

Vermont Senate Health and Welfare, Senate Judiciary and Senate Education - January 17, 2021

Testimony of Attorney Kimberly Anne Dougherty – *Justice Law Collaborative*

Testimony of Executive Director Stephen Harrison – *New England Kurn Hattin Homes for Children*

To the Kurn Hattin School update, our next witness is Kim Dougherty, co-founder and partner of the Justice Law Collaborative. Kim, welcome thank you for being here. We have your [testimony on Kurn Hattin](#) on our webpage so we will follow along. Why don't you introduce yourself for the record and then we'll listen.

Thank you Senator Lyons and thank you also to the Senate Committees on Judiciary Health and Welfare and Education. I appreciate everyone who's here today to participate meaningfully in these discussions to unearth what has happened over the past few decades at Kurn Hattin, but more importantly in the interest of rectifying the damage that has been done and ensuring that children are protected in the future. I did hear those questions from the senators and we appreciate those questions because that's really truly what this is about.

This is about children. Children are a blessing and a privilege. Many of us feel that way who have our own and to have them in our care is also a blessing and a privilege. We also know that when they're young they're in their most formative years and that they're vulnerable and that they need guidance and protection and safeguards. With that means that the caregivers are critically important to their development and their welfare in the future.

It is unfortunate that we are here today to talk about decades of horrific abuse that occurred [perpetrated] at Kurn Hattin Homes for Children. It is truly tragic and heartbreaking to hear the stories and the testimonials of the many many people that I currently represent. We represent approximately 34 people who range in the ages of 11 years old to 80 years old, who suffered tragically while they were within the care of Kurn Hattin.

The abuses we put forth in our testimony and as I will present today is well documented, not just through their testimonials, but also in the most recent years through the records from the Department of Children and Family Services and also the Vermont State Police.

We don't have to be experts to understand childhood trauma and the long-lasting effects that it has but I will also share some information on that as well having a Master's in Social Work. I also have a lot of experience in that area and back in the 1990s I actually worked in the Child Protection Unit in the Manhattan family court system as a social worker with lawyers. I think it's important for us all to understand what this type of trauma and the effect this type of trauma has on people.

I appreciate that everyone is here today to hear from me. It's a privilege and an honor to be here on behalf of all [Not ALL] the survivors. We thank you very much. From our viewpoint the inadequacies and the failures that we will set forth today are tragic and they've permeated this institution for decades and today we believe it's now time for action. We need immediate action to provide some sense of justice to not only the survivors but also to ensure that children who are currently in the care of Kurn Hattin are protected from harm.

I just want to recognize before I start to present and acknowledge and appreciate the questions that the senators are asking of the Agency of Education of the Department of Children and Welfare and of all the people that hopefully will be discussed and questioned in the future as we unravel and we look at

how we can remedy this issue. We have to acknowledge that it went on for so long it went on for decades and that many people at Kurn Hattin and also other state agencies and elsewhere failed children for years

I thank you for being the first people to give these survivors a sense that they won't be failed in the future. And now if I could share my screen. Okay, let's see, apologies for the technological delay I think I have it here now is the screen visible. Senator Lyons: Uh, yes it is, uh, thank you, and uh, Kim, just just so you know, we're slightly behind schedule given our late beginning uh at nine and a little after nine so um any consolidation that you can do would be extremely helpful.

All right, we'll definitely do that and this is available also to the senators and I believe it's going to be uploaded on the [legislature.vermont.gov website](http://legislature.vermont.gov) so, you can look at it and if anyone has any further questions they can let me know um afterwards. If you have any questions, please feel free to interrupt me along the way. The testimonial evidence is what we have from back in the 1950's, the 60s and the 70s. As you can see here we've put forth some information regarding multiple issues of abuse, broken bones, neglect, not bringing children to hospitals, allowing them to go with broken bones and ear infections so long that they have incurable scarring.

We continue to see in the beginning a history of sexual molestation. These are staff members, some of the executive directors in the past, and house parents in the 1960s were molesting some of the children there. There were torturous routines of exercise. There were incidents of children being left outside in the cold freezing without a coat until they fell unconscious in the snow. There are multiple issues of feeding children sumac, making children re-eat their own vomit and also not providing them any food at all if there were some punishments.

These are the sort of things that were happening and are reported back in the 1950s, 60s, and 70s. As we get into the 1980s we finally have some documentation of what was happening at the school. There was the continuation of the same type of neglect, of physical abuse, of emotional abuse and also of sexual misconduct. These are instances here where we've set forth various pieces of this timeline where there was a 12-year-old that was repeatedly raped by a Kurn Hattin staff member. The issue here is that notice was provided to Kurn Hattin related to this. It was observed and instead of helping this young girl they brought her to an OB/GYN to fit her for a diaphragm, allowing the 26 year old staff member to continue to repeatedly rape her. And then upon graduation they gave her birth control pills.

We then go on and see a six-year-old girl who was sexually assaulted by older peers by sticking Barbie Doll legs in her vagina and in her anus. Again we'll see a theme here when we see the peer-on-peer abuse. That it is an issue of lack of supervision that's happening at Kurn Hattin and also inappropriate aging of children within the cottages, allowing access of 14-year-olds to 6-year-olds. I think it goes without saying that sexual conduct is not something that is normal for a six, seven, eight or nine year old. That's not something they are aware of. They are immature. They learn these types of behaviors from others and that is one of the main issues that has troubled Kurn Hattin for decades -- the lack of supervision and putting children in inappropriate situations with older children where they have access.

You all probably are well familiar with the Mark Davis era. I want to go back before the Mark Davis error and talk. Here in 1984, this is where we first start seeing DCF notice and note the multiple issues and violations and non-compliance issues that are happening at Kurn Hattin. It's talking about 1. Child abuse, 2. Inappropriate physical intervention, 3. The use in a child care capacity of adults who are not subject to Kurn Hattin policies meaning I think at one point in time there were house-husbands of houseparents who were physically aggressive in using firearms around the children. There's a

continuation of the staff whose previous actions suggest an inability to adequately perform their child care services, meaning they're continuing to have staff members on that are not appropriate or trained appropriately and this document goes on to talk about the lack of sufficient training and also the lack of formal staff evaluations and this goes back to the 1980s. You'll see there's a consistent sort of theme here throughout where these are issues that are not rectified by Kurn Hattin.

As I mentioned, we're well familiar, probably, with the Mark Davis years. He was found guilty of molesting multiple boys. The allegations, I believe, were up to 14 different children. He would go into their rooms, he would drug them at night. Some of them, he would go in and push their faces into a pillow and forcibly rape them and sodomize them. He interestingly, was fired from or he was allowed to be let go from Kurn Hattin before these sexual assaults took place in December of 1988 he was allowed to resign from Kurn Hattin after being accused of allegations of serious physical abuse. Well, just six months later he's back on the premises as a substitute houseparent and the spouse of a houseparent and a substitute staff member going on to rape and molest at least 14 boys.

In 1989 DCF starts to notice also that students were routinely being isolated for long periods of time at that point in time the policies in place were to only allow 30 minutes of isolation; these children were being locked in their rooms for over a day and not allowed out until it was time for dinner. So, DCF is noting those issues. Here's the police report related to Mark Davis, and actually, I misspoke, at least 17 boys accused him of touching them and we know of some of our clients who while they were molested denied it to the police, so we believe that number is an underestimation of what happened.

Now in the 1990s the abuse continues the physical abuse continues to be perpetrated. Children are forcibly put again into solitary confinement for hours, they're not given food, there's no natural sunlight. There are other houseparents again that are molesting children, forcing them to perform sexual acts. There's inappropriate aging, lack of supervision, peer-on-peer abuse is continuing to be rampant with older children uh manipulating and uh teaching I would say younger children and that's where this generation of sexual assault continues to become a cycle. It's been happening since the 1950s, it's continuing to happen

Now into the 90s and into the 2000s there are DCF notations of issues with peer-on-peer sexual relations. There's issues again noted by DCF about the isolation techniques but again no action is taken and their conditional approval continues and they continue to be a school that has children there. Now in the 2000s to 2009, again staff were regularly beating children. There were notations of choking them, children were sexually molested and again sodomized by peers in the DCF reports, which we cite in our letter and our papers, show that there were issues with Kurn Hattin documenting the physical abuse, that there were issues with them reporting it and that that these issues were also being ignored by the houseparents who were well aware of them.

As we get into 2010 and 2015, this is where we really see a lot more documentation of all of the abuse in addition to the testimonial issues that we see. There's again an issue here in the early 2000s of a nine-year-old in a cottage with a 13-year-old who was sodomized and forced to perform sexual acts. The student ran away from home multiple times and because of this abuse and the police reports launched in 2018 essentially said there's nothing we can do because they're both minors. So again we see DCF documenting things, we see the Vermont State Police documenting things but nobody taking any action including Kurn Hattin.

In 2015 there's again issues of forced rape or sex. We have these documented now, well documented in the record. Nothing happened there unfortunately, nothing happened and again we have continuous

physical abuse, houseparents shaking and grabbing children, students being molested and raped by peers, again a female student who was assaulted multiple times by another student who she was placed in the room with.

There were issues with Executive Director, Stephen Harrison's son specifically soliciting nude photos from younger girls. This is the document related to the foster son of the executive director seeking nude photos from 12-year-olds and attempting to get other nude photos of another 13-year-old. He was allowed continued access despite these issues being raised while he was working in the capacity as a cafeteria worker and allowed contact continuously with these girls, to continue to harass them for nude photos. Again, nothing was done about this.

When we get into 2017, this is where a lot of these issues with the touching club become aware. The touching club as you all probably know has gone on for multiple years. We'll get into some documents related to that cyclical peer-on-peer abuse that was never stopped and was learned from the assaults they were being subject to by staff members and then continuing to be taught to children.

Here's one issue that was noted in a DCF record where there was one peer who would insert a toothbrush into the other peer's vagina. She basically was able to do this for two years straight. They were clearly unsupervised. This continued to happen to the girls who were so afraid to report it because the girl told them that she would kill them in their sleep with a knife if she did.

So, this is more of the documentation from the police report regarding the toothbrush issues and that it was happening in private areas and bathrooms and bedrooms. Again there's another issue here that we see documented. That these were not reported timely. These were told to Nancy Richardson back in February and the report didn't happen until April and she's quoted by DCF as saying "I just figured that's what girls do." I don't know about you, but I've never heard of girls forcing masturbation with a toothbrush on another girl and saying, I will kill you with a knife in your sleep if you tell anyone. That is just unheard of.

Senator Lyons: I think we've got another admission issue Nelly, someone trying to get in. Kim, we're okay uh and we're taking care of it. Don't even worry about it, we're all set, okay any time. We allowed uh some senators back in, but you're okay. Thank you, sorry about that, um it's kind of sometimes, it's good to have an interruption from these documents anyway and I recognize how difficult it is to see this and you know it's very triggering, so if anyone needs a break too and needs me to pause please let me know.

This is additional documentation of boy-on-boy assault and again another boy-on-boy assault, an older boy on a younger boy, forcing him in the bathroom to be anally raped. This boy actually yelled and screamed but yet no one came. If there was adequate supervision perhaps that abuse wouldn't have continued on for two years and this boy did try to act out and try to tell people that he was being harmed. And interestingly in this case the person who was molesting him had already been identified by Kurn Hattin earlier that year in 2016 as having propensities for sexual misconduct. Well, rather than removing the kid from the facility they put him in our client's bedroom and allowed him to continue to have access to abuse and assault multiple other children and multiple other boys. And in this instance the house parents also when interviewed by DCF acknowledged that they were aware of the perpetrator acting out specifically so that he could be at the same bedtime as our client. So, it was clear that there was knowledge going on here at Kurn Hattin for multiple years of this type of abuse and people not doing anything to stop it.

Finally, in 2019 DCF starts to scrutinize more of the residential treatment facility piece of Kurn Hattin than anything but perhaps that's where we finally see some action and documentation actually resulting in more investigation here. The report that they released details dozens of instances of sexual abuse and neglect. It also indicates that there are multiple issues with this touching club where children are being forcibly molested and also inappropriate provision of medication by houseparents. This is a very lengthy report. I would encourage everyone to read it if you haven't had a chance to already but here are some highlights that we pulled of it.

Again failing to report, child abuse regulatory interventions took place at least three times and were not reported in the required time frame. Then it goes on to talk about their system in 2015 that they put in place for incident reports and then at least 10 of those should have been reported but they were not reported. This is how the cycle of abuse continues. There's a report again of a female student and multiple students between the ages of 6 to 12 that are coerced to provide sexual acts.

Lack of supervision, this is where it happens. You'll see if you look at these documents: stairwells, bathrooms, auditoriums, all these places in the bushes outside no one's watching what's happening and that's why this continues to happen. This is documented by DCF, it goes on again, no staff in the hallways, happened when they were sleeping, multiple instances of sexual assault peer-on-peer again

We see here the age difference -- the older children who are perpetrating on the younger children so then the touching club is also identified by DCF. One of their own internal staff members Keri Newton wrote this piece of the report in their minute notes that we were able to access. She said, "this is an issue that's becoming systemic and that it's directly attributable to the lack of follow-through and bad judgment calls of the administration."

She was adamant that Steve Harrison and Sue Kessler know of these incidents and is concerned this is a problem. This is someone internal to Kurn Hattin. Newton goes on to talk about her concerns that the director of counseling, Christine Reed, as to the inaccurate information that Kurn Hattin is putting in the incident reports concerning the touching club, that they did not explain the sexualized behavior in those reports. And again Nancy Richardson just allowed one of these perpetrators to remain on campus for another four days because she forgot about them. What happened during those four days to other children?

I put together these two slides just to kind of take a snapshot of years and years and years of non-compliance and violations that were occurring at Kurn Hattin to query why didn't anything happen. You know, in the words of one of our clients, "why didn't anyone notice?" So, you know, you see this year after year after year, non-compliance, violation of regulations but they continue to have conditional approval and house 120 students then into the 2000s I kind of just had to cut to 2015 forward and this isn't even all of the incidents, these are just the highlights of the incidents.

You know I just have to ask, it begs the question, why did DCF or the Vermont State Police not do more? Why didn't Kurn Hattin do something about this, why did it have to take survivors coming forward for anyone to act? Because that's truly what happened. When survivors got brave enough to speak about these incidents, finally something started to happen.

I'd like to turn to the effects of trauma. These are just some statements that we've heard from our clients:

- I went there as a troubled kid and came out broken.

- I could hardly breathe, I was in a panic, there was no safe place, there was no place I could be okay. Nobody ever protected me. They all got away with it for so many years. They all knew. There isn't a piece of me that doesn't believe that.
- My friend committed suicide as a result of the abuse at Kurn Hattin I'm his voice now and now and that all the others who can't speak for themselves.
- We can't prevent what happened to us to the rest of us but we can make sure going forward nothing happens to them.
- The cycle of abuse must be broken but before that can happen Kurn Hattin needs to acknowledge its role in it and stop denying it.

I will quickly go through these slides. I'm sure you all can spend time on these later if you want to know a little bit more about the effects of childhood abuse on people into the future but it affects everything from cognition, physical health, emotions, relationships, mental health, behavior and brain development. You can see here these are studies literally on how abuse and trauma affects parts of the brain and how the neurons that are under toxic stress become damaged and these again a reminder of like this is this is the time when their brains are developing and they're so young and these will have long lasting effects on their life.

Betrayal trauma is one of the things that's that's makes this so much more difficult for these survivors betrayal trauma occurs when the people or institutions on which a person depends for survival significantly violate that person's trust and well-being, childhood physical, emotional, and sexual abuse perpetrated by a caregiver are examples of betrayal trauma not only were they being abused but nothing was being done about it there was an absolute lack of response by Kurn Hattin or any other agency or person and that is what makes this even more difficult because nobody helped them and they were the most vulnerable.

But now's the chance you senators have given them, a chance you've given them, an opportunity to be heard through me and I thank you very much for that. When we talk about the cycle of abuse I just want to read this quote: Never underestimate a cycle breaker. Not only did they experience years of generational trauma but they stood in face of the trauma and fought to say, this ends with me. This is brave, this is powerful, this comes at significant cost. Never underestimate a cycle breaker. These survivors are cycle breakers. You as senators being involved here are supporting breaking this cycle of abuse at Kurn Hattin and we thank you very much for that.

We have lots of ideas to share with you as to how things can be rectified, the types of policy changes that need to take place and the various ramifications and reform that needs to happen in order for Kurn Hattin to proceed under its current mission of safeguarding children. We welcome any questions that you have and welcome the opportunity to provide you further thoughts regarding that reform and what needs to happen in order for Kurn Hattin to be that safe place for children in the future. Thank you.

Senator Lyons: Thank you very much, Kim. I'll open it up to Senator Dick Sears and Senator Brian Champion. First any questions that you might have of Kim? Go ahead, Senator Dick. Kim asked the question, why didn't DCF or the Vermont State Police do more? That's certainly part of our job to find out why they didn't do more, but I'm curious, if you're working in tandem with the Windham County State's Attorney Office on any of these allegations, which are criminal in nature? Certainly, many of them are um and uh so I'm just curious if you know whether that's going on um.

We've been working specifically as of late with the New Hampshire detective on the Mark Davis matter. That has been one of the priorities for the criminal investigation, because in the next month he will receive a plea deal and the more evidence that they have against him in the new charges of possession of child pornography. It's been critically important for us to be able to provide information. Our clients are reviewing sanitized photographs to see if in fact they are in those photographs or they can identify the other children that are in those photographs to see if they can continue to get more jail time on that plea bargain we have reached out in the past to the Windham County folks and haven't heard much about it. I can tell you we all are working with the Agency of Education in the investigation that they're doing. Clients of ours have provided testimony and documents to the agency in their investigation.

We're also working with Kurn Hattin's independent investigators and providing testimony and documents to them as well. Criminally, we would love to see something more happen and if in fact that does we will continue to cooperate and provide as much information as we can to ensure that the Windham County AG's office and the DA's office have everything they need to fully move forward with any investigation. Thank you but I think we need to talk about next steps but one of the next steps needs to have the Department of Public Safety, the Attorney General's Office and the State's Attorney to the discussion.

Where, as far as DCF goes, it's not clear to me and that's why I asked the question about mandatory reports that those situations, how they were dealt with? It continued to be, it appears from your documents, going way back to the 1950s, when it continued to not be reported that even when cases were known there wasn't any report of that. What you're finding in your research on these cases there may have been internal reports at Kurn Hattin Excuse me, Kurn Hattin handled them internally but didn't go outside either to the licensing agencies the Vermont State Police, or any other group.

That's correct and in some of the older time frame we've gotten testimonials that, you know, the physical abuse that resulted in broken bones and injuries and things were dealt with internally at their infirmary and never brought to light any other way shape or form. We also know in the 80s we have a client who would literally tie his sheets together with the other boys before Mark Davis would come in their room and they knew the time when they turned out the light and how much time they had to get out that window and tie those sheets together to get away and they would run away and they would be picked up by state troopers and usually it was the same state trooper and that trooper would bring them right back to Kurn Hattin where they would be beaten for leaving. Why didn't that state trooper, you know, do something more.

But yeah, I mean our understanding is that not only do the documents support but our clients testimony support that much of this was known and not reported. Go ahead ,I was merely going to respond that it would be interesting to know but that I believe the state police were acting as they would and hadn't acted as in lieu of parents so they would be returning the child to the parents which was a runaway from home or a runaway from another type of program. State police would be returning them but why there wasn't any investigation, I'm sure kids said something, all of those details, but yeah do you think that explains why they would bring them back?

We did reach out to Vermont State Police and certainly going forward that will be something that a particular judiciary will want to do and also understanding that some of the as we heard from DCF some of the reporting becomes confidential and that becomes a significant issue when we try to understand historically the what's happened with the school itself and as a treatment center. So, we have a lot of work ahead of us.

Senator Campion, any questions? No, I just want to thank uh Ms. Dougherty um for that timeline and history and uh no questions at this time. You're very welcome, thank you very much. It is absolutely um difficult uh and concerning just to use uh it is extremely difficult I think for us to hear this abuse, for that to happen to children, it's very sad. So, thank you for bringing it to our attention, thank you for the opportunity and again thank you for being there to support the children and figure out how to rectify the situation and ensure it doesn't happen in the future.

So, thank you, yes, thank you and you know as Senator Dick Sears said in the beginning, and I think it's important that we reiterate this, we're not a court, we're not a jury, but we are here to evaluate our current processes, our current statutes and to determine how to make improvements through the Agency of Education, Department of Children and Families, judicial or other procedures within the judiciary or state police areas. And as we go forward that's exactly what we will be doing but we will very definitely ask you to stay available to our committees as we go forward, absolutely as we have with our agencies, absolutely, thank you so much. All right, um so I think we should move ahead with, to, um, Steve Harrison, who is here. He is the Executive Director of Kurn Hattin.

Steve, thank you for being here. Uh, we uh, I don't think we have anything from you, uh, and written testimony on our web page. But if you do have something, um, do you? I have. I do have some prepared remarks that I'll be, um, starting with and, uh, those will be shared with you all as well, uh, after after the fact. I did want to kind of hear, uh, the testimony that was coming forward beforehand again.

Good morning my name is Steve Harrison and I'm the Executive Director at Kurn Hattin Homes for Children. I appreciate the opportunity to speak to you all today and I do have some prepared testimony or remarks to start off with if that's okay. Uh I will acknowledge that it's difficult to hear uh the presentation by Ms. Dougherty and I'll speak to that in in a moment after my prepared remarks as well as as to any questions that you might have regarding her testimony or that from DCF or AOE to clarify situations

I've had the pleasure of serving as the Executive Director at Kurn Hattin Homes for five and a half years since 2015. Uh and in that time I've seen our staff teach and care for children as if they were their own and we take their role in the lives of our children extremely seriously. I'd like you to know that that we appreciate the AOE's decision to conduct a full and fair review particularly Chair Carroll's indications that the "State Board recognizes that Kurn Hattin 125-year history of service to youngsters in need and that they'll undertake the discussion in a manner that's respectful and fact-finding, fact-based always keeping foremost the best interest of the children."

We look forward to continuing to cooperate fully and to addressing any concerns that the Agency of Education has or anyone else. We've been transparent in our cooperation with the AOE and its review. However, um, I would like to mention that it is our understanding that this is a confidential process, the AOE Investigation, as, uh, Counsel Simmons had mentioned, so there may be some questions you have today that I may not be able to answer. As a result of that I'm also personally unable to address a lot of questions regarding the allegations that involve the ongoing litigation that Ms. Dougherty just talked about. There's still a confidential independent investigation of those claims, which is currently underway, and I'm at a loss as to how and why those, uh, were not held under that confidentiality agreement today.

Having said that I would like to tell you a little bit about Kurn Hattin Homes