

Vermont

WOMEN IN PRISON: 141 (06/04)¹

Custodial Sexual Misconduct

Custodial Sexual Misconduct – Statute

NONE.

The Vermont Legislature is currently considering legislation concerning the crime of sexual exploitation of inmates. Information regarding the introduced version of this bill is found in the Legislative Proposals section.¹

Does the law impose a criminal penalty on the inmate?	<p>NO LAW</p> <p><i>House Bill 131 is in House Committee</i></p>
Does the statute cover all relevant forms of sexual abuse?	
Does the law allow an officer to claim an inmate consented to the sexual act(s) to avoid prosecution?	
Does the statute cover all custodians and staff in contact with inmates?	
Does the statute cover all places where an inmate might be abused?	
Is the penalty a felony?	

Custodial Sexual Misconduct – Allegations and Incidents

Indictments/Convictions (answer to AI letter requesting information) ²	Because Vermont does not have a protective law, Amnesty International did not issue a request.
Incidents reported in select media since January 2000	- Marble Valley Correctional Facility: An investigation into a sexual assault allegation has been forwarded to prosecutors. Vermont State Police have said they have interviewed inmates and prison staff. Police have declined further comment. (<i>AP State & Local Wire, 9/22/04</i>)
	- Chittenden County Correctional Center: Officer Ronnie Rushford reportedly raped two female inmates. He was found guilty on felony sex charges and sentenced to up to 40 years (<i>AP, 05/28/00</i>) The conviction was possible because the evidence indicated the women were coerced.

Custodial Sexual Misconduct –Policies, Procedures and Practices

The following is based on data provided by the Vermont Department of Corrections in response to AI's survey in 2002. AI did not receive data from Vermont Department of Corrections in 2000 or 2005. Additional information from other sources is included where available.

Is the current Department of Corrections policy on custodial sexual misconduct language-explicit?	No	As of 2000, the Vermont Department of Corrections reportedly was in the process of introducing a new or revised policy. ³ However, Vermont DOC did not provide an updated response to this question in 2002 or 2005.
Allow cross-gender pat-down		No information provided.

¹ The text of 2005 House Bill 8 is reprinted at the end of this section.

searches?		
What is the percentage of female officers in relation to male officers?		No information provided.
Restrictions on the duties of male guards?		No information provided.
Staff training on sexual misconduct?	Yes	The Vermont DOC provides specialized training only at its new women's facility but plans to phase training into academy and in-service training at all facilities and field sites. ⁴ The Vermont DOC reported to Amnesty that it has increased training to inform staff of sexual misconduct policies. ⁵
Inform inmates of agency policies and reporting procedures on sexual misconduct?		No information provided.

Custodial Sexual Misconduct - Policies and Procedures Guiding Official Response

The following is based on the Vermont Departments of Corrections response to AI's survey in 2002, please see above.

Is medical help available for the victim of alleged sexual abuse?		No information provided.
Are immediate mental health services available for the victim of alleged sexual abuse?		No information provided.
Is counseling available for the victim of alleged sexual abuse?		No information provided.
Is a rape kit taken?		No information provided.
Are there special procedures for investigating allegations of sexual misconduct?		No information provided.
Is there a system for reporting allegations of custodial sexual misconduct within the DOC?	Yes	A 1-800 number is available for any inmate to use to make a report against staff. ⁶
Is there a system for reporting allegations of custodial sexual misconduct directly to a body external to the DOC?		No information provided.
Is the investigation external?	Yes	All allegations are reported to the state police as well as being investigated internally. ⁷
If there is an external investigation, how is it triggered?		No information provided.
Are special measures taken to shield alleged victims from retaliation?		No information provided.
If so, do the measures include solitary confinement or lock-down of the inmate?		No information provided.
Is there an independent body, such as a Corrections Ombudsman, with independent oversight of correctional facilities and the DOC?		No information provided.
Is there a system in place to track investigations, indictments and convictions for custodial sexual misconduct?		No information provided.

Custodial Sexual Misconduct – Previous Legislative Attempts Include:

<p>2001 House Bill 189 <i>Sponsored by Representative Kainen</i> 02/02/01 Introduced 02/02/01 To House Committee on Institutions</p>	<p>This bill proposed to prohibit an employee of the DOC from knowingly engaging in a sexual act with a person under the supervision of the department.</p> <p>---Not Enacted---</p>
<p>2001 Senate Bill 87 <i>Sponsored by Senator Shumlin</i> 02/13/01 Introduced 02/13/01 To Senate Committee on Judiciary</p>	<p>This bill proposed to provide criminal penalties for sexual activity between an employee, contractor or agent with lawful authority to hold persons in confinement and a person in confinement. Consent is not an element of the crime.</p> <p>---Not Enacted---</p>
<p>2003 House Bill 131 <i>Sponsored by Representative Kainen</i> 02/04/03 Introduced 02/04/03 To House Committee on Institutions</p>	<p>House Bill 131, which was identical to House Bill 189, was introduced in February of 2003.⁸</p> <p>---Not Enacted---</p>

Custodial Sexual Misconduct – Past Legislative Proposals

<p>2005 House Bill 8ⁱⁱ <i>Sponsored by Representative Wright</i> 01/05/2005 Introduced 01/11/2005 To House Committee on Judiciary</p>	<p>This bill proposed to create a new chapter regarding sexual exploitation, prohibiting sexual acts between corrections personnel and persons under correctional supervision.</p>
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Pregnancy in Custody

Pregnancy - Statute

<p>Legislation banning shackling in the third trimester or during labor</p>	<p>No</p>	<p>Vermont has no legislation limiting the use of shackling on pregnant inmates.</p>
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Pregnancy - Policies, Procedures and Practices

The following is based on the Vermont Departments of Corrections response to AI's survey in 2002, please see above.

<p>Use of restraints in third trimester</p>		<p>No information provided.</p>
<p>Restraints during transport</p>		<p>No information provided.</p>
<p>Restraints during labor</p>		<p>No information provided.</p>
<p>Officer in delivery room</p>		<p>No information provided.</p>

ⁱⁱ The text of 2005 House Bill 8 is reprinted at the end of this section. Two similar bills introduced in 2001 (H.189 and S. 87) were not enacted, and no action has been taken on them since their introduction.

Contact information

VERMONT DEPARTMENT OF CORRECTIONS

Commissioner Rob Hofmann 103 South Main Street Waterbury, VT 05671 Phone: (802) 241-2442; Fax: (802) 241-2565	Website: http://www.doc.state.vt.us Email Public Information Officer: Http://www.doc.state.vt.us/feedback.htm
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VERMONT DEPARTMENT OF CORRECTIONS FACILITIES FOR WOMEN

Chittenden Regional Correctional Facility Superintendent: Jay Simons 7 Farrell Street South Burlington, VT Phone: (802) 863-7356	Dale Women's Facility Superintendent: Michael Belizzi 103 South Main Street Waterbury, VT Phone: (802) 241-1399
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VERMONT EXECUTIVE

Governor Jim Douglas [R] 109 State Street Montpelier, VT 05609 Phone: (802) 828-3333; Toll Free: (800) 649-6825 Email link: http://www.vermont.gov/governor/contact.html	Homepage: http://www.gov.state.vt.us/ Elected: 2002
Attorney General William H. Sorrell [D] 109 State Street Montpelier, VT 05609 Phone: (802)-828-3171; Fax: (802)- 828-5341	Homepage: http://www.state.vt.us/atg/ Elected: 1998, re-elected 2000 2002 and 2004

VERMONT LEGISLATIVE INFORMATION

Legislative Session: All terms expire together (2002). Regular annual sessions, approximately 16 weeks long, from early January through late April. House: 150 members, 2 year term Senate: 30 members, 2 year term	Legislature Homepage: Http://www.leg.state.vt.us Bill Search http://www.leg.state.vt.us/Search/SearchKey.htm Bill information phone number: (802) 828-2231
Senate St. Johnsbury, VT 05819 Phone: (802) 592-3995	Senate Home Page: Http://www.legislature.state.vt.us/senate/senate.html
House of Representatives St. Johnsbury, VT 05819 Phone: (802) 592-3995	House Home Page: Http://www.legislature.state.vt.us/house/house.html

WOMEN IN PRISON - NGO RESOURCES

The organizations listed are not endorsed by or affiliated with Amnesty International.

Vermont-CURE
21 Church Street
Burlington, VT 05401
Phone: (802) 482-2438

ACLU of Vermont
137 Elm Street
Montpelier VT 05602
Phone: (802) 223-6304
Email: info@acluvt.org,
Website: www.acluvt.org

¹ Vermont Department of Corrections (DOC), *Facts and Figures: FY2004, Population Profile: Characteristics on a Particular Day: June 30 2004*, available at <http://www.doc.state.vt.us/pageflip/pageflip.pl/index?book=FF2004>, as per 01/27/06.

² The information does not reflect prosecutions or convictions under rape statutes.

³ US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000.

⁴ US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000.

⁵ Email from Don Hartman, Deputy Commissioner, Vermont DOC, 08/26/02.

⁶ Email from Don Hartman, Deputy Commissioner, Vermont DOC, 08/26/02.

⁷ Email from Don Hartman, Deputy Commissioner, Vermont DOC, 08/26/02.

⁸ H.B. 131, 67th Biennial Session (Vt. 2003).