



- G. The following procedures will be followed when a departmental employee is contacted by counsel for any person under departmental control or supervision or any party in a criminal or civil case:
1. When any employee or the department is a party to a civil or criminal matter, the employee will contact the Assistant Attorney General handling the case prior to providing any information to the opposing counsel. This will enable the State's legal services to participate to the degree desired before information is exchanged.
  2. When a person under supervision is the defendant, the supervising employee will contact the the Attorney General's Office, or the County Attorney representing the State prior to providing any information to any attorney, to insure that the State's interests are protected to the degree that the State's Attorney desires.
  3. Probation/Parole Officers will be exempt from the provisions of this PPD to the extent that such contacts with defense counsel are usual and customary in the day-to-day course of performing their investigative and/or supervisory duty. (see 6 below.)
  4. In any other legal matter, the Attorney General's office will be contacted to provide consultation as to how to proceed so as to avoid involving the employee or the department improperly in litigation.
  5. Reports shall be distributed in such a way that the data provided does not reach the adverse counsel sooner or provide more data to opposing counsel than the State's Counsel unless a Court or Departmental authority so directs.
  6. The foregoing is intended to provide guidance in situations other than normal and routine reporting processes and does not affect Field Services investigative reports, Offender Records status update reports, or similar reports regularly rendered.
- H. Departmental employees, if subpoenaed, will contact the Attorney General's office for guidance.
1. According to RSA 99-D:2 you must notify the Attorney General within 7 days of being notified that you are being sued, and you must cooperate with the Attorney General in the defense of the claim against you.
  2. According to RSA 99-D:2 You must be acting within the scope of your employment and the acts cannot be wanton or reckless, for the Attorney General to defend you.
  3. No checks for mileage or attendance will be returned to the subpoenaing party without approval of the Attorney General. Checks received by employees will be forwarded to the NH DOC Financial Services office when the employee is being paid by the State for the same time covered in the subpoena.
- I. Departmental employees are required to assist the State's Attorneys when requested.

REFERENCES:

Standards for the Administration of Correctional Agencies  
 Second Edition. Standards  
**2-CO-1A-28**

Standards for Adult Community Residential Services  
 Fourth Edition. Standards

KENCH/jc

Standards for Adult Correctional Institutions  
 Fourth Edition. Standards  
**4-4023**

Standards for Adult Probation and Parole Field Services  
 Third Edition Standards  
**3-3031**

Other: