# Prison Rape Elimination Act (PREA) Audit Report

## Community Confinement Facilities

- **☐ Interim**  
- **☒ Final**

**Date of Interim Audit Report:** 8/7/2021  
**☐ N/A**

*If no Interim Audit Report, select N/A*

**Date of Final Audit Report:** 10/9/2021

## Auditor Information

<table>
<thead>
<tr>
<th>Name:</th>
<th>Patrick J. Zirpoli</th>
<th>Email:</th>
<th><a href="mailto:pzirpoli@ptd.net">pzirpoli@ptd.net</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Company Name:</td>
<td>Patrick J. Zirpoli LLC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>149 Spruce Swamp Road</td>
<td>City, State, Zip:</td>
<td>Milanville, PA 18443</td>
</tr>
<tr>
<td>Telephone:</td>
<td>570-729-4131</td>
<td>Date of Facility Visit:</td>
<td>06/24/21 &amp; 06/25/21</td>
</tr>
</tbody>
</table>

## Agency Information

**Name of Agency:** New Hampshire Department of Corrections

**Governing Authority or Parent Agency (If Applicable):** State of New Hampshire

| Physical Address: | 105 Pleasant Street | City, State, Zip: | Concord, NH 03301 |
| Mailing Address:  | P.O. Box 1806       | City, State, Zip: | Concord, NH 03301 |

**☑ The Agency Is:** State

**Agency Website with PREA Information:** [https://www.nh.gov](https://www.nh.gov)

## Agency Chief Executive Officer

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

## Agency-Wide PREA Coordinator

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

**PREA Coordinator Reports to:** Commissioner

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

<table>
<thead>
<tr>
<th>Name of Facility:</th>
<th>Division of Community Corrections North End House</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical Address:</td>
<td>1 Perimeter Rd</td>
</tr>
<tr>
<td>City, State, Zip:</td>
<td>Concord, NH 03301</td>
</tr>
<tr>
<td>Mailing Address (if different from above):</td>
<td>NA</td>
</tr>
<tr>
<td>City, State, Zip:</td>
<td>NA</td>
</tr>
</tbody>
</table>

The Facility Is:  
- ☐ Military  
- ☐ Private for Profit  
- ☒ State  
- ☐ Private not for Profit  
- ☐ Municipal  
- ☒ County  
- ☐ Federal

Facility Website with PREA Information: [https://www.nh.gov](https://www.nh.gov)

Has the facility been accredited within the past 3 years?  
- ☐ Yes  
- ☒ No

If the facility has been accredited within the past 3 years, select the accrediting organization(s) – select all that apply (N/A if the facility has not been accredited within the past 3 years):  
- ☐ ACA  
- ☐ NCCHC  
- ☐ CALEA  
- ☐ Other (please name or describe): N/A

If the facility has completed any internal or external audits other than those that resulted in accreditation, please describe:

### Facility Director

| Name: | Nicholas Duffy |
| Email: | Nicholas.duffy@doc.nh.gov |
| Telephone: | 603-271-0078 |

### Facility PREA Compliance Manager

| Name: | Captain Andrew Newcomb |
| Email: | Andrew.newcomb@doc.nh.gov |
| Telephone: | 603-271-0427 |

### Facility Health Service Administrator

| Name: | Paula Mattis- Director of Medical and Forensic Services |
| Email: | Paula.Mattis@doc.nh.gov |
| Telephone: | 603-271-3707 |

### Facility Characteristics

<p>| Designated Facility Capacity: | 48 |
| Current Population of Facility: | 37 |
| Average daily population for the past 12 months: | 35 |</p>
<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has the facility been over capacity at any point in the past 12 months?</td>
<td>☐</td>
<td>✒</td>
</tr>
<tr>
<td>Which population(s) does the facility hold?</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>☐ Females</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>☒ Males</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Both Females and Males</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Age range of population:</td>
<td>18-67</td>
<td></td>
</tr>
<tr>
<td>Average length of stay or time under supervision:</td>
<td>12-18 months</td>
<td></td>
</tr>
<tr>
<td>Facility security levels/resident custody levels</td>
<td>C1 &amp; C2</td>
<td></td>
</tr>
<tr>
<td>Number of residents admitted to facility during the past 12 months</td>
<td>75</td>
<td></td>
</tr>
<tr>
<td>Number of residents admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:</td>
<td>75</td>
<td></td>
</tr>
<tr>
<td>Number of residents admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more:</td>
<td>75</td>
<td></td>
</tr>
<tr>
<td>Does the audited facility hold residents for one or more other agencies (e.g. a State correctional agency, U.S. Marshals Service, Bureau of Prisons, U.S. Immigration and Customs Enforcement)?</td>
<td>☐</td>
<td>✒</td>
</tr>
</tbody>
</table>

Select all other agencies for which the audited facility holds residents: Select all that apply (N/A if the audited facility does not hold residents for any other agency or agencies):

☐ Federal Bureau of Prisons
☐ U.S. Marshals Service
☐ U.S. Immigration and Customs Enforcement
☐ Bureau of Indian Affairs
☐ U.S. Military branch
☐ State or Territorial correctional agency
☐ County correctional or detention agency
☐ Judicial district correctional or detention facility
☐ City or municipal correctional or detention facility (e.g. police lockup or city jail)
☐ Private corrections or detention provider
☐ Other - please name or describe: ✒ N/A

| Number of staff currently employed by the facility who may have contact with residents: | 16 |
| Number of staff hired by the facility during the past 12 months who may have contact with residents: | 2 |
| Number of contracts in the past 12 months for services with contractors who may have contact with residents: | 4 |
| Number of individual contractors who have contact with residents, currently authorized to enter the facility: | 4 |
| Number of volunteers who have contact with residents, currently authorized to enter the facility: | 0 |
### Physical Plant

<table>
<thead>
<tr>
<th>Number of buildings:</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auditors should count all buildings that are part of the facility, whether residents are formally allowed to enter them or not. In situations where temporary structures have been erected (e.g., tents) the auditor should use their discretion to determine whether to include the structure in the overall count of buildings. As a general rule, if a temporary structure is regularly or routinely used to hold or house residents, or if the temporary structure is used to house or support operational functions for more than a short period of time (e.g., an emergency situation), it should be included in the overall count of buildings.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of resident housing units:</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enter 0 if the facility does not have discrete housing units. DOJ PREA Working Group FAQ on the definition of a housing unit: How is a &quot;housing unit&quot; defined for the purposes of the PREA Standards? The question has been raised in particular as it relates to facilities that have adjacent or interconnected units. The most common concept of a housing unit is architectural. The generally agreed-upon definition is a space that is enclosed by physical barriers accessed through one or more doors of various types, including commercial-grade swing doors, steel sliding doors, interlocking sally port doors, etc. In addition to the primary entrance and exit, additional doors are often included to meet life safety codes. The unit contains sleeping space, sanitary facilities (including toilets, lavatories, and showers), and a dayroom or leisure space in differing configurations. Many facilities are designed with modules or pods clustered around a control room. This multiple-pod design provides the facility with certain staff efficiencies and economies of scale. At the same time, the design affords the flexibility to separately house residents of differing security levels, or who are grouped by some other operational or service scheme. Generally, the control room is enclosed by security glass, and in some cases, this allows residents to see into neighboring pods. However, observation from one unit to another is usually limited by angled site lines. In some cases, the facility has prevented this entirely by installing one-way glass. Both the architectural design and functional use of these multiple pods indicate that they are managed as distinct housing units.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of single resident cells, rooms, or other enclosures:</th>
<th>0</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Number of multiple occupancy cells, rooms, or other enclosures:</th>
<th>8</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Number of open bay/dorm housing units:</th>
<th>0</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Does the facility have a video monitoring system, electronic surveillance system, or other monitoring technology (e.g. cameras, etc.)?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Has the facility installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology in the past 12 months?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

### Medical and Mental Health Services and Forensic Medical Exams

<table>
<thead>
<tr>
<th>Are medical services provided on-site?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Are mental health services provided on-site?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Where are sexual assault forensic medical exams provided? Select all that apply.</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-site</td>
</tr>
<tr>
<td>Local hospital/clinic</td>
</tr>
<tr>
<td>Rape Crisis Center</td>
</tr>
<tr>
<td>Other (please name or describe):</td>
</tr>
</tbody>
</table>
### Investigations

#### Criminal Investigations

<table>
<thead>
<tr>
<th>Number of investigators employed by the agency and/or facility who are responsible for conducting CRIMINAL investigations into allegations of sexual abuse or sexual harassment:</th>
<th>14</th>
</tr>
</thead>
<tbody>
<tr>
<td>When the facility received allegations of sexual abuse or sexual harassment (whether staff-on-resident or resident-on-resident), CRIMINAL INVESTIGATIONS are conducted by: Select all that apply.</td>
<td>☒ Facility investigators  ☐ Agency investigators  ☐ An external investigative entity</td>
</tr>
</tbody>
</table>

Select all external entities responsible for CRIMINAL INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for criminal investigations)

- ☐ Local police department
- ☐ Local sheriff’s department
- ☒ State police
- ☐ A U.S. Department of Justice component
- ☐ Other (please name or describe:  )
- ☐ N/A

#### Administrative Investigations

<table>
<thead>
<tr>
<th>Number of investigators employed by the agency and/or facility who are responsible for conducting ADMINISTRATIVE investigations into allegations of sexual abuse or sexual harassment?</th>
<th>14</th>
</tr>
</thead>
<tbody>
<tr>
<td>When the facility receives allegations of sexual abuse or sexual harassment (whether staff-on-resident or resident-on-resident), ADMINISTRATIVE INVESTIGATIONS are conducted by: Select all that apply</td>
<td>☒ Facility investigators  ☐ Agency investigators  ☐ An external investigative entity</td>
</tr>
</tbody>
</table>

Select all external entities responsible for ADMINISTRATIVE INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for administrative investigations)

- ☐ Local police department
- ☐ Local sheriff’s department
- ☐ State police
- ☐ A U.S. Department of Justice component
- ☐ Other (please name or describe:  )
- ☒ N/A
Audit Findings

Audit Narrative (including Audit Methodology)

Pre-Onsite Audit Phase

Audit Planning and Logistics:

I had the opportunity to discuss the audit process and expectations of both parties with the Director of Professional Standards/Agency PREA Coordinator Lynmarie Cusack and Program Specialist Dennis R. Fitton. We coordinated the dates for the onsite audit at the facility. During these conversations we outlined an overall audit schedule and notified the facility of the estimated time of arrival onsite.

Posting Notice of the Audit:

I forwarded the audit posting to the Agency PREA Coordinator on April 7, 2021, the postings were then forwarded to the facility. The posting included the dates of the audit, 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 through time stamped photographs and during the onsite portion of the audit including the facility tour, and staff and resident interviews. I received multiple letters from one resident who was interviewed during the interview process.

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

I was provided all New Hampshire Department of Corrections Policies and Procedures related to the Prison Rape Elimination Act. I was also provided all facility level Policies and Procedures, as well as documentation that all Department and Facility Policies and Procedures were practiced on a daily basis and 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:

The Agency provides victim advocacy through Victim Advocate Jean E. Carroll, she is employed by the Agency. 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 have conducted the agency level interviews throughout the week of scheduled PREA Auditing for the New Hampshire Department of Corrections, this period was from 06/21/2021 through 6/25/2021. These interviews included the Commissioner, Investigative Staff, Administrative Personnel, and the PREA Coordinator. During these interviews I verified that there have been no changes in any agency process since the last audits conducted in June of 2020.
Onsite Audit Phase

Site Review:

The audit was conducted during the Covid 19 Pandemic. The Agency, Facility and Auditor took all necessary precautions outlined by the New Hampshire Department of Corrections. These precautions included temperature check prior to entering the facility, questionnaire, universal masking for all staff, and visitors. During the facility tour social distancing was practiced. The staff and resident interviews were conducted with the participants seated at minimum of 6 feet apart.

On June 24, 2021, at 8:00 a.m. I conducted a briefing outlining the onsite portion of the audit, including facility tour, resident and staff interview location, and document review.

Immediately after the briefing a facility tour was conducted. During the tour I had the opportunity to view all areas of the facility. I interacted with both staff and residents, as well as observed the interaction between the staff and residents. I was able to verify the location of cameras throughout the facility, as well as the camera monitor locations. While on the housing units I observed the related PREA information, Audit Posting, and applicable policies and procedures posted in the common areas, which are accessible to all residents. These postings were further observed in common areas throughout the facility.

The resident interviews began immediately following the facility tour. They were conducted in an office. This provided privacy for the interviews. The residents were randomly selected from residents in the facility. During this process I interviewed residents in the following categories:

<table>
<thead>
<tr>
<th>Interview Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Random Resident Interviews</td>
<td>9</td>
</tr>
<tr>
<td>Youthful Residents</td>
<td>Facility does not house</td>
</tr>
<tr>
<td>Residents with a Physical Disability</td>
<td>0</td>
</tr>
<tr>
<td>Residents who are Blind, Deaf, or Hard of Hearing</td>
<td>0</td>
</tr>
<tr>
<td>Residents who are Limited English Proficient</td>
<td>0</td>
</tr>
<tr>
<td>Residents with a Cognitive Disability</td>
<td>1</td>
</tr>
<tr>
<td>Residents who Identify as Lesbian, Gay or Bisexual</td>
<td>0</td>
</tr>
<tr>
<td>Residents who identify as Transgender or Intersex</td>
<td>0</td>
</tr>
<tr>
<td>Residents in Segregated Housing for High Risk of Sexual Victimization</td>
<td>0</td>
</tr>
<tr>
<td>Residents who Reported Sexual Abuse</td>
<td>0</td>
</tr>
<tr>
<td>Residents who Reported Sexual Victimization During Risk Screening</td>
<td>0</td>
</tr>
<tr>
<td>Total Resident Interviews</td>
<td>10</td>
</tr>
</tbody>
</table>

During the interview process several targeted categories of residents were not being housed at the facility. I conducted the interviews with all residents in the same manner, a preamble to the interview was related to the resident 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 residents refused to speak with me. All residents were asked questions related to the Random Resident Interviews, and if they were in a targeted category, I asked those additional questions. During the interviews I utilized a copy of the initial PREA
information received by residents, and Screening form to visually stimulate the resident’s recollection of their initial intake process.

The staff interviews were conducted in the same office. The facility was currently working three shifts, interviews were conducted with staff from all shifts. During the process I interviewed staff in the following categories:

<table>
<thead>
<tr>
<th>Interview Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Random Staff Interviews</td>
<td>3</td>
</tr>
<tr>
<td>Intermediate or Higher-Level Staff Conducting Unannounced Rounds and Intake Staff</td>
<td>1</td>
</tr>
<tr>
<td>Line Staff who Supervise Youthful Inmates</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Education and Program Staff who Work with Youthful Inmates</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Medical and Mental Health Staff</td>
<td>4</td>
</tr>
<tr>
<td>Administrative Staff</td>
<td>1</td>
</tr>
<tr>
<td>Volunteers and Contractors</td>
<td>0</td>
</tr>
<tr>
<td>Investigative Staff</td>
<td>4</td>
</tr>
<tr>
<td>Training Officer</td>
<td>1</td>
</tr>
<tr>
<td>Staff who Perform Screening</td>
<td>1</td>
</tr>
<tr>
<td>Staff who Supervise Inmates in Segregated Housing</td>
<td>0</td>
</tr>
<tr>
<td>Staff on the Sexual Abuse Incident Review Team</td>
<td>2</td>
</tr>
<tr>
<td>First Responders</td>
<td>1</td>
</tr>
<tr>
<td>Director</td>
<td>1</td>
</tr>
<tr>
<td>PREA Compliance Manager and Designated to Monitor for Retaliation</td>
<td>1</td>
</tr>
<tr>
<td>Total Staff Interviews</td>
<td>20</td>
</tr>
</tbody>
</table>

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. All interviewed staff were asked questions related to the Random Staff Interviews, and if they were in a targeted category, they were then asked questions pertaining to that area. During the interviews I utilized a copy of documentation related to any specific duties. These items were used to visually stimulate the staff’s recollection on the daily practices at the facility.

The onsite documentation review was conducted during all days of the audit process. The onsite documentation was reviewed at the source, all files, and facility documents were retrieved by me.

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>
</table>
| NH Department of Corrections Policy and Procedure Directive Subject: Rules and Guidance for DOC Employees  
NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures  
NH Department of Corrections Organizational Chart  
Organizational Chart – Dept. of Corrections  
Organizational Chart – Facility | Standard 115.211: Zero tolerance of sexual abuse and sexual harassment; PREA coordinator |
| Contract with Stafford County for the incarceration of female offenders  
NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures  
Sample State Compact MOU with PREA language | Standard 115.212: Contracting with other entities for the confinement of residents |
| NH Department of Corrections Policy and Procedure Directive Subject: DOC Security Force Distribution  
Staffing plan review meeting notes, meeting held on May 5, 2020  
NH Department of Corrections Policy and Procedure Directive Subject: Achieving DOC Objectives Through Effective Communication and Supervision  
NH Department of Corrections Policy and Procedure Directive Subject: Rules and Guidance for DOC Employees  
Daily Assignment Post Roster  
Master Roster & Post Order Guidelines  
Facility diagrams showing camera locations  
Facility Brochure  
Log showing unannounced rounds | Standard 115.213: Supervision and Monitoring |
| NH Department of Corrections Policy and Procedure Directive Subject: Rules and Guidance for DOC Employees  
NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures  
NH Department of Corrections Organizational Chart  
Organizational Chart – Dept. of Corrections  
Organizational Chart – Facility | Standard 115.215: Limits to cross-gender viewing and searches |
<table>
<thead>
<tr>
<th>Contract with Stafford County for the incarceration of female offenders</th>
<th>Standard 115.216: Residents with Disabilities and Residents who are Limited English Proficient</th>
</tr>
</thead>
<tbody>
<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 May 5, 2020</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>Facility Camera Schematic</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></td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
<td>Standard 115.221: Evidence Protocol and Forensic Medical Examination</td>
</tr>
<tr>
<td>Governor’s Commission on Domestic and Sexual Violence Office of the Attorney General: A model Protocol for Response to Adult Sexual Assault Cases</td>
<td></td>
</tr>
<tr>
<td>New Hampshire Victims Compensation Program</td>
<td></td>
</tr>
<tr>
<td>Agency Victim Advocate qualifications</td>
<td></td>
</tr>
<tr>
<td>NH State Police MOU</td>
<td></td>
</tr>
<tr>
<td>MOU with Crisis Center of Central New Hampshire</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></td>
</tr>
<tr>
<td>NH DOC Published Website Policies</td>
<td></td>
</tr>
</tbody>
</table>

| NH Department of Corrections Policy and Procedure Directive Subject: Department of Corrections Training Program | Standard 115.231: Employee Training |
| NH Department of Corrections Policy and Procedure Directive Subject: Orientation for New Employees | |
| NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures | |
| NH Department of Corrections training curriculum and training Power Points 2017 through 2019 PREA Training Rosters | |

| NH Department of Corrections Policy and Procedure Directive Subject: Citizen Involvement and Volunteers | Standard 115.232: Volunteer and Contractor Training |
| NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures | |
| Completed Acknowledgement Forms | |

| NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures | Standard 115.233: Resident Education |
| NH Department of Corrections Policy and Procedure Directive Subject: Crime Scene Search | |
| State of New Hampshire Department of Corrections Classification Manual 2011 | |
| State of New Hampshire Department of Corrections Manual for the Guidance of Residents | |
| Resident acknowledgment forms | |
| Resident PREA Pamphlets | |
| PREA Posters | |

<p>| NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures | |
| Training curriculum and certificates | |</p>
<table>
<thead>
<tr>
<th>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures Medical/ Mental Health PREA Training Training Rosters</th>
<th>Standard 115.235: Specialized training: Medical and mental health care</th>
</tr>
</thead>
<tbody>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
<td>Standard 115.252: Exhaustion of administrative remedies</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures New Hampshire Domestic and Sexual Violence Crisis Center Catchment Areas MOU with Crisis Center of Central New Hampshire Agency Victim Advocate qualifications</td>
<td>Standard 115.253: Resident access to outside confidential support services</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures Incident Reports</td>
<td>Standard 115.263: Reporting to other confinement facilities</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures Incident Reports Investigative reports</td>
<td>Standard 115.264: Staff first responder duties</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures Incident Reports Investigative reports</td>
<td>Standard 115.265: Coordinated response</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
<td>Standard 115.266: Preservation of ability to protect inmates from contact with abusers</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
<td>Standard 115.271: Criminal and administrative agency investigations</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
<td>Standard 115.273: Reporting to residents</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
<td>Standard 115.276: Disciplinary sanctions for staff</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
<td>Standard 115.277: Corrective action for contractors and volunteers</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
<td>Standard 115.278: Disciplinary sanctions for residents</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 Policy and Procedure Directive Subject: Processing SPOT, Disciplinary, Incident &amp; Intelligence Reports</td>
<td></td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Behavioral Health Services</td>
<td></td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Female Sexual Offender Treatment Services</td>
<td></td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Male Sexual Offender Treatment Services</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 115.282: Access to emergency medical and mental health services</td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Searches and Inspections</td>
<td></td>
</tr>
<tr>
<td>Agency investigative reports</td>
<td></td>
</tr>
<tr>
<td>Agency investigative reports</td>
<td></td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
<td>Standard 115.286: Sexual abuse incident reviews</td>
</tr>
<tr>
<td>Incident reviews and associated documentation</td>
<td></td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
<td>Standard 115.287: Data collection</td>
</tr>
<tr>
<td>Data on agency website through 2019</td>
<td></td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
<td>Standard 115.288: Data review for corrective action</td>
</tr>
<tr>
<td>Data on agency website through 2019</td>
<td></td>
</tr>
<tr>
<td>NH Department of Corrections Policy and Procedure Directive Subject: Prison Rape Elimination Act Procedures</td>
<td>Standard 115.289: Data storage, publication, and destruction</td>
</tr>
<tr>
<td>Data on agency website through 2019</td>
<td></td>
</tr>
</tbody>
</table>
During the staff interviews I found that the staff took ownership not only of the immediate areas they worked in, but the facility overall. This staff attitude helps in creating the respectful culture at the facility. This was further confirmed by the interviewed residents who related that they are treated with respect by the staff.

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 a 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 not in compliance with the Prison Rape Elimination Act National Standards for Prisons and Jails.

Corrective Action:

During the initial audit of the Agency several standards were found to be non-compliant. The following is the corrective action taken by the agency to become compliant with all standards.

Standard 115.211: Zero tolerance of sexual abuse and sexual harassment; PREA coordinator:

During the audit I found standards where the agency and New Hampshire State Prison for Men were not in compliance. These standards should have been identified by the agency and PCM at the New Hampshire State Prison for Men through the oversight of the Prison Rape Elimination Act at the facility. During the corrective action period the agency created a new position that will solely focus on the implementation of PREA throughout the agency, previously this was one of many duties of the PREA Coordinator. The New Hampshire State Prison for Men PREA Compliance Manager (PCM) has also dedicated specific time every month to ensure compliance with the PREA standards at the facility. The facility has created the New Hampshire State Prison-Concord Rounds Report-Chief of Security to document the PCM’s unannounced rounds through the facility and oversight of the PREA standards. The New Hampshire State Prison for Men has provided me the rounds reports from the June 2021 through September 2021.

Standard 115.215: Limits to cross-gender viewing and searches:

During the audit I had questioned several officers who could not describe a cross gender pat search. When further questioning them, they stated they had never had cross gender pat search training. I requested the documentation from the training division and found that the training was inadequate.
During the corrective action period the agency has trained the staff at the facility on cross-gender pat searches/Transgender searches, this was confirmed by list of trained staff.

Standard 115.232: Volunteer and contractor training:

During the onsite audit at the New Hampshire State Prison for Men I found that several contractors were at the facility who had not been trained on the agency zero tolerance policy. The facility began the training immediately and provided me the completed contractor acknowledgement forms as well as a tracking form so they can ensure all contractors entering the facility have had the training. The agency has also created new volunteer education to better educate volunteers on the zero-tolerance policy.

Standard 115.235: Specialized training: Medical and mental health care:

The agency had failed to ensure that all medical and mental health staff were properly trained on their role in a sexual abuse incident. During the audit I found several staff and contract providers who had not received the specialized training. The agency has created new specialized training and has provided this to staff and contracted providers.

Standard 115.241: Screening for risk of victimization and abusiveness:

During the onsite audit at the New Hampshire State Prison for Men I found that the facility was failing to screen inmates who were transferred to the facility from another NHDOC facility. The majority of these inmates were transferred to the facility for disciplinary reasons. The facility has put into place a new process where every inmate is screened within 72 hrs. and reassessed within 30 days. The facility provided me documentation that all inmates have been screened. The agency has created a tracking form to ensure that all inmates at every NHDOC facility are being screened and reassessed.

Standard 115.242: Use of screening information:

The agency was not in compliance with the standard due to failing to be in compliance with 115.241. They were failing to screen inmates transferred from other NHDOC facilities and were failing to make a housing and programming decision from the intake process.
Facility Characteristics

Agency Mission Statement

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.

Core Values Statement

The New Hampshire Department of Corrections is committed to fulfilling its mission by upholding the following values:

Integrity

We adhere to the highest ethical standards and accept responsibility for our decisions and actions.

Respect

We treat all employees, offenders and the public with fairness, honesty, and dignity, while recognizing individual diversity.

Professionalism

We are firm, fair and consistent in the performance of our duties and responsibilities.

We strive for excellence and take pride in maintaining high quality services, as reflected by our performance, our appearance, and our commitment to lifelong learning.

We build trust and teamwork in the workplace by providing positive support and promoting cooperation and communication.

Collaboration

We promote positive relationships through cooperation and collaboration in partnership with others as we strive to achieve common goals.

Accountability

We adhere to holding ourselves and our co-workers accountable in carrying out our mission, values, policies, and directives, and in upholding the laws of the State of New Hampshire.

Vision Statement

As an integral part of the criminal justice system, our vision is to strengthen public safety by achieving excellence in correctional practices.

The New Hampshire Community Corrections North End House is located at 281 North State Street Concord, NH 03301. The facility is located on the same property as the New Hampshire DOC Transitional Work Center, New Hampshire State Prison for Men, and the New Hampshire Correctional Facility for Women.

The facility is an all-male transitional housing facility which is located within a single building. Entrance to the facility is controlled by utilizing a single entrance which is monitored from the officers control area.
The facility has three stories. The first floor contains a medical office, staff offices, resident kitchen, and resident common area. The main entrance and officers control area is located on this floor. The second floor contains staff offices and four dormitory areas. The third floor contains four more dormitory areas, bathroom areas for the residents are located on each floor. All of the toilets and showers within the facility had doors and or curtains to provide the residents with privacy while showering and toileting.

The majority of the residents have community-based jobs and are at the facility for a limited amount of time.

The kitchen provides the residents three meals a day, the cook is classified as a level C-2, while the residents are at a C-1 level.

All medical for the facility is provided through the New Hampshire State Prison for Men, a medical practitioner will come into the facility, or if need be, the resident will be taken to medical within the prison.

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

During my tour of the facility, I found that the information on the Prison Rape Elimination Act, and reporting avenues are located throughout the facility, all of this information is also available to the residents in their issued handbook.

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

Number of Standards Exceeded: 5

§ 115.231 Employee training.
§ 115.233 Resident education.
§ 115.234 Specialized training: Investigations.
§ 115.251 Resident reporting.
§ 115.271 Criminal and administrative agency investigations.

Number of Standards Met: 36

§ 115.211 Zero tolerance of sexual abuse and sexual harassment; PREA coordinator.
§ 115.212 Contracting with other entities for the confinement of residents.
§ 115.213 Supervision and monitoring.
§ 115.215 Limits to cross-gender viewing and searches.
§ 115.216 Residents with disabilities and residents who are limited English proficient.
§ 115.217 Hiring and promotion decisions.
§ 115.218 Upgrades to facilities and technologies.
§ 115.221 Evidence protocol and forensic medical examinations.
§ 115.222 Policies to ensure referrals of allegations for investigations.
§ 115.223 Volunteer and contractor training
§ 115.232 Volunteer and contractor training
§ 115.235 Specialized training: Medical and mental health care.
§ 115.241 Screening for risk of victimization and abusiveness.
§ 115.242 Use of screening information
§ 115.252 Exhaustion of administrative remedies.
§ 115.253 Resident access to outside confidential support services.
§ 115.254 Third-party reporting.
§ 115.261 Staff and agency reporting duties.
§ 115.262 Agency protection duties.
§ 115.263 Reporting to other confinement facilities.
§ 115.264 Staff first responder duties.
§ 115.265 Coordinated response.
§ 115.266 Preservation of ability to protect residents from contact with abusers
§ 115.267 Agency protection against retaliation.
§ 115.272 Evidentiary standard for administrative investigations.
§ 115.273 Reporting to residents.
§ 115.276 Disciplinary sanctions for staff.
§ 115.277 Corrective action for contractors and volunteers.
§ 115.278 Disciplinary sanctions for residents.
§ 115.282 Access to emergency medical and mental health services.
§ 115.283 Ongoing medical and mental health care for sexual abuse victims and abusers.
§ 115.286 Sexual abuse incident reviews.
§ 115.287 Data collection
§ 115.288 Data review for corrective action
§ 115.289 Data storage, publication, and destruction.
§ 115.401 Frequency and scope of audits.
§ 115.403 Audit contents and findings.

Number of Standards Not Met: 0
PREVENTION PLANNING

Standard 115.211: Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

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

115.211 (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

115.211 (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

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. 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, he related that he 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.

During the onsite audit of the New Hampshire State Prison for Men I found several issues showing that the agency is lacking oversight of the implementation of several PREA standards. This was addressed during the corrective action period and the agency and facility are now in compliance.

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 115.212: Contracting with other entities for the confinement of residents

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

115.212 (a)

- If this agency is public and it contracts for the confinement of its residents 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 residents.) ☒ Yes ☐ No ☐ NA

115.212 (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 residents.) ☒ Yes ☐ No ☐ NA
115.212 (c)

- If the agency has entered into a contract with an entity that fails to comply with the PREA standards, did the agency do so only in emergency circumstances after making all reasonable attempts to find a PREA compliant private agency or other entity to confine residents? (N/A if the agency has not entered into a contract with an entity that fails to comply with the PREA standards.) ☐ Yes ☐ No ☒ NA

- In such a case, does the agency document its unsuccessful attempts to find an entity in compliance with the standards? (N/A if the agency has not entered into a contract with an entity that fails to comply with the PREA standards.) ☒ 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 directives further state that all contracts, contract amendments, renewals and agreements with outside agencies that pertain to the confinement of NHDOC residents 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 entered Interstate Compacts with several other states for the housing of residents 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 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 115.213: Supervision and monitoring

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

115.213 (a)

- Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect residents against sexual abuse? ☒ Yes ☐ No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The physical layout of each facility? ☒ Yes ☐ No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the resident population? ☒ Yes ☐ No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse? ☒ Yes ☐ No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors? ☒ Yes ☐ No

115.213 (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

115.213 (c)

- In the past 12 months, has the facility 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 assessed, determined, and documented whether adjustments are needed to prevailing staffing patterns? ☒ Yes ☐ No
- In the past 12 months, has the facility 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 assessed, determined, and documented whether adjustments are needed to the resources the facility has available to commit to ensure adequate staffing levels? ☒ 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 residents 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 staff on the policies and the ability to fully staff the facility at all times. I was informed that the facility will fill posts with overtime if needed to be at full compliment. The facility also has the ability to collapse posts and limit inmate activity and movement when needed.

The staffing plan was reviewed by the Agency Administration on May 7, 2021. I further confirmed through meeting minutes these reviews are conducted on a yearly basis.

During the interviews with the administration at the facility I confirmed a daily review of the staffing at the facility. The administration meets on a regular basis, this includes the Warden, Major, and Captains. During these meetings the overall facility operations are discussed to include staffing.

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 if needed, and they have the ability to collapse other posts if need be.

The administration meets on a regular basis to review incidents that have occurred at the facility, as well as discussing normal facility operation. During these meetings, they 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 resident interviews as well as reviewing the logs generated.

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 115.215: Limits to cross-gender viewing and searches

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

<table>
<thead>
<tr>
<th>115.215 (a)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td>☒ Yes ☐ No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>115.215 (b)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the facility always refrain from conducting cross-gender pat-down searches of female residents, except in exigent circumstances? (N/A if the facility does not have female residents.)</td>
<td>☐ Yes ☐ No ☒ NA</td>
</tr>
<tr>
<td>Does the facility always refrain from restricting female residents’ access to regularly available programming or other outside opportunities in order to comply with this provision? (N/A if the facility does not have female residents.)</td>
<td>☒ Yes ☐ No ☒ NA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>115.215 (c)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?</td>
<td>☒ Yes ☐ No</td>
</tr>
<tr>
<td>Does the facility document all cross-gender pat-down searches of female residents? (N/A if the facility does not have female residents.)</td>
<td>☐ Yes ☐ No ☒ NA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>115.215 (d)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the facility have policies that enable residents 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?</td>
<td>☒ Yes ☐ No</td>
</tr>
<tr>
<td>Does the facility have procedures that enables residents 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?</td>
<td>☒ Yes ☐ No</td>
</tr>
<tr>
<td>Does the facility require staff of the opposite gender to announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing?</td>
<td>☒ Yes ☐ No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>115.215 (e)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the facility always refrain from searching or physically examining transgender or intersex residents for the sole purpose of determining the resident’s genital status?</td>
<td>☒ Yes ☐ No</td>
</tr>
</tbody>
</table>
If a resident’s genital status is unknown, does the facility determine genital status during conversations with the resident, 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

115.215 (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 residents 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 resident interviews, as well as review of policy. I also confirmed that the facility has not conducted a search under these circumstances.

The facility is an all-male facility.

The above policies outline procedures and practices that enables residents 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. The policies further dictate that staff of the opposite gender announces their presence when entering a resident housing unit. These practices were confirmed during the staff and resident interviews as well as during the facility tour when I observed the announcements taking place. The bathrooms in the housing units are constructed to provide privacy while performing bodily functions and showering. In the celled housing units, the toilets are located in the cells which are offset from the window in the cell doors, the showers in these units have curtains. The dormitory housing unit has a separate area where the toilets and showers are located, both have curtains for privacy.

The facility does not search or physically examine a transgender or intersex resident for the sole purpose of determining the resident’s genital status. If the resident's genital status is unknown, it is determined during conversations with the resident, 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. I further confirmed with staff that if a resident was being processed into the facility they would be coming from another correctional facility. If the resident had identified as transgender or intersex at that facility, this
information would be known prior to arrival. This was further confirmed during the interview with a transgender resident at the facility.

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 during staff interviews and reviewing the provided training materials. The agency has developed a new training curriculum for cross gender pat searches and train all 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 115.216: Residents with disabilities and residents who are limited English proficient**

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

115.216 (a)

- Does the agency take appropriate steps to ensure that residents 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: Residents who are deaf or hard of hearing? ☒ Yes ☐ No

- Does the agency take appropriate steps to ensure that residents 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: Residents who are blind or have low vision? ☒ Yes ☐ No

- Does the agency take appropriate steps to ensure that residents 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: Residents who have intellectual disabilities? ☒ Yes ☐ No

- Does the agency take appropriate steps to ensure that residents 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: Residents who have psychiatric disabilities? ☒ Yes ☐ No

- Does the agency take appropriate steps to ensure that residents 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: Residents who have speech disabilities? ☒ Yes ☐ No

- Does the agency take appropriate steps to ensure that residents 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: Other? (if "other," please explain in overall determination notes.) ☒ Yes ☐ No
- Do such steps include, when necessary, ensuring effective communication with residents who are deaf or hard of hearing? ☒ Yes ☐ No

- Do 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 residents with disabilities including residents 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 residents with disabilities including residents 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 residents with disabilities including residents who: Are blind or have low vision? ☒ Yes ☐ No

115.216 (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 residents 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

115.216 (c)

- Does the agency always refrain from relying on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident’s safety, the performance of first-response duties under §115.264, or the investigation of the resident’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 residents with disabilities (including, for example, residents 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 residents 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 residents who have disabilities, including residents who have intellectual disabilities, limited reading skills, or who are blind or have low vision. The facility outlines the response to residents in these categories in the above directives. This plan outlines procedures for residents 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 resident 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 residents 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 resident interpreters, resident readers, or other types of resident 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 resident interviews, I interviewed residents who were identified with Cognitive Disabilities. These residents 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 115.217: Hiring and promotion decisions

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

**115.217 (a)**

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

115.217 (b)

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

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

115.217 (c)

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

- Before hiring new employees who may have contact with residents, 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

115.217 (d)

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

115.217 (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 residents or have in place a system for otherwise capturing such information for current employees? ☒ Yes ☐ No

115.217 (f)

- Does the agency ask all applicants and employees who may have contact with residents 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 residents 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

115.217 (g)

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

115.217 (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 record check
before enlisting the services of any contractor who may have contact with residents. 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 residents 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 115.218: Upgrades to facilities and technologies

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

#### 115.218 (a)

- 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 residents 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.)
  - Yes ☒  No ☐  NA ☐

#### 115.218 (b)

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

I confirmed during agency and facility interviews that they consider their ability to protect residents 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 115.221: Evidence protocol and forensic medical examinations**

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

115.221 (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

115.221 (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

115.221 (c)

- Does the agency offer all residents who experience 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

115.221 (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? (N/A if agency *always* makes a victim advocate from a rape crisis center available to victims.)
  - ☐ Yes  ☐ No  ☒ NA
- Has the agency documented its efforts to secure services from rape crisis centers? ☒ Yes ☐ No

115.221 (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

115.221 (f)

- If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency 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

115.221 (g)

- Auditor is not required to audit this provision.

115.221 (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 always makes a victim advocate from a rape crisis center available to victims.) ☐ 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 facility Governors Commission on Domestic and Sexual Violence Office of the Attorney General: A model Protocol for Response to Adult Sexual Assault Cases, outlines the response and utilization of a SAFE exam, at no cost, to any resident involved in sexual abuse.

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.

The agency has also entered into an MOU with the Crisis Center of Central New Hampshire for victim advocacy. A sexual assault examination would be conducted at Concord Hospital.

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 115.222: Policies to ensure referrals of allegations for investigations

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

<table>
<thead>
<tr>
<th>115.222 (a)</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse? ☒ Yes ☐ No</td>
</tr>
<tr>
<td>▪ Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment? ☒ Yes ☐ No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>115.222 (b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ 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</td>
</tr>
<tr>
<td>▪ 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</td>
</tr>
<tr>
<td>▪ Does the agency document all such referrals? ☒ Yes ☐ No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>115.222 (c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for conducting criminal investigations. See 115.221(a.)) ☐ Yes ☐ No ☒ NA</td>
</tr>
</tbody>
</table>
115.222 (d)  
- Auditor is not required to audit this provision.

115.222 (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 review of polices 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 agency’s 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 115.231: Employee training

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

115.231 (a)

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

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

- Does the agency train all employees who may have contact with residents on: The right of residents 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 residents on: The dynamics of sexual abuse and sexual harassment in confinement? ☒ Yes ☐ No

- Does the agency train all employees who may have contact with residents on: The common reactions of sexual abuse and sexual harassment victims? ☒ Yes ☐ No

- Does the agency train all employees who may have contact with residents 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 residents on: How to avoid inappropriate relationships with residents? ☒ Yes ☐ No

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

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

115.231 (b)

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

- Have employees received additional training if reassigned from a facility that houses only male residents to a facility that houses only female residents, or vice versa? ☒ Yes ☐ No
115.231 (c)

- Have all current employees who may have contact with residents 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

115.231 (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)*

The agency provides yearly 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 the initial training and annual updates. It was confirmed during staff interviews that they also receive updates during roll calls.

All employees receive training on interacting with males, females, transgender, and intersex residents. This was confirmed during review of training materials and during staff interviews.

The agency is providing yearly training, this training far exceeds the provisions of the 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 has substantially exceeded the requirements of this standard, and all provisions. This decision was based on the agency’s overall commitment to sexual safety in their facilities.
### Standard 115.232: Volunteer and contractor training

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

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

**115.232 (b)**
- Have all volunteers and contractors who have contact with residents 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 residents)? ☒ Yes ☐ No

**115.232 (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:**

**EVIDENCE OF COMPLIANCE**

The agency has trained all volunteers and contractors who have contact with residents on their responsibilities under the agency’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

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 residents. 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.

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.

During the initial onsite audit, the agency had failed to train the contractors at the New Hampshire State Prison for Men. This has been corrected and a new contractor and volunteer education has been put in 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 115.233: Resident education

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

#### 115.233 (a)

- During intake, do residents receive information explaining: The agency's zero-tolerance policy regarding sexual abuse and sexual harassment? ☒ Yes ☐ No
- During intake, do residents receive information explaining: How to report incidents or suspicions of sexual abuse or sexual harassment? ☒ Yes ☐ No
- During intake, do residents receive information explaining: Their rights to be free from sexual abuse and sexual harassment? ☒ Yes ☐ No
- During intake, do residents receive information explaining: Their rights to be free from retaliation for reporting such incidents? ☒ Yes ☐ No
- During intake, do residents receive information regarding agency policies and procedures for responding to such incidents? ☒ Yes ☐ No

#### 115.233 (b)

- Does the agency provide refresher information whenever a resident is transferred to a different facility? ☒ Yes ☐ No

#### 115.233 (c)

- Does the agency provide resident education in formats accessible to all residents, including those who: Are limited English proficient? ☒ Yes ☐ No
- Does the agency provide resident education in formats accessible to all residents, including those who: Are deaf? ☒ Yes ☐ No
- Does the agency provide resident education in formats accessible to all residents, including those who: Are visually impaired? ☒ Yes ☐ No
- Does the agency provide resident education in formats accessible to all residents, including those who: Are otherwise disabled? ☒ Yes ☐ No
• Does the agency provide resident education in formats accessible to all residents, including those who: Have limited reading skills? ☒ Yes  ☐ No

115.233 (d)

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

115.233 (e)

• In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to residents through posters, resident 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, residents 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 resident and staff interviews; I also confirmed this process by visually watching residents being processed into the facility. The residents are provided the opportunity to ask questions on the agencies policies on zero tolerance and reporting procedures. I confirmed the comprehensive education through both resident and staff interviews.

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

The residents sign an acknowledgment form confirming receipt of 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 residents 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 resident 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 facility is substantially compliant with the requirements of this standard, and all provisions.
Standard 115.234: Specialized training: Investigations

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

115.234 (a)
- In addition to the general training provided to all employees pursuant to §115.231, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive 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 115.221(a).)
  ☒ Yes ☐ No ☐ NA

115.234 (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 115.221(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 115.221(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 115.221(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 115.221(a).)
  ☒ Yes ☐ No ☐ NA

115.234 (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 115.221(a).)
  ☒ Yes ☐ No ☐ NA

115.234 (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 115.235: Specialized training: Medical and mental health care

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

115.235 (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? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) ☒ Yes ☐ No ☐ NA

- 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? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) ☒ Yes ☐ No ☐ NA

- 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? (N/A if the agency does not
have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) ☒ Yes ☐ No ☐ NA

- 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? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) ☒ Yes ☐ No ☐ NA

115.235 (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 does not employ medical staff or the medical staff employed by the agency do not conduct forensic exams.) ☐ Yes ☐ No ☒ NA

115.235 (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? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) ☒ Yes ☐ No ☐ NA

115.235 (d)

- Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.231? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.) ☒ Yes ☐ No ☐ NA

- Do medical and mental health care practitioners contracted by and volunteering for the agency also receive training mandated for contractors and volunteers by §115.232? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.) ☒ 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:

All full and part-time medical and mental health care practitioners have been trained 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 through interviews with medical and mental health staff.

The medical staff at the facility does 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 during the review of training rosters at the facility. I also confirmed this training with the medical and mental health staff during interviews.

During the initial audit I found that the training was not taking place on a regular basis, this has been corrected agency wide.

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.
SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

Standard 115.241: Screening for risk of victimization and abusiveness
All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.241 (a)

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

115.241 (b)

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

115.241 (c)

- Are all PREA screening assessments conducted using an objective screening instrument? ☒ Yes ☐ No

115.241 (d)

- Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident has a mental, physical, or developmental disability? ☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: The age of the resident? ☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: The physical build of the resident? ☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident has previously been incarcerated? ☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident’s criminal history is exclusively nonviolent? ☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident 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 residents for risk of sexual victimization: Whether the resident is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the resident about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener’s perception whether the resident 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 residents for risk of sexual victimization: Whether the resident has previously experienced sexual victimization? ☒ Yes ☐ No

• Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: The resident’s own perception of vulnerability? ☒ Yes ☐ No

115.241 (e)

• In assessing residents 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 residents 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 residents 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

115.241 (f)

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

115.241 (g)

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

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

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

• Does the facility reassess a resident’s risk level when warranted due to a: Receipt of additional information that bears on the resident’s risk of sexual victimization or abusiveness? ☒ Yes ☐ No
115.241 (h)  
- Is it the case that residents 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

115.241 (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 resident’s detriment by staff or other residents? ☒ 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 residents are assessed during the intake process; this screening is conducted utilizing the New Hampshire Department of Corrections Prison Rape Elimination Act (PREA) Initial Intake Screening Instrument. This instrument identifies all areas of victimization and abusiveness enumerated in this standard. This was verified through interviews with staff and residents, as well as a review of the completed screening instruments.

During interviews with the intake staff and documentation from the corrective action period at the New Hampshire State Prison for Men, I confirmed that residents transferred from another facility were not being screened.

The screening is part of the initial intake paperwork that is completed upon entry into the facility. All residents assessed by mental health personnel within 14 days of entry into the facility.

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 residents.

The facility is reassessing all residents 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.
Residents 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.

The agency implements control on the dissemination of screening information at the facility level. The information from the screening tools is only available to intake staff, mental health, and administration.

The screening information is forwarded to the Classification Unit in Concord, NH and scanned into the resident electronic file.

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 115.242: Use of screening information

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

115.242 (a)

- Does the agency use information from the risk screening required by § 115.241, with the goal of keeping separate those residents 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 § 115.241, with the goal of keeping separate those residents 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 § 115.241, with the goal of keeping separate those residents 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 § 115.241, with the goal of keeping separate those residents 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 § 115.241, with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments? ☒ Yes ☐ No

115.242 (b)

- Does the agency make individualized determinations about how to ensure the safety of each resident? ☒ Yes ☐ No
115.242 (c)

- When deciding whether to assign a transgender or intersex resident to a facility for male or female residents, does the agency consider on a case-by-case basis whether a placement would ensure the resident’s health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns residents 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 residents, does the agency consider on a case-by-case basis whether a placement would ensure the resident’s health and safety, and whether a placement would present management or security problems? ☒ Yes ☐ No

115.242 (d)

- Are each transgender or intersex resident’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

115.242 (e)

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

115.242 (f)

- 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 residents, does the agency always refrain from placing: lesbian, gay, and bisexual residents in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I residents pursuant to a consent decree, legal settlement, or legal judgement.) ☒ Yes ☐ No ☐ NA

- 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 residents, does the agency always refrain from placing: transgender residents in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I residents pursuant to a consent decree, legal settlement, or legal judgement.) ☒ Yes ☐ No ☐ NA

- 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 residents, does the agency always refrain from placing: intersex residents in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I residents pursuant to a consent decree, legal settlement, or legal judgement.) ☒ 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 utilizes the information from the screening and reassessment to inform housing, bed, work, education, and program assignments with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive. This was confirmed during review of the policy and I confirmed these procedures during staff and resident 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 resident interviews.

I confirmed during policy review and interviews that when 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. I also confirmed that the residents own views would be taken into consideration during these decisions. Through policy and interviews I confirmed that a transgender inmate would be given the opportunity to shower separately from other inmates. This was further confirmed during the interview with the transgender resident.

I confirmed during interviews with mental health that placement and programming assignments for each transgender or intersex resident would be reassessed at least twice each year. This is also addressed in policy.

Neither the agency nor facility place lesbian, gay, bisexual, transgender, or intersex residents in dedicated facilities, or units solely on the basis of such identification or status. This was confirmed during agency level interviews, as well as resident interviews, several residents interviewed at the facility identified as gay, and bisexual.

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.
REPORTING

Standard 115.251: Resident reporting

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

115.251 (a)

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

115.251 (b)

- Does the agency also provide at least one way for residents 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 resident reports of sexual abuse and sexual harassment to agency officials? ☒ Yes ☐ No
- Does that private entity or office allow the resident to remain anonymous upon request? ☒ Yes ☐ No

115.251 (c)

- Do staff members accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties? ☒ Yes ☐ No
- Do staff members promptly document any verbal reports of sexual abuse and sexual harassment? ☒ Yes ☐ No

115.251 (d)

- Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of residents? ☒ 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 residents the information on reporting in the resident manual provided at intake and through signage throughout the facility. The residents can report directly to any staff or through the reporting addresses to the Attorney General’s Office. During the interviews with both staff and residents 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 residents. The policy allows the staff to go outside their immediate chain of command.

I found during the resident interviews that the residents who were interviewed felt that if something was happening, they would feel comfortable telling a staff member at the facility. This confidence in utilizing this reporting avenue shows the overall culture at the facility. Although this statement may not be true for all residents, the agency has provided so many different reporting avenues that a resident should feel comfortable with one of them.

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 115.252: Exhaustion of administrative remedies

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

115.252 (a)

- Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address resident grievances regarding sexual abuse. This does not mean the agency is exempt simply because a resident 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
115.252 (b)

- Does the agency permit residents 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 a resident 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

115.252 (c)

- Does the agency ensure that: A resident 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

115.252 (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 residents in preparing any administrative appeal.) (N/A if agency is exempt from this standard.) ☐ Yes  ☐ No  ☒ NA

- If the agency determines that the 90-day timeframe is insufficient to make an appropriate decision and claims an extension of time (the maximum allowable extension of time to respond is 70 days per 115.252(d)(3)), does the agency notify the resident 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 resident does not receive a response within the time allotted for reply, including any properly noticed extension, may a resident 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

115.252 (e)

- Are third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, permitted to assist residents 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 residents? (If a third-party files such a request on behalf of a resident, 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 resident declines to have the request processed on his or her behalf, does the agency document the resident’s decision? (N/A if agency is exempt from this standard.)
☐ Yes  ☐ No  ☒ NA

115.252 (f)

Has the agency established procedures for the filing of an emergency grievance alleging that a resident 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 a resident 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 resident 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

115.252 (g)

If the agency disciplines a resident for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the resident 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 115.253: Resident access to outside confidential support services

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

115.253 (a)

- Does the facility provide residents with access to outside victim advocates for emotional support services related to sexual abuse by giving residents 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 enable reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible? ☒ Yes ☐ No

115.253 (b)

- Does the facility inform residents, 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

115.253 (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 residents 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 resident would have the ability to utilize the services of the NH DOC PREA Victim Advocate, and Crisis Center of Central Hew Hampshire for victim advocacy. The services that the residents would receive are the same as the level received in the community.

The facility provides contact information to the residents.

All of the information required under this standard and all provisions is provided to the residents; 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 115.254: Third-party reporting**

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

115.254 (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 a resident? ☒ 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 residents to report for other residents 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.

The agency has the following posted on the agency website:

The Federal Prison Rape Elimination Act (PREA) requires that the New Hampshire Department of Corrections provide a method whereby third parties can report incidents of sexual abuse on behalf of an inmate. To make such a report please e-mail preareporting@doc.nh.gov.

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 A RESIDENT REPORT

Standard 115.261: Staff and agency reporting duties

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

115.261 (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 residents 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

115.261 (b)

- Apart from reporting to designated supervisors or officials, do 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

115.261 (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 residents of the practitioner’s duty to report, and the limitations of confidentiality, at the initiation of services? ☒ Yes ☐ No

115.261 (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

115.261 (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 resident.

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 115.262: Agency protection duties**

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

115.262 (a)

- When the agency learns that a resident is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the resident? ✒ 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 agencies policies dictate that when staff learns that a resident is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the resident. The staff interviewed understood their responsibility and all responded that they would immediately take appropriate steps to protect the resident.

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 115.263: Reporting to other confinement facilities

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

115.263 (a)

- Upon receiving an allegation that a resident 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

115.263 (b)

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

115.263 (c)

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

115.263 (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 COMPLAINCE:**

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 115.264: Staff first responder duties**

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

115.264 (a)

- Upon learning of an allegation that a resident 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 a resident 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 a resident 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 a resident 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
115.264 (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.

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 115.265: Coordinated response

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

115.265 (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 115.266: Preservation of ability to protect residents from contact with abusers

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

115.266 (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 residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? ☒ Yes  ☐ No

115.266 (b)

- 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 residents 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 115.267: Agency protection against retaliation

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

115.267 (a)

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

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

115.267 (b)

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

115.267 (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 residents or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by residents 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 residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents 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 resident 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 resident 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 resident 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

115.267 (d)

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

115.267 (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

115.267 (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 resident 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 residents 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.
INVESTIGATIONS

Standard 115.271: Criminal and administrative agency investigations

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

115.271 (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 115.221(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 115.221(a.)) ☒ Yes ☐ No ☐ NA

115.271 (b)

- Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.234? ☒ Yes ☐ No

115.271 (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

115.271 (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

115.271 (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 resident or staff? ☒ Yes ☐ No

- Does the agency investigate allegations of sexual abuse without requiring a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding? ☒ Yes ☐ No
115.271 (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

115.271 (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

115.271 (h)

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

115.271 (i)

- Does the agency retain all written reports referenced in 115.271(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years? ☒ Yes ☐ No

115.271 (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

115.271 (k)

- Auditor is not required to audit this provision.

115.271 (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 115.221(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 115.272: Evidentiary standard for administrative investigations

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

115.272 (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 115.273: Reporting to residents

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

115.273 (a)

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

115.273 (b)

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

- Following a resident’s allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the resident’s unit? ☒ Yes ☐ No

- Following a resident’s allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility? ☒ Yes ☐ No

- Following a resident’s allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility? ☒ Yes ☐ No

- Following a resident’s allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility? ☒ Yes ☐ No

115.273 (d)

- Following a resident’s allegation that he or she has been sexually abused by another resident, 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

- Following a resident’s allegation that he or she has been sexually abused by another resident, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility? ☒ Yes ☐ No

115.273 (e)

- Does the agency document all such notifications or attempted notifications? ☒ Yes ☐ No

115.273 (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 residents states the following:

a. Following the investigation, an investigator shall inform the resident 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 resident.

b. Following a residents allegation of staff-on-offender sexual abuse, an investigator shall subsequently inform the resident (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 a residents 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 residents requirements terminates if the resident 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 115.276: Disciplinary sanctions for staff**

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

115.276 (a)

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

115.276 (b)

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

115.276 (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

115.276 (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 policy in place that address 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. Through policy the staff are subject to disciplinary sanctions up to and including termination, which is the presumptive disciplinary sanction for staff who have engaged in sexual abuse. During the review of investigations throughout the agency I have determined the disciplinary sanctions for violations of policy...
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.

Through investigation review and interviews I confirmed that 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, were investigated criminally and referred for a prosecutorial determination and
if applicable were reported to licensing bodies.

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 115.277: Corrective action for contractors and volunteers

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

115.277 (a)

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with
  residents? ☒ 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

115.277 (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 residents? ☒ 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 policy in place that addresses corrective action for volunteers and contractors who
violate of 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.

Through investigation review and interviews I confirmed that any contractor or volunteer who engages in sexual abuse is prohibited from contact with inmates and reported for a criminal investigation as well as a prosecutorial decision. If the contractor or volunteer is licensed in anyway, the licensing body will be notified. I confirmed with the Warden that any contractor or volunteer who violated the policies would have their security clearance immediately revoked.

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 115.278: Interventions and disciplinary sanctions for residents**

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

115.278 (a)

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

115.278 (b)

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

115.278 (c)

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

115.278 (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 resident to participate in such interventions as a condition of access to programming and other benefits? ☒ Yes ☐ No

115.278 (e)

- Does the agency discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact? ☒ Yes ☐ No
115.278 (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

115.278 (g)

- If the agency prohibits all sexual activity between residents, does the agency always refrain from considering non-coercive sexual activity between residents to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between residents.) ☒ 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

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

The disciplinary process considers whether a resident’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 resident on resident sexual conduct made in good faith based upon a reasonable belief that the alleged resident on resident 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 resident on resident sexual conduct.

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

The audited facility has not disciplined residents 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 115.282: Access to emergency medical and mental health services

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

<table>
<thead>
<tr>
<th></th>
<th>115.282 (a)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Do resident 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?</td>
<td></td>
</tr>
<tr>
<td>☒</td>
<td>Yes</td>
<td>☐ No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>115.282 (b)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>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 § 115.262?</td>
<td></td>
</tr>
<tr>
<td>☒</td>
<td>Yes</td>
<td>☐ No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>115.282 (c)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Are resident 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?</td>
<td></td>
</tr>
<tr>
<td>☒</td>
<td>Yes</td>
<td>☐ No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>115.282 (d)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>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?</td>
<td></td>
</tr>
<tr>
<td>☒</td>
<td>Yes</td>
<td>☐ No</td>
</tr>
</tbody>
</table>

### Auditor Overall Compliance Determination

#### ☒ 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 resident. 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 115.283: Ongoing medical and mental health care for sexual abuse victims and abusers

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

115.283 (a)

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

115.283 (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

115.283 (c)

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

115.283 (d)

- Are resident victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if “all-male” facility. Note: in “all-male” facilities, there may be residents who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.) ☐ Yes ☐ No ☒ NA

115.283 (e)

- If pregnancy results from the conduct described in paragraph § 115.283(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. Note: in “all-male” facilities, there may be residents who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.) ☐ Yes ☐ No ☒ NA
115.283 (f)

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

115.283 (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

115.283 (h)

- Does the facility attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? ☒ 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 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 115.286: Sexual abuse incident reviews

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

115.286 (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

115.286 (b)

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

115.286 (c)

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

115.286 (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 §§ 115.286(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager? ☒ Yes ☐ No
115.286 (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 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 115.287: Data collection**

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

115.287 (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

115.287 (b)

- Does the agency aggregate the incident-based sexual abuse data at least annually? ☒ Yes ☐ No
115.287 (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

115.287 (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

115.287 (e)

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

115.287 (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 115.288: Data review for corrective action

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

115.288 (a)

- Does the agency review data collected and aggregated pursuant to § 115.287 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 § 115.287 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 § 115.287 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

115.288 (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
115.288 (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

115.288 (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 115.289: Data storage, publication, and destruction

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

115.289 (a)  
- Does the agency ensure that data collected pursuant to § 115.287 are securely retained? ☒ Yes ☐ No

115.289 (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

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

115.289 (d)  
- Does the agency maintain sexual abuse data collected pursuant to § 115.287 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 2020 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

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

115.401 (a)
- During the prior three-year audit period, 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? *(Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.)* ☒ Yes ☐ No

115.401 (b)
- Is this the first year of the current audit cycle? *(Note: a “no” response does not impact overall compliance with this standard.)* ☐ Yes ☒ No
- If this is the second year of the current audit cycle, 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 during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.) ☐ Yes ☒ No ☐ NA
- If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.) ☐ Yes ☒ No ☐ NA

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 residents? ☒ Yes ☐ No

115.401 (n)
- Were residents 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 were audited once during the auditing cycle from August 20, 2016, and August 20, 2019. I am contracted to complete all of the New Hampshire Department of Corrections PREA Audits. The PREA Coordinator has created a schedule where one third of each type of facility will be audited per auditing year.

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. The review period is for prior audits completed during the past three years PRECEDING THIS AGENCY AUDIT. 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 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 resident or staff member, except where the names of administrative personnel are specifically requested in the report template.


Auditor Signature

Date

October 9, 2021