<table>
<thead>
<tr>
<th>Prison Rape Elimination Act (PREA) Audit Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Prisons &amp; Jails</td>
</tr>
<tr>
<td>☑ Interim</td>
</tr>
<tr>
<td>Final</td>
</tr>
<tr>
<td>Date of Report</td>
</tr>
<tr>
<td>06/12/19</td>
</tr>
</tbody>
</table>

### Auditor Information

<table>
<thead>
<tr>
<th>Name:</th>
<th>Patrick J. Zirpoli</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email:</td>
<td><a href="mailto:pzirpoli@ptd.net">pzirpoli@ptd.net</a></td>
</tr>
<tr>
<td>Company Name:</td>
<td>Patrick J. Zirpoli LLC.</td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>149 Spruce Swamp Road</td>
</tr>
<tr>
<td>City, State, Zip:</td>
<td>Milanville, PA 18443</td>
</tr>
<tr>
<td>Telephone:</td>
<td>570-729-4131</td>
</tr>
<tr>
<td>Date of Facility Visit:</td>
<td>05/20/19 - 05/21/19</td>
</tr>
</tbody>
</table>

### Agency Information

<table>
<thead>
<tr>
<th>Name of Agency:</th>
<th>New Hampshire Department of Corrections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governing Authority or Parent Agency (If Applicable):</td>
<td>State of New Hampshire</td>
</tr>
<tr>
<td>Physical Address:</td>
<td>105 Pleasant Street</td>
</tr>
<tr>
<td>City, State, Zip:</td>
<td>Concord, NH 03302</td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>Same as above</td>
</tr>
<tr>
<td>City, State, Zip:</td>
<td></td>
</tr>
<tr>
<td>Telephone:</td>
<td>603-271-5601</td>
</tr>
<tr>
<td>Is Agency accredited by any organization?</td>
<td>☑ Yes</td>
</tr>
</tbody>
</table>

### The Agency Is:

- ☑ State
- ☐ Federal
- ☐ Private for Profit
- ☐ Private not for Profit
- ☐ Military
- ☐ County
- ☐ Municipal

**Agency mission:** Our Mission is to provide a safe, secure, and humane correctional system through effective supervision and appropriate treatment of individuals, and a continuum of services that promote successful re-entry into society for the safety of our citizens and in support of crime victims.

**Agency Website with PREA Information:** www.nh.gov/nhdoc

### Agency Chief Executive Officer

<table>
<thead>
<tr>
<th>Name:</th>
<th>Helen E. Hanks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
<td>Commissioner</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:helen.hanks@doc.nh.gov">helen.hanks@doc.nh.gov</a></td>
</tr>
<tr>
<td>Telephone:</td>
<td>603-271-5601</td>
</tr>
</tbody>
</table>

### Agency-Wide PREA Coordinator

<table>
<thead>
<tr>
<th>Name:</th>
<th>Lynmarie C. Cusack</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
<td>Director of Professional Standards</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:lynmarie.cusack@doc.nh.gov">lynmarie.cusack@doc.nh.gov</a></td>
</tr>
<tr>
<td>Telephone:</td>
<td>603-271-5604</td>
</tr>
</tbody>
</table>

**PREA Coordinator Reports to:**

- Commissioner of Corrections

**Number of Compliance Managers who report to the PREA Coordinator:** 4
# Facility Information

**Name of Facility:** New Hampshire Correctional Facility for Women  
**Physical Address:** 42 Perimeter Road Concord, NH 03302  
**Mailing Address (if different than above):** Same as above  
**Telephone Number:** 603-271-0200

- **The Facility Is:**  
  - [ ] Military  
  - [ ] Private for-profit  
  - [ ] Private not for profit  
  - [x] Municipal  
  - [ ] County  
  - [x] State  
  - [ ] Federal

- **Facility Type:**  
  - [ ] Jail  
  - [x] Prison

**Facility Mission:** Our Mission is to provide a safe, secure, and humane correctional system through effective supervision and appropriate treatment of individuals, and a continuum of services that promote successful re-entry into society for the safety of our citizens and in support of crime victims.

**Facility Website with PREA Information:** [www.nh.gov/nhdoc](http://www.nh.gov/nhdoc)

## Warden/Superintendent

- **Name:** Joanne Fortier  
- **Title:** Warden  
- **Email:** joanne.fortier@doc.nh.gov  
- **Telephone:** 603-271-0205

## Facility PREA Compliance Manager

- **Name:** Nicole Plante  
- **Title:** Captain  
- **Email:** nicole.plante@doc.nh.gov  
- **Telephone:** 603-271-0207

## Facility Health Service Administrator

- **Name:** Paula Mattis  
- **Title:** Director of Medical and Forensics  
- **Email:** paula.mattis@doc.nh.gov  
- **Telephone:** 603-271-3707

## Facility Characteristics

- **Designated Facility Capacity:** 224  
- **Current Population of Facility:** 196

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of inmates admitted to facility during the past 12 months</td>
<td>232</td>
</tr>
<tr>
<td>Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more:</td>
<td>232</td>
</tr>
<tr>
<td>Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:</td>
<td>232</td>
</tr>
<tr>
<td>Number of inmates on date of audit who were admitted to facility prior to August 20, 2012:</td>
<td>0</td>
</tr>
</tbody>
</table>
**Age Range of Population:**

<table>
<thead>
<tr>
<th>Youthful Inmates Under 18:</th>
<th>No youthful inmates</th>
<th>Adults:</th>
<th>18-87</th>
</tr>
</thead>
</table>

**Are youthful inmates housed separately from the adult population?**

- ☑ Yes
- ☐ No
- ☒ NA

**Number of youthful inmates housed at this facility during the past 12 months:**

- 0

**Average length of stay or time under supervision:**

- Various

**Facility security level/ inmate custody levels:**

- C2-C5

**Number of staff currently employed by the facility who may have contact with inmates:**

- 76

**Number of staff hired by the facility during the past 12 months who may have contact with inmates:**

- 10

**Number of contracts in the past 12 months for services with contractors who may have contact with inmates:**

- 42

---

### Physical Plant

<table>
<thead>
<tr>
<th>Number of Buildings:</th>
<th>2</th>
<th>Number of Single Cell Housing Units:</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Multiple Occupancy Cell Housing Units:</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Open Bay/Dorm Housing Units:</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Segregation Cells (Administrative and Disciplinary):</td>
<td>12</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Description of any video or electronic monitoring technology (including any relevant information about where cameras are placed, where the control room is, retention of video, etc.):**

The facility has 240 cameras placed throughout the interior and exterior of the facility. The cameras have a 3 month data retention. The cameras provide adequate coverage of inmate housing areas, and inmate accessed areas. The cameras are viewed in the main control room which is located outside of the main prison compound. The facility specific cameras are monitored on that specific unit. The cameras are monitored by the security staff who work in these areas. During the onsite audit the monitors were examined, the views of the cameras do not show any areas that would cause an issue of cross gender viewing.

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### Medical

**Type of Medical Facility:**

- Health services and infirmary

**Forensic sexual assault medical exams are conducted at:**

- Catholic Medical Center, Manchester NH

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### Other

**Number of volunteers and individual contractors, who may have contact with inmates, currently authorized to enter the facility:**

- 486 volunteers
- 110 contractors

**Number of investigators the agency currently employs to investigate allegations of sexual abuse:**

- 9
Audit Findings

Audit Narrative

Pre-Onsite Audit Phase

Audit Planning and Logistics:

I had the opportunity to discuss the audit process and expectations of both parties with the Agency PREA Coordinator Lynmarie C. Cusack. We coordinated the dates for the onsite audits at the facility.

During these conversations, we outlined an overall audit schedule and notified the facility of the estimated time of arrival on site.

Posting Notice of the Audit:

I forwarded the audit postings to the Agency PREA Coordinator on March 9, 2019; she then forwarded the postings to the individual facilities. The posting included the dates of the audit, the purpose of the audit, my contact information, and a statement regarding the confidentiality of any communication received. The postings were placed throughout the facility, including all housing units, visiting areas, recreational areas, and all common areas. I verified the placement of the audit notices during the facility tour and inmate and staff interviews. One inmate contacted me; she was interviewed during the audit process.

Review of Agency and Facility Policies, Procedures, and Supporting Documentation:

The Agency PREA Coordinator provided me a flash drive containing all New Hampshire Department of Corrections Policies and Procedures related to the Prison Rape Elimination Act. This flash drive also contained the facility level Policies and Procedures, as well as documentation that all Department and Facility Policies and Procedures were practiced on a daily basis. They also provided me a completed PRE-Audit Questionnaire. The Policies, Procedures, and Documents reviewed during this phase of the audit are listed under Onsite Audit, with all documentation reviewed during the course of the audit.

Outreach to Community Advocacy Organizations:

I contacted Jennifer Pearson of the Crisis center of Central New Hampshire; they hold an MOU with the New Hampshire Department of Corrections for crisis intervention. She confirmed that they provide victim advocacy, and she did not know of any issues at the facility.

Agency level interviews:

I conducted the agency level interviews while conducting the audit of the New Hampshire Community Corrections North End House facility. I had previously reviewed the hiring documentation, and human resources materials, this review was completed with the last 365 days, and I did confirm that no processes have changed. During these interviews, I met with Agency PREA Coordinator Colon K. Forbes Jr. and Director Ryan Andersen as the Agency Head Designee. Both are no longer with the agency. I also had the opportunity to speak briefly with Commissioner Helen E. Hanks who attended the exit conference of the North End House Facility on June 21, 2018. I interviewed the current PREA Coordinator during our interactions while conducting the PREA Audits.
Onsite Audit Phase

Site Review:

On May 20, 2019, at approximately 8:00 a.m. Lynmarie C. Cusack Agency PREA Coordinator, Jean Carroll Agency Victim Advocate, and I met with Warden Joanne Fortier, Captain Nicole Plante, and several key administrative personnel from the facility. We discussed the onsite portion of the audit, including facility tour, inmate and staff interview location, and document review. After this brief meeting, a facility tour was conducted. During the tour, I had the opportunity to view all areas of the facility; no areas were not toured. I interacted with both staff and inmates, as well as observed the interaction between the staff and inmates. I was able to verify the location of cameras throughout the facility, as well as the camera monitor locations. While in the housing areas, I observed the related PREA information, Audit Posting, and applicable policies and procedures which are accessible to all inmates. These postings were further observed in common areas throughout the facility. While conducting the onsite audit, I reviewed the log books located on the housing units.

Upon completion of the facility tour, the inmate interviews were conducted. They were conducted on the individual housing units utilizing a vacant office. This provided privacy while conducting the interviews. I randomly selected the inmates from the daily roster.

<table>
<thead>
<tr>
<th>Interview Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Random inmate Interviews</td>
<td>14</td>
</tr>
<tr>
<td>Youthful Inmates</td>
<td>The facility does not house</td>
</tr>
<tr>
<td>Inmates with a Physical &amp; Cognitive Disability</td>
<td>1</td>
</tr>
<tr>
<td>Inmates who are Blind, Deaf, or Hard of Hearing</td>
<td>1</td>
</tr>
<tr>
<td>Inmates who are Limited English Proficient</td>
<td>1</td>
</tr>
<tr>
<td>Inmates who Identify as Lesbian, Gay or Bisexual</td>
<td>2</td>
</tr>
<tr>
<td>Inmates who identify as Transgender or Intersex</td>
<td>0</td>
</tr>
<tr>
<td>Inmates who Reported Sexual Abuse</td>
<td>1</td>
</tr>
<tr>
<td>Inmates who Reported Sexual Victimization During Risk Screening</td>
<td>0</td>
</tr>
<tr>
<td>Total Inmate Interviews</td>
<td>20</td>
</tr>
</tbody>
</table>

I conducted the interviews with all inmates, in the same manner, a preamble to the interview was related to the inmate explaining the purpose of the interview, and how they were selected and further explaining to them that they did not have to speak with me if they choose not to. No inmates refused to speak with me. During the interviews, I utilized a copy of the initial PREA information received by inmates, Inmate Handbook, and Screening form to visually stimulate the inmate’s recollection of their initial intake process. I asked the questions for the random inmate interviews to all inmates, and if they were in a targeted category, I then asked them further questions specific to the targeted category.
Upon completion of the inmate interviews, the staff interviews were conducted in multiple locations throughout the facility. These locations were chosen to ensure privacy during the interviews; these interviews were conducted on all three days of the audit. During the process, I interviewed staff in the following categories:

<table>
<thead>
<tr>
<th>Interview Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Random Staff Interviews</td>
</tr>
<tr>
<td>Intermediate or Higher-Level Staff Conducting Unannounced Rounds and Intake Staff</td>
</tr>
<tr>
<td>Medical and Mental Health Staff</td>
</tr>
<tr>
<td>Administrative Staff</td>
</tr>
<tr>
<td>Victim Advocate</td>
</tr>
<tr>
<td>Volunteers and Contractors</td>
</tr>
<tr>
<td>Investigative Staff</td>
</tr>
<tr>
<td>Staff who Perform Screening</td>
</tr>
<tr>
<td>Staff on the Sexual Abuse Incident Review Team</td>
</tr>
<tr>
<td>First Responders</td>
</tr>
<tr>
<td>Director/PREA Compliance Manager and Designated to Monitor for Retaliation</td>
</tr>
</tbody>
</table>

| Total Staff Interviews | 28 |

I conducted the interviews with all staff in the same manner, a preamble to the interview was related to the staff member explaining the purpose of the interview, and how they were selected and explaining to them that they did not have to speak with me if they choose not to. No staff refused to speak with me. During the interviews, I utilized a copy facility documentation and any documentation related to a specifically targeted interview. These items were used to visually stimulate the staff’s recollection on the daily practices at the facility. All targeted interviews included the basic random staff interview questions.

The following is a list of documentation reviewed during the Pre-Audit, Onsite Audit and Post Audit Phases, with the applicable standard to each.
<table>
<thead>
<tr>
<th>Documentation Reviewed Pre-Audit, Onsite Audit and Post Audit Phases</th>
<th>Applicable Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Rules and Guidance for DOC Employees</td>
<td>Standard 115.11: Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
<td></td>
</tr>
<tr>
<td>NH Department of Corrections Organizational Chart</td>
<td></td>
</tr>
<tr>
<td>Contract with Stafford County for the incarceration of female offenders</td>
<td>Standard 115.12: Contracting with other entities for the confinement of inmates</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
<td></td>
</tr>
<tr>
<td>Sample State Compact MOU with PREA language</td>
<td></td>
</tr>
<tr>
<td>Staffing plan review meeting notes, meeting held on April 2, 2018</td>
<td></td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Achieving DOC Objectives Through Effective Communication and Supervision</td>
<td></td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Rules and Guidance for DOC Employees</td>
<td></td>
</tr>
<tr>
<td>Daily Assignment Post Roster</td>
<td></td>
</tr>
<tr>
<td>Master Roster &amp; Post Order Guidelines</td>
<td></td>
</tr>
<tr>
<td>Facility diagrams showing camera locations</td>
<td></td>
</tr>
<tr>
<td>Facility Brochure</td>
<td></td>
</tr>
<tr>
<td>Log showing unannounced rounds</td>
<td></td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Inmate Release and Admissions Procedures</td>
<td></td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Searches and Inspections</td>
<td>Standard 115.15: Limits to cross-gender viewing and searches</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
<td></td>
</tr>
<tr>
<td>Training Curriculum for LGBTI, Gender Dysphoria and the Parameters for Conducting a Search of Transgender or Intersex Inmates Training rosters</td>
<td>Standard 115.16: Inmates with Disabilities and Inmates who are Limited English Proficient</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Crime Scene Search, Evidence Collections, Major Crime Scene Search</td>
<td></td>
</tr>
<tr>
<td>NH DOC Published Website Policies</td>
<td></td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Department of Corrections Training Program</td>
<td>Standard 115.31: Employee Training</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Orientation for New Employees</td>
<td></td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
<td></td>
</tr>
<tr>
<td>NH Department of Corrections training curriculum and training Power Points 2017 PREA Training Rosters</td>
<td></td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Citizen Involvement and Volunteers</td>
<td>Standard 115.32: Volunteer and Contractor Training</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures Completed Acknowledgement Forms</td>
<td></td>
</tr>
<tr>
<td>PREA Posters</td>
<td>Standard 115.34: Specialized training: Investigations</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>-------------------------------------------------------</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Crime Scene Search, Evidence Collections, Major Crime Scene Search</td>
<td>Standard 115.35: Specialized training: Medical and mental health care</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures Training curriculum and certificates</td>
<td>Standard 115.41: Screening for risk of victimization and abusiveness</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures Medical/Mental Health PREA Training Training Rosters</td>
<td>Standard 115.42: Use of screening information</td>
</tr>
</tbody>
</table>

**Notes:**
- Standard 115.34: Specialized training: Investigations
- Standard 115.35: Specialized training: Medical and mental health care
- Standard 115.41: Screening for risk of victimization and abusiveness
- Standard 115.42: Use of screening information
- Standard 115.43: Protective Custody
- Standard 115.51: Inmate reporting
| NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures | Standard 115.52: Exhaustion of administrative remedies |
| NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures | Standard 115.53: Inmate access to outside confidential support services |
| NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures | Standard 115.54: Third-party reporting |
| NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures | Standard 115.61: Staff and agency reporting duties |
| NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures Incident Report | Standard 115.63: Reporting to other confinement facilities |
| NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures Incident Report Investigative reports | Standard 115.64: Staff first responder duties |
| NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures Collective Bargaining Agreement between the State of New Hampshire Department of Corrections and the Teamsters Local 633 | Standard 115.66: Preservation of ability to protect inmates from contact with abusers |
| NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures Agency investigative reports | Standard 115.73: Reporting to inmates |
| NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures Agency investigative reports Sample inmate reporting form | Standard 115.76: Disciplinary sanctions for staff |
| NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures | |
| NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures | Standard 115.77: Corrective action for contractors and volunteers |
| NH Department of Corrections Policy and Procedure Directive Subject: Rules and Guidelines for DOC Employees |  |
| Resignation letter |  |
| Referral to file criminal charges |  |
| Personnel Files |  |

| NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures | Standard 115.78: Disciplinary sanctions for inmates |
| NH Department of Corrections Policy and Procedure Directive Subject: Processing SPOT, Disciplinary, Incident & Intelligence Reports |  |
| NH Department of Corrections Policy and Procedure Directive Subject: Behavioral Health Services |  |
| NH Department of Corrections Policy and Procedure Directive Subject: Female Sexual Offender Treatment Services |  |
| NH Department of Corrections Policy and Procedure Directive Subject: Male Sexual Offender Treatment Services |  |

| NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures | Standard 115.81: Medical and mental health screenings; history of sexual abuse |
| NH Department of Corrections Policy and Procedure Directive Subject: Division of Medical/Forensics Services Records Maintenance, Retention and Release |  |
| NH Department of Corrections Policy and Procedure Directive Subject: Informed Consent Standards Completed informed consent forms |  |

<p>| NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures | Standard 115.82: Access to emergency medical and mental health services |
| NH Department of Corrections Policy and Procedure Directive Subject: Behavioral Health Services |  |
| NH Department of Corrections Policy and Procedure Directive Subject: Health Care Co-pay |  |
| NH Department of Corrections Policy and Procedure Directive Subject: Pregnancy Management and Planning for the Unborn Children of Female Inmates |  |</p>
<table>
<thead>
<tr>
<th>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard 115.83: Ongoing medical and mental health care for sexual abuse victims and abusers</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Behavioral Health Services</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Health Care Co-pay</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Pregnancy Management and Planning for the Unborn Children of Female Inmates</td>
</tr>
<tr>
<td>Investigative reports</td>
</tr>
<tr>
<td>Medical records</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
</tr>
<tr>
<td>Incident reviews and associated documentation</td>
</tr>
<tr>
<td>Standard 115.86: Sexual abuse incident reviews</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
</tr>
<tr>
<td>Data on agency website through 2017</td>
</tr>
<tr>
<td>Standard 115.87: Data collection</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
</tr>
<tr>
<td>Data on agency website through 2017</td>
</tr>
<tr>
<td>Standard 115.88: Data review for corrective action</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
</tr>
<tr>
<td>Data on agency website through 2017</td>
</tr>
<tr>
<td>Standard 115.89: Data storage, publication, and destruction</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
</tr>
<tr>
<td>Audit reports on agency website through 2017</td>
</tr>
<tr>
<td>Standard 115.401: Frequency and scope of audits</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
</tr>
<tr>
<td>Audit reports on agency website through 2017</td>
</tr>
<tr>
<td>Standard 115.403: Audit contents and findings</td>
</tr>
</tbody>
</table>
At the conclusion of the Onsite Audit, an exit conference was held with the administration. At this time, I provided an overview of the audit findings during the onsite audit portion.

Post Audit:

Upon completion of the Pre-Audit and Onsite Audit phases, I conducted a systematic evidence review of all of the information obtained during the audit process. I utilized the Compliance Tool as a guide to ensure that all aspects of each standard were met. This assurance was made by triangulation of the policies and documentation reviewed, my personal observations during the onsite audit, and through the information received during the interviews. After taking all of these factors into account, I found that the facility has met all of the standards and are in compliance with the Prison Rape Elimination Act National Standards for Prisons and Jails.

Facility Characteristics

The Facility is located behind the New Hampshire State Prison for Men and is on the adjoining property with the Corrections Transitional Work Center and North End Transitional Housing Unit. The facility was opened in April of 2018.

The entrance to the facility is controlled by the main control. All visitors will enter into the lobby, which is under the direct supervision of a Correctional Officer. All visitors are subject to search and pass through a metal detector. The administrative offices and staff area is directly off of the lobby.

Upon entering through a second secured door, you enter into an area where the visiting room is located. The facility has four housing units, the C3 unit, the Wellness Unit, the Special Management Unit, and the C2 housing unit. The C3 and Wellness Unit are constructed in the same manner. They are a two-tier housing unit with an overall open concept. The cells have a large window that allows direct supervision into the cell. The toilets are located behind a curtain in the cells, which allows privacy while toileting. The showers are
located on both the upper and lower tiers; the showers have doors that allow privacy while showering. The Special Management Unit houses the C5 and C4 level inmates as well as the new female arrivals into DOC Custody. This housing unit is a celled housing unit with the toilets in the front corner of the cell, which allows privacy while toileting. The area has three separate areas for each classification; the new arrivals spend approximately 30 days in the area to complete classification. The showers in this housing unit are behind doors that provide privacy while showering. The C2 Unit is a self-standing building that houses the inmates. The bathrooms in this area contain the toilets which have separate stalls, and the showers are behind doors. The facility also has available housing in the infirmary.

The signs for reporting avenues and victim advocacy are posted in the housing units and throughout the facility.

The facility has a library and law library which are available to the inmates.

A full kitchen feeds the facility, and all of the inmates except for the C5, new arrivals, and infirmary inmates eat in the dining hall.

The facility offers education and programming to the inmates. The inmates will be tested upon arrival to ascertain their educational needs, and if desired, can participate in education. During classification, programming needs are identified.

The facility houses the department’s commissary, commissary for all of the facilities are filled and shipped from this facility.

The Correctional Officers are assigned to each housing unit and offer direct supervision over the inmates. The facility has large windows in all areas that allow staff to have a direct view into classrooms, the library, medical and etc.

I found that administrative staff, as well as general staff move throughout the compound facility, this movement of staff, deters any violation of the PREA policy, and more importantly provides an overall safe environment for both inmates and staff.

During the onsite audit, I was impressed with the overall culture of the facility, and the professional as well as respectful treatment of the inmates. I strongly believe that this culture helps to maintain the safe environment at the facility, and has built confidence in the inmates to report any issues directly to staff. This was corroborated during my interviews with the inmates during the onsite audit.

**Summary of Audit Findings**

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Summary of Corrective Action
## PREVENTION PLANNING

**Standard 115.11: Zero tolerance of sexual abuse and sexual harassment; PREA coordinator**

### 115.11 (a)

- Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment? ☒ Yes ☐ No

- Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment? ☒ Yes ☐ No

### 115.11 (b)

- Has the agency employed or designated an agency-wide PREA Coordinator? ☒ Yes ☐ No
- Is the PREA Coordinator position in the upper-level of the agency hierarchy? ☒ Yes ☐ No

- Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities? ☒ Yes ☐ No

### 115.11 (c)

- If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.) ☒ Yes ☐ No ☐ NA

- Does the PREA compliance manager have sufficient time and authority to coordinate the facility’s efforts to comply with the PREA standards? (N/A if agency operates only one facility.) ☒ Yes ☐ No ☐ NA

#### Auditor Overall Compliance Determination

- ☒ Exceeds Standard (*Substantially exceeds requirement of standards*)

- ☐ Meets Standard (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

- ☐ Does Not Meet Standard (*Requires Corrective Action*)

### EVIDENCE OF COMPLIANCE:

NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures dictates the agency’s mandated zero tolerance toward all forms of sexual abuse and sexual harassment and outlines the agency’s approach to preventing, detecting, and responding to such conduct. This policy furthermore defines all sexual abuse and sexual harassment.

I reviewed the policy in its entirety, as well as questioned staff members on its content and applicable sections to their specific duties within the facility. The staff understood the policy and its practical application to the daily operation of the facility.

The agency has designated an agency-wide PREA Coordinator. During the interview, she related that she has sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards. I found the Agency PREA Coordinator to be well versed in the PREA Standards and their daily application in the New Hampshire Department of Corrections.

I reviewed the Department of Corrections Organizational Chart and found that the PREA Coordinator is in the upper-level of the administration.

The agency has also designated a PREA Compliance Manager at their facilities. During the interview with the PREA Compliance Manager, she related that she has enough time to implement the PREA Standards at the facility.
During the interviews at the facility, I was informed that the Agency PREA Coordinator is always accessible to answer questions and provide advice on PREA related issues. I personally observed this during the onsite audit process when she was answering questions and interacting with staff on PREA related matters.

I was also advised that the Agency PREA Coordinator will spot check the facilities to ensure that they are consistent in the application of the agency policies that apply to PREA.

Prior to the onsite audit, all documentation was reviewed, during the onsite portion, I observed the policies in daily practice, and this was further confirmed during my interviews with both staff and inmates.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency has substantially exceeded the requirements of this standard, and all provisions. This decision was based on the agencies overall commitment to sexual safety in their facilities; this commitment is shared by all staff from the Commissioner down.

Standard 115.12: Contracting with other entities for the confinement of inmates

115.12 (a)

- If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity’s obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.) ☒ Yes ☐ No ☐ NA

115.12 (b)

- Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates OR the response to 115.12(a)-1 is "NO".) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)
EVIDENCE OF COMPLIANCE:

The agency contracts with Stafford County for the incarceration of female offenders. The agency directives further state that all contracts, contract amendments, renewals and agreements with outside agencies that pertain to the confinement of NHDOC inmates will include requirements that such adhere to the PREA policy and provide departmental contract monitoring to ensure that the agency is complying with the PREA policy.

The agency has also entered into Interstate Compacts with several other states for the housing of inmates under specific circumstances. These compacts also have language in them, stating that the agency will adopt and comply with the PREA Standards.

During staff interviews, I confirmed that any new contract or contract renewal would provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards. I further confirmed during interviews that the facilities are monitored for compliance. All contracted facilities and facilities under the Interstate Compacts were audited during the first auditing cycle and will be audited during this auditing cycle.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

Standard 115.13: Supervision and monitoring

115.13 (a)

- Does the agency ensure that each facility has developed a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse? ☒ Yes ☐ No

- Does the agency ensure that each facility has documented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse? ☒ Yes ☐ No

- Does the agency ensure that each facility’s staffing plan takes into consideration the generally accepted detention and correctional practices in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No

- Does the agency ensure that each facility’s staffing plan takes into consideration any judicial findings of inadequacy in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No
• Does the agency ensure that each facility’s staffing plan takes into consideration any findings of inadequacy from Federal investigative agencies in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No

• Does the agency ensure that each facility’s staffing plan takes into consideration any findings of inadequacy from internal or external oversight bodies in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No

• Does the agency ensure that each facility’s staffing plan takes into consideration all components of the facility’s physical plant (including “blind-spots” or areas where staff or inmates may be isolated) in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No

• Does the agency ensure that each facility’s staffing plan takes into consideration the composition of the inmate population in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No

• Does the agency ensure that each facility’s staffing plan takes into consideration the number and placement of supervisory staff in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No

• Does the agency ensure that each facility’s staffing plan takes into consideration the institution programs occurring on a particular shift in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No ☐ NA

• Does the agency ensure that each facility’s staffing plan takes into consideration any applicable State or local laws, regulations, or standards in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No

• Does the agency ensure that each facility’s staffing plan takes into consideration the prevalence of substantiated and unsubstantiated incidents of sexual abuse in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No

• Does the agency ensure that each facility’s staffing plan takes into consideration any other relevant factors in calculating adequate staffing levels and determining the need for video monitoring? ☒ Yes ☐ No  

115.13 (b)

• In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.) ☐ Yes ☐ No ☒ NA

115.13 (c)
In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section? ☒ Yes ☐ No

In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility’s deployment of video monitoring systems and other monitoring technologies? ☒ Yes ☐ No

In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan? ☒ Yes ☐ No

115.13 (d)

Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment? ☒ Yes ☐ No

Is this policy and practice implemented for night shifts as well as day shifts? ☒ Yes ☐ No

Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

EVIDENCE OF COMPLIANCE

The agency has developed a facility staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, facilities have taken into consideration all areas enumerated under this standard. Compliance was determined by reviewing the aforementioned policies. I further questioned the staff on the policies and the ability to fully staff the facility at all times. I was informed that the facility would fill posts with overtime if needed to be at the full compliment.
The staffing plan was reviewed at the PREA Supervision and Monitoring meeting held on April 4, 2019. This was confirmed through reviews of the meeting documentation and staff interviews.

The staffing plan has not been deviated from within the last 12 months. I confirmed during staff interviews that any posts would be filled with overtime.

The facility administrators meet on a daily basis. They review incidents that have occurred at the facility, as well as discussing normal facility operation. They also discuss any adjustments that may need to be made to the staffing plan, deployment of video monitoring and other technologies, and any resources available. This was confirmed during the staff interviews.

The agency has implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. These unannounced rounds take place during all shifts at the facility. The agency has a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring. I further confirmed the rounds are occurring during the staff and inmate interviews as well as reviewing the log generated by the housing units.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

### Standard 115.14: Youthful inmates

#### 115.14 (a)
- Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates [inmates <18 years old].) ☒ Yes ☐ No ☐ NA

#### 115.14 (b)
- In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates [inmates <18 years old].) ☒ Yes ☐ No ☐ NA
- In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates [inmates <18 years old].) ☒ Yes ☐ No ☐ NA
115.14 (c)

- Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates [inmates <18 years old].) ☒ Yes ☐ No ☐ NA

- Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates [inmates <18 years old].) ☒ Yes ☐ No ☐ NA

- Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates [inmates <18 years old].) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

EVIDENCE OF COMPLIANCE:

The facility does not house youthful inmates. This was confirmed during the interviews with staff at the facility and agency.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

Standard 115.15: Limits to cross-gender viewing and searches

115.15 (a)

- Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners? ☒ Yes ☐ No

115.15 (b)

- Does the facility always refrain from conducting cross-gender pat-down searches of female inmates in non-exigent circumstances? (N/A here for facilities with less than 50 inmates before August 20, 2017.) ☒ Yes ☐ No ☐ NA
- Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A here for facilities with less than 50 inmates before August 20, 2017.) ☒ Yes ☐ No ☐ NA

115.15 (c)

- Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches? ☒ Yes ☐ No
- Does the facility document all cross-gender pat-down searches of female inmates? ☒ Yes ☐ No

115.15 (d)

- Does the facility implement a policy and practice that enables inmates 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 checks? ☒ Yes ☐ No
- Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit? ☒ Yes ☐ No

115.15 (e)

- Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate’s genital status? ☒ Yes ☐ No
- If an inmate’s genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner? ☒ Yes ☐ No

115.15 (f)

- Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? ☒ Yes ☐ No
- Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? ☒ Yes ☐ No

**Auditor Overall Compliance Determination**
☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

**EVIDENCE OF COMPLIANCE:**

The facility does not conduct cross-gender strip searches or cross-gender visual body cavity searches unless in exigent circumstances or when performed by a medical practitioner. I confirmed this procedure during staff and inmate interviews, as well as a review of the policy. I also confirmed that the facility had not conducted a search under these circumstances.

The facility is an all-female facility. They are allowed to attend programs and education; they have not been denied any out of housing unit activities due to no one available to pat search them. This was confirmed during the staff and inmate interviews and documentation review.

The above policies outline procedures and practices that enable inmates to shower, perform bodily functions, and change clothing without a nonmedical staff of the opposite gender is viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. The policies further dictate that staff of the opposite gender announces their presence when entering an inmate housing unit. These practices were confirmed during the staff and inmate interviews as well as during the facility tour when I observed the announcements taking place. The celled housing units have the toilets in the individual cells, which limits viewing while the inmates are toileting. The toilets in the C3 and Wellness Unit have a curtain for privacy. The Special Management Unit has toilets offset so they are out of view, and the C2 unit has a separate toilet and shower area with stalls for the toilets. The showers in all of the housing units have curtains that provide the inmate's privacy.

The facility does not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate’s genital status. If the inmate’s genital status is unknown, it is determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. I further confirmed the practices during the staff and medical interviews.

The agency has trained security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. This was confirmed by reviewing the provided training materials. I further verified this training during staff interviews.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

**Standard 115.16: Inmates with disabilities and inmates who are limited English proficient**
115.16 (a)

- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing? ☒ Yes ☐ No

- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision? ☒ Yes ☐ No

- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities? ☒ Yes ☐ No

- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities? ☒ Yes ☐ No

- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities? ☒ Yes ☐ No

- Does such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing? ☒ Yes ☐ No

- Does such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? ☒ Yes ☐ No

- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities? ☒ Yes ☐ No

- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills? ☒ Yes ☐ No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Are blind or have low vision? ☒ Yes ☐ No

115.16 (b)

- Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient? ☒ Yes ☐ No

- Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? ☒ Yes ☐ No

115.16 (c)

- Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance 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 under §115.64, or the investigation of the inmate’s allegations? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

EVIDENCE OF COMPLIANCE:

The agency has taken appropriate steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment. These steps include, when necessary to ensure effective communication with inmates who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the agency shall ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision. The facility outlines the response to inmates in these categories in the above directives. This plan outlines
procedures for inmates who are not only non-English speaking but all who are enumerated in this standard. I confirmed the use of this plan during the staff and inmate interviews.

The agency has taken steps to ensure meaningful access to all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient. The agency has a statewide contract for telephonic language interpretation and in-person sign language interpretation. The facility further provides all PREA material in Spanish.

The agency does not rely on inmate interpreters, inmate readers, or other types of inmate assistants. The contracted services for telephonic language interpretation and in-person sign language interpretation are available 24 hours a day. The interviewed agency investigators are aware of these services and confirmed during their interviews that they utilize these services.

During the inmate interviews, I interviewed inmates who were identified with Cognitive Disabilities. These inmates related that the staff further explained the sexual abuse and sexual harassment policies, and ensured that they understood the reporting avenues.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

Standard 115.17: Hiring and promotion decisions

115.17 (a)

- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? ☒ Yes ☐ No

- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who 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? ☒ Yes ☐ No

- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? ☒ Yes ☐ No

- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? ☒ Yes ☐ No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who 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? ☒ Yes ☐ No

- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? ☒ Yes ☐ No

115.17 (b)

- Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates? ☒ Yes ☐ No

115.17 (c)

- Before hiring new employees, who may have contact with inmates, does the agency: perform a criminal background records check? ☒ Yes ☐ No

- Before hiring new employees, who may have contact with inmates, does the agency: consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse? ☒ Yes ☐ No

115.17 (d)

- Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates? ☒ Yes ☐ No

115.17 (e)

- Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees? ☒ Yes ☐ No

115.17 (f)

- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions? ☒ Yes ☐ No

- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees? ☒ Yes ☐ No
 Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct? ☒ Yes  ☐ No

115.17 (g)

 Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination? ☒ Yes  ☐ No

115.17 (h)

 Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.) ☒ Yes  ☐ No  ☐ NA

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

EVIDENCE OF COMPLIANCE:

The agency has policies and procedures in place that identify anyone who had been convicted of sexual abuse in a confinement setting, engaged in or attempted to engage in sexual activity in the community or has been civilly or administratively adjudicated for the same. The agency has developed a questionnaire that asks the individual the questions enumerated in this standard.

During the interviews with staff, and Human Resources I verified that the questionnaire is being utilized, I further verified the utilization of this questionnaire by reviewing personnel files, I found that the questionnaire was filled out.

The agency further polygraphs all potential employees.
The agency considers any incidents of sexual harassment when hiring or promoting anyone or enlisting the services of any contractor. This was confirmed during interviews.

The agency conducts background checks on all new employees, this was confirmed during the human resources interviews, and while reviewing personnel files. The agency conducts an in-depth background investigation which includes contacting any prior employer; this was confirmed during the interviews and review of personnel files. The agency performs a criminal background records check before enlisting the services of any contractor who may have contact with inmates. This is documented in the policy; I also confirmed this during the interviews and documentation review.

Criminal history checks are being conducted every five years on all employees; this was confirmed by reviewing documentation of the checks and during the interviews.

The agency asks all applicants and employees who may have contact with inmates directly about previous misconduct in written applications and interviews. This is utilized in the hiring and promotion system. As previously mentioned, the agency asks these questions both in writing and during the polygraph examination.

The agency has a policy that states material omissions regarding the conduct or providing false information, shall be grounds for termination of employment.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

### Standard 115.18: Upgrades to facilities and technologies

<table>
<thead>
<tr>
<th>Standard 115.18 (a)</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency’s ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)</td>
</tr>
<tr>
<td>☒ Yes □ No □ NA</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Standard 115.18 (b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency’s ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)</td>
</tr>
<tr>
<td>☒ Yes □ No □ NA</td>
</tr>
</tbody>
</table>

**Auditor Overall Compliance Determination**
☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

**EVIDENCE OF COMPLIANCE**

During the agency level interviews, I verified that when the agency is designing a new facility or modifying existing facilities, they consider their ability to protect inmates from sexual abuse. This was confirmed during the previous PREA Coordinators interview; he was involved in the building process of the facility.

I confirmed during agency and facility interviews that they consider their ability to protect inmates from sexual abuse when installing or updating any security technology at the facilities.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

**RESPONSIVE PLANNING**

**Standard 115.21: Evidence protocol and forensic medical examinations**

**115.21 (a)**

- If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)  
  ☒ Yes ☐ No ☐ NA

**115.21 (b)**

- Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) ☒ Yes ☐ No ☐ NA

- Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice’s Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,” or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is
not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) ☒ Yes ☐ No ☐ NA

115.21 (c)

- Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate? ☒ Yes ☐ No

- Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible? ☒ Yes ☐ No

- If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)? ☒ Yes ☐ No

- Has the agency documented its efforts to provide SAFEs or SANEs? ☒ Yes ☐ No

115.21 (d)

- Does the agency attempt to make available to the victim a victim advocate from a rape crisis center? ☒ Yes ☐ No

- If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? ☒ Yes ☐ No

- Has the agency documented its efforts to secure services from rape crisis centers? ☒ Yes ☐ No

115.21 (e)

- As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews? ☒ Yes ☐ No

- As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals? ☒ Yes ☐ No

115.21 (f)

- If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating entity follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.) ☐ Yes ☐ No ☒ NA

115.21 (g)

- Auditor is not required to audit this provision.
115.21 (h)

- If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? [N/A if agency attempts to make a victim advocate from a rape crisis center available to victims per 115.21(d) above.] ☐ Yes ☐ No ☒ NA

Auditor Overall Compliance Determination

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

**EVIDENCE OF COMPLIANCE**

The agency is responsible for both the administrative and criminal investigations of all sexual abuse and sexual harassment incidents. The agency will also utilize the New Hampshire State Police during incidents when assistance is required. These investigators are sworn law enforcement officers and are highly trained in evidence collection and identification. I reviewed the training materials utilized and interviewed investigators from this division. I found that they follow the evidence protocols outlined in the policy and are well versed in evidence identification and collection.


The protocols outlined in the policies are developmentally appropriate for youth and exceed nationally accepted standards.

The agency utilizes the agency PREA Victim Advocate for any victim advocacy needs. The victim advocate is available to the victim during the forensic medical examination process, and investigatory interviews, and they provide emotional support, crisis intervention, information, and referrals. Although these services have not been utilized at this facility, I verified their availability through interviews and review of the memorandum of understanding.

The agency has also entered into an MOU with the Crisis Center of Central New Hampshire for victim advocacy.
After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

**Standard 115.22: Policies to ensure referrals of allegations for investigations**

### 115.22 (a)

- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse? ☒ Yes □ No
- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment? ☒ Yes □ No

### 115.22 (b)

- Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior? ☒ Yes □ No
- Has the agency published such policy on its website or, if it does not have one, made the policy available through other means? ☒ Yes □ No
- Does the agency document all such referrals? ☒ Yes □ No

### 115.22 (c)

- If a separate entity is responsible for conducting criminal investigations, does such publication describe the responsibilities of both the agency and the investigating entity? [N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).] □ Yes □ No ☒ NA

### 115.22 (d)

- Auditor is not required to audit this provision.

### 115.22 (e)

- Auditor is not required to audit this provision.

**Auditor Overall Compliance Determination**

□ Exceeds Standard *(Substantially exceeds requirement of standards)*
Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

EVIDENCE OF COMPLIANCE:

The agency ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. This was confirmed through a review of policies which outline the procedures for investigating sexual abuse and sexual harassment. I further verified all allegations are investigated during investigator interviews, staff interviews, and review of the agency investigative reports.

The agency investigates all allegations. I verified that the investigative procedure is published on the agencies website.

The agency has policies in place that govern the investigative process. This was confirmed during policy review and investigator interviews.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

TRAINING AND EDUCATION

Standard 115.31: Employee training

115.31 (a)

- Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment? ☒ Yes ☐ No

- Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures? ☒ Yes ☐ No

- Does the agency train all employees who may have contact with inmates on inmates’ right to be free from sexual abuse and sexual harassment ☒ Yes ☐ No

- Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment? ☒ Yes ☐ No

- Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement? ☒ Yes ☐ No
 Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims? ☒ Yes ☐ No

 Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse? ☒ Yes ☐ No

 Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates? ☒ Yes ☐ No

 Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates? ☒ Yes ☐ No

 Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities? ☒ Yes ☐ No

115.31 (b)

 Is such training tailored to the gender of the inmates at the employee’s facility? ☒ Yes ☐ No

 Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa? ☒ Yes ☐ No

115.31 (c)

 Have all current employees who may have contact with inmates received such training? ☒ Yes ☐ No

 Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency’s current sexual abuse and sexual harassment policies and procedures? ☒ Yes ☐ No

 In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies? ☒ Yes ☐ No

115.31 (d)

 Does the agency document, through employee signature or electronic verification, that employees understand the training they have received? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)
Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

Does Not Meet Standard *(Requires Corrective Action)*

**EVIDENCE OF COMPLIANCE**

The agency provides training to all employees on the areas enumerated in this standard. I reviewed the training curriculum and materials; I found that they address all areas. I further confirmed the training during the staff interviews and the review of training records. The employees receive initial training and annual updates. It was confirmed during staff interviews that they also receive updates during the start of the shift.

All employees receive training on both genders and youthful inmates. This was confirmed during a review of training materials and during staff interviews.

The employees are verifying the receipt of the training digitally; this was verified during the review of the sample logs.

Annual training is accomplished on the NHDOC Computer Based Training utilizing Moodle an open source training platform. All staff is acknowledging receipt of the training.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

**Standard 115.32: Volunteer and contractor training**

115.32 (a)

- Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures? ☒ Yes  ☐ No

115.32 (b)

- Have all volunteers and contractors who have contact with inmates been notified of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)? ☒ Yes  ☐ No

115.32 (c)

- Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received? ☒ Yes  ☐ No
Auditor Overall Compliance Determination

☐ Exceeds Standard (*Substantially exceeds requirement of standards*)

☒ Meets Standard (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ Does Not Meet Standard (*Requires Corrective Action*)

EVIDENCE OF COMPLIANCE

The agency has trained all volunteers and contractors who have contact with inmates on their responsibilities under the agency’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures. This was confirmed during the volunteer and contractor interviews at the facility, and throughout the agency.

The level and type of training provided to volunteers and contractors is based on the services they provide and level of contact they have with inmates. At a minimum, they are notified of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. This was confirmed during the volunteer and contractor interviews.

The agency maintains all documentation confirming that volunteers and contractors understand the training they have received. This documentation is maintained at the facility level; this was confirmed during the review of the volunteer and contractor acknowledgment forms.

The agency maintains all documentation confirming that volunteers and contractors understand the training they have received. This documentation is maintained at the facility level; this was confirmed during the review of the volunteer and contractor acknowledgment forms.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

Standard 115.33: Inmate education

115.33 (a)

- During intake, do inmates receive information explaining the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment? ☒ Yes ☐ No

- During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment? ☒ Yes ☐ No

115.33 (b)
▪ Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment? ☒ Yes ☐ No

▪ Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents? ☒ Yes ☐ No

▪ Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents? ☒ Yes ☐ No

**115.33 (c)**

▪ Have all inmates received such education? ☒ Yes ☐ No

▪ Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate’s new facility differ from those of the previous facility? ☒ Yes ☐ No

**115.33 (d)**

▪ Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient? ☒ Yes ☐ No

▪ Does the agency provide inmate education in formats accessible to all inmates including those who are deaf? ☒ Yes ☐ No

▪ Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired? ☒ Yes ☐ No

▪ Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled? ☒ Yes ☐ No

▪ Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills? ☒ Yes ☐ No

**115.33 (e)**

▪ Does the agency maintain documentation of inmate participation in these education sessions? ☒ Yes ☐ No

**115.33 (f)**
In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats? ☒ Yes ☐ No

**Auditor Overall Compliance Determination**

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

**EVIDENCE OF COMPLIANCE**

During the intake process, inmates receive information explaining the agency’s zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. This was confirmed during the inmate and staff interviews; I also confirmed this process by visually watching inmates being processed into the facility. The inmate’s sign is receiving the information and watching a video on PREA, which is available on the facility television system. I had the opportunity to review both the written documentation and video; both meet all aspects of this standard.

The facility provides comprehensive training through a PREA video to all inmates at the facility. The inmates are provided the opportunity to ask questions on the agencies policies on zero tolerance and reporting procedures. I confirmed the comprehensive education through both inmate and staff interviews.

The facility provides inmate education in formats accessible to all inmates; this includes inmates who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills. The facility provides materials to inmates in Spanish; they also have a contract for interpretation of other languages. The counselors would provide education to other individuals if needed.

The inmate’s sign is receiving the information and watching a video on PREA. The acknowledgment forms are scanned into the Offender Records; this was confirmed by viewing the offender record on the computer.

The facility has all key information on the zero-tolerance policy and reporting avenues to inmates provided through signage placed throughout the facility. I viewed this signage during the facility tour. I further confirmed that the signage has been in place during the inmate and staff interviews.

The inmates receive the PREA training upon initial reception by the Department of Corrections and upon entry into every new facility.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the facility is substantially compliant with the requirements of this standard, and all provisions.
Standard 115.34: Specialized training: Investigations

115.34 (a)

- In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) ☒ Yes ☐ No ☐ NA

115.34 (b)

- Does this specialized training include techniques for interviewing sexual abuse victims? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a.)] ☒ Yes ☐ No ☐ NA

- Does this specialized training include proper use of Miranda and Garrity warnings? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a.)] ☒ Yes ☐ No ☐ NA

- Does this specialized training include sexual abuse evidence collection in confinement settings? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a.)] ☒ Yes ☐ No ☐ NA

- Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a.)] ☒ Yes ☐ No ☐ NA

115.34 (c)

- Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a.)] ☒ Yes ☐ No ☐ NA

115.34 (d)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

☒ Exceeds Standard (Substantially exceeds requirement of standards)
☐ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

EVIDENCE OF COMPLIANCE

The agency is responsible for both the administrative and criminal investigations of all sexual abuse and sexual harassment incidents. They also work with the New Hampshire State Police on incidents where assistance is needed. These investigators are sworn law enforcement officers and are trained in conducting criminal investigations. The training they have received includes the use of Miranda and Garrity warnings, techniques for interviewing sexual abuse victims, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. This was confirmed during the investigator interviews, investigation review, and policy review.

The agency documents all training attended by the investigators. This was confirmed during the interviews with the investigators, as well as a review of the training records.

I found the agency investigators to be extremely well versed in their duties. I had the opportunity to review the investigations conducted by the investigators and found them to be exceptional.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency substantially exceeds the requirements of this standard and all provisions.

Standard 115.35: Specialized training: Medical and mental health care

115.35 (a)

- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? ☒ Yes ☐ No

- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? ☒ Yes ☐ No

- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? ☒ Yes ☐ No

- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? ☒ Yes ☐ No

115.35 (b)
- If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams.) ☒ Yes ☐ No ☐ NA

115.35 (c)

- Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? ☒ Yes ☐ No

115.35 (d)

- Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? ☒ Yes ☐ No

- Do medical and mental health care practitioners contracted by and volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

EVIDENCE OF COMPLIANCE

This facility trains all full and part-time medical and mental health care practitioners on the following:

- How to detect and assess signs of sexual abuse and sexual harassment;
- How to preserve physical evidence of sexual abuse;
- How 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.

This was confirmed by reviewing the training materials utilized by the New Hampshire Department of Corrections and during the review of the PREA Training for Medical & Mental Health Course Rosters at all facilities. I also confirmed this training with the medical and mental health staff during interviews.

The agency medical staff do not conduct sexual assault examinations.

The medical and mental health care practitioners also receive the training mandated for employees under § 115.31 or for contractors and volunteers under § 115.32, depending upon the practitioner’s
status at the agency. This was confirmed with the medical and mental health staff during interviews at other facilities.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

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<tr>
<th>SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS</th>
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**Standard 115.41: Screening for risk of victimization and abusiveness**

**115.41 (a)**
- Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? ☒ Yes ☐ No
- Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? ☒ Yes ☐ No

**115.41 (b)**
- Do intake screenings ordinarily take place within 72 hours of arrival at the facility? ☒ Yes ☐ No

**115.41 (c)**
- Are all PREA screening assessments conducted using an objective screening instrument? ☒ Yes ☐ No

**115.41 (d)**
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability? ☒ Yes ☐ No

Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate? ☒ Yes ☐ No

Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate? ☒ Yes ☐ No

Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated? ☒ Yes ☐ No

Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent? ☒ Yes ☐ No

Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child? ☒ Yes ☐ No

Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)? ☒ Yes ☐ No

Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization? ☒ Yes ☐ No

Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability? ☒ Yes ☐ No

Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes? ☒ Yes ☐ No

In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior acts of sexual abuse? ☒ Yes ☐ No
In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior convictions for violent offenses? ☒ Yes ☐ No

In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: history of prior institutional violence or sexual abuse? ☒ Yes ☐ No

**115.41 (f)**

Within a set time period not more than 30 days from the inmate’s arrival at the facility, does the facility reassess the inmate’s risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening? ☒ Yes ☐ No

**115.41 (g)**

Does the facility reassess an inmate’s risk level when warranted due to a: Referral? ☒ Yes ☐ No

Does the facility reassess an inmate’s risk level when warranted due to a: Request? ☒ Yes ☐ No

Does the facility reassess an inmate’s risk level when warranted due to a: Incident of sexual abuse? ☒ Yes ☐ No

Does the facility reassess an inmate’s risk level when warranted due to a: Receipt of additional information that bears on the inmate’s risk of sexual victimization or abusiveness? ☒ Yes ☐ No

**115.41 (h)**

Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section? ☒ Yes ☐ No

**115.41 (i)**

Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate’s detriment by staff or other inmates? ☒ Yes ☐ No

**Auditor Overall Compliance Determination**

☒ Exceeds Standard *(Substantially exceeds requirement of standards)*

☐ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*
EVIDENCE OF COMPLIANCE

All inmates are assessed during the intake process; this screening is conducted utilizing the Risk Screening Instrument. This instrument identifies all areas of victimization enumerated in this standard. This was verified through interviews with staff and inmates, as well as a review of the completed screening instruments.

I verified through staff interviews that if an inmate is transferred to another facility, they will receive a screening again.

The initial screening for risk of being sexually abusive considers any known prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse. This was confirmed during a review of the screening tool and interviews with both staff and inmates.

The facility is reassessing all inmates within 30 days of arrival, this reassessment is being conducted by staff, and they are taking into considerations all information available to them at the time of reassessment. This was confirmed by reviewing the reassessment documentation and staff interviews. The facility would reassess an inmate’s risk level when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that may change the inmate’s risk of sexual victimization or abusiveness. This was confirmed during the staff interviews.

Inmates are informed during the screening process that they will not be disciplined for refusing to answer, or for not disclosing complete information. This was confirmed during the review of the screening tools and during the staff and inmate interviews.

All inmates intake to the facility are housed in the Special Management Unit pending classification; this process can take up to 30 days. During this time, they do not interact with general population inmates; this was confirmed through staff and inmate interviews.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency substantially exceeds the requirements of this standard and all provisions.

Standard 115.42: Use of screening information

115.42 (a)

- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments? ☒ Yes ☐ No

- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments? ☒ Yes ☐ No

- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments? ☒ Yes ☐ No
Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments? ☒ Yes ☐ No

Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments? ☒ Yes ☐ No

115.42 (b)

Does the agency make individualized determinations about how to ensure the safety of each inmate? ☒ Yes ☐ No

115.42 (c)

When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)? ☒ Yes ☐ No

When making housing or other program assignments for transgender or intersex inmates, does the agency consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems? ☒ Yes ☐ No

115.42 (d)

Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate? ☒ Yes ☐ No

115.42 (e)

Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments? ☒ Yes ☐ No

115.42 (f)

Are transgender and intersex inmates given the opportunity to shower separately from other inmates? ☒ Yes ☐ No

115.42 (g)
Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? ☒ Yes ☐ No

Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? ☒ Yes ☐ No

Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☒ Exceeds Standard (Substantially exceeds requirement of standards)

☐ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

EVIDENCE OF COMPLIANCE

The agency utilizes the information from the Risk Screening Instrument and reassessment to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. This was confirmed during a review of the policy, and I confirmed these procedures during staff and inmate interviews.

The agency makes all of these determinations on an individualized basis; this ensures the safety of each inmate. This was confirmed during policy review, and staff and inmate interviews.

In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the agency considers on a case-by-case basis whether a placement would ensure the inmate’s health and safety and whether the placement would present management or security problems. During my interview with the transgender inmate, he related that they took his views into consideration during his housing assignment.

I confirmed during interviews that placement and programming assignments for each transgender or intersex inmate are reassessed at least twice each year. This was confirmed during the interviews with the staff.
The agency nor facility place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status. This was confirmed during agency level interviews, as well as the interviews with the transgender inmates at other facilities.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency substantially exceeds the requirements of this standard and all provisions.

Standard 115.43: Protective Custody

115.43 (a)

- Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers? ☒ Yes ☐ No

- If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment? ☒ Yes ☐ No

115.43 (b)

- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible? ☒ Yes ☐ No

- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible? ☒ Yes ☐ No

- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible? ☒ Yes ☐ No

- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible? ☒ Yes ☐ No

- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The opportunities that have been limited? ☒ Yes ☐ No

- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The duration of the limitation? ☒ Yes ☐ No
- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The reasons for such limitations? ☒ Yes ☐ No

**115.43 (c)**

- Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged? ☒ Yes ☐ No
- Does such an assignment not ordinarily exceed a period of 30 days? ☒ Yes ☐ No

**115.43 (d)**

- If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility’s concern for the inmate’s safety? ☒ Yes ☐ No
- If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged? ☒ Yes ☐ No

**115.43 (e)**

- In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS? ☒ Yes ☐ No

**Auditor Overall Compliance Determination**

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

**EVIDENCE OF COMPLIANCE**

The agency has a policy prohibiting the placement of inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made. This policy addresses all provisions in the standard; the language in the policy meets all aspects of the standard. This facility has had no incident where they have segregated an inmate due to being at high risk of sexual victimization. This was confirmed during staff interviews.
After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

REPORTING

Standard 115.51: Inmate reporting

115.51 (a)
- Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment? ☒ Yes ☐ No
- Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment? ☒ Yes ☐ No
- Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents? ☒ Yes ☐ No

115.51 (b)
- Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency? ☒ Yes ☐ No
- Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials? ☒ Yes ☐ No
- Does that private entity or office allow the inmate to remain anonymous upon request? ☒ Yes ☐ No
- Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? ☒ Yes ☐ No

115.51 (c)
- Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties? ☒ Yes ☐ No
Does staff promptly document any verbal reports of sexual abuse and sexual harassment?
☒ Yes ☐ No

115.51 (d)

Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?
☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)
☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)
☐ Does Not Meet Standard (Requires Corrective Action)

EVIDENCE OF COMPLIANCE

The facility provides the inmates the information on reporting in the inmate manual provided at intake and through signage throughout the facility. The inmates can report directly to any staff or through the reporting addresses to the Attorney General’s Office. During the interviews with both staff and inmates, I confirmed that they were aware of the reporting avenues.

The staff interviews related that they understood the agency policy that states that staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.

The agency provides in policy a method for staff to privately report sexual abuse and sexual harassment of inmates. The policy allows the staff to go outside their immediate chain of command.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

Standard 115.52: Exhaustion of administrative remedies

115.52 (a)

Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This
does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse. ☐ Yes ☒ No ☐ NA

115.52 (b)

- Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

- Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

115.52 (c)

- Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

- Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

115.52 (d)

- Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

- If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

- At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

115.52 (e)

- Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
Are those third parties also permitted to file such requests on behalf of inmates? (If a third-party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate’s decision? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

115.52 (f)

Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.). ☒ Yes ☐ No ☐ NA

After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

Does the initial response and final agency decision document the agency’s determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

Does the initial response document the agency’s action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

Does the agency’s final decision document the agency’s action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

115.52 (g)

If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
Auditor Overall Compliance Determination

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

EVIDENCE OF COMPLIANCE

The agency does not utilize any administrative process for sexual abuse, and therefore is exempt from this standard.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

Standard 115.53: Inmate access to outside confidential support services

115.53 (a)

- Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations? ☒ Yes  ☐ No

- Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? ☒ Yes  ☐ No

- Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible? ☒ Yes  ☐ No
115.53 (b)

- Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws? ☒ Yes ☐ No

115.53 (c)

- Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse? ☒ Yes ☐ No

- Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

EVIDENCE OF COMPLIANCE

Access to outside confidential support services is outlined in the agencies policies and procedures. The inmate would have the ability to utilize the services of the NH DOC PREA Victim Advocate, and the Crisis Center of Central New Hampshire for victim advocacy. The services that the inmates would receive are the same as the level received in the community.

The facility provides contact information to the inmates.

All of the information required under this standard and all provisions is provided to the inmates; this was verified through review of the documentation and interviews.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

Standard 115.54: Third-party reporting
115.54 (a)

- Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment? ☒ Yes ☐ No

- Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (*Substantially exceeds requirement of standards*)

☒ Meets Standard (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ Does Not Meet Standard (*Requires Corrective Action*)

EVIDENCE OF COMPLIANCE

The agency has established third-party reporting methods in policy; these methods allow inmates to report for other inmates and outside individuals to report. The agencies website outlines the third-party reporting avenues; this was confirmed through a review of the agency website. The third party avenue established is through the New Hampshire Attorney General’s Office.

The facility has third-party reporting avenues posted in areas in the facility where they can be viewed by visitors.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.
OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT

Standard 115.61: Staff and agency reporting duties

115.61 (a)

- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency? ☒ Yes ☐ No
- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment? ☒ Yes ☐ No
- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation? ☒ Yes ☐ No

115.61 (b)

- Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions? ☒ Yes ☐ No

115.61 (c)

- Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section? ☒ Yes ☐ No
- Are medical and mental health practitioners required to inform inmates of the practitioner’s duty to report, and the limitations of confidentiality, at the initiation of services? ☒ Yes ☐ No

115.61 (d)
If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws? ☒ Yes ☐ No

115.61 (e)

Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility’s designated investigators? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

EVIDENCE OF COMPLIANCE

The agency policy states that an employee receiving a complaint of or otherwise has knowledge of alleged sexual misconduct shall immediately report the complaint. The staff interviewed understood their responsibilities under this policy. During interviews with staff who reported an allegation, I verified that they followed the policy.

The policy further states that information concerning a complaint of alleged sexual misconduct is confidential and may only be available to individuals who have an established role in the reporting, processing, investigating, and resolving the alleged sexual misconduct and immediate and continued care of the victim. All staff interviewed understood this requirement.

During the interviews of medical and mental health staff, I confirmed their duty to report, they understood their obligations to report an incident to security staff. They utilize the limits of confidentiality form that is signed by the inmate.

All allegations are being reported to the facility investigators. This was confirmed during staff interviews and a review of the investigations.

During the review of the agency investigations, I found they all were properly reported.

I reviewed all of the investigations at the facility; they were reported properly and acted upon immediately.
After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

**Standard 115.62: Agency protection duties**

115.62 (a)

- When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate? ☒ Yes ☐ No

**Auditor Overall Compliance Determination**

☐ Exceeds Standard (*Substantially exceeds requirement of standards*)

☒ Meets Standard (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ Does Not Meet Standard (*Requires Corrective Action*)

**EVIDENCE OF COMPLIANCE**

The agency's policies dictate that when staff learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate. The staff interviewed understood their responsibility and all responded that they would immediately take appropriate steps to protect the inmate.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

**Standard 115.63: Reporting to other confinement facilities**

115.63 (a)

- Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred? ☒ Yes ☐ No

115.63 (b)
Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation? ☒ Yes ☐ No

115.63 (c)

Does the agency document that it has provided such notification? ☒ Yes ☐ No

115.63 (d)

Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

EVIDENCE OF COMPLIANCE

The agency would complete an incident report, and the other confinement facility would be notified by the NH PREA Coordinator.

I reviewed several documented referrals of this nature from other NHDOC facilities; all referrals were made immediately to the confinement setting where the incident occurred.

The interviewed staff understood their responsibilities under this policy.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

Standard 115.64: Staff first responder duties

115.64 (a)
• Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser? ☒ Yes ☐ No

• Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence? ☒ Yes ☐ No

• Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, 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? ☒ Yes ☐ No

• Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, 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? ☒ Yes ☐ No

115.64 (b)

• If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

EVIDENCE OF COMPLIANCE

The agency policies outline the initial response by staff. This response includes stopping the alleged incident, safeguarding the victim, arrange for medical services, detaining the alleged perpetrator, and preserving evidence. The staff interviewed understood their responsibilities if they were the first responder to an allegation.

The volunteers and contractors interviewed related that if they were a first responder, they would request that the victim not take any actions that could destroy physical evidence, and then notify security staff.

I verified compliance during the interview process, as well as policy and agency investigation review.
After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

**Standard 115.65: Coordinated response**

115.65 (a)

- Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse? ☒ Yes ☐ No

**Auditor Overall Compliance Determination**

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

**EVIDENCE OF COMPLIANCE**

The above-listed policies outline the facility plan to coordinate and respond to an incident of sexual abuse. This coordinated response includes first responders, medical and mental health practitioners, investigators, and facility leadership. During the interviews with the staff, they all understood their roles in a sexual abuse investigation.

I verified compliance during the interview process, as well as policy and agency investigation review.

After a careful review of all documentation and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

**Standard 115.66: Preservation of ability to protect inmates from contact with abusers**

115.66 (a)
Are both the agency and any other governmental entities responsible for collective bargaining on the agency’s behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limits the agency’s ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? ☒ Yes ☐ No

115.66 (b)

The auditor is not required to audit this provision.

Auditor Overall Compliance Determination

☐ Exceeds Standard (*Substantially exceeds requirement of standards*)

☒ Meets Standard (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ Does Not Meet Standard (*Requires Corrective Action*)

EVIDENCE OF COMPLIANCE

After reviewing the documentation, I confirmed that the agency is able to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or determination of what extent discipline is warranted. I also confirmed this through interviews with Union Officers at the facility.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

Standard 115.67: Agency protection against retaliation

115.67 (a)

☐ Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff? ☒ Yes ☐ No

☐ Has the agency designated which staff members or departments are charged with monitoring retaliation? ☒ Yes ☐ No

115.67 (b)

☒ Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations? ☒ Yes ☐ No
115.67 (c)

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? ☒ Yes ☐ No

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? ☒ Yes ☐ No

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation? ☒ Yes ☐ No

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports? ☒ Yes ☐ No

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes? ☒ Yes ☐ No

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes? ☒ Yes ☐ No

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff? ☒ Yes ☐ No

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff? ☒ Yes ☐ No

- Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need? ☒ Yes ☐ No

115.67 (d)

- In the case of inmates, does such monitoring also include periodic status checks? ☒ Yes ☐ No

115.67 (e)

- If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation? ☒ Yes ☐ No
115.67 (f)

- Auditor is not required to audit this provision.

**Auditor Overall Compliance Determination**

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

**EVIDENCE OF COMPLIANCE**

The agency policy states Retaliation against any offender or staff member who reports sexual misconduct or cooperates with a sexual misconduct investigation is prohibited and is subject to administrative or criminal action. The Investigations Bureau shall investigate all reports of retaliation and will employ all protection measures warranted such as housing changes or transfers for victims or abusers, removal of alleged staff members or inmate/inmate abusers from contact with victims, and emotional support services for inmate/inmate or staff who fear retaliation for reporting sexual misconduct or for cooperating with investigations. The conduct and treatment of inmates/inmates or staff who reported sexual misconduct or who were reported to have suffered sexual misconduct will be monitored by the investigator or the PREA Victim Advocate assigned to the case for at least 90 days following the report of sexual misconduct to ensure that they were not victims of retaliation. The monitoring would continue beyond the 90 days if the initial monitoring indicated a continuing need. Such monitoring will include periodic status checks by the PREA Victim Advocate.

The investigator and the PREA Victim Advocate will document their monitoring responsibilities as part of the investigative report.

I confirmed this procedure during staff interviews and review of the agency investigative reports and supporting documentation.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

**Standard 115.68: Post-allegation protective custody**

115.68 (a)

- Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43? ☒ Yes ☐ No
Auditor Overall Compliance Determination

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

EVIDENCE OF COMPLIANCE

The facility has established a policy that states any inmate who is alleged to have suffered sexual abuse are subject to the requirements of standard 115.43. This was confirmed through review of the policy. The audited facility did not have any inmates who suffered sexual abuse who were put into segregated housing.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.
## INVESTIGATIONS

### Standard 115.71: Criminal and administrative agency investigations

#### 115.71 (a)
- When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] ☒ Yes ☐ No ☐ NA

- Does the agency conduct such investigations for all allegations, including third party and anonymous reports? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] ☒ Yes ☐ No ☐ NA

#### 115.71 (b)
- Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34? ☒ Yes ☐ No

#### 115.71 (c)
- Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data? ☒ Yes ☐ No

- Do investigators interview alleged victims, suspected perpetrators, and witnesses? ☒ Yes ☐ No

- Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator? ☒ Yes ☐ No

#### 115.71 (d)
- When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution? ☒ Yes ☐ No

#### 115.71 (e)
- Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual’s status as inmate or staff? ☒ Yes ☐ No
- Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding? ☒ Yes ☐ No

115.71 (f)

- Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse? ☒ Yes ☐ No

- Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings? ☒ Yes ☐ No

115.71 (g)

- Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible? ☒ Yes ☐ No

115.71 (h)

- Are all substantiated allegations of conduct that appears to be criminal referred for prosecution? ☒ Yes ☐ No

115.71 (i)

- Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years? ☒ Yes ☐ No

115.71 (j)

- Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation? ☒ Yes ☐ No

115.71 (k)

- Auditor is not required to audit this provision.

115.71 (l)

- When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).) ☒ Yes ☐ No ☒ NA
Auditor Overall Compliance Determination

☒ Exceeds Standard *(Substantially exceeds requirement of standards)*

☐ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

**EVIDENCE OF COMPLIANCE**

The agency policies and procedures outline a prompt response to any allegation made. I determined that the allegations are immediately investigated. This was confirmed during the investigator interviews and the investigation review.

All investigators have received special training in sexual abuse investigations pursuant to § 115.34.

Investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator.

They further determine the credibility of a victim, witness, or suspect on an individual basis, regardless of the individual’s status, for example, employee or inmate. Victims may not be required to take a polygraph or other truth-telling the test to determine to proceed with an investigation of an incident involving a sex-related offense.

All investigations would include a determination if employee action or lack of action contributed to the occurrence. All investigations are documented in an investigative report.

It was confirmed during interviews that any allegations rising to a violation of criminal law are considered for prosecution. If the incident possibly involves criminal activity, they would refer the case to the appropriate office responsible for prosecuting criminal violations in the jurisdiction where the incident occurred.

The investigator maintains the report of investigation for a period of five years after the alleged perpetrator is no longer an employee.

The departure of an employee alleged to have committed sexual misconduct or the victim of sexual misconduct from the Department is not a basis for terminating an investigation of alleged sexual misconduct.

During interviews and review of the investigations, I determined that all of the above are practiced on a regular basis.
After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency substantially exceeds the requirements of this standard and all provisions.

Standard 115.72: Evidentiary standard for administrative investigations

115.72 (a)

- Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

EVIDENCE OF COMPLIANCE

The agency has policies that states there shall not be any standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

During the investigation review and investigator interviews, I verified that they are applying the preponderance of evidence to make a determination.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard and all provisions.

Standard 115.73: Reporting to inmates

115.73 (a)

- Following an investigation into an inmate’s allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded? ☒ Yes ☐ No

115.73 (b)
If the agency did not conduct the investigation into an inmate’s allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.) ☐ Yes ☐ No ☒ NA

115.73 (c)

Following an inmate’s allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever:

- The staff member is no longer posted within the inmate’s unit? ☒ Yes ☐ No
- The staff member is no longer employed at the facility? ☒ Yes ☐ No
- The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility? ☒ Yes ☐ No
- The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility? ☒ Yes ☐ No

115.73 (d)

Following an inmate’s allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever:

- The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility? ☒ Yes ☐ No
- The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility? ☒ Yes ☐ No

115.73 (e)

Does the agency document all such notifications or attempted notifications? ☒ Yes ☐ No
115.73 (f)

- Auditor is not required to audit this provision.

**Auditor Overall Compliance Determination**

☐ Exceeds Standard (*Substantially exceeds requirement of standards*)

☒ Meets Standard (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ Does Not Meet Standard (*Requires Corrective Action*)

**EVIDENCE OF COMPLIANCE**

NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures Reporting to inmates states the following:

a. Following the investigation, an investigator shall inform the inmate as to whether the allegation was determined to be substantiated, unsubstantiated, or unfounded. If the investigation was conducted by another police agency, an investigator should request relevant information from that agency in order to inform the inmate.

b. Following an inmate’s allegation of staff-on-offender sexual abuse, an investigator shall subsequently inform the inmate (unless the investigation determined that the allegation was unfounded) whenever: the staff member is no longer posted within the inmate’s unit; the staff member is no longer employed at the facility; the staff member was indicted or convicted on a charge related to the sexual abuse.

c. Following an inmate’s allegation of offender-on-offender sexual abuse, an investigator shall subsequently inform the alleged victim if the abuser is indicted or convicted of the sexual abuse.

d. The investigator will document such notifications or attempted notifications in the investigative reports.

e. The reporting to the inmate’s requirements terminate if the inmate is released from NHDOC custody and supervision.

During the review of the investigations and investigator interviews, I found that the above procedures are being followed.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.
DISCIPLINE

Standard 115.76: Disciplinary sanctions for staff

115.76 (a)
- Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies? ☒ Yes ☐ No

115.76 (b)
- Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse? ☒ Yes ☐ No

115.76 (c)
- Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) 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? ☒ Yes ☐ No

115.76 (d)
- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies (unless the activity was clearly not criminal)? ☒ Yes ☐ No

- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies? ☒ Yes ☐ No
Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)
☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)
☐ Does Not Meet Standard (Requires Corrective Action)

EVIDENCE OF COMPLIANCE

The agency has a policy in place that addresses staff discipline for a violation of any provision of their Prison Rape Elimination Act policy, as well as any other policy that governs staff conduct. I confirmed the utilization of the discipline through review of the agency investigations and staff interviews.

The audited facility has not disciplined staff within the last 12 months for a violation of these policies.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

Standard 115.77: Corrective action for contractors and volunteers

115.77 (a)

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates? ☒ Yes ☐ No
- Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)? ☒ Yes ☐ No
- Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies? ☒ Yes ☐ No

115.77 (b)

- In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates? ☒ Yes ☐ No
Auditor Overall Compliance Determination

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

EVIDENCE OF COMPLIANCE

The agency has a policy in place that addresses corrective action for volunteers and contractors who violate any provision of their Prison Rape Elimination Act policy, as well as any other policy that governs conduct. I confirmed the utilization of the discipline through review of the agency investigations and staff interviews.

The audited facility has not disciplined any volunteers and contractors within the last 12 months for a violation of these policies.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

Standard 115.78: Disciplinary sanctions for inmates

115.78 (a)

- Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process? ☒ Yes  ☐ No

115.78 (b)

- Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate’s disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories? ☒ Yes  ☐ No

115.78 (c)

- When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate’s mental disabilities or mental illness contributed to his or her behavior? ☒ Yes  ☐ No
115.78 (d)

- If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits? ☒ Yes ☐ No

115.78 (e)

- Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact? ☒ Yes ☐ No

115.78 (f)

- For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation? ☒ Yes ☐ No

115.78 (g)

- Does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

EVIDENCE OF COMPLIANCE

Inmates are subject to a formal disciplinary process any sanction is commensurate with the nature and circumstances of the abuse committed, the inmate’s disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

The disciplinary process considers whether an inmate’s mental disabilities or mental illness, contributed to his behavior when determining what type of sanction, if any, should be imposed.

The facility would offer therapy or mental health services through the medical department.
Policy states that a complaint of alleged inmate on inmate sexual conduct made in good faith based upon a reasonable belief that the alleged inmate on inmate sexual conduct occurred may not be considered a false report or lying, even if the required investigation does not establish sufficient evidence to substantiate the allegation of inmate on inmate sexual conduct.

Investigator and staff interviews confirmed that when an investigation of an inmate on inmate sexual abuse is substantiated, the inmate is referred for disciplinary sanctions.

The audited facility has not disciplined inmates within the last 12 months for a violation of these policies.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.
MEDICAL AND MENTAL CARE

Standard 115.81: Medical and mental health screenings; history of sexual abuse

115.81 (a)
- If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? ☒ Yes ☐ No

115.81 (b)
- If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.) ☒ Yes ☐ No ☐ NA

115.81 (c)
- If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? ☒ Yes ☐ No

115.81 (d)
- Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law? ☒ Yes ☐ No

115.81 (e)
- Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18? ☒ Yes ☐ No
Auditor Overall Compliance Determination

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

EVIDENCE OF COMPLIANCE

The agency has policies in place that address the provisions of this standard. As previously stated under standard 115.41, the medical department does a second screening of the inmates and asks questions relative to sexual victimization as well as sexual abusiveness. If it is found that any inmate has experienced either they will be scheduled for an evaluation with a mental health practitioner within 14 days. I confirmed these evaluations with the medical and mental health personnel as well as during the inmate interviews.

All medical records are kept secure and are only available to medical and mental health personnel.

I confirmed compliance with the standard through the review of inmate medical files, staff interviews, and inmate interviews.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

Standard 115.82: Access to emergency medical and mental health services

115.82 (a)

- Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?
  - Yes ☒ No ☐

115.82 (b)

- If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62? ☒ Yes ☐ No

- Do security staff first responders immediately notify the appropriate medical and mental health practitioners? ☒ Yes ☐ No
115.82 (c)

- Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate? ☒ Yes ☐ No

115.82 (d)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

EVIDENCE OF COMPLIANCE

The facility ensures that victims of sexual assault receive prompt and appropriate medical intervention. Nature and scope are determined by medical and mental health practitioners according to their professional judgment.

The policy further states that prophylactic treatment and testing is offered to the patient, as well as follow up care for sexually transmitted or other communicable diseases. An evaluation by a mental health provider is completed for crisis intervention counseling and long term, follow up plans.

The above services are offered at no financial cost to the inmate. These policies and procedures were confirmed during staff interviews.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.
Standard 115.83: Ongoing medical and mental health care for sexual abuse victims and abusers

115.83 (a)

- Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility? ☒ Yes ☐ No

115.83 (b)

- Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody? ☒ Yes ☐ No

115.83 (c)

- Does the facility provide such victims with medical and mental health services consistent with the community level of care? ☒ Yes ☐ No

115.83 (d)

- Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if all-male facility.) ☐ Yes ☐ No ☒ NA

115.83 (e)

- If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if all-male facility.) ☐ Yes ☐ No ☒ NA

115.83 (f)

- Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate? ☒ Yes ☐ No

115.83 (g)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident? ☒ Yes ☐ No

115.83 (h)
If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)

☒ Yes ☐ No ☐ NA

**Auditor Overall Compliance Determination**

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

**EVIDENCE OF COMPLIANCE**

The facility has the policies and procedures in place for ongoing medical and mental health care. The staff informed me that the services would be coordinated by agency medical personnel. I further confirmed this with the medical staff.

I reviewed the agency investigations conducted; these services were offered to all involved in an allegation.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.
Standard 115.86: Sexual abuse incident reviews

115.86 (a)

- Does the facility 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? ☒ Yes ☐ No

115.86 (b)

- Does such review ordinarily occur within 30 days of the conclusion of the investigation? ☒ Yes ☐ No

115.86 (c)

- Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners? ☒ Yes ☐ No

115.86 (d)

- Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse? ☒ Yes ☐ No

- Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility? ☒ Yes ☐ No

- Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse? ☒ Yes ☐ No

- Does the review team: Assess the adequacy of staffing levels in that area during different shifts? ☒ Yes ☐ No

- Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff? ☒ Yes ☐ No

- Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager? ☒ Yes ☐ No

115.86 (e)
Does the facility implement the recommendations for improvement, or document its reasons for not doing so? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds the requirement of standards)
☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)
☐ Does Not Meet Standard (Requires Corrective Action)

EVIDENCE OF COMPLIANCE

The agency has a policy in place that outlines the facilities review of incidents. The policy addresses all provisions of the standard. The facility utilizes the PREA Case Review Report, which documents all of the aforementioned questions of concern when reviewing an incident.

I confirmed the incidents are being reviewed by reviewing the policy and all applicable documentation; I further discussed the reviews during the staff interviews. I also reviewed the completed PREA Case Review Report from prior incidents; I found they have been properly completed and informative.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

Standard 115.87: Data collection

115.87 (a)

☒ Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions? ☒ Yes ☐ No

115.87 (b)

☐ Does the agency aggregate the incident-based sexual abuse data at least annually? ☒ Yes ☐ No

115.87 (c)

☒ Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice? ☒ Yes ☐ No

115.87 (d)
- Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?
  ☒ Yes ☐ No

115.87 (e)

- Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.) ☒ Yes ☐ No ☐ NA

115.87 (f)

- Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.) ☐ Yes ☐ No ☒ NA

Auditor Overall Compliance Determination

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

EVIDENCE OF COMPLIANCE

During the staff interviews, I confirmed that the following procedure is in place:

The Department will use data collection systems to accurately track sexual assaults and sexual misconduct and to facilitate identification of the core risk and causal factors. The Director of Professional Standards will review the data and will compile a yearly report with recommendations for quality improvement measures based on the information. With the approval of the Commissioner, the report will be made available to the public on the department's web site. The Director of Professional Standards will ensure adherence to PREA standards, including coordinating any required audits.

- Records from these investigations will be retained for 10 years and then destroyed.
- All requests for reports that can be generated from the electronic database of PREA tracking information will be approved by the Commissioner or designee in accordance with NHDOC polices and the NH Right to Know Law.
- Information from PREA investigations pertaining to classification, housing assignments, risk of perpetration, or safety of victims shall be integrated into CORIS as needed for the prevention of sexual assault and victimization.
- All NHDOC PREA cases will be reviewed by the NHDOC Sexual Assault Resource Team (SART). The Case Review Protocol is Attachment # 7.
• It is the responsibility of the Director of Professional Standards or designee to file yearly PREA census information to the Bureau of Justice Statistics in a timely manner and to respond to any request for data from the Department of Justice in accordance with federal PREA guidelines.

• The Director of Professional Standards may enlist the assistance of the Director of Research and Planning to compile summative reports on PREA investigations and PREA data. The agency has established policies that address all provision of this standard. The agency utilizes the Sexual Assault Report, which is a data collection instrument utilized to collect all sexual abuse data.

Compliance was confirmed through review of completed data collection instruments, and staff interviews.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

**Standard 115.88: Data review for corrective action**

**115.88 (a)**

- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas? ☒ Yes ☐ No

- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis? ☒ Yes ☐ No

- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole? ☒ Yes ☐ No

**115.88 (b)**

- Does the agency’s annual report include a comparison of the current year’s data and corrective actions with those from prior years and provide an assessment of the agency’s progress in addressing sexual abuse? ☒ Yes ☐ No
115.88 (c)

- Is the agency’s annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means? ☒ Yes ☐ No

115.88 (d)

- Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

EVIDENCE OF COMPLIANCE

During agency interviews, I confirmed that the data collected is reviewed in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. The agency identifies problem areas, takes corrective action on an ongoing basis. They have prepared annual reports which are available on the website. The reports compare data from year to year and assess the agencies progress in implementing sexual safety throughout the facilities and are approved by the Commissioner.

During staff interviews, I confirmed that if a trend was identified while reviewing the data, a corrective action plan would be developed for that facility and immediately be put into place.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

Standard 115.89: Data storage, publication, and destruction

115.89 (a)

- Does the agency ensure that data collected pursuant to § 115.87 are securely retained? ☒ Yes ☐ No
115.89 (b)

- Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means? ☒ Yes ☐ No

115.89 (c)

- Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available? ☒ Yes ☐ No

115.89 (d)

- Does the agency 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? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

EVIDENCE OF COMPLIANCE

The agency digitally retains all data collected; this data is available to the public through the website. The annual reports are published on the website. All personal identifiers have been removed from the reports.

The annual reports from 2013 through 2017 are published on the website. All personal identifiers have been removed from the reports.

The agency has a policy in place that maintains all sexual abuse data for at least 10 years from the date received.

Staff interviews and review of the annual reports further confirmed this procedure.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.
AUDITING AND CORRECTIVE ACTION

Standard 115.401: Frequency and scope of audits

115.401 (a)
During the three-year period starting on August 20, 2013, and during each three-year period thereafter, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (N/A before August 20, 2016.) ☒ Yes ☐ No ☐ NA

115.401 (b)

During each one-year period starting on August 20, 2013, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited? ☒ Yes ☐ No

115.401 (h)

Did the auditor have access to, and the ability to observe, all areas of the audited facility? ☒ Yes ☐ No

115.401 (i)

Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)? ☒ Yes ☐ No

115.401 (m)

Was the auditor permitted to conduct private interviews with inmates, inmates, and detainees? ☒ Yes ☐ No

115.401 (n)

Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)
☐ Does Not Meet Standard *(Requires Corrective Action)*

**EVIDENCE OF COMPLIANCE**

All agency facilities, contracted facility, and compact agencies were audited once during the auditing cycle from August 20, 2013, and August 20, 2016.

The agency had formulated their Audit Schedule for the current audit cycle and is completing PREA Audits on one-third of their facilities during each audit year.

This was confirmed during staff interviews and review of final PREA audit reports.

During the audit process, I was able to receive copies of all relevant documentation, conduct private interviews with staff and inmates, tour the complete facility, and receive confidential correspondence from both inmates and staff.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.

**Standard 115.403: Audit contents and findings**

*All Yes/No Questions Must Be Answered by the Auditor to Complete the Report*

115.403 (f)

- The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports within 90 days of issuance by auditor. The review period is for prior audits completed during the past three years PRECEDING THIS AGENCY AUDIT. In the case of single facility agencies, the auditor shall ensure that the facility’s last audit report was published. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or in the case of single facility agencies that there has never been a Final Audit Report issued.) ☒ Yes ☐ No ☐ NA

**Auditor Overall Compliance Determination**

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*
EVIDENCE OF COMPLIANCE

The agency has published all final audit reports on their website, this was confirmed by navigating to the page on the website and reviewing all of the audit reports.

After a careful review of all documentation, and the information received during both the agency level and the facility level interviews, I found that the agency is substantially compliant with the requirements of this standard, and all provisions.
AUDITOR CERTIFICATION

I certify that:

☒ The contents of this report are accurate to the best of my knowledge.

☒ No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and

☒ I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

Auditor Instructions:

Patrick J. Zirpoli  June 12, 2019

Auditor Signature  Date