

State of Rhode Island and Providence Plantations

Rhode Island Department of Children, Youth and Families



As active members of the community, we share a vision that all children, youth and families

reach their fullest potential in a safe and nurturing environment

**ANNUAL REPORT OF SEXUAL ABUSE AND/OR SEXUAL
HARASSMENT WITHIN RHODE ISLAND JUVENILE JUSTICE
FACILITIES COVERED UNDER THE FEDERAL PRISON RAPE
ELIMINATION ACT (PREA)**

CALENDAR YEARS 2016

CALENDAR YEARS 2016

BACKGROUND

The Prison Rape Elimination Act (PREA) was passed by Congress and signed into law by President George W. Bush in 2003 to prevent, detect and respond to sexual abuse that occurs in confinement settings, including juvenile correctional programs. The National Prison Rape Elimination Commission developed national standards for reducing prison rape. These standards became final on June 20, 2012 when they were published in the Federal Register by the Department of Justice (DOJ). PREA applies to adult prisons and jails, juvenile confinement facilities, lockups and community confinement facilities. Juvenile facilities, whether a locked secure facility or a community based facility, are required to meet the same Juvenile Facility Standards.

COVERED FACILITIES

In 2016, Rhode Island had three (3) facilities required to meet the PREA Standards for Juvenile Facilities. One of these is the Thomas C. for Youth, the State's only publicly operated commitment program for both detained and adjudicated male and female youth. Also known as the Rhode Island Training School, it consists of two separate buildings - the Thomas C. Slater Youth Development Center and the Roosevelt Benton Youth Assessment Center. The Thomas C. Slater Youth Development Center is a residential commitment program for both adjudicated male and female youth. The Roosevelt Benton Youth Assessment Center holds pre-adjudicated male and female youth. However, due to the low number of female youth being detained, both pre-adjudicated and post-adjudicated females are currently held in one unit within the Thomas C. Slater Youth Development Center. The Rhode Island Training School Consent Decree that was originally entered in 1973. The Consent Decree was entered into on behalf of a plaintiff class comprised of youth confined and committed to the Training School. In 2000, the terms of the Consent Decree were amended to include a provision that the State would establish "substantial compliance" with the terms of the Consent Decree as follows:

1. The construction of a new facility;
2. The revision of Training School policy and protocol;
3. The implementation of a resident grievance process; and
4. Achieving accreditation through the American Correctional Association.

Subsequent to 2000, the State of Rhode Island successfully completed three of the four requirements needed to achieve "substantial compliance." The State opened a new facility in 2009 and completed a review and revision of all facility policy by the end of 2010. In

CALENDAR YEARS 2016

addition, the State established an implemented a grievance procedure for the youth at the facility. Thereafter, in 2014, the attorneys for the plaintiffs and the State agreed to amend the Consent Decree to require the State to achieve “substantial compliance” with the standards published through the Juvenile Detention Initiative as the final requirement to satisfy the terms of the Consent Decree. The amendment to the Consent Decree substituted for compliance with the best practice standards of the Juvenile Detention Alternative Initiative Standards for the previous requirement of achieving ACA accreditation. The State submitted to an audit of the facility under the JDAI standards of the facility in 2014 and 2015. To date, the State has successfully achieved compliance with most of the JDAI standards. A follow up site visit will take place in April of 2016. It is anticipated that the facility will be certified by the audit team as being in “substantial compliance” with the JDAI standards at that time..

Ocean Tides, Inc. is a privately operated staff secure program licensed by the Department of Children, Youth and Families (DCYF). Ocean Tides provides comprehensive residential treatment and educational services to youth adjudicated to the Training School, but who are ordered to these programs on a Temporary Community Placement (TCP) status by the Rhode Island Family Court. If the youth does not abide by the terms of the placement, the youth can be returned to the Training School without the need for the Court to issue a new placement order.

AGENCY AND FACILITY LEADERSHIP

Effective implementation of PREA and ensuring environments free of sexual abuse and sexual harassment is contingent on strong agency and facility leadership as well as the development of strong policies and practices that reinforce the prevention of sexual abuse and sexual harassment. While Rhode Island’s formal initial compliance with PREA Standards for Juvenile Facilities took longer than what was desired, Rhode Island has been a strong leader in ensuring safe facilities for detained and adjudicated youth in juvenile corrections facilities. In June 2010, then DCYF Director Patricia Martinez, Acting Superintendent Kevin Aucoin (now DCYF Chief Legal Counsel) and Associate Director for Child Protection/Child Welfare Stephanie Terry presented as witnesses to the *Review Panel on Prison Rape’s Hearings on Sexual Victimization in Juvenile Correctional Facilities* before the DOJ’s Review Panel on Prison Rape. Rhode Island was invited to attend as an “Institution with the Lowest Prevalence of Sexual Victimization”¹.

¹ *Report on Sexual Victimization in Juvenile Correctional Facilities*, Review Panel on Prison Rape, U.S. Department of Justice, Washington, DC (October 2010). Available at http://ojp.gov/reviewpanel/pdfs/panel_report_101014.pdf

CALENDAR YEARS 2016

According to this report, the Panel relied on data from the Bureau of Justice Statistics (BJS) published report, *Sexual Victimization in Juvenile Facilities Reported by Youth, 2009-09*.² This report identified that during the data collection time period, the Rhode Island Training School for Youth had one reported juvenile on juvenile sexual encounter which was investigated and unfounded. Director Martinez suggested three key factors that contributes to this “low prevalence of sexual victimization at the RITS: (1) the training program for staff; (2) the assessment procedures for youth, and (3) transition planning.”³ Mr. Aucoin’s testimony provided more concrete details of each of those factors.⁴

Similarly, Ocean Tides Programs stresses the importance of effective staff training, sound youth assessments, and transition planning within their program’s culture. Ocean Tides is a long-standing residential treatment facility in Rhode Island and enjoys an excellent reputation for providing safe and effective treatment and educational services to the youth in their care.

Both facilities began their initial PREA Audit for Juvenile Facilities in late 2015 with the onsite phase of the audits held in May 2016 and the preliminary report provided to the facilities in early June 2016. Corrective Action plans for each facility were initiated in late June 2016 and completed in early December 2016. While the final report was not provided by December 31, 2016, the verbal indication from the PREA Auditor was that the final reports would indicate full compliance with the PREA Juvenile Standards for each facility for the first round of PREA Audits.

DCYF SPAN OF AUTHORITY

DCYF is the state agency designated as responsible for child welfare services (including child protective services), juvenile justice services, and children’s behavioral health services. Under this authority, the services we provide the state include the operations of the Thomas C. Slater Training School for Youth. We are also the regulatory agency responsible for the licensing of residential services for children, youth, and foster homes.

This unique structure has allowed us to ensure that all Divisions, including Juvenile Correctional Services, are keenly aware of the importance of ensuring that the environments in which children and youth are placed have a zero tolerance for sexual harassment and sexual abuse. Staff, contractors, volunteers, and youth are continuously informed and educated about the importance of sharing information of suspected incidents of sexual harassment and abuse, how to know the signs of potential situations where this could arise and how to report suspicions or incidents.

² Ibid, p. 1.

³ Ibid, p. 13

⁴ Ibid, pp. 14-16

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CALENDAR YEARS 2016

*ANNUAL REPORTS ON SEXUAL HARASSMENT AND SEXUAL
VICTIMIZATION*

The Department submits the annual *Survey of Sexual Victimization* for the Thomas C. Slater Training School only. Since the other two facilities are privately operated, they submit these reports only when included in the random sample of private facilities. The Department has submitted *Surveys* for Calendar Years 2012 - 2016.

With the exception of Calendar Years 2015 and 2016, there were no reports of incidents of sexual harassment or sexual assault of Training School residents by other youth or by staff, contractors, or volunteers. In CY 2015, there was one report of sexual harassment of a resident by a staff member. This report was investigated as a report of sexual abuse and was determined to be unfounded.

Reports of Allegations of Sexual Abuse/Harassment and Indicated Findings at Rhode Island's Thomas C. Slater Training School for Youth						
Year	Youth-to-Youth Sexual Harassment		Youth to Youth Sexual Assault⁵		Staff to Youth Sexual Abuse/Assault^{6,7}	
Year	Allegations	Indicated	Allegations	Indicated	Allegations	Indicated
2012	0	0	0	0	0	0
2013	0	0	0	0	0	0
2014	0	0	0	0	0	0
2015	0	0	0	0	1	0
2016	0	0	0	0	1	0

⁵ DCYF treats any alleged sexual acts between youth in the Training School as an allegation of sexual abuse and investigates such acts in accordance with our policies related to the investigation of sexual abuse.

⁶ Rhode Island treats any act of alleged sexual harassment by staff/contactors/volunteers within the Training School as allegations of sexual abuse and investigates such acts in accordance with our policies related to investigations of sexual abuse.

⁷ The allegation reported in 2016 was reported to Child Protective Services in December 2016. The investigation was ongoing as of December 31, 2016.

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CALENDAR YEARS 2016

Over the past several years, the Department has been working with the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative and the Center for Children's Law and Policy to help address issues of over-reliance on incarcerating youth. This has provided us with additional resources focused on improving our policies and practices across the facility, including ensuring that our environment is one that is focused on ensuring youth safety. Staff, contractors and volunteers have gone through hundreds of hours of training in areas including crisis intervention and support, detecting and addressing sexual abuse and harassment, and engaging positively and effectively with youth. Additionally, as a part of our PREA compliance efforts, we have used Juvenile Justice Block Grant funds to update policies and trainings related to sexual harassment and assault, developed posters and educational materials for staff and youth, and upgraded physical aspects of our facilities found to be in need of upgrading for safety reasons, such as adding cameras in some areas and putting alarms on doors that lead to any isolated areas.

As we move forward with PREA compliance, the Department continues to examine our policies and practices to ensure that we continue our successful record of zero-tolerance for sexual harassment and assault. While we do not contract with any agencies for a set number of juvenile justice beds, we contract for the delivery of educational services with Ocean Tides. Since this facility serves juvenile justice-involved youth almost exclusively, we work with them to ensure PREA compliance. Should any contracts we enter into with facilities in the future be for a set number of juvenile justice beds, we will include language that clearly articulates the facility's responsibility to meet PREA Standards for Juvenile Facilities.

Rhode Island has a strong history of protecting children and youth in care from sexual assault and harassments in all facilities operated or licensed by DCYF. We have found the efforts to comply with PREA complementary to our efforts to maintain zero tolerance in these areas and look forward to continued success.