



**CARROLL COUNTY  
DEPARTMENT OF CORRECTIONS**

P.O. Box 688  
County Farm Road



<b>Policy and Procedure Directive</b>	<b>Chapter 4: Care Policy Number: 4-D-200</b>
<b>Title: Sexual Assault Prison Rape Elimination Act (2003)</b>	<b>Effective Date:</b>
<b>Superintendent:</b> _____	<b>Revised Date: September 22, 2022</b>
<b>Standard: PREA 2003</b>	
<b>Reference: See references on last page of policy</b>	

**I. Goal:** The goal of this policy is to ensure: all staff work to prevent sexual abuse and sexual harassment of inmates in keeping with the intent of the federal PREA statute; Health services are provided to all inmates and detainees in a professionally acceptable manner; and staff are qualified, adequately trained, and able to demonstrate competency in their assigned duties, specifically in this case, as those duties relate to the Prison Rape Elimination Act.

**II. Purpose:** The purpose of this policy is to establish uniform guidelines and procedures to prevent, detect, and aggressively respond to all types of sexual abuse and sexual harassment of inmates, and to investigate all allegations of sexual assault and sexual misconduct directed against persons under the care and custody of Carroll County Department of Corrections, (CCDOC). In keeping with the intent of the federal statute, PREA, CCDOC is committed to a zero-tolerance standard for sexual abuse and sexual harassment of inmates within the CCDOC, including abuse and/or sexual harassment by inmates on another inmate(s), by staff on an inmate/s, and/or by any other person working with or having contact with inmates in the Facility or under the Facility’s control or supervision.

This policy makes the prevention of inmate-on-inmate sexual assault and staff sexual misconduct a top priority. Facility staff will immediately respond to, investigate, and support the prosecution of sexual assault, victimization and misconduct through both internal and external processes, in partnership with State Police, local law enforcement, County prosecutors and the N.H. Office of the Attorney General.

Facility staff are also committed to preserving the safety of inmates, offering all available services to those who have been sexually victimized, and protecting victims and witnesses from retaliation for reporting an incident of sexual assault or misconduct. By promulgation of this policy, all staff are required to follow its guidelines in the investigation of all PREA related acts.

### **III. Applicability**

A. This policy applies to the following:

1. CCDOC staff, volunteers and contract personnel working with inmates who are in the Facility's custody or under the Facility's control or supervision;
2. any person entering the Facility for any official purpose, including visitors;
3. anyone having contact with Facility inmates at offsite work assignments;
4. and all inmates and detainees living within the confines of CCHOC.

NOTE: All future contract amendments, renewals and agreements with outside agencies that pertain to workers who enter the Facility, or who have on-site or off-site contact with inmates under Facility supervision, will include language within their written contracts, amendments, renewals or agreements that will make clear their commitment to compliance with the Facility's PREA policy.

Furthermore, all future contracts, contract amendments, renewals and agreements with outside agencies will allow for Facility contract monitoring, to ensure that the agency/company is complying with the Prison Rape Elimination Act.

B. Memoranda of understandings or other agreements will be developed to accommodate collaborative arrangements pertaining to the mandates of this policy. These memoranda or other agreements may include, but are not limited to memoranda or other agreements between CCHOC and:

1. local hospital or emergency rooms equipped with Sexual Assault Nurse Examiners or other qualified medical personnel;
2. local domestic and sexual violence crisis centers and the Statewide coalition of these service providers;
3. other community service organizations;
4. the Office of the Attorney General and local prosecutors, where applicable;
5. County law enforcement and County Houses of Correction; and the State Police.

### **IV. Policy**

A. As indicated in para. II. PURPOSE, of this policy, The CCDOC is committed to a zero-tolerance standard for jail sexual assault and sexual victimization, including inmate-on-inmate victimization, staff-on-inmate sexual misconduct, and sexual assault by any other person working with inmates, or having contact with inmates under the Facility's control or supervision.

- B. In light of CDOC's zero-tolerance towards sexual assault and sexual victimization, assigned Facility staff will investigate all allegations of sexual assault and misconduct, whether reported by staff, inmate victims, inmate witnesses, family members of inmates, chaplains, contractors, volunteers, members of the public, or any other source.
- C. In compliance with PREA Standard 115.13, the Superintendent or his designee shall ensure that CCDOC complies with a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect inmates against sexual abuse.
- D. When the Facility does not comply with its staffing plan, the Superintendent, or his/her designee will document and delineate the reasons for non-compliance.
- E. Whenever the Superintendent deems it necessary, but no less frequency than annually, he/she - in consultation with the PREA Coordinator - will assess, determine if necessary, and document whether adjustments in the Facility's staffing plan, the effectiveness of its video monitoring systems.
- F. If the Superintendent determines that a substantial modification of the Facility's infrastructure is necessary, or that the Facility's video monitoring technology needs updating or enhanced, he/she - in consultation with the PREA Coordinator - will consider how such modifications might enhance the Department's ability to protect inmates from sexual abuse.
- G. The CCDOC shall investigate all allegations against staff members with the same vigilance it investigates allegations against persons under CCDOC custody, and take a proactive approach to prevent sexual abuse and sexual misconduct by staff and other persons.
- H. The CCDOC shall address the needs of persons who have been sexually victimized. Any and all violators of this policy shall be subject to disciplinary action and potential criminal prosecution as appropriate.
- I. All applicable CCDOC policies will be revised to include appropriate references to PREA requirements as outlined in this policy. Necessary revisions will take place during annual policy reviews.
- J. In accordance with PREA 115.16, the Superintendent or designee will ensure that inmates with disabilities, including for example, inmates with hearing, vision, intellectual, psychiatric or speech impairments, have an equal opportunity to participate in, or benefit from, all aspects of the Facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.
- K. Whenever possible, only CCDOC trained and experienced staff and/or other designated community members shall be used as interpreters. Facility staff will not rely on inmate interpreters, readers or other types of inmate assistants, except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first response duties, or the investigation of the inmate's allegations.
- L. CCDOC shall provide written materials in formats / methods intended to ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision.

M. The Facility will explore participation in a multi-disciplinary Sexual Assault Review team, (SART), in an effort to develop Quality Improvement outcomes.

N. It is the policy of this Department that a safe environment for staff and inmates be established and maintained. The Department will take a positive approach to preventing the sexual abuse of inmates and/or sexual misconduct by staff and inmates, and address the needs of those who have been sexually assaulted. Inmate violators of this policy, as well as staff, will be subject to disciplinary action and potential criminal prosecution, if appropriate.

O. Staff are subject to disciplinary sanctions up to and including termination for violating the Department's sexual abuse or sexual harassment policies. Disciplinary sanctions for violations of the Department's policies relating to sexual abuse or sexual harassment – other than violations that involve actually engaging in sexual abuse – will be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

P. All terminations for violations of agency sexual abuse or actual harassment policies, or resignations by staff who would have been terminated if not for their resignation, will be reported to law enforcement agencies, and, where appropriate, any relevant licensing bodies, unless the activity was clearly not criminal.

## V. Definitions

The following definitions refer to terms contained within this policy, as well as terms that are important for staff to know in order to respond to sexual victimization of inmates or staff.

**Aggressor:** An individual committing sexual assault against an inmate, or coercing sex from an inmate in exchange for protection or other favors within the jail setting.

**Allegation:** An oral, written, or electronic statement provided to a staff member or outside agency that sexual abuse has occurred or may be occurring, or a report that there is significant risk of sexual abuse occurring.

**Audit:** A review of information, including written records and interviews with staff and persons under CCDOC custody, to determine the extent to which Facility policies, practices, and protocols comply with the PREA standards.

**Contractor:** A person who provides services to the Facility or to persons under CCDOC custody on a one-time basis or on a recurring basis, according to a contractual agreement with CCDOC.

**Credibility assessment:** An investigator's process of conducting interviews and weighing evidence to determine the truthfulness of victim, witness, and suspect statements.

**Employee/Staff:** A person who works directly for CCDOC, or a person who provides direct services to persons in the facility acting as a staff member on a full time or part time, permanent basis according to a contractual agreement with the CCDOC, (e.g., contracted mental health providers etc.).

**Facility head:** The Superintendent of the CCDOC.

**Facility PREA Investigator:** The Facility designated investigator assigned to PREA related investigations, who has received specialized training in PREA investigations who the Deputy Superintendent may designate as liaison to the Carroll County Sheriff's Office criminal investigative team.

**Gender identity:** A person's internal, deeply felt sense of social identity of being male or female, regardless of the person's sex at birth.

**Gender nonconforming:** A person whose gender identity and/or expression do not conform to gender stereotypes generally associated with his or her birth sex. This can include characteristics that appear feminine in men or masculine in women, whether they are heterosexual or homosexual, and regardless of gender identity.

**Intersex:** A condition usually present at birth that involves reproductive, genetic, or sexual anatomy that does not seem to fit the typical definitions of female or male.

**Medical practitioner:** A health care professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice, such as nurses, doctors, physicians' assistants.

**Mental health practitioner:** A mental health professional credentialed and permitted by law to evaluate and care for patients within the scope of his or her professional practice.

**Need to know:** A criterion for limiting access of certain sensitive information to individuals who require the information to make decisions or take action with regard to an individual under CCDOC custody, their safety or treatment or to the investigative process.

**Offender:** For the purposes of this policy an offender is any individual under the care and custody of CCDOC.

**Past Sexual Assault:** An incident of sexual assault alleged to have taken place more than 120 hours before the time that it is reported.

**PREA:** The Prison Rape Elimination Act of 2003 is a federal law establishing national standards of zero tolerance for the incidence of inmate sexual abuse and sexual harassment. Further, the legislation makes the prevention of inmate sexual abuse and sexual harassment a top priority in correctional institutions and for those inmates under community supervision. The legislation also mandates data collection and reporting standards.

**PREA Staff:** PREA compliance manager(s), PREA coordinator(s), or their designees, responsible for developing, implementing, and overseeing compliance of the Facility with PREA standards and Facility PREA policies. The definition of **PREA Staff** also includes PREA investigative staff, as may be designated by the Superintendent.

**Recent Sexual Assault:** A reported incident of a sexual assault alleged to have taken place within the last [5 days](#).

**Report:** Any allegation of sexual abuse including all reports covered in the definition of *Allegation* above, and any reports by witnesses, staff, family members, or volunteers. Reports

also include any reports of PREA incidences communicated to other agencies such as Rape Crisis Centers or the Attorney General's Office.

**Review:** An analysis of the Department's documented response to a reported incident of sexual victimization, formerly undertaken by the Sexual Assault Review Panel, or informally by staff of the Office of Victim's Services.

**SANE Nurse or Sexual Assault Nurse Examiner:** Specialized medical practitioner (nurse) that has specialized training for treating sexual abuse victims.

**Sexual Abuse:** All forms of sexual assault, sexual misconduct, sexual contact and voyeurism, (see below) between inmates, inmates and staff, inmates and civilians or inmates and contractors shall be considered sexual abuse. For the purpose of this definition, the Carroll County Department of Corrections DOES NOT acknowledge the right to consent of such acts by any inmate to an allegation of sexual abuse by any staff member, civilian or contractor.

**Sexually Aggressive Inmate:** An inmate whose past or current behavior indicates he/she is prone to victimize other inmates, especially in regard to sexual behavior.

**Sexual Assault:** Sexual contact, either forced or by coercion, to include such acts as rape, vaginal penetration, anal penetration, oral penetration, groping or kissing. Any contact between a person's penis, vulva, anus or mouth with another's penis, vulva, anus or mouth shall also be considered sexual assault.

**Sexual Assault Resource Team:** A group of trained and experienced CCDOC staff that may include forensics and medical experience, victims' services, investigations, security and executive staff members, and in some cases, the NH State Police, the NH Office of the Attorney General and other professionals who may be involved in the case.

**Sexual Assault Review, Definition and Duties:** All cases of sexual assault will be evaluated by the PREA Sexual Assault Resource Team (SART) or by a subcommittee of that group. All of the following CCDOC disciplines should be represented at all case review sessions: Investigations, Medical, Mental Health, and Victim Services Advocate and (if applicable) Community Crisis Center Advocates. In some cases, the NH State Police, the NH Office of the Attorney General and other professionals involved in the case may also attend. For purposes of this definition, a report of the findings and recommendations for improvement will be submitted to the CCDOC Superintendent or designee and the PREA Coordinator. Cases will be reviewed using the six criteria outlined in Federal Statute.

**Sexual Coercion:** Any attempt to influence an individual to submit to or participate in sexual contact, including bribes, promises of remuneration or special consideration and threats of force or violence, or harm to others and/or repercussions such as deprivation of privileges. Any sexual contact between an inmate under CCDOC custody and a CCDOC staff member constitutes sexual coercion.

**Sexual Solicitation:** Any request of a sexual nature; a request for sexual contact, sexual exposure or for performance of a sexual act, or a request to allow another to perform a sexual act. Sexual solicitation includes requests to watch or to be watched while an act is performed for the purpose of sexual gratification, or while sexual contact is initiated or while a body part is exposed for the purpose of sexual gratification.

**Sexual victimization:** Encompasses all acts listed below: i.e. sexual solicitation, sexual coercion and the different types of sexual abuse including offender-on-offender sexually abusive contact, inmate-on-inmate sexually abusive penetration or sexual assault, and inmate-on-inmate sexual harassment; and any act perpetrated by an individual that involves unwanted sexual attention or solicitation, whether forced or coerced, physical or verbal, as well as any consensual act committed by a person with authority over, or control of, another individual.

**Sexual abusive conduct inmate-on-inmate:** Non-penetrative touching (either directly or through the clothing) of genitalia, anus, groin, breast, inner thigh, or buttocks without penetration by an inmate of another inmate without the latter's consent, or of an inmate who is coerced into sexual contact by threats of violence, or of an inmate who is unable to consent or refuse.

**Sexually abusive penetration or sexual assault inmate-on-inmate:** Penetration by an inmate of another inmate without the latter's consent, or of an inmate coerced into sexually abusive penetration by threats of violence, or of an inmate who is unable to consent or refuse. The sexual acts included are:

Contact between the penis and the vagina or the anus;

Contact between the mouth and the penis, vagina, or anus; or

Penetration of the anal or genital opening of another person: by hand, finger, or object.

**Sexual harassment inmate-on-inmate:** Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, or gestures or actions of a derogatory or offensive sexual nature by one inmate directed toward another; includes intentional, indecent exposure, voyeurism or masturbation that is intentionally performed in the presence of another inmate.

**Sexual harassment staff-on-inmate:** Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

**Staff Sexual Misconduct:** Staff sexual misconduct encompasses all of the conduct listed below:

**1. Staff-on-inmate sexual abuse:** Encompasses all occurrences of staff-on-inmate sexually abusive contact, staff-on-inmate sexually abusive penetration, staff-on-inmate indecent exposure, and staff-on-inmate voyeurism. Staff solicitations of inmates to engage in sexual contact or penetration constitute attempted staff-on-inmate sexual abuse.

**2. Staff-on-inmate sexually abusive contact:** Non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks by a staff member of an inmate with or without the latter's consent that is unrelated to official duties.

**3. Staff-on-inmate sexually abusive penetration:** Penetration by a staff member of an inmate with or without the latter's consent. The sexual acts included are:

Contact between the penis and the vagina or the anus;

Contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another person by a hand, finger, or other object.

**4. Staff-on-inmate indecent exposure:** The display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate.

**5. Staff-on-inmate sexual harassment:** Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative, to include demeaning references to gender; sexually suggestive or derogatory comments about body or clothing; or repeated profane, or obscene language, or gestures.

**6. Staff-on-inmate voyeurism:** An invasion of an inmate's privacy by staff for reasons unrelated to official duties or when otherwise not necessary for safety and security reasons, such as peering at an inmate who is using a toilet in his or her cell; requiring an inmate to expose his or her buttocks, genitals, or breasts, or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions, and then distributing or publishing them.

**Substantiated allegation:** An allegation that was investigated, and the investigation determined that the alleged event was more likely to have occurred than to have not occurred.

**Transgender:** A term describing persons whose gender identity and/or expression do not conform to the sex assigned to them at birth.

**Unfounded allegation:** An allegation of a PREA incident that, upon investigation, was determined not to have occurred. Unfounded allegations may be reports of incidents perceived by the victim as sexually abusive, but are not found to meet the criteria of an event covered under PREA law. Allegations found to be intentional misrepresentations can result in criminal charges or disciplinary action, although a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

**Unsubstantiated allegation:** An allegation that upon investigation produced insufficient evidence to make a final determination as to whether or not the event occurred and/or can be classified as a substantiated, prohibited act under PREA law.

**Victim:** Any inmate, who through documentation, evidence, or as a result of reasonable suspicion on the part of staff or from other reporting, has suffered sexual coercion, sexual solicitation, or sexual abuse by another inmate or staff person during their incarceration.

**Victim advocate:** An individual, who may or may not be affiliated with the Agency, who provides victims with a range of services during a forensic exam or investigatory process. These services may include emotional support, crisis intervention, information and referrals, and advocacy to ensure that victim interests are represented, their wishes respected, and their rights upheld.

**Video Monitoring system:** An integrated security system monitored by officers, consisting of cameras which augment and/or enhance the ability of employees to provide the sight-supervision necessary to prevent, detect, contain, and respond to incidents of sexual abuse.

**Visitor:** Any person granted official entry into the Facility for the purposes of meeting with a person under CCDOC custody or staff member(s), excluding persons performing a service to the Facility.

**Volunteer:** Individual who donates his or her time to enhance the activities and programs of the Department.

**Voyeurism:** Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

**Vulnerable Inmate:** An inmate who is at high risk to become a victim of sexual assault by another inmate or inmates due to characteristics related to age, physical stature, criminal history, and/or physical or mental disabilities, or a past history of being victimized.

## VI. Procedures

### A. General

1. Staff will be provided information and training to include their responsibilities and the procedures that they must follow once a sexual abuse complaint is made. Training will also include direction on how to detect, prevent, and respond to sexual assault in all of its forms, consistent with Federal Law. Staff will also receive training at *new hire* orientation and during annual training in all aspects of PREA, including any updated information to the PREA Act. PREA training will incorporate the elements listed in PREA 115.31, and the Department will document through employee signature and electronic verification, that employees understand the training that they have received.
2. All staff will receive and sign for a copy this policy. Inmates will be informed of the provision of PREA, as well as this PREA policy, through materials shared during initial classification orientation and through the Inmate Handbook.
3. All inmates under the jurisdiction of the Carroll County Department of Corrections will receive written and verbal notification on how to report instances of sexual abuse. (4-ALDF-4D-22).
4. All inmates will receive a sexual assault awareness handout as part of the booking procedure and prior to being housed in general population. Inmate safety forms will be completed during the classification interview and made part of the inmate's permanent record, (4-ALDF-4D-22).

5. No individual under the supervision or custody of the CCDOC can legally consent to engage in any type of sexual conduct with a staff member as defined in this policy. Any staff member who engages in the sexual activities as defined in this policy will be subject to an administrative and, if deemed appropriate, criminal investigation, the results of which may include discipline up to and including employment termination and criminal prosecution.
6. Inmates housed at this Facility will be screened within 24 hours of arrival for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior. The Inmate Services Coordinator will house these individuals accordingly.
7. Upon arrival, all inmates will be screened, using an objective screening instrument, to determine potential vulnerabilities to sexual abuse. These vulnerabilities include age; physical build; whether the inmate has been previously incarcerated; identifying or presenting as LGBTQIA, (lesbian, gay, bisexual, transgender, queer, intersex, asexual) or as gender-nonconforming; having mental, physical or developmental disabilities; limited English speaking skills; having experienced previous sexual victimization; being physically weak or impaired; recovering from injury or intoxicated; accused or convicted of certain crimes including sex offenses against an adult or child (4-ALDF-4D-22-1) or whose criminal history is exclusively nonviolent; the inmate's own perception of vulnerability; and whether the inmate is detained solely for civil immigration purposes.
8. In addition, all inmate files, transfer packets, and criminal history information will be reviewed during the intake process to identify potential vulnerabilities, behavioral issues and sexually aggressive behaviors, (4-ALDF-4D-22-3). The Shift Supervisor, the Safety and Security Captain, assigned Classification staff and mental health Counselor, (as needed) shall be notified whenever any of the above related issues have been identified.
9. In making housing and program assignments for transgender or intersex inmates, Intake staff will ensure the person's health and safety and determine whether their placement would present management or security problems. The inmate's own views with respect to his or her own safety shall be given serious consideration. Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.
10. Inmates identified as LGBTQIA shall not be placed in housing units solely on the basis of such identification or status.
11. Transgender and intersex inmates will be given the opportunity to shower separately from other persons.
12. Inmates who are victims of, witness, or suspect sexual abuse have the option to report the incident to any staff member, including a PREA designated staff member, or to an immediate point-of-contact line officer; to medical or mental health services, directly by mail to the Superintendent, or to the Office of the N.H. Attorney General. The CCDOC Facility Inmate Handbook also suggests additional reporting methods, including: finding a staff member with whom the inmate feels comfortable, or by sending a confidential Inmate request Slip to the Superintendent or designee.

13. When the Carroll County Department of Corrections receives an inmate complaint of sexual abuse that allegedly occurred at another facility, the Superintendent will notify the head of the facility no later than 72 hours where the alleged sexual abuse occurred in writing, (4-ALDF-4D-22-2), and PREA 115.63 (a)-1 and 2. and, the head of the facility shall immediately notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. Such allegations will be investigated in accordance with PREA and Department policies.
14. All case records associated with claims of sexual abuse, including incident reports, investigative reports, inmate information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling will be retained in accordance with an established schedule. NOTE: 115.89(d): The agency shall maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.
15. In order to ensure compliance with PREA 115.12, *Contracting with other entities for the confinement of inmates*, CCDOC will ensure that any contracts for the confinement of inmates with private agencies or other entities, including other government agencies, shall include the entity's obligation to adopt and comply with the PREA standards, and allow for CCDOC contract monitoring to ensure that the contractor is complying with the PREA standards.
16. The Superintendent or designee shall maintain statistics on PREA-related incidents for the CCDOC. The Superintendent or designee shall be responsible for compiling and submitting the required information annually to the appropriate authorities.
17. The Superintendent or designee will document efforts to comply with the Facility's staffing plan, which plan will provide for adequate staffing levels and, where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, CCDOC will take the following into consideration:
- a. generally accepted detention and correctional practices;
  - b. any judicial findings of inadequacy;
  - c. any findings of inadequacy from Federal investigative agencies;
  - d. any findings of inadequacy from internal or external oversight bodies;
  - e. all components of the Facility's physical plant (including "blind spots," or areas where staff or inmates may be isolated);
  - f. the composition of the inmate population;
  - g. the number and placement of supervisory staff;
  - h. facility programs occurring on a particular shift;
  - i. any applicable State or local laws, regulations or standards;
  - j. the prevalence of substantiated and unsubstantiated incidents of sexual abuse; and any other relevant factors. (PREA 115.13);
  - k. the training of staff in the effective use of cameras.
18. Whenever necessary, but no less frequently than once each year, the Superintendent or designee, in consultation with the CCDOC's PREA Coordinator, will assess, determine, and

document whether adjustments are needed to the staffing plan, the Facility's video monitoring systems, and the resources the Facility has available to ensure adherence to the staffing plan.

19. In further compliance with PREA 115.13, supervisory staff shall conduct and document unannounced rounds on all shifts. (See CCDOC Policy and Procedure 2-A-109). Unless an announcement of supervisory rounds are related to a legitimate operational function of the Facility, staff are prohibited from alerting other staff members that supervisory rounds are occurring.

20. In further compliance with PREA 115.15 (see CCDOC Policy #2-C-100, Searches), inmates will be allowed to shower, perform bodily functions and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances, or when such viewing is incidental to routine cell/housing area checks.

21. Staff of the opposite gender will announce their presence when entering any inmate housing unit at CCDOC.

22. To ensure compliance with PREA 115:17, CCDOC will neither hire nor promote anyone who may have contact with inmates, or enlist the services of any contractor who:

- a. has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or any other institution as defined in 42 USC, 1997;
- b. has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
- c. has been civilly or administratively adjudicated to have engaged in the activity described in paragraph 22.b. above.

23. In further compliance with PREA 115.17, CCDOC will consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any volunteer, or contractor who may have contact with inmates.

24. The CCDOC shall comply with all the requirements of PREA 115.17 that apply to hiring and promotional decisions. Before hiring new employees who may have contact with inmates, the Department will perform a criminal background check; and consistent with Federal, State and Facility policies, make its best efforts to contact all prior employers for information on substantiated allegations of sexual abuse, or any resignation during a pending investigation of an allegation of sexual abuse.

25. The agency will conduct criminal background checks every 5 years of current employees and contractors who may have contact with inmates

26. Along with the Facility's commitment to paragraph VI. A.17 above, regarding technology and staffing reviews, the CCDOC will ensure compliance with PREA 115.18 which requires that any Facility planning expansion or modification will include consideration of the effect upon the Facility's ability to protect inmates from sexual abuse, and requires consideration of how new or updated video monitoring systems, electronic surveillance systems, or other monitoring

technology may enhance CCDOC's ability to protect inmates from sexual abuse.

## B. Admissions and Receiving

1. Admission and Receiving protocols for newly admitted inmates to CCHOC will be governed by Policy and Procedures Directives: 2-A-113, 114, 117 and 118.
2. The Inmate Orientation and intake process for newly admitted inmates will include offender education, consisting of verbal and written information about preventing and reporting sexual assault. CCHOC's Inmate handbook shall also include the same information.
3. Admission and Receiving procedures related to housing and work assignments shall include consideration of those steps to be taken, to ensure for the protection of persons who are vulnerable to sexual victimization.
4. When a person – during the admissions process or at any other time during their incarceration – is reported as a victim of sexual assault, sexual solicitation, or sexual coercion, an immediate temporary housing change for that person or for the alleged perpetrator, (if an inmate), shall be made to prevent or stop further sexual victimization, and to protect the offender victim from retaliation during the course of an investigation.
5. In all cases, when a person is reported as a victim of sexual assault, sexual solicitation, or sexual coercion, disruption of the victim's privileges, level of security, programs and routines should be minimized.

## C. Reporting Sexual Abuse

1. All reports of sexual abuse shall be accepted from inmates in a private, secure manner. Inmates may report sexual abuse to any staff member or on duty personnel (4-ALDF-4D-22-7), or by use of a PREA hotline. Members will accept all reports of staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse.
2. All forms of reporting: i.e., verbal, written, anonymous, or from third parties, will be documented immediately on an incident report form. All information related to a sexual abuse report shall be kept confidential.
3. All reports of sexual assault, sexual solicitation or sexual coercion will be investigated by the Deputy Superintendent or by his/her designee and by the Carroll County Sheriff. Immediately reporting sexual assault, sexual solicitation, or sexual coercion is critical, and allows for the timely delivery of support services to offender victims, and to holding perpetrators accountable for their behavior.
4. When confidential community-based victims' services are available to the offender, access to those services shall not be dependent on the victim's full disclosure of the details of an incident.

5. Persons under CCDOC custody are encouraged to report whenever either of the following exists:
  - a. a person has been, or is currently, a victim of sexual assault, sexual solicitation or sexual coercion while in the custody of CCDOC;
  - b. other persons under CCDOC custody or staff have knowledge of anyone being sexually victimized while in CCDOC custody.

6. Persons under CCDOC custody should report any sexual victimization to:
  - a. any staff member;
  - b. or through the inmate telephone system, by choosing the hotline option available from Securus;
  - c. or to medical and/or mental health services;
  - d. or by privileged mail to the Superintendent or the Office of the N.H. Attorney General;
  - e. or by privileged mail to the office of the Governor, and/or Carroll County Commissioners, (see 4-ALDF- 5B-09).

7. When a person reports verbally or in writing to any staff member, about sexual abuse sexual harassment, or retaliation, the staff member will immediately contact the shift supervisor who will

initiate

immediate action to minimize:

- a. further harm to the victim and/or to the person reporting sexual abuse, (if the reporter is someone other than the victim);
- b. any damage to potential crime scenes or evidence.

**NOTE: All staff, volunteers, and contractors have a duty to report immediately, any information regarding sexual abuse or sexual harassment known to them.**

8. Staff shall immediately report any information related to sexual abuse or sexual assault to the appropriate supervisor or administrator.

9. In the absence of a signed release or waiver, information provided in confidential communications to any of the following shall be shared/reported in accordance with the standards required by State statute and/or professional licensure, including and not limited to:

- a. chaplains/clergy;
- b. medical staff or contractors (RSA 326-B, RSA 329);
- c. Mental health staff or contractors (RSA 330-A, RSA 330-C); and
- d. Rape Crisis centers, (RSA 173-C).

10. Retaliation is prohibited against any person or staff member who reports sexual misconduct or who cooperates with a sexual misconduct investigation. Retaliation is subject to administrative or criminal action. The Superintendent or designee shall investigate all reports of retaliation.

11. The conduct and treatment of persons who report sexual misconduct or who were reported to have suffered sexual misconduct will be monitored by [the Deputy Superintendent](#) and the Carroll County Victim's Advocate assigned to the case for at least 90 days following the report of sexual misconduct, to ensure that they were not the victims of retaliation. The monitoring will continue

beyond 90 days if the initial monitoring indicated a continuing need. Such monitoring will include periodic status checks by the PREA Victim Advocate. The PREA Investigator and the PREA victim advocate will document their monitoring responsibilities as part of their investigations and share their findings and observations with the Deputy Superintendent.

12. Those inmates who have disclosed any prior sexual victimization during screening will be offered a follow-up meeting with a medical or mental health practitioner.

**NOTE:** Persons under CCDOC custody who allege sexual misconduct by staff/contractors/volunteers or by another offender and whose allegations are proven through investigation to be false can be held accountable administratively, or criminally in accordance with New Hampshire law; (see Title LXII Criminal Code, Chapter 641:4, Classification in Official matters).

A report by a person/inmate of sexual misconduct made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if the investigation did not establish evidence sufficient to substantiate the allegation.

Inmates who have sexual contact with staff may be disciplined only upon a finding that the staff member did not consent to such conduct.

13. Any contractor, staff member, or volunteer who engages in sexual misconduct shall be prohibited from contact with inmates.

14. Staff may privately report sexual abuse and sexual harassment of inmates via mail, telephone or email.

15. Staff will accept reports of sexual abuse and sexual harassment verbally, in writing, anonymously, and from third parties, and will promptly document the reports and notify the shift supervisor immediately of same.

16. The Department will view material omissions regarding reports that contain material omissions regarding sexual abuse or sexual harassment, or false information grounds for termination.

## D. Training and Education

### 1. Employee, Volunteer and Contractor Training

- a. In accordance with PREA 115.31, CCDOC will train all employees who may have contact with inmates on:
  - i. CCDOC's zero tolerance policy for sexual abuse and sexual harassment;
  - ii. how CCDOC staff are expected to fulfill their responsibilities under the Facility's sexual abuse and sexual harassment prevention, detection, reporting and response policy;
  - iii. an inmate's right to be free from sexual abuse and sexual harassment;
  - iv. the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
  - v. the dynamics of sexual abuse and sexual harassment in confinement;

- vi. the common reactions of sexual abuse and sexual harassment victims;
- vii. how to detect and respond to signs of threatened and actual sexual abuse;
- viii. how to avoid inappropriate relationships with inmates;
- ix. how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, queer, intersex, or gender non-conforming inmates; and
- x. how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- xi. All training that relates to PREA will be tailored to the genders of the inmates at the Facility.

b. In compliance with PREA 115.31 and 115.32, CCDOC shall ensure that all staff, volunteers and contractors who have contact with inmates and who receive PREA training understand the training that they have received through employee signature or electronic verification.

c. In accordance with PREA standard 115.32, Volunteer and Contract Training, all volunteers and contractors who have contact with inmates shall receive training on their responsibilities under CCDOC's policies and procedures regarding sexual abuse/harassment prevention, detection and response. In further compliance with PREA 115.32, all volunteers and contractors who have contact with inmates shall be notified of the Agency's zero-tolerance policy regarding sexual abuse and sexual harassment; and will be informed of CCDOC's requirements and procedures for reporting such incidents.

d. All employees who may have contact with inmates shall receive the training listed above within the first year following the publication of this policy. In accordance with PREA 113.31, refresher training shall take place every two years; and in those years where employees are not receiving PREA training CCDOC training staff will provide information on current sexual abuse and sexual harassment policies.

e. In compliance with PREA standard 115.31 (b)-2, employees who are reassigned from facilities will be given additional PREA training.

## 2. Inmate Education

a. In compliance with PREA 115.33, at the time of intake, all inmates will receive information about the CCDOC's zero-tolerance policy and how to report incidents or suspicions of sexual abuse or harassment.

b. In further compliance with PREA 115.33, within 30 days of intake, all inmates transferred into CCDOC from other facilities, as well as all newly admitted inmates, shall receive education on their rights to be free from both sexual abuse/harassment and retaliation for reporting such incidents, and on CCDOC's policy and procedures for responding to such incidents.

c. Within 30 days of the promulgation of this policy, all inmates who have already been housed in CCDOC shall receive the same training listed in item VI. D. 2. above.

d. In addition to providing such education, CCDOC will ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.

### 3. Specialized Training for Medical and Mental Health Providers

- a. The Department requires that full and part-time medical and mental health care Providers for inmates are trained to detect and assess signs of sexual abuse and sexual harassment, to preserve physical evidence of sexual abuse; to respond effectively and professionally to victims of sexual abuse and sexual harassment, and how- and to whom - to report allegations or suspicions of sexual abuse and sexual harassment.
- b. Medical staff will receive training to conduct forensic examinations.
- c. Depending upon the practitioner's status at the Facility, training mandated for employees under PREA115.32, or PREA115.31 will also be required.

## VII. Investigations

A. This section presents the duties and responsibilities of staff when responding to a complaint or information regarding: **1. an inmate assault on another inmate(s); 2. an inmate assault on a staff member, volunteer or person under contract with the Department; or 3. an assault on an Inmate by staff, a contractor or a volunteer.** The actual investigation of the reported abuse will be conducted by the Deputy Superintendent and/or his designee in coordination with the Carroll County Sheriff. (PREA standard 115.71). Staff conducting investigations into sexual abuse and sexual harassment of inmates will receive specialized training in the techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The check lists to be used by the shift supervisor for each type of assault listed above can be found attached to this Policy.

**NOTE:** All offender victims should be escorted to Health Services until a medical and mental health assessment can be conducted. This will allow time for determination of appropriate housing that ensures the safety of the victim and isolation from the perpetrator(s). Perpetrators and victims should not be within sight or sound distance of each other at any time. The victim has the right to decline the forensic examination, the transfer to a hospital, and medical treatment. If the victim of the alleged assault declines any of the above, CCDOC Health staff will immediately notify the shift supervisor and document the victim's decision to decline. If the victim agrees to a forensic examination, transfer to a hospital or medical treatment, they may request, that a victim advocate, qualified agency staff member, or a qualified community-based organization staff member may accompany the victim through the forensic medical examination process and investigatory interviews. These treatment services will be provided to every victim without financial cost, and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. (PREA Standard 115.82 (d)-1.

- d. To ensure that all investigations of sexual assault follow PREA protocols, all staff engaged in said investigations shall comply with the evidence protocols and forensic medical examinations protocols as required under PREA 115.21, 115.34 and 115.35, and CCDOC's policy on evidence collection. A preponderance of the evidence shall be the standard for determining whether an allegation is **Founded** or **Substantiated**.
- e. **In accordance with PREA standard 115.73, the inmate who has made a claim of sexual abuse will be informed as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following the investigation.**
- f. **Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the Department will subsequently inform the inmate, (unless the agency has determined that the allegation is unfounded), whenever:**
  - 1. **the staff member is no longer posed within the inmate's unit;**
  - 2. **the staff member is no longer employed at the Facility;**
  - 3. **the Department learns that the staff member has been indicted on a charge related to sexual abuse within the Facility; or**
  - 4. **the Department learns that the staff member has been convicted on a charge related to sexual abuse with in the Facility.**
- g. **In further compliance with PREA 115.73:**
  - 1. **If the Carroll County Sheriff's Office, the N.H. State police or the Office of the Attorney General conducts such an investigation, the Department will request relevant information from the investigative entity in order to inform the inmate of the outcome of the investigation;**
  - 2. **following an inmate's allegation that he or she has been sexually abused by another inmate in the Facility, the Department will notify the alleged victim whenever it learns that the alleged abuser has been indicted on a charge related to sexual abuse within the Facility; or the when the Department learns that the alleged abuser has been convicted on a charge related to sexual abuse within the Facility.**
- h. **All notifications described within paragraph VII above will be documented.**

If an investigation reveals that a complaint is **Unfounded** or "**Did not happen,**" the complainant may be subject of disciplinary action and/or criminal prosecution, (4-ALDF- 4D-22-5).

NOTE: The duties of first responders to a sexual assault are delineated in PREA 115.64 and include the following;

Upon learning of an allegation that an inmate was sexually abused, the first responding, security staff member will separate the alleged victim and the abuser and preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.

If the abuse occurred within a time period that still allows for the collection of physical evidence, the first responder must request that the alleged victim not take any action that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

If the abuse occurred within a time period that still allows for the collection of physical evidence as described above, first responding security staff will ensure that the alleged abuser does not take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

### **INMATE ASSAULT ON ANOTHER INMATE**

As required in Paragraph VI. C. 7., page 13 of this Policy, when a person reports verbally or in writing to any staff member, about sexual abuse or sexual harassment of an inmate, the staff member shall immediately contact the shift supervisor, who in turn, will immediately contact medical staff and the PREA Coordinator. Furthermore, and in compliance with PREA 115.64 (b)-1, if the first staff responder is not a security staff member, that responder will be required to request that the alleged victim not take any action that could destroy physical evidence; and notify security staff.

**NOTE: The Department prohibits all sexual activity between inmates.**

Upon receipt of a complaint or information regarding **an inmate assault on another inmate:**

1. The Shift Supervisor shall be notified immediately. If the assault has just occurred (within 120 hours/5 days) the Shift Supervisor will immediately respond to the assault using the Sexual Emergency Check list supplied as Attachment #1. NOTE: The Attorney General's 4<sup>th</sup> 2018 edition of Sexual Assault protocol further states that "if the assault occurred within 5 days of the examination, then it should be considered acute and an evidence collection kit should be used. If it is determined that the assault took place more than 5 days before the examination the use of an evidence collection kit is generally not necessary."
2. The check list for **An Inmate Assault on Another Inmate** labelled **Attachment #1**, and found at the end of this Policy, will be filled out by the Shift Supervisor, and forwarded to the Superintendent or designee and the PREA coordinator as soon as possible, and no later than the end of the shift during which the alleged assault was reported.

**NOTE:** All offender victims should be escorted to Health Services until a medical and mental health assessment can be conducted. This will allow time for determination of appropriate housing that ensures the safety of the victim and isolation from the perpetrator(s). Perpetrators and victims should not be within sight or sound distance of each other at any time.

3. Health Services staff will take a brief history and determine if the person will be transferred to a community hospital where an examination and a specialized evidence collection will be completed.
4. If the victim's clothing has not yet been retrieved because he/she remains in the clothing that was worn during the alleged assault, a set of clothing shall accompany the victim to the hospital where it will be exchanged for the clothing the alleged victim is wearing. Said clothing will be secured as evidence.
5. Health services staff will ensure that forensic evidence is preserved. Photographs of external injuries should be taken at the Facility. In cases of recent sexual assault, photographs should be taken after the completion of the specialized evidence collection procedure at the community hospital.

**NOTE:** All offender victims should be escorted to Health Services until a medical and mental health assessment can be conducted. This will allow time for determination of appropriate housing that ensures the safety of the victim and isolation from the perpetrator(s). Perpetrators and victims should not be within sight or sound distance of each other at any time. The victim has the right to decline the forensic examination, the transfer to a hospital, and medical treatment. If the victim of the alleged assault declines any of the above, CCDOC Health staff will immediately notify the shift supervisor and document the victim's decision to decline. If the victim agrees to a forensic examination, transfer to a hospital or medical treatment, they may request, that a victim advocate, qualified agency staff member, or a qualified community-based organization staff member may accompany the victim through the forensic medical examination process and investigatory interviews.

Prior to an inmate choosing to allow a forensic examination or to transfer to a hospital, or to allow for medical treatment, or if they request a victim advocate, a staff member, or a qualified community-based organizational staff member to accompany and/or assist them, he/she will be notified of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply to disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under federal, state and local law.

6. Medical Staff will document the offender's medical history to include:
  - a. date and time of reported assault;
  - b. date and time of interview in medical;
  - c. identification of the perpetrator, if known, by initials only;
  - d. demeanor of the victim, (crying, depressed, flat affect, inability to concentrate, angry);
  - e. summary of the trauma involved with the incident, if bleeding occurred with the incident;
  - f. whether the person has smoked, eaten, or drank, showered, brushed teeth, used mouthwash, douched (for females), urinated, defecated, vomited, or changed clothes; and
  - g. all health services staff working with the victim will use gloves for preservation of evidence.
7. A protective custody review will be conducted for the safety of the inmate who has been sexually assaulted.

8. In accordance with Facility policy, the crime scene will be secured, investigated, photographed and/or videotaped by staff assigned by the Deputy Superintendent.
9. Every staff member having contact with the accused and/or victim must complete an incident report.
10. The County Attorney/Sheriff's Department will be notified by the Deputy Superintendent or designee, so that - in consultation with the Superintendent and/or his/her designee - they may interview the victim and the accused.
11. The *Inmate Protection Investigation Form* will be forwarded to the County Attorney's Office for completion, as part of their investigative report.

### **INMATE ASSAULT ON A STAFF MEMBER, a VOLUNTEER, OR A PERSON UNDER CONTRACT WITH THE DEPARTMENT**

As required in Paragraph VI. C. 7., page 13 of this Policy, When a person reports verbally or in writing to any staff member, about sexual abuse or sexual harassment of a staff member, a volunteer or contractor, the staff member shall immediately contact the shift supervisor, who in turn, will immediately contact medical staff. Furthermore, and in compliance with PREA 115.64 (b)-1, if the first staff responder is not a security staff member, that responder will be required to request that the alleged victim not take any action that could destroy physical evidence; and notify security staff.

Upon receipt of a complaint, or information regarding **an inmate assault on a staff member, volunteer or person under contract with the Department:**

1. The Shift Supervisor shall be notified immediately. **If the assault has just occurred**, (within **120 hours/5 days**) the Shift Supervisor will immediately respond to the assault using the *Sexual Assault Emergency Check* supplied as Attachment #2. NOTE: The Attorney General's 4<sup>th</sup> edition of Sexual Assault protocol further states that "if the assault occurred within 5 days of the examination, then it should be considered acute and an evidence collection kit should be used. If it is determined that the assault took place more than 5 days before the examination, the use of an evidence collection kit is generally not necessary."
2. The check list for **An Inmate Assault on A Staff Member, volunteer or person under contract with the Department**, labelled **Attachment #2**, and found at the end of this Policy, will be filled out by the Shift Supervisor, and forwarded to the Superintendent or designee and the PREA coordinator as soon as possible, but no later than the end of the shift during which the alleged assault was reported.

3. The alleged inmate assailant(s) will be escorted to an appropriate area within the Institution and his/her/their clothing will be confiscated for evidentiary purposes. Assailant(s) must be housed on separate tiers and be escorted on single movement for the duration of the investigation.
4. The alleged assailant(s) may be housed in Dayroom 3 or other location, if deemed appropriate by the Shift Supervisor, in consultation with the Inmate Services Coordinator and/or the Deputy Superintendent, or his designee. The alleged assailant will remain in designated housing until the investigation is completed and until it has been decided that the alleged assailant no longer poses a threat to others.
5. The crime scene will be secured, investigated, photographed and/or videotaped.
6. Every staff member having contact with the accused and/or victim must complete an incident report.
7. The County Attorney and Sheriff's Department will, in consultation with the Superintendent and/or his/her designee, interview the victim and the accused.
8. In compliance with PREA Standard 115.78 e-1, The Department disciplines inmates for sexual conduct with staff only upon finding that the staff member did not consent to such contact.

### **INMATE ASSAULTED BY STAFF, A CONTRACTOR OR A VOLUNTEER**

As required in Paragraph VI. C. 7., page 13 of this Policy, when a person reports verbally or in writing to any staff member, about sexual abuse or sexual harassment of an inmate, the staff member shall immediately contact the shift supervisor who, in turn, will immediately contact medical staff and the PREA Coordinator. Furthermore, and in compliance with PREA 115.64 (b)-1, if the first staff responder is not a security staff member, that responder will be required to request that the alleged victim not take any action that could destroy physical evidence; and notify security staff.

**Upon receipt of a complaint or information that an inmate has been sexually assaulted by staff, a contractor or volunteer:**

1. The Shift Supervisor shall be notified immediately. **If the assault has just occurred**, (within 120 hours/5 days) the Shift Supervisor shall respond to the assault using the *Sexual Assault Emergency Check* supplied as attachment #3. NOTE: The Attorney General's 4<sup>th</sup> edition of Sexual Assault protocol further states that "if the assault occurred within 5 days of the examination, then it should be considered acute and an evidence collection kit should be used. If it is determined that the assault took place more than 5 days before the examination, the use of an evidence collection kit is generally not necessary."
2. The check list for **An Inmate Assault by A Staff Member, a Contractor or a Volunteer**, labelled **Attachment #3**, and found at the end of this Policy, will be filled out by the Shift Supervisor, and

forwarded to the Superintendent or designee and the PREA coordinator as soon as possible, but no later than the end of the shift during which the alleged assault was reported.

**NOTE:** All offender victims should be escorted to Health Services until a medical and mental health assessment can be conducted. This will allow time for determination of appropriate housing that ensures the safety of the victim and isolation from the perpetrator(s). Perpetrators and victims should not be within sight or sound distance of each other at any time. If the victim agrees to a forensic examination, transfer to a hospital or medical treatment, they may request that a victim advocate, qualified agency staff member, or a qualified community-based organization staff member be allowed to accompany them to and throughout the forensic, medical examination process and investigatory interviews.

3. The inmate will be transported to the local emergency room for evidence collection (rape kit), for treatment and collection of the inmate's clothing. If the victim's clothing has not yet been retrieved because he/she remains in the clothing that was worn during the alleged assault, a set of clothing shall accompany the victim to the hospital where it will be exchanged for the clothing the alleged victim is wearing. Said clothing will be secured as evidence.

Once returned to the Institution, the inmate will be segregated in observation until a mental health assessment can be conducted. This will allow for proper housing decisions to be made to ensure for the safety of the victim, and to address the proximity of any alleged perpetrator(s).

4. A protective custody review will be conducted for the safety of the inmate who has been sexually assaulted.

5. In compliance with Facility policy, the crime scene will be secured, investigated, photographed and/or videotaped.

6. Every staff member having contact with the accused and/or victim must complete an incident report.

7. The County Attorney/Sheriff's Department will, in consultation with the Superintendent and/or his/her designee, interview the victim and accused.

8. The *Inmate Protection Investigation Form* will be forwarded to the County Attorney's Office for completion, as part of their investigative report.

9. The staff member, contractor or volunteer will be notified that he/she is under investigation.

**NOTE:** Any contractor or volunteer who engages in sexual abuse will be reported to the office of the Attorney General, and to relevant licensing bodies, unless the activity was clearly not criminal.

10. Additional steps will be taken by the Superintendent or designee to re-assign the staff member away from any inmate contact. This may include removing the accused from the worksite if

it is deemed by the Superintendent to be appropriate. In the case of an assault on an inmate by a contractor or a volunteer, the accused will be prohibited from contact with inmates, (PREA 15.77)

## VIII. Evidence Collection

**NOTE:** In accordance with PREA 115.21, entitled *Evidence Protocol and Forensic Medical Examinations*, CCDOC will follow a uniform evidence protocol that maximizes the potential for obtaining usable evidence for administrative proceedings and/or criminal prosecutions.

- A. The Attorney General's fourth edition Sexual Assault Manual (2018) lists the protocols for collecting and packaging evidence. Supervisors will ensure that they familiarize themselves with said protocols.
- B. The examiner should always wear powder-free gloves when collecting and packaging evidence. The examiner should always change gloves between specimen collections.
- C. Clothing and other evidence specimens must be sealed in paper or cardboard containers.
- D. All wet evidence should be dried prior to packaging whenever possible.
- E. In the event that the evidence is wet, the items may be first placed in paper bags, then into plastic bags, provided that holes for ventilation are made in the plastic bag.
- F. Urine specimens obtained should be sealed in a bio-hazard bag, then in a paper bag and never placed inside the evidence kit.
- G. All hospital Occupational Health and Safety regulations should be followed, per Institutional policy.
- H. Envelopes containing evidence should never be sealed with the examiner's saliva. Self-adhesive envelopes or tape should be used.
- I. Paper bags should be sealed with tape, never staples.
- J. A chain of custody with each piece of evidence collected should always be maintained.
- K. The Attorney General's 2018 edition, **Best Practices for Medical Providers**, page 43 states: "...if the sexual assault occurred within 5 days of the examination, a Sexual Assault Evidence Kit is to be used."

## IX. Screening for Risk of Sexual Victimization and Abusiveness

- A. In order to ensure compliance with PREA 115.41, CCDOC's *Intake Screening-Booking Questionnaire* will be used to screen inmates upon admission or transfer to/from another facility for

risk of sexual abuse victimization or risk of sexually abusing other inmates. Said screening will take place within 72 hours of the inmate's arrival to the Facility.

B. After review of the *Intake Screening-Booking Questionnaire*, supervisors will take an individualized approach in deciding appropriate housing for each inmate. (PREA 115.42).

C. In further compliance with PREA 115.41, inmates who have been assessed for victimization and/or abusiveness upon intake will be reassessed within 30 days of their initial assessment based on any additional relevant information received by CCHOC.

D. Re-assessment shall also take place upon a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.

**NOTE:** CCDOC prohibits disciplining inmates for refusing to answer (or for not disclosing complete information related to) the questions regarding: whether or not the inmate has a mental, physical, or developmental disability; whether or not the inmate is (or is perceived to be) gay, lesbian, bisexual, transgender, queer, intersex, asexual, or gender non-conforming, whether or not the inmate has previously experienced sexual victimization; and the inmate's own perception of vulnerability.

E. Information from screening and re-assessment will be used for determination of an inmate's housing, work assignments and programming.

## **X. PREA and Protective Custody**

A. CCDOC'S policy prohibits placing inmates at high risk for sexual victimization in involuntary, segregated housing, unless an assessment of all available alternatives has been made, and it has been determined that there is no available alternative means of separation from likely abusers.

B. If an involuntary segregated housing assignment is made, CCDOC shall afford the inmate a review every 30 days to determine whether there is a continuing need for separation from the general population.

## **XI. Sexual Abuse Reports**

A. All reports of sexual assault, sexual solicitation or sexual coercion are investigated

by CCDOC assigned staff and the Carroll County Sheriff's Department.

B. Data on investigations of this type will be collected through the incident report system to be used internally and to be filed with the U.S. Department of Justice, in accordance with Federal PREA guidelines, (see paragraph XIV).

C. Copies of all investigative reports and exhibits, upon completion, will be forwarded to the County Attorney's Office.

## **XII. Incident Reviews**

A. The Carroll County Department of Corrections will treat all instances of sexual abuse as critical incidents to be examined by command staff.

B. The Department will conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.

C. Such a review will ordinarily occur within 30 days of the conclusion of the investigation.

D. The review team will include the Deputy Superintendent and the Facility's PREA Coordinator, with input from supervisors and other Department staff to include investigators, medical and mental health practitioners.

E. The review team will:

1. consider whether the incident or allegation was motivated by race, ethnicity,
2. gender identity, lesbian, gay, bisexual, transgender or intersex, identification status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the Facility.
3. consider whether the allegation or investigation indicates a need to change policy or practice to better prevent detect or respond to sexual abuse;
4. examine the area of the Facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
5. assess the adequacy of staffing levels in that area during all shifts;
6. assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and

7. prepare a report of findings including, but not necessarily limited to determinations made pursuant to numbers 1 and 6 above, and any recommendation for improvement to the Superintendent and the PREA Compliance supervisor.

F. As part of any remedial measures considered after an incident review has been completed, the Department will consider whether or not to prohibit further contact with inmates by a contractor or volunteer in any other cases where they have committee violations of the Facility's PREA policy.

- D. On a case-by-case basis, and in compliance with PREA standard 115.78, the PREA Coordinator will consider counseling for victims of sexual abuse, and whether or not to require the offending inmate to participate in counselling as a condition for accessing programming or other benefits.

### **XIII. Data Collection (4-ALDF-4D-22-B)**

A. Data collection is a tool for assessing and improving the effectiveness of the Department's sexual abuse and sexual harassment policies and procedures, including prevention, detection, response and training.

B. The PREA Coordinator/Safety and Security Lieutenant will collect accurate, uniform data for every reported incident of sexual abuse using the Offender Protection Investigation Form: Investigation Details (Attachment 4).

C. The incident-based data collected on the "Offender Protection Investigation Form: Investigation Details" (Attachment 4) should include, at a minimum, the data necessary to answer all questions from the most recent version of the Bureau of Justice Statistics (BJS) Survey on Sexual Violence.

D. This data is obtained from multiple sources, including reports, investigation files, and sexual abuse incident files and will be aggregated annually.

### **XIV. Data review for corrective action, Data Storage, Publication and Destruction**

A. The PREA Coordinator/Safety and Security Captain will ensure that all collected sexual abuse data is reviewed for corrective action, properly stored, securely

retained, protected and entered into the PREA Investigative Module, and documented using the “Sexual Emergency Checklists (See Attachments 1,2, and 3, and the Offender Protection Investigation Form: Investigation Details,” (Attachment 4).

NOTE: Before making sexual abuse data publicly available, CCDOC will remove all personal identifiers.

F. The Department will retain all written reports pertaining to the administrative or criminal Investigation of an alleged sexual assault, or sexual harassment for as long as an alleged abuser of an inmate in CCDOC custody is incarcerated or employed by the agency, plus five years. (PREA 115. 71 (i)-1).

D. Data shall be retained for 10 years.

## References

New Hampshire Attorney General's 4<sup>th</sup> Edition Sexual Assault Manual.

4-ALDF-4D-22 – The facility will ensure that information is provided to inmates about sexual abuse/assault including: Prevention/Intervention, Self-protection, Reporting sexual abuse/assault, Treatment and counseling.

The information is communicated orally and in writing, in a language clearly understood by the inmate, upon arrival at the facility.

4-ALDF-4D-22-1 – Detainees are screened within 24 hours of arrival at the facility for potential vulnerabilities or tendencies of acting out sexually aggressive behavior. Housing assignments are made accordingly.

4-ALDF-4D - 22-2 – An investigation is conducted and documented whenever a sexual assault or threat is reported.

4-ALDF-4D-22 – 3 – Detainees identified as high risk with a history of sexually assaultive behavior are assessed by a mental health or other qualified professional. Detainees with a history of sexually assaultive behavior are identified, monitored and counseled.

4-ALDF-4D-22 – 4 – Detainees identified as risk for sexual victimization are assessed by a mental health or other qualified professional. Detainees at risk for sexual victimization are identified, monitored, and counseled.

4-ALDF-4D-22 – 5 – Sexual conduct between staff and detainees, volunteers or contract personnel and detainees, regardless of consensual status, is prohibited and subject to administrative and criminal disciplinary sanctions.

4-ALDF-4D-22 – 6 – Victims of sexual assault are referred under appropriate security provisions to a community facility for treatment and gathering of evidence. If these procedures are performed in-house, the following guidelines are used:

A history is taken by health care professionals who conduct an examination to document the extent of physical injury and to determine if referral to another medical facility is indicated. With the victim's consent, the examination includes collection of evidence from the victim, using a kit approved by the appropriate authority.

Provision is made for testing for sexually transmitted diseases (for example, HIV, gonorrhea, hepatitis, and other diseases) and counseling, as appropriate.

Prophylactic treatment and follow-up for sexually transmitted diseases are offered to all victims, as appropriate.

Following the physical examination, there is availability of an evaluation by a mental health professional to assess the need for crisis intervention counseling and long-term follow-up.

A report is made to the facility or program administrator or designee to assure separation of the victim from his or her assailant.

4-ALDF-4D-22 – 7 – Detainees who are victims of sexual abuse have the option to report the incident to a designated staff member other than an immediate point-of-contact line officer.

4-ALDF-4D-22 – 8 – All case records associated with claims of sexual abuse, including incident reports, investigative reports, inmate information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling are retained in accordance with an established schedule.

PREA Rape Elimination Act, (National Standards to Prevent, Detect, and Respond to Prison Rape).

Rockingham County Department of Corrections – Policy: Prison Rape Elimination Act, 4D-1-01, chapter 4: Care.

RSA 632-A (as amended).

RSA 326-B Nurse Practice Act

RSA 632-A: 2 Aggravated Felonious Sexual Assault (Felony)

RSA 632-A: 3 Felonious Sexual Assault (Felony)

RSA 632-A: 4 Sexual Assault (Misdemeanor)

RSA 645:1 Indecent Exposure and Lewdness (Misdemeanor)

RSA 641:5 Tampering with Witnesses and \informants (Felony)

Title XII Public Safety and Welfare RSA 173-C Confidential Communication between Victims and Counselors

Title LXII Criminal Code 641:4 Falsification in Official Matters

Attachment #1

**Sexual Assault Emergency Check List for an inmate assault on Another Inmate**

- a. Evaluate and immediately provide for the safety of the victim and any other person at potential risk. { }
- b. Render emergency first aid if appropriate. { }
- c. Activate emergency medical services. { }
- d. Segregate the victim in health services. { }
- e. If possible, do not place the victim within sight or sound of other victims, witnesses or perpetrators. { }
- f. Secure the scene(s) of sexual assault as a crime scene.

**NOTE:** The Facility's Policy for *Crime Scene Search and Preservation of Evidence*, Chapter 2, Policy Number 2-C-103 should be referenced here. Immediately however,

- i. designate a staff member to secure the crime scene;
- ii. Ensure that the staff member designated to secure the crime scene prepares an in/out log and documents the scene;

**NOTE:** Only staff authorized by the shift commander will be permitted to enter a crime scene.

- iii. The staff member designated to secure the crime scene will record the name(s) and times as they enter and leave the crime scene.

- g. Document the victim's spontaneous utterances. { } NOTE: Written statements should not be taken from the victim, rather: interview the victim to obtain basic information about the sexual assault, asking following questions:
  - i. When did the assault occur? \_\_\_\_\_.
  - ii. Where did the sexual assault occur? \_\_\_\_\_.
  - iii. Who was the assault perpetrated by? \_\_\_\_\_.
  - iv. Was the sexual assault anal, vaginal, oral or other? \_\_\_\_\_
  - v. When was the last time the victim showered? \_\_\_\_\_
  - vi. Has the victim changed his/her clothes since the sexual assault? Yes { } No { }
- h. If the answer to item (g.vi. above) is yes, ask the victim where he/she placed the clothing that he/she removed since the time of sexual assault, and recover same.
  - i. Was the clothing recovered? Yes { } No { }
  - j. Ask the victim if he/she has brushed their teeth since the sexual assault? Yes { } No { }
- k. If the answer is yes, and the assault was oral, ask the victim the location of the toothbrush, and if possible, recover same. Was the toothbrush recovered? Yes { } No { }
- l. Ask the victim if there were any witnesses. Yes { } No { }
- m. Notify the Superintendent and/or his designee, { } the Carrol County Sheriff's Department, { } County Attorney, { } CCHOC Mental Health, { } CCHOC Medical staff, { } Mental Health staff, { } CCHOC Chaplain

ATTACHMENT #2

**Sexual Assault Emergency Check List For an inmate Assault on a staff member, a Volunteer, or person under Contract with the Department**

- a. Evaluate and immediately provide for the safety of the victim and any other person at potential risk. { }
- b. Render emergency first aid if appropriate. { }
- c. Encourage the victim to seek medical attention at the local emergency department for health concerns and evidence preservation. { } **Note:** A rape kit is not believed to be effective if the assault is more than 5 days old.
- d. Offer to transport the victim to seek medical attention, { }, or to make notifications at the victim's request, { }, and to provide support.
- e. Ensure that the Scene is secured as a crime scene, and notify the Superintendent or his designee. { } The Facility's Policy for *Crime Scene Search and Preservation of Evidence*, Chapter 2, Policy Number 2-C-103 should be referenced here. Immediately, however:
  - i. Designate a staff member to secure the crime scene. { }
  - ii. Ensure that the staff member designated to secure the crime scene prepares and in/out log and documents the scene from his/her time of arrival, until he/she is relieved. { }
  - iii. Ensure that the staff member assigned to secure the crime scene understands that only staff authorized by the shift commander will be permitted to enter the crime scene. { }
  - iv. Ensure that the staff member designated to secure the crime scene records the name(s) and times of those authorized individuals as they enter or leave the crime scene. { }
  - v. Document the victim's spontaneous utterances. { } NOTE: Written statements should not be taken from the victim.
- f. Interview the victim to obtain basic information about the sexual assault, asking the following questions:
  - i. When did the assault occur? \_\_\_\_\_.
  - ii. Where did the sexual assault occur? \_\_\_\_\_.
  - iii. Who was the assault perpetrated by? \_\_\_\_\_.
  - iv. Was the sexual assault anal, vaginal, oral or other? \_\_\_\_\_
  - v. When was the last time the victim showered? \_\_\_\_\_
  - vi. Has the victim changed his/her clothes since the sexual assault? Yes { } No { }
  - vii. If the answer to item f. is yes, ask the victim to preserve the clothing and make them available as soon as possible.
  - viii. If the assault has just occurred, obtain the victim's clothing for evidence and make arrangements immediately for replacement clothing.
  - ix. Was the clothing recovered? Yes { } No { }
  - x. Ask the victim if he/she has brushed their teeth since the sexual assault? Yes { } No { }.
  - xi. If the answer to item x. is yes, ask the victim the location of the toothbrush and if possible, ask the victim to preserve the clothing and make the toothbrush available as soon as possible. Was the toothbrush recovered? Yes { } No { }
  - xii. Ask the victim if there were any witnesses. Were there any witnesses? Yes { } No { }
  - xiii. Notify the Superintendent and/or his designee, { } the Carroll County Sheriff's Department, { } the County Attorney, { } CCHOC Mental Health, { } CCHOC Chaplain { }

ATTACHMENT #3

**Sexual Assault Emergency Check List for an assault of an inmate by staff, a contractor or a volunteer**

- a. Evaluate and immediately provide for the safety of the victim and any other person at potential risk. { }
- b. Render emergency first aid if appropriate. { }
- c. Activate emergency medical services. { }
- d. Segregate the victim in health services. { }
- e. If possible, do not place the victim within sight or sound of other victims, witnesses or perpetrators. { }
- f. Secure the scene(s) of sexual assault as a crime scene. The Facility's Policy for *Crime Scene Search and Preservation of Evidence*, Chapter 2, Policy Number 2-C should be referenced here.
- g. Immediately, however:
  - i. Designate a staff member to secure the crime scene.
  - ii. Ensure that the staff member designated to secure the crime scene prepares an in/out log and documents the scene;

**NOTE:** Only staff authorized by the shift supervisor will be permitted to enter the crime scene.

- h. The staff member designated to secure the crime scene will record the name(s) and times as authorized individuals enter and leave the crime scene. Document the victim spontaneous utterances. { } **NOTE:** Written statements should not be taken from the victim, rather, interview the victim to obtain basic information about the sexual assault and ask the following questions:
  - i. When did the assault occur? \_\_\_\_\_.
  - ii. Where did the sexual assault occur? \_\_\_\_\_.
  - iii. Who was the assault perpetrated by? \_\_\_\_\_.
  - iv. Was the sexual assault anal, vaginal, oral or other? \_\_\_\_\_
  - v. When was the last time the victim showered? \_\_\_\_\_
  - vi. Has the victim changed his/her clothes since the sexual assault? Yes { } No { }
  - vii. If the answer to item (h. vi. above) is yes, ask the victim where he/she placed the clothing that he/she removed since the time of sexual assault and recover same.
  - viii. Was the clothing recovered? Yes { } No { }
  - ix. Ask the victim if he/she has brushed their teeth since the sexual assault. Yes { } No { }
  - x. If the answer to item (ix) is yes, and if the assault was oral, ask the victim the location of the toothbrush, and if possible, recover same. Was the toothbrush recovered? Yes { } No { }

- xi. Ask the victim if there were any witnesses. Yes { } No { }
- xii. Notify the Superintendent and/or his designee, { } the Carroll County Sheriff's Department, { } County Attorney, { } CCHOC Mental Health, { } CCHOC Chaplain { }.

**Carroll County Department of Corrections**

**OFFENDER PROTECTION INVESTIGATION FORM: INVESTIGATION DETAILS  
4-D-200, Sexual Assault: Prison Rape Elimination Act 2003.**

**Case #:** \_\_\_\_\_

Offender Name: \_\_\_\_\_

Inmate #: \_\_\_\_\_

Current housing location: \_\_\_\_\_ Current work assignment:

\_\_\_\_\_

Age: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Custody:

\_\_\_\_\_

Date investigation began: \_\_\_\_\_ Time investigation began:

\_\_\_\_\_

Where did the incident occur?

When did the incident occur? Date: \_\_\_\_\_ Time:

\_\_\_\_\_

When did staff become aware of a possible endangerment situation? Date: \_\_\_\_\_ Time:

\_\_\_\_\_

How was the incident reported? (Check one)

- IRS from offender,  Verbally by offender,  By staff,  
 Other (explain)

\_\_\_\_\_

Name of offender reporting the situation (if other than offender being threatened)

\_\_\_\_\_

Was situation reported to Sheriff's Department  No  Yes. If yes, date and time of report.

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Have there been similar incidents before  No  Yes. If yes, When?

\_\_\_\_\_

Has offender previously been assigned to Safekeeping, Administrative Segregation or Protective Custody?

No  Yes.

Prior keep away request  No  Yes. If yes, date of most recent request

\_\_\_\_\_

To whom was prior reported? \_\_\_\_\_ Results:

\_\_\_\_\_

Was any physical or written evidence presented?  No  Yes.

If Yes, please describe:

\_\_\_\_\_

\_\_\_\_\_

Were any staff members interviewed?  No  Yes.

If No, explain why not: \_\_\_\_\_

List staff witnesses, statements or reports of interviews (attach as applicable):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Were any other offenders interviewed?  No  Yes.

If no, explain why not: \_\_\_\_\_

Written statement(s)  No  Yes.

List offender witnesses, statements or report(s) of interview(s) (attach as applicable):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



*Under the Prison Rape Elimination Act of 2003*

**All** inmates under the jurisdiction of the Superintendent of the Carroll County Department of Corrections (CCDOC) shall have the following protections whether incarcerated, on work details, or assigned to court ordered programming.

- ~ Inmates have the right to be free from all forms of sexual abuse and harassment.
- ~ When supervising an inmate, a Zero Tolerance standard of inmate sexual abuse and harassment shall be adhered to at all times.
- ~ No one may engage in any form of sexual relationship with an inmate who is in custody.
- ~ Inmates DO NOT have the legal authority to give consent to any sexual relationship.
- ~ If you are supervising an inmate who is suddenly experiencing one or more of these behaviors, they may have been the victim of a sexual assault:
  - Anger,
  - Depression,
  - Problems concentration or focusing on assigned tasks,
  - Feelings of Guilt or Sorrow.
- ~ If you have any concerns regarding sexual assault, you should address them with the inmate in a private and professional manner.
- ~ When an instance of sexual abuse is discovered or suspected, it SHALL be reported immediately to duty supervisor and or the CCDOC PREA coordinator Capt. Baker at (603) 539-2282 Ext 1018. This reporting is mandated by law.

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***Carroll County Department of Corrections***

**Risk Assessment to Prevent Sexual Victimization and  
Abusiveness (Ref. PREA standard § 115.41)**

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Inmates Printed name: \_\_\_\_\_  
\_\_\_\_\_

Date:

This Assessment will be used by the Carroll County Department of Corrections to assist in determining safe housing while you are incarcerated with us. Please respond truthfully.

- Are you currently under age 28? YES  NO
- Is this the first time that you have been incarcerated? YES  NO
- If you have prior charges, are ALL of them Non-Violent offenses? YES  NO
- If you have prior charges, are ANY of them Sex Offenses? YES  NO
- Do you have any medical, physical or developmental disabilities? YES  NO
- Are you, or do others perceive you to be, a member of the  
LGBTQIA community? YES  NO
- Have you ever experienced any form of sexual victimization? YES  NO
- Do you consider your physical build to be petite or small? YES  NO
- Do you perceive yourself to be vulnerable to sexual victimization? YES  NO
- Are you being held in custody solely for immigration purposes? YES  NO

Total YES score = \_\_\_\_\_.

The Shift Supervisor and/or Classification Officer shall be notified of all 6 or higher "YES" scores.



Total YES score = \_\_\_\_\_.

The Shift Supervisor and/or Classification Officer shall be notified of all 6 or higher "YES" scores.