

Vermont

WOMEN IN PRISON: 59 (12/99)ⁱ

Custodial Sexual Misconduct

Custodial Sexual Misconduct – Statute

NONE.

The Vermont Legislature is considering 2001 HB 189 at the present time. Information reflecting 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 189 is in 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) ⁱⁱ	Because Vermont does not have a protective law, Amnesty International did not issue a request.
Incidents reported in select media since 10/98	- Chittenden County Correctional Center: Officer Ronnie Rushford raped two female inmates. He was found guilty on felony sex charges. <i>AP</i> 05/28/00

Custodial Sexual Misconduct – Policies, Procedures and Practices

The following data are based on surveys performed by the National Institute of Corrections in 1996 and 2000, except in cases when further details have been available to AI from alternative sources.

Is the current Department of Corrections policy on custodial sexual misconduct language explicit?	No	The Vermont Department of Corrections is in the process of introducing a new or revised policy. ⁱⁱⁱ
Allow cross-gender pat-down searches?	Yes	Predominantly same-sex. Cross-sex done only in emergency – “emergency” not defined. ^{iv}
Restrictions on the duties of male guards?		Not known.
Was there staff training on sexual misconduct in 1996?	Yes	Only correction officers receive training, consisting of “many” annual in-service hours. ^v

¹ The text of Vermont’s House Bill 189 is reprinted at the end of this section

Staff training developed 1996-2000?	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. ^{vi}
Special procedures for investigating allegations of sexual misconduct in 1996?	No	Vermont is not specifically mentioned in the National Institute of Corrections report. However, it is noted that most DOCs use standard investigatory procedures with no special considerations for the nature of the complaint. ^{vii}
Investigation procedures introduced 1996-2000?	No	Vermont DOC is in the process of developing new procedures. ^{viii}
Informing inmates of agency policies on sexual misconduct in 1996?	No	Vermont DOC does not make the policy available to inmates. ^{ix}
Revision of procedures on informing inmates on sexual misconduct 1996-2000?	Yes	There are no further details available. ^x

Custodial Sexual Misconduct –Legislative Proposals 2000-01

2001 H.189² <i>Sponsored by Representative Kainen</i> 02/02/01 Introduced 02/02/01 To Institutions Committee		This bill proposes to prohibit an employee of the DOC from knowingly engaging in a sexual act with a person under the supervision of the department.
Does the law impose a criminal penalty on the inmate?	No	The bill does not penalize the inmate.
Does the statute cover all relevant forms of sexual abuse?	No	The bill does not include sexual contact.
Does the law allow an officer to claim an inmate consented to the sexual act(s) to avoid prosecution?	No	The bill has no provision that would allow an officer to claim consent as a defense.
Does the statute cover all custodians and staff in contact with inmates?	No	The bill would only affect those who are directly in custody of Vermont's DOC, not those in local facilities.
Does the statute cover all places where an inmate might be abused?	No	The bill lists the places a person must be to be protected.
Is the penalty a felony?	Yes	Violation is up to two years and/or \$10,000 fine.

Parenting and Pregnancy in Custody

Pregnancy - Relevant Statutes/Administrative Rules

Legislation banning shackling in the third trimester or during labor	No	Vermont has no legislation limiting the use of shackling on pregnant inmates
Administrative rules concerning pregnancy and delivery		Not known.

Pregnancy and Parenting - Policies, Procedures and Practices

Use of restraints in third trimester		Not known. We have received no response to our inquiries from the Vermont DOC.
Restraints during transport		See above.
Restraints during labor		See above.

² The text of H189 is reprinted at the end of the Vermont section

Officer in delivery room		See above.
Parenting programs specific for women	No	Vermont DOC provides no parenting program specifically for women. ^{xi}
Special visitation rights for women	Yes	Vermont DOC has special visitation rights for women with children. ^{xii}
State Mother and Child Residency Program	No	Vermont DOC has no residential program for inmate mothers and their infants/children. ^{xiii}

Contact information

VERMONT DEPARTMENT OF CORRECTIONS

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VERMONT DEPARTMENT OF CORRECTIONS FACILITIES FOR WOMEN

Chittenden Regional Correctional Facility Superintendent: John Murphy South Burlington, VT Phone: (802) 863-7356
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VERMONT EXECUTIVE

Governor Howard Dean, M.D. [D] 109 State Street Montpelier, VT 05609 Phone: (802) 828-3333; Fax: (802) 828-3339	Homepage: Http://www.governor.state.vt.us/index.htm Elected: November, 1992
Attorney General William H. Sorrell [D] Office of the Attorney General 109 State Street Montpelier, VT 05609 Phone: (802)-828-3171; Fax: (802)-828-2154	Homepage: Http://www.aginfo@atg.state.vt.us . Elected: November 3, 1998

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

^v US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996

^{vi} 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

^{vii} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996

^{viii} 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

^{ix} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996

^x 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

^{xi} US Department of Justice National Institute of Corrections Information Center, "Current Issues in the Operation of Women's Prisons," National Institute of Corrections, Colorado, September 1998

^{xii} US Department of Justice National Institute of Corrections Information Center, "Current Issues in the Operation of Women's Prisons," National Institute of Corrections, Colorado, September 1998

^{xiii} General Accounting Office, "Managing Female Inmate Populations," GAO/GGD-00-22, 2000