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**Beverly Eaves Perdue  
Governor**

**Linda Wheeler Hayes  
Secretary**

January 19, 2010

FOR: Justice and Public Safety Subcommittee, Governmental Operations

RE: NC Department of Juvenile Justice and Delinquency Prevention's Response to the Bureau of Justice Statistics report, *Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-09*

**Introduction and comments from the Secretary:**

Thank you for the opportunity to come before you and to discuss this very important matter. I have already publicly reiterated our department's expectation of zero tolerance for any maltreatment of any youth by staff members or volunteers involved in our programs and facilities. Likewise, I have expressed a zero tolerance policy as to the safety and security involving our staff members – that is, I expect our facilities to be safe for juveniles, staff, and volunteers -- period. There is no such thing as acceptable mistreatment at any place, at any time.

Concerning today's discussion, I'd like to provide brief summaries of the BJS survey, our current policies and procedures regarding safety and security, and our plans for moving forward. I'm happy to take questions during or after our presentation.

**The BJS Survey:**

1. While conducted in 2008 prior to my taking office, I can report that the Department readily invited the BJS research team into the facilities and worked extremely hard to help them get parental / guardian consents so that students could participate. In fact, our Department did such a great job working with them that we had the one of the highest response rates of consent for any of the facilities that participated nationwide. This work is part of the national readiness efforts toward the Prison Rape Elimination Act of 2003, or "PREA". PREA requires extensive surveying and educating "inmates" (adult and juvenile) based on representative national samples each year.
2. The survey itself is a computer survey, called an "audio computer assisted self interview" (ACASI) – there were 9000+ juveniles nationwide that participated in the sexual victimization survey (another 1200+ received a substance abuse survey as part of the "double blind" method of giving the survey so that the researchers who stood by the students as they answered the questions did not know which survey they were actually taking). The survey records *anonymous allegations of maltreatment*, not substantiations. There is no way to follow-up on these

allegations based on the survey methods used. The surveyors note that there is a possibility of false reporting in their report.

3. Our staff was on site during the survey and assisted the research team – our clinicians and licensed mental health counselors were in each facility that participated and were standing close by to provide immediate support or crisis intervention should any student require help. Staff reported that on many occasions, students had significant trouble comprehending the survey --- they did not understand the terms used or the process involved. Also of importance to note is a contract that the Department had with the research team that required any and all reports of abuse to be reported to outside authorities (Department of Social Services) when discovered --- *and, despite the published survey's reports of statistically high rates of victimization, not a single report of maltreatment was filed by the researchers to any local DSS at any of the facilities involved at the time when the actual surveys were conducted.* We do not know why; and, we were completely unaware of the allegations noted in the BJS report from the time that the surveys were completed (September 2008) until the actual report came out on January 7<sup>th</sup>, 2010 because we had *no documentation of reports to either DSS or other local law enforcement agencies stemming from the survey.*
4. We take the issue of youth maltreatment extremely seriously, and do not in any way lay blame to the juveniles that were in our facilities at the time of the study. Our students come to us with high rates of sexual victimization and / or child abuse before coming into our care; they are highly sexualized, and they often show their confusion and inappropriate sexual behaviors as they work through our programs at the facilities. Our task is to teach them healthy development in all the areas that we are responsible to teach --- and we work very hard to do this without inappropriate staff responses (or allowing other inappropriate juvenile interactions).
5. Please remember that we *are not blaming the juveniles* – We do, however, have documented evidence by local law enforcement and DSS agencies at Samarkand, and DSS documentation in Buncombe County (Swannanoa) during the same time frame as the surveys were going on, of false allegations against staff members by juveniles. At Samarkand, we have documentation of 3 females who filed so many false claims against the staff that when investigated, signed statements acknowledging their behavior so as to avoid criminal prosecution. At Swannanoa, the Department has confirmed documentation of 3 juveniles who also filed false reports and were investigated by outside agencies. It is highly coincidental that both facilities housed juveniles that had consistent patterns of such allegations as were cited in the BJS survey.
6. Although the research report speaks to the way in which the statistics were computed, there is a lot of room for discussion around the way that the small NC DJJDP samples involved were analyzed and reported. The Department has voiced our concerns with the authors of the report, specifically as to the use of percentages taken from small samples in building the ratings and comparing facilities.

### **Safety and Security:**

The Department has extensive safety and security policies, procedures, and training -- as well as the capability for internal investigations and employee discipline. While there are always suggestions for strengthening the current system, the following are examples of current policies and strategies to ensure juvenile and staff safety:

1. We provide basic training for all new staff on mandatory reporting and recognition of child maltreatment (and suicide recognition and prevention as well).
2. We also provide training in Restraint Control Defense Techniques that teach proper holds and restraints without inflicting harm or abuse.
3. There are prominently located Black Boxes in each of the cottages and at every facility which allow students to write anonymous letters to the Secretary. Letters are removed from the boxes by the Chaplains to allow for a more objective method of reporting (in lieu of facility staff or the Directors).
4. Anonymous student surveys are conducted on the climate and safety of the facility twice annually.
5. Student treatment teams are available in each facility, where youth are encouraged to relay any problems they are having. Students are assigned advocates that offer opportunities for them to indicate any misgivings around safety and security.
6. Performance Based Standards® surveys are conducted twice yearly, that allow youths the opportunity to address any additional concerns including questions that specifically ask about safety and security.
7. Access is provided to Clinical Chaplains and volunteer advocates from outside facilities.

### **Plans for Moving Forward:**

As Secretary of the Department, I've acted swiftly and clearly in response to the BJS report. On January 10<sup>th</sup>, I along with my Chief Operating Officer (Robin Jenkins) and Deputy Secretary for Facilities (Kathy Dudley) met via teleconference with each facility director. During that call, I again spoke of zero tolerance for any mistreatment of juveniles, of any type in any facility or program. Furthermore, I instructed each director to review the BJS study, to hold staff meetings in response, and to reiterate our zero tolerance expectations during their staff meetings to every person that may have safety and security roles involving our juveniles. I also directed management to create a plan for moving forward and to have that plan ready for publication by 1/12/10. The basics of the plan are as follows:

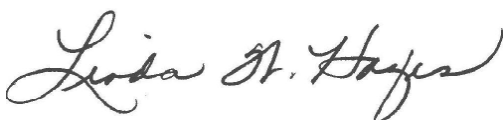
1. Zero tolerance messages (internal communications program) -- immediately and with saturation throughout every level of the Department. Letters to parents out not later than 1/22/10 to include processes for whom to contact with further questions or needs for any follow-up.
2. Training/retraining involving every relevant staff member on all safety, security, mandatory reporting policies beginning within the next 30 days and to be completed and documented via staff signatures over the following 6 months.

3. Development of a new survey tool and interviewing study of all youths in custody – beginning immediately with data to be collected by March 26<sup>th</sup> for preliminary analysis and reporting.
4. Coordinated meetings with law enforcement and DSS Directors over the next 6 months to review collaboration protocols and to refine any issues identified through the meetings.

In addition to these steps, we have the following things currently underway that can and will further strengthen our Department's sensitivity to these issues:

- Since June 2009, the Department has been working with American University through a grant program to help pilot, develop and deliver a curriculum for staff and students in order to build the Department's capacity to prevent violence of children in custody including sexual interactions involving other juveniles, staff or volunteers. This project will continue as planned.
- Training sessions are held with supervisors in each facility to reinforce supervision skills and to help supervisors support staff in creating a therapeutic environment for all youth in care.
- We will continue to seek funding to put cameras in all of our facilities – with statewide budget constraints, this continues to be a significant concern for the students as well as the staff.
- In addition to the methods noted earlier that allow for anonymous reporting of any concerns to staff or the Chaplains, the Department professional staff members will hold collective meetings with juveniles in each of the facilities in order to retrain them in their avenues for reporting problems including anonymous reporting.
- Each facility director is currently meeting with staff to develop individual facility plans beyond the plans being put into place statewide. These plans will be in place no later than 2/19/10.

I hope that my comments today have helped clarify your questions and concerns about the BJS victimization report. At this point, I am very happy to respond to questions or to elaborate on anything that you need additional clarification about. Thank you again for allowing us to present during your meeting today. We look forward to a strong and very positive partnership with you as we move forward for North Carolina's youth, their families and communities.

A handwritten signature in cursive script, reading "Linda St. Hayes".

Secretary