poses special challenges in terms of safety and treatment,[255] as many residents have prior histories that make them particularly vulnerable to sexual assault.[256]

According to the *BJS Juvenile Report*, 32.4% of the residents of Corsicana reported sexual victimization,[257] with 13.9% reporting sexual victimization involving another youth and 23.7% reporting sexual victimization involving a staff member.[258]

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[246] *Id.*, A. Dawson, 382:2-383:22.
[247] *Id.*, S. Hornsby, 384:20-22.
[248] *Id.* 309:11-13.
[249] *Id.*, C. Townsend, 402:10-17; *id.*, L. Cazabon-Braly, 402:10-12; Interview with C. Townsend, et al., in Corsicana, Tex. (Apr. 27, 2010) [hereinafter Townsend Interview].
[250] Tr., L. Cazabon-Braly, 402:20-21.
[251] *Id.*, J. Smith, 397:15-16.
[252] *Id.*, L. Cazabon-Braly, 402:18-20.
[253] *Id.* 403:6-11.
[254] *Id.* 406:10-13.
[255] *Id.*, C. Townsend, 393:18-22.
[256] *Id.* 394:1-2.
[257] *BJS Juvenile Report* 4 tbl.2.

Response to the *BJS Juvenile Report* and Corrective Actions

In the wake of a highly publicized scandal at TYC involving, among other matters, staff sexual abuse of residents,[259] Cheryln (Cherie) Townsend, Executive Director, appointed by Texas Governor Rick Perry on October 14, 2008, testified to the Panel that the TYC has been in the process over the last few years of undertaking significant, systemwide reform.[260] Ms. Townsend said that given the TYC's recent problems (BJS' interviews with youth took place close in time to the emergence of the scandal), she was not surprised to learn that the *BJS Juvenile Report* identified TYC as having a high prevalence of sexual victimization, but she was surprised to learn that Corsicana had such a high response rate.[261]

Like the other juvenile justice administrators who testified before the Panel, Ms. Townsend highlighted the importance of institutional culture. "I think the greatest challenge that our agency faces, and certainly this is true at the Corsicana Residential Treatment Center . . . is changing our culture from one of correctional focus only to one that also emphasizes treatment as well as accountability."[262]

Ms. Townsend said that in recent years TYC has been moving away from a corrections culture to a more therapeutic model:

> I think that there was a time in Texas when the juvenile correction system was known as the youth prison system and there was an effort at that time probably to make our facilities more like the adult prison systems and less like a positive youth development culture of change for young people.
>
> And I think that what we've seen, especially in the last two years, is a major shift back to not forgetting accountability, but really focusing on youth development. As we've done that, [w]e've really, I think, tried to hire a different kind of person. We've tried to train for something different.[263]

Ms. Townsend noted that among the achievements in the recent reform efforts at TYC are the following: (1) establishing a twenty-four hour hotline, the Incident Reporting Center (IRC), (2) providing trauma-informed care and cognitive therapy to youth, (3) changing the physical

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[258] *Id.* 8 tbl.5.
[259] More than eighty news reports and official documents published in 2007-08 related to a scandal involving the mismanagement of TYC, which ultimately led both to the criminal conviction of an administrator for sexually victimizing residents and to legislative reform, are available online on the Investigative Reports page (Scandal at TYC: Abuse and Mismanagement in Texas Juvenile Corrections) at the website of *The Dallas Morning News*, which is available at http://www.dallasnews.com/investigativereports/tyc/.
[260] Tr., C. Townsend, 393:13-17 (While other witnesses appeared before the Panel in person, Ms. Townsend presented her testimony by telephone).
[261] *Id.* 423:7-13.
[262] *Id.* 394:4-9.
[263] *Id.* 443:14-444:3.

plants, (4) increasing the ratio of staff-to-youth supervision, (5) establishing a centralized Office of Inspector General (OIG) to conduct investigations, (6) creating a Special Prosecution Unit to insure consistency in enforcing TYC's zero-tolerance policy concerning sexual abuse, and (7) implementing safe-housing assessments to make appropriate residential placements.[264] TYC also retained a consultant to conduct an agency-wide and facility-specific review to identify how it can improve its approach to eliminating sexual assault through new or refined policies, procedures, or practices.[265]

Affirming Ms. Townsend's testimony, Mr. James Smith, the director of youth services at TYC, who is responsible for supervising residential facilities, noted that as a consequence of recent legislation,[266] many reforms at TYC were already underway prior to the publication of the *BJS Juvenile Report*.[267]

In addition to the reforms that Ms. Townsend mentioned, Mr. Smith said that as a result of recent Texas legislation, the TYC implemented a new treatment modality, the connections model, an evidence-based approach to promote positive youth development by "empowering our youth to self-direct their behavior and to work on their issues."[268] In programming and counseling for youth, TYC also focuses on reentry and continuity of services, providing for the needs of both the youth and the youth's family.[269]

TYC also installed over 11,000 cameras in its facilities, with almost 900 at the Corsicana facility alone.[270] All direct-care staff attended at least 300 hours of training,[271] including additional training on PREA,[272] and all employees underwent extensive background checks.[273] The Texas legislature also lowered the maximum age of residents in TYC facilities from twenty-one to nineteen.[274]

Mr. Smith explained that since January of 2009, TYC's housing policy requires staff to screen all new residents at intake to identify those who may be most vulnerable to sexual assault and then to place them in suitable housing units, often in close proximity to staff.[275]

TYC published a student handbook, which contains information on PREA standards, and it also published a parents' bill of rights, which empowers parents to exercise the rights they retain even

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[264] *Id.* 394:11-395:1.
[265] *Id.* 469:4-8; Townsend Interview; Tr., J. Smith, 401:3-7.
[266] Act of May 25, 2007, ch. 263, 2007 Tex. Gen. Laws 421 (effective June 8, 2007).
[267] Tr., J. Smith, 396:19-22.
[268] *Id.* 397:5-14.
[269] *Id.* 462:16-463:8.
[270] *Id.* 397:16-18.
[271] *Id.* 397:18-21.
[272] *Id.* 397:3-4.
[273] *Id.* 397:22-398:1.
[274] *Id.* 397:22-398:2.
[275] *Id.* 398:7-12; *id.*, L. Cazabon-Braly 405:1-9.

when their children are in state custody.[276] Mr. Smith stated that TYC tries to go beyond just providing parents with information; instead, it encourages parent involvement.[277]

Along with creating the OIG, the reform legislation created the Office of the Independent Ombudsman, which has ready access to TYC facilities to interview both staff and residents and to assess conditions of confinement.[278]

Mr. Smith testified that following the publication of the *BJS Juvenile Report*, Corsicana has been engaged in analyzing data related to incidents of sexual victimization, such as the time of day, the location, and the facility's operational practices.[279] As part of this analysis, Corsicana closed access to a restroom, installed bubbled mirrors and cameras, and plans to relocate cameras to multi-occupancy sleeping rooms.[280] Corsicana added psycho-educational groups for residents and held a brown-bag lunch for staff to discuss issues related to professional boundaries and PREA reforms.[281] Corsicana is planning to have an outside organization survey every resident to ensure that each is safe.[282]

In regard to training staff, Mr. Smith emphasized the importance of maintaining professional boundaries:

> So a lot of our information and training with our staff centers around understanding what those boundaries are, such things as terms of endearment with the staff, calling them mama this or they have some pet name that they use for the staff. And while initially to the staff it's flattering or it sends a sense that they are developing a good relationship with the kid, unfortunately for the kid, it's a door opening for them to maybe perhaps take advantage of the staff or create a situation.
>
> What we really find is making sure the staff understand[s] that there [are] traps that you need to be aware of and while it may be well-intentioned on your part, it could certainly be perceived on the youth's part as an opportunity. And so we are looking to enhance our training, especially for our female staff, because we do have some young men who are very sophisticated . . . ."[283]

TYC's training programs are not only for staff but also for supervisors.[284] Ms. Townsend testified that supervisors may not recognize a staff person's misconduct, because the staff person

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[276] *Id.*, J. Smith, 398:12-16.
[277] *Id.* 398:17-18.
[278] *Id.* 399:1-8.
[279] *Id.* 399:18-400:2.
[280] *Id.* 400:2-5; *id.*, C. Townsend, 428:6-11.
[281] *Id.*, J. Smith, 400:12-17; *id.*, L. Cazabon-Braly, 404:1-7, 12-13.
[282] *Id.*, J. Smith, 400:18-401:2.
[283] *Id.* 433:18-434:12.
[284] *Id.*, C. Townsend, 438:5-6.

is capable in so many ways that it is hard to conceive that he or she may be crossing the line with residents.[285] The training for supervisors focuses on their responsibility to coach employees in respecting appropriate boundaries and to recognize the indicators when an employee may be developing an inappropriate relationship with a youth.[286]

Ms. Laura Cazabon-Braly, Superintendent of Corsicana, stated that each month Corsicana holds town hall meetings with staff, and a topic at every meeting is supervision strategies.[287] The clinical staff has also provided an eight-hour training program for casework staff to discuss signs indicating when a staff member may be crossing a professional boundary when dealing with residents.[288]

Ms. Cazabon-Braly stated that since the reform of TYC, Corsicana has expanded specialized treatment groups for residents.[289] One significant change has been moving the psychologists on staff to the dormitories in the living units so that residents have greater access to them.[290]

Mr. Cris Love, Inspector General for the TYC, reported that for the first seven months of fiscal year 2010, the IRC received about 1,100 complaints per month.[291] From those incident reports, the OIG initiated 150 investigations.[292] For Corsicana, each month the IRC receives about 190 complaints, and the OIG investigates close to forty of them.[293] The IRC refers most of the complaints to the TYC Youth Services Division; the IRC refers thirty-seven percent of the complaints to the TYC's grievance department.[294] The OIG currently employees forty-three staff; twenty are peace officers.[295]

Mr. Love noted the following recent accomplishments of the OIG: establishing and operating the IRC, establishing and operating a system for monitoring use-of-force (i.e., reviewing surveillance camera footage on a daily basis to assess whether the staff treats residents appropriately), establishing and operating three databases related to complaints and investigations (i.e., the IRC database, a criminal complaint database, and an administrative complaint database), apprehending absconded youth, reducing the response time for initiating investigations, reducing the time to complete investigations, and responding effectively to emergencies involving TYC (e.g., hurricane evacuation).[296]

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[285] *Id.* 438:11-15.
[286] *Id.* 438:15-18.
[287] *Id.*, L. Cazabon-Braly, 404:8-12.
[288] *Id.* 404:13-16.
[289] *Id.* 403:14-16.
[290] *Id.* 403:18-21.
[291] *Id.*, C. Love, 409:14-17.
[292] *Id.* 409:17-20.
[293] *Id.* 409:21-410:7.
[294] *Id.* 410:8-13.
[295] *Id.* 411:8-10.
[296] *Id.* 412:4-413:8.

The management team at Corsicana, not just the superintendent and assistant superintendent, assist the OIG in monitoring random samples of video footage of the facility, and then they evaluate what they observed.[297] By assigning monitoring of the footage to managers, TYC is encouraging them to realize that they have a stake in creating the culture of the institution, identifying good practices, and correcting inappropriate ones.[298] Reviewing video footage may also be a way for supervisors to identify the warning signs that a staff person may be crossing a professional boundary. Ms. Cazabon-Braly testified that her reviewing of surveillance video footage sometimes allows her to recognize incipient staff problems:

> [W]e want to stop things before they escalate to a serious situation. If I'm watching video footage and I see a staff member maybe touch a kid on the arm too much, proximity is maybe too close, they brought in something to the kid, they're calling the facility about the kid, that's a red flag for me, and that's somebody we're going to watch.[299]

On admission to Corsicana, a resident receives an immediate psychological screening to determine whether the staff should monitor the youth as a suicide risk; all residents receive a full psychological evaluation within fourteen days of admission.[300] If the youth needs placement in a mental health facility, TYC will make the arrangements.[301] All TYC facilities have psychologists on staff, and they are on call to respond to any needs around the clock.[302]

Residents at Corsicana can report incidents of sexual misconduct, attempted sexual misconduct, or any other harmful activity by calling the "blue phone" hotline, which is accessible to all residents in housing units.[303]

In the case of an incident, the chief local administrator or administrative duty officer would do the following: notify the superintendent of the facility; ensure, if necessary, that the youth receives medical treatment from the infirmary; and contact a mental health professional on call to respond.[304] If needed, the youth would go to the hospital for an examination by a SANE.[305] The SANE would then contact the Child Advocacy Center or a local rape crisis center.[306] Recent legislation requires TYC to track and provide services to a youth abused or injured while in TYC's custody.[307]

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[297] *Id.*, J. Smith, 439:6-13.
[298] *Id.* 439:14-22.
[299] *Id.*, L. Cazabon-Braly, 441:12-19.
[300] *Id.*, L. Robinson, 445:18-446:1.
[301] *Id.* 446:2-13.
[302] *Id.* 446:14-16.
[303] *Id.*, J. Smith, 421:7-13.
[304] *Id.*, L. Robinson, 448:5-15.
[305] *Id.* 448:16-20.
[306] *Id.* 448:22-449:2.
[307] *Id.* 449:19-22.

When the IRC receives a sexual misconduct complaint, it contacts the OIG staff and the executive staff, and regardless of the time, the OIG will send an investigator to the scene.[308]

General Observations

The Selected Facilities Have Distinctive Characteristics

Although the Panel's mandate is to identify common characteristics among the juvenile correctional institutions that have the lowest prevalence of sexual victimization and the juvenile correctional institutions with the highest prevalence, the Panel recognizes that the institutions that it selected for study all have unique, distinguishing characteristics. Ft. Bellefontaine, with only twenty-four beds, is a comparatively small institution. The RITS and Corsicana have undergone significant transitions since the time of the BJS survey. In the last year, the RITS has reorganized its programs and has moved to three smaller facilities, two of them recently constructed. The RITS is also unique in that unlike most states, Rhode Island does not have juvenile correctional institutions at the county level, so the juvenile justice system operates exclusively at the state level. In the last two years, in the wake of a devastating scandal, Corsicana, along with the rest of the TYC, has been implementing significant legislative reform to address many of the problems that the *BJS Juvenile Report* identified. In addition, Corsicana is the only institution among the five selected juvenile facilities that exclusively serves a mentally ill and developmentally delayed population. Pendleton is unique among the five in that it serves only maximum security residents. Woodland Hills is unique in that it is the only institution that questions the accuracy of the *BJS Juvenile Report* in finding a high prevalence of sexual victimization at the facility. Some might suggest that the populations of the five selected juvenile facilities may differ so significantly (i.e., medium security residents at Ft. Bellefontaine, maximum security residents at Pendleton, and mentally ill residents at Corsicana) that comparing these institutions may not be particularly helpful. The Panel notes these distinctions (as well as anticipated concerns) and is aware that, at least in some instances, the unique characteristics of each institution may partially explain its appearance in the *BJS Juvenile Report*.

Policies and Practices May Not Predict Outcomes

In reviewing the facilities' responses to the Panel's Data Request, the Panel discovered that some widely accepted recommended practices did not necessarily correspond with an institution's incidence of sexual victimization. For example, Ft. Bellefontaine does not have a PREA coordinator, a written PREA-specific policy, an orientation on sexual victimization for residents, or specific policies on dealing with the aftermath of sexual assault.[309] Yet, despite these lacunae,

[308] *Id.*, C. Love, 452:20-453:16.
[309] App. C 2 (Ft. Bellefontaine responses to Questions 2(a) and 3).

the *BJS Juvenile Report* identified Ft. Bellefontaine as having no incidents of sexual victimization in the time period under review.[310] [311]

In contrast, among the five selected facilities, Pendleton had one of the most thorough, documented procedures for investigating allegations of sexual abuse;[312] yet the strength of the investigative procedures did not prevent Pendleton from having, according to the *BJS Juvenile Report*, a relatively high number of reported incidents.[313]

The Selected Facilities Differ on the Causes of and Effective Prevention Methods for Sexual Victimization

The Panel heard discrepancies in the experiences of the facilities. For example, Pendleton attributed the high incidence of sexual victimization at its facility, at least in part, to overcrowding and staff shortages, whereas Woodland Hills, which also had a high prevalence of sexual victimization, was operating under capacity with an adequate number of employees. Ft. Bellefontaine, which did not rely on cameras for security, had no reported incidents of sexual victimization, whereas Corsicana, which has hundreds of cameras, reports a significant number of allegations of sexual victimization each month.

The Small Number of Reviewed Facilities Limits Reliable Generalizations

The Panel is mindful, given the small number of facilities that participated in the hearings, that its findings may not lead to reliable generalizations. Nonetheless, aware of the inherent limitations in its effort to identify common characteristics among the selected facilities, the Panel has identified common themes that emerged from the hearings that corrections administrators, practitioners, and researchers should consider exploring in eliminating sexual victimization in facilities that serve youth.

Common Themes

Culture

Every administrative leader of a juvenile correctional system who testified before the Panel stressed the importance of institutional culture. They recognized that in the world of juvenile corrections, there is a spectrum of competing models, with the therapeutic-rehabilitation model on one end and the punitive-correction model on the other. Among the institutions that the Panel selected to study, Ft. Bellefontaine presents an example of the therapeutic approach, whereas

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[310] *BJS Juvenile Report* 5 tbl.3.
[311] Similar to Ft. Bellefontaine, the RITS, a facility with a low prevalence of sexual victimization, also does not have a PREA-specific policy. *See* app. C 1 (RITS response to Question 1).
[312] In the Panel's view, Pendleton had sound investigative procedures in place, and based on the documentation of the investigations that Pendleton submitted to the Panel for review, Pendleton's investigative team did a thorough, professional job. *Id.* 3, 15 (Pendleton responses to Questions 3 and 13).
[313] *BJS Juvenile Report* 7 tbl.4.

Pendleton presents, at least until the recent past, an example of the punitive approach. Regardless of how they may characterize their own institutions, all of the administrators who presented testimony to the Panel said that they valued a therapeutic culture, and they were either already committed to one or were taking steps to achieve one. All of the administrative leaders who testified also underscored the significance of differentiating juvenile correctional systems from their adult counterparts. Youth who are in custody are still in development, and institutions that serve young people well have programs and staff that take youth development into account. Another aspect of institutional culture on which all testifying officials agreed is that it is important to return youth offenders as quickly as possible to their communities and to work with families and community-based organizations to plan for successful reentry. The consensus among the leaders of juvenile correctional institutions, a consensus that the Panel supports, is that in creating safe institutions that are free of sexual abuse, juvenile correctional systems should promote a therapeutic culture, promoting programming that focuses on rehabilitation and engages families in planning for a youth offender's successful transition back to the community.

Staff Training

All of the institutions that appeared at the Panel hearings agreed on the importance of providing staff training. Many of them have already instituted training programs for their staffs on the importance of maintaining professional boundaries in youth correctional settings. The training programs often identify early indicators, called "red flags" or "slippery slopes," that should put staff members on notice that either they or one of their colleagues may be in danger of crossing a professional boundary that could lead to an inappropriate relationship with a youth. Some of the training programs include quite a long list of examples; among them are bringing presents to a youth, sharing personal information with a youth, treating a youth more favorably in comparison to others, and spending time with a youth beyond regular duty hours. Many institutions also noted that when female staff members are experiencing difficulties in their personal lives (e.g., divorce or other loss), they may be especially vulnerable to developing inappropriate relationships with male youth offenders. Again, the consensus among the juvenile corrections administrators who appeared at the Panel hearings, which the Panel also endorses, is that providing effective training to staff, especially female staff, on recognizing behavior that risks crossing a professional boundary would strengthen prevention of staff-on-juvenile sexual misconduct.

Facility Size

The Panel recognizes that some juvenile justice systems in the country may acknowledge Ft. Bellefontaine's positive record but dismiss it as a replicable model because it serves only twenty-four residents. In contrast, Pendleton has well over two hundred. Juvenile justice systems dealing with budget constraints and existing large physical plants may view emulating Ft. Bellefontaine's approach to juvenile corrections as impractical. According to Missouri DYS, the

size of Ft. Bellefontaine is a deliberate organizational decision; no facility in the Missouri system has more than fifty beds.[314] Although the Panel is aware of the financial, political, and institutional pressures that may prevent states from following Missouri's example, many of the administrators of juvenile correctional facilities who presented testimony at the Panel's hearings recognized the importance of placing youths in small facilities close to their homes.[315] Consistent with the views of the administrators who testified at the Panel hearings, the Panel encourages state juvenile correctional systems to consider adopting the strategic goal, perhaps as part of a long-term plan, of placing youth offenders in smaller facilities.

Unresolved Institutional Questions that Warrant Further Study

In reviewing carefully the testimony from the hearings and the facilities' response to the Data Request, the Panel has identified the following questions that merit further study.

What are the factors that lead female staff to become involved emotionally or sexually with male juveniles?

One of the most striking outcomes of the *BJS Juvenile Report* is its identification of the relatively high incidence of female staff having inappropriate sexual encounters with male youth offenders.[316] Without further study of this phenomenon, juvenile correction administrators speculate on the underlying dynamics that led to this result. In the absence of additional research, the Panel has heard two competing narratives that try to make sense of the data. One narrative is that sophisticated older youth manipulate young, vulnerable female staff into emotional relationships that evolve into sexual ones. The other narrative is that female staff members who are unable for a variety of reasons to build satisfying personal relationships with men gravitate, by design or by default, to juvenile facilities, where they find young men who are only too ready under the circumstances to enter into relationships with them that have a sexual component. Only additional research would show whether either of these competing narratives has any merit. Designing prevention strategies and providing effective staff training depend on solid research that sheds light on the underlying dynamics of the sexual encounters between female staff and male youth offenders.

What is the most effective training to encourage healthy professional boundaries?

Some of the administrators of the facilities that the Panel selected for study provided information on the training programs that they have developed for promoting healthy staff-youth professional boundaries. The Panel encourages research on the effectiveness of various training programs in

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[314] Tr., T. Decker, 104:2-3.
[315] *See also BJS Juvenile Report* 10 tbl.7. In noting the correlation between small facility size and the low incidence of sexual victimization, the Panel recognizes that large facilities might achieve similar positive results by providing services to youth in small programmatic units.
[316] *Id.* 13 & tbl.11.

creating institutional cultures that achieve healthy staff-youth professional boundaries. The Panel encourages the development of validated training models and materials that juvenile justice facilities throughout the country could use in preventing inappropriate relationships between staff, especially female staff, and youth offenders in custody.

What are the best practices for maintaining the appropriate professional boundaries between staff and juvenile offenders?

Although training must certainly be one of the key elements in maintaining appropriate professional boundaries between staff and juvenile offenders, there is a need for research on what additional practices are effective in creating healthy staff-youth relationships. How do juvenile correctional agencies build professional communities that allow supervisors and colleagues to intervene effectively when they recognize an early indicator that a staff person risks violating a professional boundary? Are there staffing practices (e.g., periodic rotations, reassignment requests, peer support groups) that prevent inappropriate relationships while not damaging the positive relationships that staff and youth may have that promote rehabilitation? The Panel encourages research that would produce a compendium of good management practices that support healthy, professional, staff-youth relationships.

How can institutions better screen staff to avoid sexual misconduct?

Despite administering standard background tests and employing other screening procedures, Pendleton administrators were at a loss in finding a reliable way to identify prospective staff members who might have a propensity to enter into inappropriate relationships with youth offenders.[317] The Panel encourages research that identifies the most effective screening tools for identifying applicants for positions in juvenile justice facilities who may be at risk for crossing professional boundaries. If the tools already exist, then the Panel encourages validation studies that show the correlation between the testing procedures and the reduction of inappropriate staff-youth conduct. If the tools do not exist, then the Panel encourages research on developing screening protocols that would assist juvenile justice facilities in identifying applicants who may stray from their duty to keep the youth they serve safe.

For youth in custody, what are the common characteristics of victims and perpetrators of sexual victimization?

Although the Panel heard some testimony on factors that may characterize victims and perpetrators of sexual victimization in juvenile correctional facilities, the information was incomplete.[318] In reflecting on the characteristics of juvenile victims of sexual abuse, a Pendleton administrator noted that the longer young people are in the juvenile correctional

[317] *See supra* note 193.
[318] The *BJS Juvenile Report* provides some information on the characteristics of victims and perpetrators. *BJS Juvenile Report* 10-13 & tbls.8, 9, 11 & 12; *see supra* pp. 2-3.

system, the more likely they are to become victims.[319] A Corsicana administrator, conceding that there were no reliable data, nonetheless posited that there are "themes" related to victims, including that they are often younger, have a history of trauma or gender identity issues, and may be hyper-sexualized.[320] Noting also the absence of reliable data regarding perpetrators, another Texas administrator observed that when a female staff person becomes involved in an inappropriate relationship with a resident, she is often struggling with self-esteem issues, recovering from a broken relationship, or dealing with something else in her personal life.[321] Perpetrators of juvenile sexual victimization may also, of course, be male staff members (as a prior BJS survey found, using a different methodology than the *BJS Juvenile Report*)[322] or other youths in custody; but the Panel did not obtain information from the selected facilities that would allow it to draw any conclusions about the common characteristics of either of these categories of perpetrators, or any others. In the absence of reliable data from the selected facilities, the Panel encourages researchers to study further the incidents of sexual victimization in juvenile facilities so as to identify additional common characteristics of victims and perpetrators.

How can juvenile justice systems assist staff falsely accused of sexual misconduct?

On both ethical and legal bases, the Panel acknowledges that under no circumstances is a staff person ever a victim when it comes to an inappropriate relationship with a youth, no matter how vulnerable the staff person nor how seductive the youth. Still, in a juvenile justice facility, allegations of sexual misconduct against a staff person can be one of the ways that a savvy youth can retaliate against a facility employee who conscientiously enforces institutional policies. The Panel is aware that staff persons may face unfounded charges. The Panel would like to encourage further study on how to support staff persons when these unfounded charges occur and whether there are institutional practices that take allegations of sexual misconduct seriously while also protecting an innocent staff person's professional reputation.

What are the factors that contribute to youth-on-youth sexual assault in juvenile justice facilities?

In reviewing incident reports from juvenile facilities, the Panel noted that in some of the facilities with the highest prevalence of sexual victimization, there were multiple cases of youth forcing other youth into sexual activities. The Panel encourages research to develop a profile of a youth in custody who is most likely to become a sexual predator. The Panel also encourages research on institutional practices that prevent youth-on-youth sexual victimization. Some of the issues

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[319] Tr., M. Dempsey, 260:7-10.
[320] *Id.*, L. Cazabon-Braly, 458:8-14; *id.*, L. Robinson, 460:2-7.
[321] *Id.*, J. Smith, 459:6-10.
[322] BJS, *Sexual Violence Reported by Juvenile Correctional Authorities, 2005-06* (July 2008), *available at* http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1218. "[M]ost perpetrators of staff misconduct were male, age 25 to 29." *Id.* 6. This report relied on data that juvenile correctional authorities reported, whereas the *BJS Juvenile Report* relied on data that juvenile offenders reported. Tr., A. Beck, 36:22-38:2, 38:5-6, 38:8-39:12.

that researchers should consider include whether a youth's history of sex crimes significantly predisposes the youth to predatory behavior while in custody, whether a facility's classification procedures at intake can reduce sexual victimization, and whether institutional housing policies can successfully keep vulnerable youth safe.

Taking into account youth development, what are healthy, realistic expectations for youth in managing sexual expression while in custody?

In reviewing the *BJS Juvenile Report* and reading incident reports from the facilities selected for the hearings, the Panel is aware of the problem that many juvenile correctional systems have in interrupting uncoerced youth-on-youth sexual activity. Young people in custody are usually in the midst of significant psycho-sexual development while they are in an environment that does not permit any form of sexual expression. The Panel would like to encourage research from developmental psychologists and professionals in related disciplines that would address the issue of how a young person in custody deals with sexuality in a healthy way. The Panel would hope that this research would inform juvenile justice policies and lead to supportive programming for youth offenders.

Conclusion

Making sure that the youth who are entrusted to the care of the nation's juvenile justice systems are safe, free of sexual victimization, is an imperative that the Panel shares not only with the sponsors of PREA but with all the citizenry of the United States. The *BJS Juvenile Report* is an important tool for corrections administrators because it sheds light on both the prevalence and dynamics of sexual victimization in juvenile facilities. Despite the sobering data in the report, the Panel is aware that most correctional administrators are working hard to make their facilities as safe as possible. The Panel also recognizes that no single policy or practice may guarantee a low incidence of sexual victimization. The Panel issues this Report to highlight existing and evolving practices and to encourage further research that will assist juvenile justice facilities better serve youth in custody as well as their families and communities.

Addendum: While retaining the same citations, the Panel would like to amend the second and third sentences in the first full paragraph on page two of this report as follows:

About 2.6% (700) of the total youth surveyed reported experiencing incidents involving other youths, whereas about 10.3% (2,730) of the total youth surveyed reported incidents that involved facility staff members. Approximately 2.0% (530) of the total youth surveyed reported an experience that involved nonconsensual acts; for the reported staff-on-youth incidents, 4.3% (1,150) of the total youth surveyed reported an incident that involved force and 6.4% (1,710) of the total youth surveyed reported an incident that did not involve force.

Appendix A

Overview of the Juvenile Justice System in the United States

Overview of the Juvenile Justice System in the United States

The juvenile justice system in the United States is complex and varied. States treat juvenile offenders in many different ways; some feature more therapeutic rehabilitation-focused programs, while others operate juvenile facilities in much the same manner as adult correctional facilities. Despite these differences, it may be useful for placing the work of the Panel and the *BJS Juvenile Report* in context to have an understanding of the nationwide characteristics of the country's juvenile justice population.

According to the most recent available data,[1] there were 92,854 adjudicated juvenile offenders held in residential placements on any given day in 2007. There were an additional 12,105 residents in these facilities on any given day; these included individuals over the age of twenty-one and youth who have not yet been charged or adjudicated. Of the adjudicated youth in residential placements, 64,163 individuals resided in public facilities and 28,558 were held in private facilities. The juvenile population in these facilities is 85% male and 15% female. Minority youth outnumber white youth by a nearly three-to-one ratio. Most states have a greater proportion of juveniles held for person crimes than for property crimes (i.e., 34% being detained for person crimes as opposed to 25% being detained for property crimes). One third of juveniles remain in placement six months after admission; for offenders held for person crimes, this rate jumps to 45%.

Juvenile delinquency rates have changed over the past decades. For example, the percentage of youth held for person offenses has increased markedly. In 1985, only 16% of youth were held on person crimes, but by 2006, the rate had jumped to 34%. The percentage of youth held for property crimes has steadily decreased over the same time frame, falling from a high of 61% in 1985 to 24% in 2007. The total delinquency case rate increased 43% between 1985 and 1997, and then it declined 15% to the 2007 level. This means that the overall delinquency case rate was 22% higher in 2007 than in 1985. All told, in 2007, juvenile justice systems in the United States processed more than 1.6 million delinquency cases.

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[1] *See* Office of Juvenile Justice and Delinquency Prevention Statistical Briefing Book, http://www.ojjdp.gov/ojstatbb/faqs.html (last visited Sept. 23, 2010); National Center for Juvenile Justice, *Juvenile Court Statistics 2006-2007* (Mar. 2010) (Charles Puzzanchera et al.), *available at* http://ww.ncjjservehttp.org/ncjjwebsite/pdf/jcsreports/jcs2007.pdf.

Appendix B

Data Request (Mar. 31, 2010)

U.S. Department of Justice

Review Panel on Prison Rape

Washington, D.C. 20531

March 31, 2010

VIA ELECTRONIC MAIL AND
FEDERAL EXPRESS

[Name]
[Title]
[Facility]
[Address]

Re: Juvenile Facility Hearings of Review Panel on Prison Rape

Dear [Name]:

As you know, the Bureau of Justice Statistics (BJS) at the United States Department of Justice recently issued the report *Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-09*, which identified the [facility] as having among the [highest/lowest] prevalence of sexual victimization. In response to that report, the Review Panel on Prison Rape (Panel) has selected the [facility] to participate in a hearing at [time] on [date] at the following location: Main Conference Room, Third Floor, Office of Justice Programs; 810 7th Street, N.W.; Washington, DC 20531.

In anticipation of that upcoming hearing, we have enclosed pertinent document and data requests. To prepare for the hearing, we would appreciate receiving responsive documents and information **no later than May 1, 2010**. Please submit the requested information (an original and four copies) to the following address:

Christopher P. Zubowicz, Attorney Advisor
Review Panel on Prison Rape, Office of Justice Programs
U.S. Department of Justice
810 7th Street, N.W.
Washington, DC 20531

We often experience substantial delays in the delivery of regular mail as a consequence of security precautions. Therefore, we recommend that the [facility] send its response to the Panel via a private, overnight mail delivery service. If the [facility] sends its response by an overnight courier, the zip code in the above address should be changed to 20001.

We also have enclosed a list of witnesses whom we would ask you to identify by name and make available for sworn testimony at the hearing. In connection with your oral testimony, the Panel encourages you to submit brief written testimony in response to the BJS's finding that the

[facility] has a [high/low] prevalence of sexual victimization to Mr. Zubowicz no later than May 21, 2010. The Panel also may identify additional witnesses as it reviews the facility's responsive documents and information and prepares for the hearing. The Panel will cover all reasonable costs that invited witnesses may incur in traveling to the hearing.

We will contact you again shortly to make travel and other arrangements related to the hearing.

Sincerely,

Michael L. Alston
Attorney Advisor

Enclosure

Requested Documents and Data

Pursuant to section 4(b)(3)(C) of the Prison Rape Elimination Act (PREA) of 2003, Public Law 108-79, 117 Stat. 972 (codified, as amended, at 42 U.S.C. §§ 15601-15609 (2006)), the Review Panel on Prison Rape (Panel) requests that the (name of agency) produce the information itemized below regarding the (name of institution) on or before May 1, 2010. In preparing the response to the document and data request (please submit an original and four copies), restate each numbered question in full before providing a complete, written answer or supplying the requested documentation. Please organize and label all produced documents to correspond with the numbered questions and, if applicable, their subparts. However, it is not necessary to produce more than one copy of any particular document. The request for information is an ongoing one. Until the date of your hearing before the Panel, we ask the (name of agency) to update its responses to the document and data request as appropriate.

Policy

1. Please provide copies of any relevant state or local laws, internal memoranda, general orders, policy manuals, standard operating procedures, or other documents, any of which applied to allegations of sexual abuse[1] at the (name of institution) from January 1, 2008, through April 30, 2009.

2. For the period of time from January 1, 2008, through April 30, 2009: (a) please state which staff person was responsible for coordinating administrative efforts to eliminate sexual abuse at the (name of institution) in conformity with the goals of PREA; and (b) please provide the name and title of the PREA coordinator for the (name of institution).

3. Please provide the document setting forth the (name of institution)'s standard operating procedures from January 1, 2008, through April 30, 2009, for investigating allegations of sexual abuse, noting in particular any differences in investigating SOJ, VOJ, JOJ, JOS, and JOV allegations. *See supra* note 1.

4. For the period of time from January 1, 2008, through April 30, 2009: (a) please provide the document setting forth the (name of institution)'s standard operating procedures for the use of cross-gender supervision/observation and searches; and (b) describe the extent to which the (name of institution) had any gender-based bona fide occupational qualifications for certain posts.

5. Please provide information describing your security classification and housing assignment process.

[1] For this document and data request: the term "sexual abuse" includes staff-on-juvenile (SOJ), volunteer-on-juvenile (VOJ), juvenile-on-juvenile (JOJ), juvenile-on-staff (JOS), and juvenile-on-volunteer (JOV) sexual assault; "inmate" is a youthful offender who is incarcerated in a juvenile detention facility or a state training school.

Operations

6. Please provide the average age of offenders at the (name of institution) and the age range of offenders at the (name of institution).

7. Please describe your facility's relationship with external organizations related to responding to allegations of sexual assault or inappropriate conduct and provide copies of any formal Memoranda of Understanding (MOUs) that (a) were in place from January 1, 2008, through April 30, 2009, and (b) are currently in place (e.g., with hospitals, medical centers, mental health services, training organizations, and victims services).

8. For the period of time from January 1, 2008, through April 30, 2009, how many juveniles, while housed at the (name of institution), (a) committed suicide, (b) attempted suicide, (c) were homicide victims, (d) were victims of attempted homicide, (e) were diagnosed as mentally ill, (f) were alcohol and other drug abusers, and (g) were sexually abused prior to being institutionalized (if known)?

Human Resources

9. (a) What are the minimum qualifications for custody staff (e.g., age, education, and prior criminal record)? (b) Describe the background screening process for applicants and employees in custody staff positions. (c) What is the turnover rate for custody and program staff?

10. For the period of time from January 1, 2008, through April 30, 2009, (a) how many of the custody staff and program staff were terminated from employment for sexually-related inappropriate conduct or sexually-related criminal behavior?; (b) how many custody staff and program staff were allowed to resign for similar conduct or behavior?; and (c) if available, how many custody staff and program staff were reprimanded or warned about similar conduct or behavior?

11. Please state the overall, average daily ratio of sworn staff to juveniles at (name of institution) from January 1, 2008, through April 30, 2009 (provide one average daily ratio in response to this request; do not provide separate daily ratio figures for each day during the designated time period).

Investigations

12. For the period of time from January 1, 2008, through April 30, 2009, please describe all of the ways that a youthful offender could report an allegation of sexual abuse at (name of institution).

13. Please provide a complete copy of the investigative record involving all allegations of sexual abuse at the (name of institution) that occurred from January 1, 2008, through April 30, 2009, including the identity of the alleged victim and alleged perpetrator(s).

14. Please provide copies of all incident reports that refer to alleged sexual abuse (SOJ, VOJ, JOJ, JOS, and JOV) at the (name of institution) from January 1, 2008, through April 30, 2009 (the Panel solely seeks documents that have not been produced in response to another request).

15. Please provide copies of any disciplinary records showing actions taken against staff, volunteers, or youthful offenders at the (name of institution) from January 1, 2008, through April 30, 2009, involving allegations of sexual abuse or sexually-related inappropriate behaviors (the Panel solely seeks documents that have not been produced in response to another request). Please separate into categories of SOJ, VOJ, JOJ, JOS, and JOV.

16. (a) Please provide copies of complaints filed by juveniles or on behalf of juveniles from January 1, 2008, through April 30, 2009, whether formal or informal, alleging sexual abuse at the (name of institution); and include the disposition or resolution (the Panel solely seeks documents that have not been produced in response to another request).

17. (a) Please describe the qualifications and experience that staff members must have to investigate allegations of sexual abuse at the (name of institution). (b) What is the selection process at the (name of institution) for these staff and how are they trained? (c) What is the investigator's relationship with external resources such as law enforcement, medical facilities, and prosecutors?

18. (a) Has there been any litigation brought against the (name of institution) involving sexual abuse during the last five years? (b) If so, please provide a brief description of the litigation and any settlement/court actions.

Orientation and Training

19. Please describe (a) the staff training process from orientation through in-service sessions, (b) any specific training related to inappropriate relationships or behaviors, (c) any specific training on how to deal with youthful offenders who solicit inappropriate relationships, (d) the training received about reporting sexual misbehavior and any abuse reporting requirements, (e) training on investigative procedures, (f) training for the (name of institution)'s medical staff on intervention and treatment, (g) training of counseling and/or other program staff on sexual abuse/inappropriate relationships related to treatment and casework planning, and (h) any training related to "red flags" for supervisors or managers in all phases of the operation (e.g., custody area; education area; work experience areas; and volunteer, contract, and mentoring activities).

20. (a) For the period of time from January 1, 2008, through April 30, 2009, please detail the processes of how the (name of institution) informed youthful offenders about the potential danger of sexual abuse and sexual misconduct, the procedures for reporting threats of sexual abuse, and the procedures for reporting allegations of sexual abuse. (b) Please detail how the (name of institution) presently informs youthful offenders about the potential danger of sexual abuse and sexual misconduct, the procedures for reporting

threats of sexual abuse, and the procedures for reporting allegations of sexual abuse.
(c) Please provide samples of instructional materials that the (name of institution) (i) used from January 1, 2008, through April 30, 2009, and (ii) uses presently to inform juveniles about how they could prevent or report sexual abuse.

Requested Witnesses

The Panel requests that the (name of agency) make available for sworn testimony the following individuals:

1. (name of agency) Director _____;
2. (name of institution) Superintendent _____;
3. (name of institution) PREA Coordinator;
4. (name of institution) Internal Affairs Manager who heads investigations; and
5. Others who the Director and/or Superintendent recommend and who are approved to attend by the Panel.

The Panel may also request the appearance of individuals referenced in the documents requested above.

Future Actions

The Panel is very interested in knowing what actions the Department and/or Institution have taken to address deficiencies or to build on the strengths identified in the report *Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-09* (Study).

1. Please provide a list of actions taken since the Study results were released to eliminate sexual assault, sexual abuse, or sexually-related inappropriate relationships between juvenile offenders, between juvenile offenders and staff, or between staff and juvenile offenders. Please provide copies of any newly developed materials or training information that could be used as guidance on this subject.

2. Please provide the Panel with any recommendations for other program operators either to avoid future sexual assault, sexual abuse, or inappropriate relationships in juvenile facilities or to implement successful approaches.

Appendix C

Side-by-Side Matrix of Juvenile Facility Responses to Review Panel on Prison Rape Data Requests (June 2, 2010)

Side-By-Side Data Matrix of Juvenile Facility Responses to Review Panel on Prison Rape Data Requests

(matrix created by Creative Corrections, LLC)

	Missouri	**Rhode Island**	**Indiana**	**Tennessee**	**Texas**
Policy	Missouri Division of Youth Services (DYS) **Fort Bellefontaine Campus**	Rhode Island Department of Children, Youth and Families (DCYF) **Rhode Island Training School (RITS)**	Indiana Department of Correction, Division of Youth Services (DYS) **Pendleton Juvenile Correctional Facility (PJCF)**	Department of Children's Services, Division of Juvenile Justice (DJJ) **Woodland Hills Youth Development Center**	Texas Youth Commission (TYC) **Corsicana Residential Treatment Center (CRTC)**
1) Provide relevant state or local laws, internal memoranda, general orders, policy manuals, standard operating procedures, or other documents, any of which applied to allegations of sexual abuse from January 1, 2008 through April 30, 2009.	State statutes were provided relative to reporting and investigating child abuse and neglect, but laws for juvenile correctional facilities were vague. No local PREA policies were provided. Respondent states no allegations of sexual abuse during this period, and further states policy requests should be considered "non-applicable."	State statutes were provided relative to reporting and investigating child abuse and neglect. Sexual abuse of a "child by another child" is specifically referenced as a "criteria for Child Protective Services (CPS) investigation." No specific references to PREA policy or policy specific to RITS were provided. Some confusion was evident as RITS was	State statute and DYS policies clearly outline procedures regarding sexual assault or violence prevention and reporting, including specific PREA policies. See Policy and Administrative Procedures, July 1, 2005 and October 1, 2009. See policy entitled the Operation of the Office of Internal Affairs for DOC for specific	State statute and DJJ policies and procedures are comprehensive and clear regarding reporting and investigating child abuse and neglect. No PREA policies were provided.	Comprehensive list of Texas state statutes were provided where sexual conduct applies to: Criminal Proceedings; SANE Nurse Program; Family Code; Government Code; Human Resources Code; Penal Code. Also provided were: Institutional Policy Manual; Intake Screening Instruments (including identifiers for potential victims or predators); *Safe Housing* Assessments; and *Texas Commission Reform*

Policy	Missouri Division of Youth Services (DYS) **Fort Bellefontaine Campus**	Rhode Island Department of Children, Youth and Families (DCYF) **Rhode Island Training School (RITS)**	Indiana Department of Correction, Division of Youth Services (DYS) **Pendleton Juvenile Correctional Facility (PJCF)**	Department of Children's Services, Division of Juvenile Justice (DJJ) **Woodland Hills Youth Development Center**	Texas Youth Commission (TYC) **Corsicana Residential Treatment Center (CRTC)**
		excluded from some abuse reporting procedures (DCYF policy Statute 500.0060) without documentation of how RITS cases would be specifically reported.	information.		*Plan.* Other Manuals: *Incident Reporting; Complaint Resolution; Alleged Abuse, Neglect and Exploitation;* and *Alleged Sexual Abuse*
2 (a) Staff person(s) responsible for coordinating administrative efforts to eliminate sexual abuse in conformance with the goals of PREA from January 1, 2008 through April 30, 2009.	None locally. PREA coordination is provided from Central Office and 5 geographic regions.	Superintendent, Deputy Superintendents, School Principal, Clinical Director.	Executive Director of Research and Planning.	Superintendent Albert Dawson.	TYC PREA Coordinator (centralized), CRTC Facility Superintendent.
2 (b) Name(s) and title(s) of PREA Coordinator	No response	Charles Golembeske Jr., Ph.D.	Amanda Copeland; Christine Blessinger (Jan. 2008 – April 2008); and Timothy Greathouse (April 2008 – April 2009)	Superintendent Albert Dawson	TYC - James D. Smith; CRTC Superintendent Laura Cazabon-Braly. Rebecca Thomas Cox and Ron Stewart were previous superintendents for reporting period requested.

Policy	Missouri Division of Youth Services (DYS) **Fort Bellefontaine Campus**	Rhode Island Department of Children, Youth and Families (DCYF) **Rhode Island Training School (RITS)**	Indiana Department of Correction, Division of Youth Services (DYS) **Pendleton Juvenile Correctional Facility (PJCF)**	Department of Children's Services, Division of Juvenile Justice (DJJ) **Woodland Hills Youth Development Center**	Texas Youth Commission (TYC) **Corsicana Residential Treatment Center (CRTC)**
3) Documentation and procedures for investigating allegations of sexual abuse with differences noted in investigating SOJ, VOJ, JOJ, JOS, and JOV allegations from January 1, 2008 through April 30, 2009.	All allegations investigated by internal agencies, governed by policies. (A sexual assault is considered a critical incident for reporting within 24 hours to Regional Office). Law Enforcement officials are notified, with option to investigate. No PREA investigation guidelines or policy was provided.	Allegations are investigated, including employee rights, but reporting requirements confusing as to how RITS alleged abuse cases are to be reported. (Although CPS is a separate division of DCYF, it is responsible for investigating abuse complaints). No specific reference to JOS or JOV incidents of abuse was given. SOJ, VOJ, and JOJ incidents are generically referenced in statute and policy.	All allegations are guided by strong and clear policy and investigated by the Office of Internal Affairs which coordinates all efforts with local and state authorities. No direct references to PREA investigation guidelines were provided but current policies are comprehensive and coordinated.	All procedures for investigating allegations are clearly written; allegations are investigated by either the Office of Internal Affairs or Child Protective Services (CPS), Special Investigations Unit (SIU).	Office of Inspector General (OIG) (established w/in past 3 years) has oversight. Often first reports of allegations, complaints, or incidents are fielded in the Incident Reporting Center. All medical, dental and psychiatric services provided by University of Texas Medical Branch/Correctional Managed Care. Full-time facility nursing coverage. OIG authorized to order SANE exam from local contracted hospital.
4 (a) Provide operating procedures for cross-gender supervision, observation, searches from January 1, 2008	Respondent states awareness supervision reduces necessity for body searches. If required, pat	Procedures provide for posting at least 1 staff person of the same gender of the residents in each unit on each shift.	Documentation on searches and shakedowns was thorough. It stated at least one person of same gender as	Documentation of searches was thorough, including references to parallel American Correctional	See General Administrative Policy Manual PRS.01.05. "Staff assigned who are willing and able to supervise youth of either

Policy	Missouri Division of Youth Services (DYS) **Fort Bellefontaine Campus**	Rhode Island Department of Children, Youth and Families (DCYF) **Rhode Island Training School (RITS)**	Indiana Department of Correction, Division of Youth Services (DYS) **Pendleton Juvenile Correctional Facility (PJCF)**	Department of Children's Services, Division of Juvenile Justice (DJJ) **Woodland Hills Youth Development Center**	Texas Youth Commission (TYC) **Corsicana Residential Treatment Center (CRTC)**
through April 30, 2009.	searches only are conducted by at least 2 employees, preferably one of same gender.		resident conducts searches. Facility also provided a staff development training module on the "Making a Change Academy."	Association Standards. See Policy and Procedures Manual, Search procedures, 27.19, page 7, f.2, g.2.a.	sex. No assignment based on gender, except when both males and females are housed in same unit, in which case at least one male and one female staff will be on duty at all times."
4 (b) Extent of gender-based bona fide occupational qualifications for certain posts	There was no response to question regarding cross-gender supervision ratios or BFOQ's.	Gender-based bona fide occupational qualifications for certain posts are not specified.	The facility stated that it "does not have any gender-based bona fide occupational qualifications for certain posts…" It "makes every effort to assign male staff to certain posts such as shower or restroom areas."	Response was "there were not State of Tennessee, Department of Human Resources interpretations regarding gender-based job descriptions."	All employees are subject to work any shift or post as assigned. There was no reference to BFOQ's.
5) Description of security classification	According to policy, Fort Bellefontaine Campus is considered "moderately secure." A number of	Youth are screened and assessed for mental health by the Massachusetts Youth Screening Instrument (MAYSI II), and	Security classification policies and procedures are comprehensive and clear. The use of	Security classification policies and procedures were comprehensive and clear. Review	For the reporting period requested, two different methods of classification were used. Panel members should review statement from facility

Policy	Missouri Division of Youth Services (DYS) **Fort Bellefontaine Campus**	Rhode Island Department of Children, Youth and Families (DCYF) **Rhode Island Training School (RITS)**	Indiana Department of Correction, Division of Youth Services (DYS) **Pendleton Juvenile Correctional Facility (PJCF)**	Department of Children's Services, Division of Juvenile Justice (DJJ) **Woodland Hills Youth Development Center**	Texas Youth Commission (TYC) **Corsicana Residential Treatment Center (CRTC)**
	assessment forms are completed at intake to determine placement among various facilities. Bed assignment is unclear.	individual needs by Global Appraisal of Individual Needs (GAIN). Specialized Treatment Unit staff classifies youth separately for aggression and sexual offending for assignment to the Specialized Treatment Unit.	assessment instruments is a helpful objective tool in this secure correctional facility to allow classification of all, including high-risk and PREA predator, offenders.	found no assessment instruments used to classify offenders for security reasons.	superintendent for detailed explanation of previous and current classification systems.
Housing assignment process	Placement per institution is based upon intake documents. No documentation was provided regarding housing assignment process other than by facility criteria.	Housing assignments are based on structured decision making instruments allowing for secure or non-secure placement and male detainees step down to the Transition Program. Transition for females was not referenced.	Policy and Procedure Manual lists extensive housing assignments and options, including "PREA considerations."	A psychosexual evaluation is completed on all youth with sexual offender charges.	Thorough written *Safe Housing* screening procedures and assessment and placement are made with emphasis on predictors for sexual victimization or predatory behavior.

Operations	Missouri Division of Youth Services (DYS) **Fort Bellefontaine Campus**	Rhode Island Department of Children, Youth and Families (DCYF) **Rhode Island Training School (RITS)**	Indiana Department of Correction, Division of Youth Services (DYS) **Pendleton Juvenile Correctional Facility (PJCF)**	Department of Children's Services, Division of Juvenile Justice (DJJ) **Woodland Hills Youth Development Center**	Texas Youth Commission (TYC) **Corsicana Residential Treatment Center(CRTC)**
6) Average age of offenders from January 1, 2008 through April 30, 2009. Age range	15.4 years 13-17 years	Boys-17.3 years Girls-17.0 years 13-20 years	16 years 12-19 years	16 years 14-18 years	16.4 years 12-20 years
7) Relationship with external organizations for responding to allegations of sexual assault or inappropriate conduct.	Respondent reports it is fully integrated into state and local services and with the State Technical Assistance Team.	The CPS unit of DCYF is responsible for conducting investigations at RITS but reporting requirements are confusing. Reporting requirements are clear for all other child care circumstances.	Facility has extensive list of partner agencies with whom it interacts, such as the National Alliance on Mental Health and the private, non-profit Indiana Juvenile Justice Task Force, Inc.	Facility reports close relationship with Vanderbilt University for responding to assessment and treatment of allegations of sexual assault and inappropriate behavior.	CRTC "worked in correspondence with Child Advocates of Navarro County in Corsicana, TX…" with regard to 8 cases for reporting period.

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Copies of Memoranda of Understanding (MOUs) **during** reporting period	Health care services are provided through Medicaid-reimbursed services.	There were no copies of MOUs available to review. However, Lifespan, a statewide health organization and hospital, provides services for RITS residents. Lifespan is experienced in treating sexual abuse victims and convenes Multi-discipline Child Protection Teams to discuss RITS incidents of sexual abuse.	There were no MOUs available to review.	Health care and some mental health services are provided by Vanderbilt University through a contract for services. MOUs were in place during period with the Disability and Law Advocacy, Inc.; and Metropolitan Hospital for comprehensive health and mental health services as a result of allegations of sexual abuse, sexual assault, or inappropriate behavior.	SANE nurse services are contracted with local hospital via University of Texas Medical Branch.

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MOUs **currently** in place (e.g., with hospitals, medical centers, mental health services, training organizations, and victims services).	There were no MOUs with other agencies regarding allegations of sexual assault or inappropriate conduct.	There were no copies of MOUs available to review.	There were no MOUs available to review.	These services are currently in place.	For MOUs, see Superintendent Statement. Another MOU is provided between Special Prosecution Unit and OIG regarding "limiting investigations and prosecution of youth committing misdemeanor offenses to those type offenses sexual in nature or youth on youth assaults where the victim's injuries are considered more than first aid, but still fall short of felony definition of Serious Bodily Injury."

Human Resources	Missouri Division of Youth Services (DYS) **Fort Bellefontaine Campus**	Rhode Island Department of Children, Youth and Families (DCYF) **Rhode Island Training School (RITS)**	Indiana Department of Correction, Division of Youth Services (DYS) **Pendleton Juvenile Correctional Facility (PJCF)**	Department of Children's Services, Division of Juvenile Justice (DJJ) **Woodland Hills Youth Development Center**	Texas Youth Commission (TYC) **Corsicana Residential Treatment Center(CRTC)**
8 (a) Number of suicides while housed	0	0	1	0	0
8 (b) Attempted suicide	0	1	32	3	16
8 (c) Homicide victims	0	Rhode Island does not track this data.	0	0	0
8 (d) Victims of Attempted Homicide	0	Rhode Island does not track this data.	0	0	0
8 (e) Diagnosed as Mentally Ill	32.1%	Medications: 15.5% males; 30% females Diagnosed with anxiety or mood disorders: 30% males; 32% females	111-118 (Criteria used were psychosis or depression).	138	90% of population diagnosed as mentally ill
8 (f) Previously abused drugs and alcohol	45.3%	76.4% males; 69.2% females	226 (Criteria used were weekly use of drugs and/or alcohol).	65	63%
8 (g) Previous sexual abuse	Unknown	5.5% males 23.1% females	60	Unknown	36%
9 (a) Minimum qualifications (custody staff)	Entry level Specialist 60 college hours w/ 6 hours in discipline or high school diploma	Associates Degree in Behavioral Science or Social Work	Three years' work experience, high school diploma or G.E.D. A.A. degree	Education and experience equivalent to high school degree	Under Texas Administrative Code: Texas Commission on Law Enforcement

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	or GED, and experience in direct care interaction with youth.	and/or relevant experience in clinical/correctional environment.	may substitute for work experience only, 21 years of age, background investigation, completion of Correctional Training Institute.		Officer, Jailer Licensing: High school diploma or GED or 12 college hours; U.S. citizen, licensed driver; not prohibited from possessing firearms; meets minimum training standards and pass Commission licensing exam for each license sought.
9 (b) Background screening process for applicants and employees (custody staff)	Employment history; professional certifications and education; fingerprint checks; child care and foster parent licensing records; Department of Mental Health Employee Disqualification Registry; Department of Health and Senior Services Disqualification list;	Background screening and criminal record checks are conducted under DCYF Policy 900.0040 and Federal Law. Also, DCYF Policy 700.0105 is followed for Clearance of Agency Activity required by Adam	Employees must have criminal history check, fingerprint check, sex offender registry, CPS screening, and drug screen.	Employees must have a criminal history and CPS records check. They must undergo health and substance abuse registry clearance, felony and sexual offender registry clearance.	Title 37: Public Safety and Corrections Employment history; criminal background check, arrest record interview, physical examination, no trace of drug dependency or illegal drug use after physical examination, psychological examination, no military discharge for less than honorable conditions.

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	Family Care Safety Registry; Registry for Adult Neglect/Exploitation; Claims Accounting Restitution System for debts owed to the State; Driver's license status.	Walsh Federal Act to check abuse/neglect registry prior to employment.			
9 (c) Turnover rate: Custody Staff Program Staff	21.9% for all job title classes	Turnover was under 5% for all custody staff, which is mostly related to promotion. Program staff turnover not recorded separately.	Custody Staff – 46% Program Staff – 19%	Custody and treatment staff – 27% Program staff – 18.5%	Approximately 26% for Correctional Officers Approximately 25% for Case Managers
10 (a) Employment terminations during reporting period for inappropriate conduct or sexually-related criminal behavior:					

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Custody Staff	0	0	3	0	0
Program Staff	0	0	1	0	0
10 (b) Allowed resignations for same conduct:					
Custody Staff	0	0	1	2	0
Program Staff	0	0	0	0	0
10 (c) Reprimanded or warned for similar conduct or behavior:					
Custody Staff	0	One incident of custody staff sexual harassment of another employee was handled through counseling.	1	One staff failed to report allegation. He investigated it himself and found it unproven. Upon learning about this incident, facility	0 (One offender complaint notes staff member was counseled.)
Program Staff	0	0	0	administrator investigated allegation and also found it to be	0

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				unproven. However, the employee was reprimanded for not following proper reporting procedure.	
11) Staff to juvenile ratio for reporting period-average daily sworn staff to juvenile ratio	8:00 a.m. – Midnight: 1:6; Midnight – 8:00 a.m.: 1:8; Additional staff present during regular business hours.	Juvenile Program Workers: 1:8; Unit Managers: 1:24; Clinical Social Workers: 1:24; Educational Staff: 35; Nurses: 3 employed and on duty from 7:00 a.m. to 11:00 p.m. Ratio of employees by category on per-shift basis was not reported.	1:3 There was no delineation between the three shifts.	1:5	1:6.6 for each shift

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12) For reporting period, methods by which a youthful offender could report allegation of sexual abuse	Grievance; Personal Advocate; Group Leader; Facility Manager; Nurse; Teacher; Trusted Adult including Parents; Service Coordinator; Volunteers; All DYS staff.	There is immediate access to telephone to report abuse. Family Service Unit Worker and Probation Counselor visit facility. Office of the Child Advocate office is located at RITS. There is a Master for the Federal Court and attorney for the plaintiffs. See Rhode Island case entitled *Inmates of the Boys Training School v. Patricia Martinez,* C.A. no. 4529. Unit Managers, Administrators, Nurses at sick call, Private clinical, vocational and educational providers and parents/guardians can be accessed to report allegation.	The "Pound 22 System" exists at this facility. This system allows juveniles to use any telephone and dial #22 to report sexual abuse, misconduct or threats. A grievance process is in place at every facility for juveniles not comfortable in using the "Pound 22 System." Juveniles who cannot talk with staff can tell parents or guardians who can report allegations to the facility on behalf of the youth.	Youthful offenders could report allegations to case manager, medical staff, Family Service worker, contract therapist, family, any staff member, or the attorney on site. An offender can report through the grievance procedure form, upon which CPS is notified. When CPS begins its investigation, that official contacts the Security Manager and Superintendent to ensure there is no contact between those involved in the allegation.	There is "blue" telephone access to Incident Reporting Center (previously known as "investigation hotline"). Allegations can also be made by e-mail, U.S. Mail, Grievance System, or Request for Conference.

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13) Complete copy of Investigative Record involving all allegations of sexual abuse for reporting period to include identities of alleged victim and alleged perpetrator(s)	No allegations were reported	One report of child-on-child sexual abuse (oral sex by fear or intimidation) was reported and complete report was reviewed and appears comprehensive.	Copies of Investigative Records were reviewed and all were clear, comprehensive and contained allegations, dispositions, and names of perpetrators and victims.	Copies of Investigative Records were reviewed and all were clear, comprehensive and contained allegations, dispositions, and names of perpetrators and victims.	Records were provided.
14) Copies of related Incident Reports for the reporting period	None	None except as noted in 13 above.	Copies of related incident reports were submitted and reviewed.	Copies of related incident reports were submitted and reviewed.	TYC/Corsicana produced approximately 590 CCF-225 incident reports and over 200 LS-051 reports of alleged abuse, neglect, or exploitation (although the LS-051 reports extended beyond the timeframe of the data requests and included information from post-April 2009, as well as 2010).

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15) Copies of disciplinary records showing actions taken against staff, volunteers or youthful offenders for reporting period involving allegations of sexual abuse or sexually-related inappropriate behaviors:	None	None	Disciplinary records were provided of incidences of inappropriate sexual activity in the following manner:	Disciplinary records were provided of incidences of inappropriate sexual activity in the following manner:	None. Investigations resulted in case dispositions where no further action was taken, for case numbers assigned.
Staff on Juvenile	0	0	0	6	0
Volunteer on Juvenile	0	0	0	0	0
Juvenile on Juvenile	0	In 13 above, complaint was unfounded due to lack of preponderance of evidence.	6	1	0
Juvenile on Staff	0	0	0	0	0

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Juvenile on Volunteer	0	0	0	0	0
16) Copies of complaints filed by juveniles or on behalf of juveniles for the reporting period	None	One report of child on child sexual abuse (oral sex by fear or intimidation) was reported and complete report was reviewed and appears comprehensive. This complaint was unfounded due to lack of preponderance of evidence.	19 complaints were received and reviewed. All were investigated initially by a facility administrator. 8 complaints were denied, 2 were resolved at an initial hearing, and 9 were referred to Internal Affairs for further investigation.	There were 7 allegations during this period. Internal Affairs and CPS staff investigated these allegations. 2 cases were unfounded and 3 were not sustained. One employee was terminated, another employee resigned as the case was investigated.	19 complaints with copies were provided by Civil Rights office. All were read and reviewed. There were a broad range of allegations. Offenders were able to suggest resolution. There was a formal disposition in all 19 complaints. No action counted as disposition.
Formal	0		9	7	19
Informal	0		10	0	0
Disposition or Resolution	0		19	7	19

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17 (a) Qualifications and experience for staff authorized to investigate allegations of sexual abuse	The Children's Division conducts an investigation. A Child Service Worker must possess a bachelor's degree or higher in the discipline or in Human Services-related fields.	Associates or Bachelors Degree in Criminal Justice. Experience in Law Enforcement or Social Science gained through full-time employment involving investigations or investigating experience related to law enforcement in areas primarily related to juveniles or related activities.	The DYS employs Internal Affairs staff to investigate allegations of sexual abuse. They must possess five years' experience, two as an investigator, a bachelor's degree and accredited graduate training.	A Special Investigator with Internal Affairs investigates allegations of sexual abuse. This investigator must have an undergraduate degree with at least one year of experience as a Special Investigator. Investigators are provided formal training on interviewing and interrogation evidence gathering and other training such as forensic interviewing, CPS training, and Wicklund-Zulawski Child Abuse Interview training	Criminal Investigator I. (Senior Level) Bachelor's degree with emphasis in Criminal Justice or combination of college education and law enforcement experience totaling 4 years (15 semester hours equals 6 months); Peace Officer License; Valid Commercial Driver's License; Acceptable driving record and criminal record check; pre-employment drug testing. 45-minute response time. Administrative Investigator: same as above plus additional education and work experience, with an emphasis on juveniles, correctional environments, treatment,

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				with the TN Bureau of Investigation.	abuse or neglect; 1 year experience in investigations case management or report writing. Minimum response time was not applicable.
17 (b) Selection process	Vacancies are filled using a competitive hiring process, postings, merit-based examination and certification, interview, performance test, and rating system to include background and reference checks.	Vacancies are filled based on civil service requirements and posted job descriptions by Chief of CPS Unit of DCYF.	The successful candidate is selected by a panel including the facility administrator or designee, DOC administrator, a current Internal Affairs investigator, and a Human Resources representative.	Vacancies are filled based on civil service requirements and posted job descriptions by Department of Human Resources, State of TN.	Vacancies are filled per state of Texas personnel system from job announcements noting qualifications, ability to perform essential job functions, background and criminal records check, etc.
Training Process	Training provided through Dep't of Social Services, covering a broad range of topics including: *Legal*	See staff training process in 19 below. Chief of CPS Unit also provides several weeks of mentoring and supervision related to	Training process includes graduation from the training academy with specialized training in the *Reid*	Training includes CPS training, forensic interviewing, Internal Affairs curriculum, regional	For sworn and non-sworn staff, OIG office provides comprehensive training for performing essential job functions, in-service training and

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	Aspects for Investigators, Child, Abuse/Neglect Investigation, Identification and Treatment of Child Abuse and Neglect	RITS abuse investigations.	*Technique of Interviewing and Interrogation.* Sample training certificates were included in the appendices.	training with a multidisciplinary team of district attorney, law enforcement, medical professionals.	outside agency training. All commissioned peace officers must maintain a Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) certification.
17 (c) Investigator's relationship with external resources such as: law enforcement, medical facilities, and prosecutors	Other agencies with which this investigator interacts include: Legal Services, Office of Civil Rights, DYS.	DCYF collaborates with law enforcement agencies, Attorney General's Office and Lifespan health services organization described in question 7 above.	The investigator must work closely with entities such as the State Police, local prosecutors, hospital, and social service officials, as well as parents, juvenile offenders, and facility staff.	The relationship of the investigator with external resources between law enforcement officials, District Attorney, Child Advocacy Center staff, and the juvenile courts is defined by statute.	See description from facility Superintendent. OIG authorizes referral to local contract hospital for SANE services.
18 (a) Litigation involving sexual abuse during previous five years	None	None	None	None	None
18 (b) Description and court action	None	None	None	None	None

Orientation and Training	Missouri Division of Youth Services (DYS) **Fort Bellefontaine Campus**	Rhode Island Department of Children, Youth and Families (DCYF) **Rhode Island Training School (RITS)**	Indiana Department of Correction, Division of Youth Services (DYS) **Pendleton Juvenile Correctional Facility (PJCF)**	Department of Children's Services, Division of Juvenile Justice (DJJ) **Woodland Hills Youth Development Center**	Texas Youth Commission (TYC) **Corsicana Residential Treatment Center(CRTC)**
19 (a) Staff training process from orientation through in-service sessions	Within first two years of employment, all DYS staff must complete at least 180 hours in Adolescent Care Treatment and 40 hours of on-the- job coaching. Forty hours of continuing professional development yearly thereafter is required.	Core Training is provided new DCYF employees prior to and during employment, which includes signs of abuse and specifically sexual abuse. Reporting and investigative protocols are also presented. CPS workers receive cross training with staff from other divisions. All Juvenile Program Workers participate in the six-week Training Academy. Issues related to abuse are covered in two 4-hour modules, one of which is presented by CPS staff. The other Module is presented by the Unit Manager	All staff members begin their employment in a four-week training program, followed by a one-week training session in the *Making A Change* curriculum, followed by a two-week on-the-job training period. Veteran staff receives forty hours of training per year.	All staff members receive 40 hours of orientation before attending the TN Correction Academy for a six-week training program. All staff is required to complete 40 hours of in-service training annually at the Academy or at the facility.	Since 2007, all Juvenile Correctional Officers (JCO) must complete 300 training hours prior to supervision of TYC youth. In addition, staff receives and signs a copy of *Notice of Improper Sexual Activity with Person in Custody* per Texas Penal Code.

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		of Specialized Treatment Unit, which provides sex offender treatment. The Child Welfare Institute provides follow-up training in sexual abuse and related topics.			
19 (b) Specific training related to inappropriate relationships or behaviors	*Communication, Professional Boundaries, Facilitating for Change* are required training.	Topics are covered in six-week Training Academy and by follow-up training through Child Welfare Institute. Specific courses were not referenced but material includes victimization, grooming behaviors, danger signs of abuse, appropriate styles of interaction, problematic behaviors and therapeutic responses.	Specific related training includes *Understanding and Working with Adolescent Sex Offenders, Supervising High Risk Juvenile Offenders, Making a Change Academy* and PREA training (see Exhibit 19 2).	Specific training includes sexual misconduct, workplace professionalism, workplace harassment, student assaults in facilities, PREA: Responding to Student Sexual Assault, the role of Internal Affairs, Ethical Anchors, and Professional Communication.	All staff trained in CoNEXTions© model; eight-hour *PREA Training* as well as applicable Texas law/policy review including sexual victimization and vulnerable youth.
19 (c) Specific training on how to	Adolescent Care Treatment Workshops	Training on these topics is covered by	Specific training modules include	Specific training includes managing	Specific training included Interventions, *Perceived*

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deal with youthful offenders who solicit inappropriate relationships	are provided.	Core Training, Training Academy and Child Welfare Institute.	sexual misconduct in an institution.	the manipulative student, student misconduct, and student assaults in facilities.	*Consent,* Age-appropriate roles and conduct, *Juvenile Health and Development*, *Understanding TYC Youth.*
19 (d) Training received-reporting sexual misbehavior and any abuse reporting requirements	All employees read and sign policies on abuse.	This training was provided in Core Training.	Specific training modules include sexual misconduct, misbehavior, and abuse reporting requirements in an institution.	Specific training includes mandatory reporting laws, workplace harassment, the role of Internal Affairs, and sexual abuse and assault reporting.	Training included Texas Penal Code and TYC policies; when and how to report verbally and in writing suspected abuse, neglect or exploitation; *PREA and Preventing Sexual Misconduct* and other policy training.
19 (e) Training on investigative procedures	This training is provided through Department of Social Services on a range of topics including: *Legal Aspects for Investigators, Child Abuse/Neglect Investigation,*	Investigative procedures were provided by CPS workers in training academy module.	Basic training is provided all staff in general investigative procedures. However, specific sexual victimization complaints are investigated by the Office of Internal	Investigations are conducted by Internal Affairs. They receive training on interviewing and interrogation techniques and evidence gathering.	OIG investigators are certified and have received extensive training in conducting investigations per Texas State Statute and DYC policy.

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	Identification and Treatment of Child Abuse and Neglect.		Affairs.		
19 (f) Training for facility medical staff on intervention and treatment	None was identified.	Facility medical staff received training in a-d above. No specific training for facility medical staff on intervention and treatment was noted.	No specific training for facility medical staff on intervention and treatment was noted.	Training for medical staff provided for review was extensive, comprehensive, and specific "in the event of a sexual assault" at the facility.	Extensive training specific to managing and treating the youthful population was documented. SANE protocols are established.
19 (g) Training of counseling and/or other program staff on sexual abuse and inappropriate relationships related to treatment and casework planning	No specific response was given.	See a-d above.	Specific training materials in these areas were provided and reviewed.	Specific training courses are presented for program staff that includes Sexual Abuse: Building Trusting Relationships with Families and Conducting Family Centered Assessments.	Counseling and other program staff members receive the same, four-week training as correctional officers.
19 (h) "Red Flag" training for supervisors or managers in all	None was identified.	See a-d above. Supervisors and managers received and trained program staff	Specific training was outlined in the *Understanding and Working with*	There is no specific training in this area. This area will be included in the	Excellent "Red Flags" section included in *PREA and Preventing Sexual Misconduct* to include:

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phases of facility operations (custody, education, work areas, volunteers, contract and mentoring)		in detecting signs of sexual abuse.	*Adolescent Sexual Offenders* module.	current course development. A PREA course has been taught at the Academy since August 2007.	Signs of Favoritism; Confrontation; Sexual and Personal Banter; Further training was provided in changes in behavior or appearance, rumors, sharing food or other items between offenders, sexualized conversations between staff and youth, etc.
20 (a) For the reporting period, process for informing youthful offenders about: (1) Potential danger of sexual abuse and sexual misconduct, (2) Procedures for reporting threats of sexual abuse, and (3) Procedures for reporting	Youthful offenders were provided information about basic rights and grievance procedures. Facility reports always attempting to create a climate of safety.	Children's Bill of Rights for Rhode Island is posted in all living units pursuant to RI General Law 42-72-15. Risk Assessment also reviews safety and resources for reporting with residents during orientation. Daily contact with Clinical Staff and Unit Managers. Youth are encouraged to report all inappropriate	Youthful offenders were provided information about basic rights and grievance procedures, PREA considerations and guidelines and signed a sheet following instruction. Specific training for youthful offenders on reporting incidences, threats,	Four staff are designated to complete the intake process for newly admitted youth. During the intake process, each new resident receives a copy of the student handbook. Page 17 has a Sexual Abuse/Assault Reporting section which the resident can use in the event of abuse or assault.	According to statement provided by James D. Smith, Director of Youth Services, Sexual Abuse Education is included as a part of the orientation process for TYC youth, to include potential of sexual abuse, sexual misconduct, and procedures for reporting. Information is reinforced using posters, written materials and personal instruction for grievances and reporting hotline.

Orientation and Training	Missouri Division of Youth Services (DYS) **Fort Bellefontaine Campus**	Rhode Island Department of Children, Youth and Families (DCYF) **Rhode Island Training School (RITS)**	Indiana Department of Correction, Division of Youth Services (DYS) **Pendleton Juvenile Correctional Facility (PJCF)**	Department of Children's Services, Division of Juvenile Justice (DJJ) **Woodland Hills Youth Development Center**	Texas Youth Commission (TYC) **Corsicana Residential Treatment Center(CRTC)**
allegations of sexual abuse		behavior by staff or residents.	and allegations of sexual abuse were noted.	This material is explained and read aloud to the resident. The resident is advised that by law all allegations of sexual or physical abuse to CPS will begin a formal investigation.	Zero Tolerance policy is emphasized.
20 (b) At the present time, process for informing youthful offenders about: (1) Potential danger of sexual abuse and sexual misconduct; (2) Procedures for reporting threats of sexual abuse; and (3) Procedures for reporting allegations of	Facility acknowledges need to become more deliberate in establishing procedures to address these issues.	This information is provided during GAIN Assessment tool administration at orientation.	Youthful offenders receive training on the units of potential danger of sexual abuse and misconduct. Youthful offenders also receive training on the units and at Intake on reporting threats of sexual abuse. The facility staff emphasizes zero tolerance for any sexual abuse or misconduct.	Same as 20(a) above.	Facility Superintendent reports offenders are provided extensive orientation materials with information about how to contact the Incident Reporting Center. Complaints reflect offenders' awareness of process as well.

Orientation and Training	Missouri Division of Youth Services (DYS) **Fort Bellefontaine Campus**	Rhode Island Department of Children, Youth and Families (DCYF) **Rhode Island Training School (RITS)**	Indiana Department of Correction, Division of Youth Services (DYS) **Pendleton Juvenile Correctional Facility (PJCF)**	Department of Children's Services, Division of Juvenile Justice (DJJ) **Woodland Hills Youth Development Center**	Texas Youth Commission (TYC) **Corsicana Residential Treatment Center(CRTC)**
sexual abuse.					
20 (c) **For the reporting period,** samples of instructional materials used to inform juveniles about how they could prevent or report sexual abuse	None was provided.	None was provided.	Excellent materials are provided in Exhibit 20 1 (1).	None was provided.	None was provided.
For the present time, sample instructional materials used to inform juveniles about how they can prevent or report sexual abuse	None was provided.	None was provided.	Excellent materials are provided in Exhibit 20 1(1).	Excellent materials are provided in Exhibit 21, Book 2 of the Manual provided for review.	None was provided.
Please provide a list of actions taken since the Study results were released to	*See* written testimony of Tim Decker and Future Actions Summary.	*See* written testimony of Patricia Martinez.	*See* written testimony of Edwin Buss and Future Actions Summary.	*See* written testimony of Steven Hornsby and related Future Actions Summary.	*See* written testimony of Cheryln Townsend, statement of James Smith, and Action Plan.

Orientation and Training	Missouri Division of Youth Services (DYS) **Fort Bellefontaine Campus**	Rhode Island Department of Children, Youth and Families (DCYF) **Rhode Island Training School (RITS)**	Indiana Department of Correction, Division of Youth Services (DYS) **Pendleton Juvenile Correctional Facility (PJCF)**	Department of Children's Services, Division of Juvenile Justice (DJJ) **Woodland Hills Youth Development Center**	Texas Youth Commission (TYC) **Corsicana Residential Treatment Center(CRTC)**
eliminate sexual assault, sexual abuse, or sexually-related inappropriate relationships between juvenile offenders, between juvenile offenders and staff, or between staff and juvenile offenders. Please provide copies of any newly developed materials or training information that could be used as guidance on this subject.					
Please provide the Panel with any recommendations	*See* written testimony of Tim Decker and Future Actions Summary.	*See* written testimony of Patricia Martinez.	*See* written testimony of Edwin Buss and Future Actions Summary.	*See* written testimony of Steven Hornsby and related Future Actions	*See* written testimony of Cheryln Townsend, statement of James Smith, and Action Plan.

Orientation and Training	Missouri Division of Youth Services (DYS) **Fort Bellefontaine Campus**	Rhode Island Department of Children, Youth and Families (DCYF) **Rhode Island Training School (RITS)**	Indiana Department of Correction, Division of Youth Services (DYS) **Pendleton Juvenile Correctional Facility (PJCF)**	Department of Children's Services, Division of Juvenile Justice (DJJ) **Woodland Hills Youth Development Center**	Texas Youth Commission (TYC) **Corsicana Residential Treatment Center(CRTC)**
for other program operators either to avoid future sexual assault, sexual abuse, or inappropriate relationships in juvenile facilities or to implement successful approaches.				Summary.	

Appendix D

Witness List for Review Panel on Prison Rape Hearings on Sexual Victimization in Juvenile Correctional Facilities (June 3-4, 2010)

Review Panel on Prison Rape
Hearings on Sexual Victimization in Juvenile Correctional Facilities

Witness List

June 3, 2010

Dr. Allen J. Beck, Bureau of Justice Statistics

For the **Fort Bellefontaine Campus**, Missouri Division of Youth Services:

Timothy Decker, Director, Division of Youth Services
Donald Pokorny, Jr., St. Louis Regional Administrator, Division of Youth Services
Phyllis Becker, Deputy Director, Leadership Development and Quality Improvement, Division of Youth Services

For the **Rhode Island Training School**, Rhode Island Department of Children, Youth and Families:

Patricia Martinez, Director, Department of Children, Youth and Families
Kevin Aucoin, Superintendent (Acting), Rhode Island Training School
Stephenie Fogli-Terry, Associate Director of Child Protection/Child Welfare, Department of Children, Youth and Families

For the **Pendleton Juvenile Correctional Facility**, Division of Youth Services, Indiana Department of Correction:

Edwin Buss, Commissioner, Indiana Department of Correction
Michael Dempsey, Executive Director, Division of Youth Services, Indiana Department of Correction
Dr. Amanda Copeland, Director of Research and Planning, Indiana Department of Correction
Linda Commons, Superintendent, Pendleton Juvenile Correctional Facility
Tim Greathouse, PREA Coordinator, Pendleton Juvenile Correctional Facility
Chris Blessinger, Former PREA Coordinator, Pendleton Juvenile Correctional Facility
Mavis Grady, Internal Affairs, Pendleton Juvenile Correctional Facility

June 4, 2010

Dr. Allen J. Beck, Bureau of Justice Statistics

For the **Woodland Hills Youth Development Center**, Division of Juvenile Justice, Tennessee Department of Children's Services:

Steven C. Hornsby, Deputy Commissioner, Division of Juvenile Justice, Tennessee Department of Children's Services
Albert Dawson, Superintendent, Woodland Hills Youth Development Center
Carla Aaron, Executive Director, Division of Child Safety, Tennessee Department of Children's Services
Patricia C. Wade, Lead Reviewer of Quality Service Review Teams, Tennessee Commission on Children and Youth

For the **Corsicana Residential Treatment Center**, Texas Youth Commission:

Cheryln K. Towsend (via telephone), Executive Director, Texas Youth Commission
Laura Cazabon-Braly, Superintendent, Corsicana Residential Treatment Center
Cris W. Love, Sr., Inspector General, Texas Youth Commission
Lori Robinson, Director, Specialized Treatment Services, Texas Youth Commission
James D. Smith, Director of Youth Services/PREA Coordinator, Texas Youth Commission