

	<b>ROCKINGHAM COUNTY DEPARTMENT OF CORRECTIONS</b>  <b>POLICIES AND PROCEDURES</b>	<b>Policy Number:</b>  4D-1-01	<b>Page:</b>  1 of 10
<b>Policy Title:</b>  Prison Rape Elimination Act (PREA)		<b>Related Standards:</b> ACA #: 4-ALDF-2A-32 & 34 4-ALDF-2C-06, 4-ALDF-4D-22-0 to 22-8, 4-ALDF-6A-07	<b>Chapter:</b> 4 Care
<b>Approved Date:</b> 02/05/2018		<b>Revised Date:</b> 04/21/2020	

## POLICY

The Rockingham County Department of Corrections is committed to establishing a safe and secure environment for inmates and staff, free from all forms of sexual abuse (4-ALDF-6A-07). This shall be accomplished by adhering to county policies, local, state and federal laws, specifically the federal Prison Rape Elimination Act of 2003 (PREA).

## PURPOSE

To establish and enforce standards by which the department will maintain ZERO-TOLERANCE in regard to instances of sexual abuse to include sexual assault, sexual misconduct, sexual harassment and voyeurism. These standards shall apply to all inmates, staff, civilians and contractors who fall under the jurisdiction of the Rockingham County Department of Corrections.

## DEFINITIONS

### Prison Rape Elimination Act (PREA)

The Prison Rape Elimination Act of 2003 (PREA) is a federal initiative to establish a nationwide standard of zero tolerance for incidence of inmate and offender sexual assault, sexual harassment and rape. Further, the legislation makes the prevention of inmate and offender sexual assault, sexual harassment and sexual misconduct a top priority in penal institutions and under community supervision. The legislation also sets data collection and reporting standards that will be mandated once they are developed.

### Sexual Assault

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

## Sexual Abuse

All forms of sexual assault, sexual misconduct, sexual contact, sexual harassment and voyeurism between inmates, inmates and staff, inmates and civilians or inmates and contractors shall be considered sexual abuse. For the purpose of this definition, the Rockingham County Department of Corrections DOES NOT acknowledge the right to consent to such acts by any inmate, staff member, civilian or contractor.

- A. Sexual Abuse (Inmate or detainee with another inmate or detainee). Sexual abuse between inmates or detainees is when any of the following prohibited behaviors have been performed on an inmate or detainee by another inmate or detainee. Furthermore, sexual abuse has occurred when the victim is coerced into such act by overt or implied threats of violence or is unable to consent or refuse.
1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  2. Contact between the mouth and the penis, vulva, or anus;
  3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; with the intent to abuse, arouse, or gratify sexual desire;
  4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- B. Sexual Abuse (Inmate or detainee with any staff member, contractor, or volunteer). Sexual abuse between inmates or detainees is when any of the following prohibited behaviors have been performed on an inmate or detainee by any staff member, contractor, or volunteer.
1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  2. Contact between the mouth and the penis, vulva, or anus;
  3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
  4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
  5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
  6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
  7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate or detainee;
  8. Any act of Voyeurism by a staff member, contractor, or volunteer.

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### Sexual Misconduct

The intentional exposing or touching of one's own or another's buttocks, breast, or groin area in an inappropriate manner for sexual gratification or harassment. Also, any hand or body movements of a sexually explicit nature which are performed for sexual gratification or harassment.

### Sexual Harassment

The repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate or detainee directed toward another inmate or detainee.

### AND

The repeated verbal comments or gestures of a sexual nature to an inmate or detainee by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

### Voyeurism

The act of gaining sexual pleasure from watching another person in various stages of nakedness during periods of dressing, showering, sleeping, toileting, etc.

### Sexual Assault Response Team (SART)

A specialized team of "In House" individuals comprised of the PREA Coordinator, Chaplain, Human Services Director and select Human Services and Contracted Medical personnel. The SART will be made available to victims of sexual assault on an "As Needed" or "As Requested" basis. Rockingham County Victims Advocate Services are available, through the Rockingham County Attorney's office, upon being released from custody.

### Video monitoring system

An integrated security system consisting of installed cameras monitored by officers, which augments and/or enhances the ability of employees to provide the sight supervision necessary to prevent, detect, contain, and respond to incidents of sexual abuse.

## **PROCEDURE A: General Guidelines**

1. All inmates under the jurisdiction of the Rockingham County Department of Corrections will receive written and verbal notification on how to report instances of sexual abuse and sexual harassment (4-ALDF-4D-22).
2. Staff members will be provided PREA information and trained on the PREA policy during new hire orientation and periodically during annual in-service training periods. This training shall include the PREA policy, any updated information to the PREA act, responsibilities and how to proceed once a sexual abuse complaint is made.
3. All inmates will receive a sexual assault awareness handout as part of the booking procedure and prior to being housed in general population. Inmate safety forms (Attachment 3) will be completed during the classification interview and made part of the inmate's permanent record (4-ALDF-4D-22).

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4. Upon arrival, all inmates will be screened to determine potential vulnerabilities to sexual abuse. These vulnerabilities may include being a woman, identifying as LGBTQIA, having mental or physical disabilities, limited English, physically weak, recovering from an injury, intoxicated or accused of certain crimes (4-ALDF-4D-22-1). In addition, all inmate files, transfer packets, and criminal history information will be reviewed during the intake process to identify potential vulnerabilities, behavioral issues and sexually aggressive behaviors (4-ALDF-4D-22-3). The Shift Supervisor, Safety and Security Lieutenant, Classification Officer and Mental Health Counselor (as needed) shall be notified whenever these issues have been identified.
5. The following notification shall be made immediately whenever a complaint of sexual abuse or sexual harassment is reported, identified or observed:
  - A. Discovering officer will notify the Shift Supervisor and a preliminary investigation shall begin.
  - B. Shift Supervisor will notify the Safety and Security Lieutenant, Medical Department, Deputy Superintendent (Major), Superintendent, Mental Health, Chaplain and the Exeter Hospital (if needed).
  - C. The Safety and Security Lieutenant, based on the severity and nature of the abuse, shall notify the Sexual Assault Response Team (SART) as well as the Rockingham County Sheriff's Department and Rockingham County Attorney's office.
  - D. If the complaint involves an RCDC staff member, the Safety and Security Lieutenant will be immediately notified.
  - E. If the complaint involves an outside agency or contractor, the Safety and Security Lieutenant will be immediately notified along with the outside agency's or contractor's supervisor. A written notification will also be provided. This notification will minimally include the agency or company's name, name of accused, rank (if applicable), person notified, date and time.
6. All reports of sexual abuse or sexual harassment shall be accepted from inmates in a private, secure manner. Inmates may report sexual abuse to any trusted Staff member, "On Duty" personnel (4-ALDF-4D-22-7) or by use of the PREA Hotline. Staff members will also take any report of staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse. All forms of reporting: verbal, written, anonymous, and from third parties will be immediately documented on an incident report form. All information related to a sexual abuse or sexual harassment report shall be kept confidential.
7. If the facts of an alleged sexual abuse or sexual harassment require resources that the Rockingham County Department of Corrections does not have, the Rockingham County Sheriff's office is to be notified immediately and they will be the lead agency in the investigation. The Safety and Security Lieutenant will investigate all anonymous, and third-party complaints of alleged sexual abuse made against members of the agency or third party and anonymous complaints made against other inmates.

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8. Protection Against Retaliation.

- A. No inmate, staff member or contractor shall be retaliated against, in any manner, for reporting an allegation or cooperating with an investigation of sexual abuse or sexual harassment. Acts of retaliation originating from a report of Sexual Abuse or Sexual Harassment shall be immediately reported to the Shift Supervisor.
- B. The Safety and Security Lieutenant will assign a member of the Supervisory staff to monitor for signs of retaliation whenever a report of sexual abuse or sexual harassment is received.
- C. Retaliation monitoring shall continue for at least 90 days or until signs of retaliation are no longer present (whichever is longer). Items to be monitored shall include disciplinary reports, changes in housing or programming, negative performance reviews and the reassignment of staff. Retaliation monitors shall check in with alleged inmate victims on a weekly basis.
- D. Retaliation Monitoring shall terminate if the investigation reveals that the allegation is UNFOUNDED.
- E. Appropriate safety protection measures will be taken, as determined by the Safety and Security Lieutenant, to protect any other individual who cooperates with an investigation and expresses a fear of retaliation.
- F. Examples of safety protection measures may include housing changes or transfers for inmate victims or abusers, reassignment of staff to prevent contact with victims and providing emotional support services,

**PROCEDURE B: Discovery of Acute, In Progress or Recent (within 5 days) Sexual Abuse**

1. Upon discovery of Acute, In Progress or Recent sexual abuse or sexual harassment, immediately separate the victim and assailant. Call for "Back Up" (as needed) and notify the Shift Supervisor (4-ALDF-4D-22-4). Once notified, the Shift Supervisor is responsible for initiating the use of the "Sexual Assault Emergency Checklist (Attachment 1)" and may direct several steps of this procedure to be done simultaneously.
2. If non correctional staff are the first to discover or respond to Acute, In Progress or Recent sexual abuse or sexual harassment, they shall immediately notify the Shift Supervisor and advise the alleged victim not to take any actions that could destroy physical evidence (i.e. washing, brushing teeth, changing clothes, etc).
3. The first Correctional staff member to respond shall render 1<sup>st</sup> Aid (as needed) and shall request and ensure that the alleged victim does not take any actions that could destroy physical evidence (i.e. washing, brushing teeth, toileting, changing clothes, etc). The officer will then escort the victim to the infirmary for medical attention.
4. If the first Correctional staff member to respond believes that the time period since the abuse occurred is such that physical evidence could still be available, they should take custody of the assailant / abuser and ensure that no attempt to destroy evidence occurs (i.e. washing, brushing teeth, changing clothes, etc) until evidence may be collected as outlined in Procedure A: Evidence Collection (4-ALDF-2C-06).
5. Place the alleged assailant / abuser in separate housing (with water to cell secured) and gather evidence as outlined in Procedure D: Evidence Collection (4-ALDF-2A-34, 4-ALDF-2C-06).

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6. Secure the scene of the assault and consider it a crime scene by:
  - A. Locking down the effected block or area.
  - B. If the crime scene can be isolated by a door (i.e. inmate cell, closet, office) then secure and lock the door. If the area cannot be isolated by a door, tape off the area or place physical barriers, as needed, to prevent access.
  - C. Document all subsequent access to the scene.
7. Replace the victim's clothing, securing the original clothing as evidence, as outlined in Procedure A: Evidence Collection (4-ALDF-2C-06).
8. As directed by the Medical Department, have the victim transported to Exeter Hospital for further medical treatment and evidence collection (4-ALDF-4D-22-6). Transportation will be provided by the Rockingham County Sheriff's Department or Department of Corrections. Evidence collection will be gathered by a Sexual Assault Nursing Examiner (SANE nurse) as contracted by the Exeter Hospital or Emergency Treatment Facility.
9. Begin a preliminary investigation by (4-ALDF-4D-22-2):
  - A. Attempting to identify additional assailants or witnesses.
  - B. Documenting any relevant witness comments.
  - C. Identifying any "non-inmates" who may have been nearby during the assault.
10. Upon the completion of a medical examination and evidence collection or returning to the facility, the victim shall be housed in booking until a Mental Health Assessment can be conducted. The victim will not be placed in open population or returned to previous housing until interviewed by Classification and/or the Safety and Security Lieutenant (4-ALDF-2A-32).
11. The Safety and Security Lieutenant will house the alleged assailant separately from the victim and place them in a single movement classification for the duration of the investigation and until it is determined that a threat to other inmates no longer exists (4-ALDF-2A-32).
12. All incident reports regarding sexual abuse will be completed prior to the end of duty in accordance with policy 3A-1-04 "Incident & Informational Reports".

**PROCEDURE C: Discovery of Subsequent (beyond 5 days) Sexual Abuse**

1. The majority of sexual abuse issues are not immediately reported but are detected through subsequent observations and reports by others. Action must be taken immediately upon discovery of an incident of subsequent sexual abuse or sexual harassment to protect the victim or victims. In this event, the Shift Supervisor and Safety and Security Lieutenant must be notified immediately.
2. If non correctional staff are the first to discover or respond to subsequent (beyond 5 days) sexual abuse or sexual harassment, they shall immediately notify the Shift Supervisor.
3. Once notified, the shift supervisor is responsible for initiating the use of the "Sexual Assault Emergency Checklist (Attachment 1)" and may direct several steps of this procedure to be done simultaneously.

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4. Escort the alleged victim to the infirmary for medical attention.
5. Place the alleged assailant in separate housing (4-ALDF-2A-32).
6. Begin a preliminary investigation by (4-ALDF-4D-22-2):
  - A. Attempting to identify additional assailants or witnesses.
  - B. Documenting any relevant witness comments.
  - C. Identifying any “non-inmates” who may have been nearby during the assault.
7. Upon the completion of a medical examination, the victim shall be housed in booking until a Mental Health Assessment can be conducted. The victim will not be placed in open population or returned to previous housing until interviewed by Classification and/or the Safety and Security Lieutenant (4-ALDF-2A-32).
8. The Safety and Security Lieutenant will house the alleged assailant separately from the victim and place them in a single movement classification for the duration of the investigation and until it is determined that a threat to other inmates no longer exists (4-ALDF-2A-32).
9. All incident reports regarding sexual abuse will be completed prior to the end of duty in accordance with policy 3A-1-04 “Incident & Informational Reports”.

#### **PROCEDURE D: Evidence Collection**

1. Policy 2C-2-01 “Evidence & Contraband Collection & Preservation” shall be adhered to for all evidence collection associated with a sexual assault; specifically (4-ALDF-2C-06):
  - A. Officers should always wear powder free gloves when collecting and packaging evidence.
  - B. Officers should always change gloves between specimen collections.
  - C. Clothing and bedding gathered for evidence must be placed in paper bags or cardboard boxes and sealed with tape not staples.
  - D. All wet evidence should be dried prior to packaging, whenever possible.
  - E. In the event that wet evidence needs to be collected, place the wet evidence in a paper bag or cardboard box, and then place the bag or box in a plastic bag ensuring that ventilation holes are created in the plastic bag.
  - F. Urine specimens obtained should be sealed in a biohazard bag then placed in a paper bag. Do not store urine specimens in the evidence kit.
  - G. Never seal envelopes by licking them with your saliva. Use tape or self-sealing envelopes.
  - H. Always maintain a chain of custody with each piece of evidence collected.
2. If the sexual assault occurred within 5 days of the examination, then it should be considered acute and an evidence collection kit should be used. If it is determined that the assault took place more than 5 days before the examination the use of an evidence collection kit is generally not necessary.

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3. Data on investigations of this type will be collected through the incident report system to be used internally and to be filed with the U.S. Department of Justice, in accordance with federal PREA guidelines.
4. Copies of all investigative reports and exhibits, upon completion, will be forwarded to the County Attorney's Office, who will be responsible for reporting to the U.S. Department of Justice.

### **PROCEDURE E: Investigations and Reporting**

1. All personnel assigned or designated to perform sexual assault or sexual harassment investigations shall be trained investigators who have, minimally, completed training in "Conducting Sexual Abuse Investigations in Confinement Settings.
2. All staff members will cooperate fully with all investigations (4-ALDF-4D-22-2).
3. All complaints of sexual abuse or sexual harassment shall be investigated by the Safety and Security Lieutenant or designee (4-ALDF-4D-22-2). Both Administrative and Criminal investigations will be conducted until their completion. Administrative investigations concerning RCDC staff members shall not be concluded based upon a separation of service and will continue until a finding is reached. A preponderance of the evidence shall be the standard for determining whether an allegation is "Founded" or "Substantiated".
  - A. If the investigation reveals that the said complaint is "Founded" or "Substantiated", then the violator(s) shall be subject to disciplinary action and possible criminal prosecution (4-ALDF-4D-22-5).
  - B. If the investigation reveals that the said complaint is "Unfounded" or "Unsubstantiated", then the complainant(s) shall be subject to disciplinary action and possible criminal prosecution (4-ALDF-4D-22-5).
4. If the Safety and Security Lieutenant or designee believes that a "Founded" complaint involves potentially criminal behavior, a request for a criminal investigation shall be filed (within 24 hours) with the law enforcement agency outlined in Procedure E-5.
  - A. Additionally, the Safety and Security Lieutenant, or designee, shall be responsible for cooperating fully with the investigating agency, making any evidence or collected information available, allowing for inmate interviews and providing a secure location for them to be held as well as complying with additional requests (as needed).
  - B. The Rockingham County Sheriff's will be responsible for performing the investigation in accordance with NH Statute "Title VII – Sheriffs, Constables & Police Officers; Section 104: Sheriffs and Constables, paragraph 104:6 (I) Powers.
  - C. The NH State Police will be responsible for performing the investigation in accordance with NH Statute "Title VII – Sheriffs, Constables & Police Officers; Section 106: Sate Police, paragraph 106-B:12 Authorities and Duties.
5. The Rockingham County Sheriff's Department will be the lead agency for all criminal sexual assault or sexual harassment investigations. If the complaint is against a member of the Sheriff's department, the New Hampshire State Police will be the lead agency.



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6. The Safety and Security Lieutenant will investigate all third-party reports of sexual abuse or sexual harassment involving members of this agency or against other inmates. At the conclusion of the investigation, the Safety and Security Lieutenant will notify, in writing, the third-party individual who reported the abuse and the individual named in the third-party report of the investigation results (4-ALDF-4D-22-2).
7. When the Rockingham County Department of Corrections receives an inmate complaint of sexual abuse or sexual harassment that occurred at another facility, the Superintendent will notify the head of the facility or agency where the alleged abuse occurred. This notification shall be documented and made as soon as possible, but no later than 72 hours after receiving the allegation. The head of the facility where the alleged abuse occurred shall then be responsible for the investigation and reporting (4-ALDF-4D-22-2).
8. All investigation report notifications or attempted notifications to inmates or staff members, associated with Sexual Assault allegations, will be documented and securely stored by the PREA Coordinator.
9. Once an investigation of inmate sexual abuse is determined to be Substantiated, Unsubstantiated, or Unfounded, the inmate alleging the abuse shall be notified of the finding. If an outside agency performed the investigation, the PREA Coordinator will obtain the resolution from the outside agency and perform the inmate notification.
10. Inmate allegations of sexual abuse against a staff member will require notifications, unless the allegation is determined to be unfounded, whenever:
  - A. The staff member is not assigned to the inmate's housing unit,
  - B. The staff member is no longer employed by the facility,
  - C. The staff member has been indicted on a charge related to the sexual abuse allegation,
  - D. The staff member has been convicted on a charge related to the sexual abuse allegation
11. Inmate allegations of sexual abuse against another inmate will require notifications whenever the facility learns that:
  - A. The alleged abuser has been indicted on a charge related to the sexual abuse allegation,
  - B. The alleged abuser has been convicted on a charge related to the sexual abuse allegation
12. Inmate notifications will terminate once the inmate is released from custody.

#### **PROCEDURE F: Incident Reviews, Data Collection and Storage**

1. Sexual abuse incident reviews
  - A. A sexual abuse incident review will take place at the conclusion of every "Substantiated" sexual abuse investigation.
  - B. The Rockingham County Department of Corrections will treat all instances of sexual abuse as critical incidents to be examined by a "Critical Incident Review Team". This review team shall consist of at least three (3) Command Staff members (one of which is the PREA Coordinator), with input from line supervisors and investigators.

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- C. This critical Incident review shall normally take place within 30 days of the conclusion of the investigation. The Critical Incident Review Team will then prepare a report of its findings to include recommendations for improvement. This report will then be filed with the Superintendent, Major and PREA Compliance Manager.
- D. The review team shall consider the following during the critical incident review:
- i. The need to change policy or practice to better prevent, detect, and/or respond to incidents of sexual abuse.
  - ii. whether incidents were motivated by racial or group dynamics, gang affiliations, or LGBTQIA orientations (actual or perceived).
  - iii. Physical layout of the facility in the area the abuse occurred.
  - iv. Adequacy of staffing levels,
  - v. The use of additional monitoring technology
- E. The Critical Incident Review Team's improvement recommendations shall be implemented or the reasons they are not implemented will be documented and filed with the Superintendent, Major and PREA Compliance Manager.
2. Data Collection and Storage (4-ALDF-4D-22-8)
- A. The PREA Coordinator / Safety and Security Lieutenant will collect accurate, uniform data for every reported incident of sexual abuse using the "Offender Protection Investigation Form: Investigation Details (Attachment 2)". This standardized form is also located at the following link: (<http://bjs.ojp.usdoj.gov/index.cfm?ty=dcdetail&iid=406>).
- B. The incident-based data collected on the "Offender Protection Investigation Form: Investigation Details (Attachment 2)" should include, at a minimum, the data necessary to answer all questions from the most recent version of the Bureau of Justice Statistics (BJS) Survey on Sexual Violence that will be downloaded from the following link:  
(<http://bjs.ojp.usdoj.gov/index.cfm?ty=dcdetail&iid=406>).
- This data is obtained from multiple sources, including reports, investigation files, and sexual abuse incident files. This data will be aggregated annually and recorded on a copy of the "Annual Sexual Assault Aggregate Data Review / Annual Report (Attachment 4).
- C. The Critical Incident Review Team shall meet annually to complete the Annual Sexual Assault Aggregate Data Review / Annual Report (Attachment 4). To include a copy of Addendum A for each facility contracted by the Rockingham County Department of Corrections for the housing of inmates. This report shall be approved by the Superintendent and posted annually on the county website.
- D. The PREA Coordinator / Safety and Security Lieutenant will ensure all collected sexual abuse data is properly stored, securely retained, protected and entered into the PREA Investigative Module, and documented using the "Sexual Assault Emergency Checklist (Attachment 1)" and the "Offender Protection Investigation Form: Investigation Details (Attachment 2)".
- E. The data shall be retained for ten years from the date the investigation is completed.

**SEXUAL ASSAULT EMERGENCY CHECKLIST**  
**(Attachment 1: Policy 4D-1-01 "PREA")**

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

<i>It is the Shift Supervisor's Responsibility to initiate the use of this form.</i>				
<b>ACTIONS REQUIRED BY STAFF</b>	<b>DATE:</b>	<b>TIME:</b>	<b>STAFF MEMBER</b>	<b>N/A</b>
Immediately separate the victim and assailant (if known).				
Notify the Shift Supervisor and lock down the affected housing unit.				
Render 1st Aid as needed. Notify the Medical Department by announcing "CODE: 1 Medical Back up" or calling ext. 9506 (as appropriate).				
Secure the scene of the assault. Treat it as a crime scene. Document all access.				
Replace victims clothing, securing original clothing as evidence per Policy 2-C2-01 Evidence Collection				
Transport victim to the Exeter Hospital for further treatment and evidence collection				
Attempt to identify possible suspects, securing them separately (have water secured to these cells).				
Document relevant witness comments.				
Identify all non-inmates who were present, for subsequent questioning & debriefing by the Safety and Security Lieutenant.				
The Shift Supervisor will perform the following notifications:				
Safety and Security Lieutenant				
Deputy Superintendent (Major)				
Superintendent				
Chaplain				
Mental Health Counselor				
Victim is escorted at all times until transported to the Hospital. If hospitalization is not needed, victim will be housed in booking until interviewed by Classification and Mental Health.				
Upon returning to the facility, victim will be housed in booking until interviewed by Classification and Mental Health.				
Safety and Security Lieutenant shall notify the Rockingham County Sheriff's Department and County Attorney's office.				

**OFFENDER PROTECTION INVESTIGATION FORM: INVESTIGATION DETAILS**  
**(Attachment 2: Policy 4D-1-01 "PREA")**

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

Offender Name: \_\_\_\_\_ Inmate #: \_\_\_\_\_

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

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

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

Where did the incident occur? \_\_\_\_\_

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

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

How was the incident reported? (Check one)

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

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

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

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

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

Has offender previously been assigned to Safekeeping, Administrative Segregation or Protective Custody?  
 No  Yes.

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

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

Was any physical or written evidence presented?  No  Yes.

If Yes, please describe: \_\_\_\_\_  
\_\_\_\_\_

Were any staff members interviewed?  No  Yes.

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**OFFENDER PROTECTION INVESTIGATION FORM: INVESTIGATION DETAILS  
(Attachment 2: Policy 4D-1-01 "PREA")**

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

OFFENDER WAIVER STATEMENT

I AM REQUESTING THAT NO FURTHER ACTION BE TAKEN BY THE CLASSIFICATION UNIT REGARDING MY REQUEST FOR SAFEKEEPING, ADMINISTRATIVE SEGREGATION, PROTECTIVE CUSTODY, TRANSFER OR OTHER \_\_\_\_\_(CIRCLE ONE).

THE SITUATION HAS BEEN RESOLVED AND I NO LONGER REQUIRE PROTECTION / TRANSFER. I UNDERSTAND THAT THE ALLEGATIONS I MADE WHICH RESULTED IN THIS INVESTIGATION WILL NOT BE INVESTIGATED AGAIN UNLESS THERE IS NEW EVIDENCE THAT SHOULD WARRANT ANOTHER INVESTIGATION. BY MY SIGNATURE BELOW, I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THE ABOVE STATEMENT AND I AM SIGNING THIS STATEMENT OF MY OWN FREE WILL.

\_\_\_\_\_  
INMATE SIGNATURE

\_\_\_\_\_  
INMATE #

\_\_\_\_\_  
DATE

=====

INVESTIGATORS:

SIGNATURE: \_\_\_\_\_

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

REVIEW BY SUPERINTENDENT / DESIGNEE:

SIGNATURE: \_\_\_\_\_

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

**INMATE SAFETY FORM**  
**(Attachment 3: Policy 4D-1-01 "PREA")**

**I. Steps you can take to reduce the possibility of sexual assaults while incarcerated:**

- Choose your associates wisely. Look for people who are involved in positive groups and activities.
- Avoid being alone.
- Do not accept gifts or favors from other inmates. Most gifts come with a string attached.
- Do not accept offers from other inmates to be your "protector".
- Avoid borrowing and becoming indebted to someone.
- Find a staff person with whom you feel comfortable discussing your concerns about sexual misconduct.
- Be alert! Contraband substances such as drugs and alcohol weaken your ability to stay alert and make good judgments.
- Be direct and firm if others ask you to do something you do not want to do.
- Trust your instincts. If you sense a situation is dangerous, it probably is.

**II. What to do if you are assaulted:**

**Report sexual misconduct:**

Sexual misconduct (by staff or inmates) is prohibited, but it must be reported before action can be taken. Do not rely on anyone else to report misconduct. When it is experienced or seen, report it immediately.

To make sure that sexual misconduct is reported, the Rockingham County Department of Corrections has several ways to do so with confidentiality. Inmates may use the reporting method with which they are most comfortable.

- Find a staff member (e.g. corrections officer, medical personnel, chaplain, etc.) with whom you are comfortable and tell them what happened. As part of their job, staff is required to report any allegations, ensure inmate safety and maintain confidentiality.
- Send a confidential Inmate Request Slip to the Superintendent or designee.
- Place a call on the PREA hot line.

**INMATE SAFETY FORM  
(Attachment 3: Policy 4D-1-01 "PREA")**

**Seek medical attention:**

If the sexual incident was recent, you will be asked to consent to a sexual assault exam by a qualified health care professional. Your consent is needed for this type of exam. Even though you may want to clean up after the assault, it is important that you advise staff immediately or as soon as practical and be seen by medical staff before you shower, wash, drink or change clothing or use the bathroom. Medical staff will examine you for injuries that may or may not be obvious to you. They may also perform further examinations to gather physical evidence of the assault and to check for sexually transmitted diseases. You have the right to refuse any examination however, if you have been the victim of sexual misconduct, it is critical you allow staff or medical professionals to collect as much evidence as possible.

You can receive pregnancy testing and medical attention for any injuries without submitting to a sexual assault examination. The medical care is for the purpose of treating injuries and keeping you healthy. Medical information gathered during treatment is confidential. You must sign a medical release in order for the medical information to be used as evidence in sexual misconduct. You have the right to refuse to sign the medical release. You also have the right to receive support services.

Any form of sexual misconduct is degrading and may result in psychological distress. Victims should seek appropriate treatment. Mental health personnel at the Rockingham County Department of Corrections are available to help you recover from the emotional impact of sexual assault.

**III. What happens to reports of sexual misconduct?**

**Investigation:**

All allegations of sexual misconduct, sexual harassment, over-familiarity and retaliation will be investigated.

Retaliation is intimidation to prevent an inmate from filing a complaint or participating in an investigation of sexual misconduct. The Rockingham County Department of Corrections prohibits anyone from interfering with an investigation, including by intimidation or retaliation against witnesses or victims. Any form of retaliation should be reported to the Superintendent or the investigator.

**Possible outcomes of an investigation:**

A thorough investigation takes time. The investigation must clearly support or refute any allegations with evidence, information gathered from witnesses and documentation.

After the investigation is completed, one of the following decisions will be reached:

- There is sufficient evidence to conclude the allegation is true
- There is insufficient evidence to conclude the allegation is true



**INMATE SAFETY FORM**  
**(Attachment 3: Policy 4D-1-01 "PREA")**

- The allegation is unfounded. This means that the evidence shows that the person reporting the sexual misconduct made a false allegation. If the investigation proves that the allegation is false, the person who made the allegation is subject to corrective action, including discipline.
- There is not enough evidence to prove that the allegation is true, but there is evidence to prove that another law, policy or rule was violated.

Anyone who sexually abuses or assaults an inmate or staff member will be disciplined and may be criminally prosecuted. Discipline and criminal prosecution are more likely to be successful if the abuse is reported immediately; but regardless of when the assault occurred, it should be reported.

I have read and received a copy of this document.

\_\_\_\_\_  
Inmate Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Staff Signature

\_\_\_\_\_  
Date

**Annual Sexual Assault Aggregate Data Review / Annual Report  
(Attachment 4: Policy 4D-1-01 "PREA")**

The Rockingham County Departments of Corrections investigates ALL reports of Sexual Assault and Sexual Harassment as required by PREA standard §115:22 and other federal, state, and local laws.

A copy of "Addendum A -Contracted Facility Aggregate Data" shall be attached for each facility contracted by the Rockingham County Department of Corrections for the housing of inmates during this calendar year.

The following aggregate data is for the calendar year ending on December 31, \_\_\_\_\_.

INMATE / INMATE

Sexual Abuse Investigations:

Sexual Harassment Investigations:

Substantiated- \_\_\_\_\_  
Unsubstantiated- \_\_\_\_\_  
Unfounded- \_\_\_\_\_  
On-going- \_\_\_\_\_  
Total= \_\_\_\_\_

Substantiated- \_\_\_\_\_  
Unsubstantiated- \_\_\_\_\_  
Unfounded- \_\_\_\_\_  
On-going- \_\_\_\_\_  
Total= \_\_\_\_\_

STAFF / INMATE

Sexual Abuse Investigations:

Sexual Harassment Investigations:

Substantiated- \_\_\_\_\_  
Unsubstantiated- \_\_\_\_\_  
Unfounded- \_\_\_\_\_  
On-going- \_\_\_\_\_  
Total= \_\_\_\_\_

Substantiated- \_\_\_\_\_  
Unsubstantiated- \_\_\_\_\_  
Unfounded- \_\_\_\_\_  
On-going- \_\_\_\_\_  
Total= \_\_\_\_\_

Review Team Annual Summary:

A sexual abuse incident review takes place at the conclusion of every "Substantiated" sexual abuse investigation. The Review Team's improvement recommendations and implementation status, for this calendar year, are summarized below:

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**Annual Sexual Assault Aggregate Data Review / Annual Report  
(Attachment 4: Policy 4D-1-01 "PREA")**

The following aggregate data is for the previous calendar year ending on December 31, \_\_\_\_\_ and is furnished for the purpose of providing a progress assessment in accordance with PREA Standard §115:88 (b).

INMATE / INMATE

Sexual Abuse Investigations:

Substantiated- \_\_\_\_\_  
Unsubstantiated- \_\_\_\_\_  
Unfounded- \_\_\_\_\_  
On-going- \_\_\_\_\_  
Total= \_\_\_\_\_

Sexual Harassment Investigations:

Substantiated- \_\_\_\_\_  
Unsubstantiated- \_\_\_\_\_  
Unfounded- \_\_\_\_\_  
On-going- \_\_\_\_\_  
Total= \_\_\_\_\_

STAFF / INMATE

Sexual Abuse Investigations:

Substantiated- \_\_\_\_\_  
Unsubstantiated- \_\_\_\_\_  
Unfounded- \_\_\_\_\_  
On-going- \_\_\_\_\_  
Total= \_\_\_\_\_

Sexual Harassment Investigations:

Substantiated- \_\_\_\_\_  
Unsubstantiated- \_\_\_\_\_  
Unfounded- \_\_\_\_\_  
On-going- \_\_\_\_\_  
Total= \_\_\_\_\_

Sexual Abuse Improvement Assessment:

Based on a comparison of corrective actions and implementation progress:

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Approved by,

\_\_\_\_\_  
RCDC Superintendent

**Annual Sexual Assault Aggregate Data Review / Annual Report  
(Attachment 4: Policy 4D-1-01 "PREA")**

**Addendum A – Contracted Facility Aggregate Data**

The following Aggregate data is supplied by the \_\_\_\_\_ County Department of Corrections for the calendar year ending December 31, \_\_\_\_\_ as this agency was contracted during this time period by the Rockingham County Department of Corrections for the housing of inmates.

INMATE / INMATE

Sexual Abuse Investigations:

Substantiated- \_\_\_\_\_  
Unsubstantiated- \_\_\_\_\_  
Unfounded- \_\_\_\_\_  
On-going- \_\_\_\_\_  
Total= \_\_\_\_\_

Sexual Harassment Investigations:

Substantiated- \_\_\_\_\_  
Unsubstantiated- \_\_\_\_\_  
Unfounded- \_\_\_\_\_  
On-going- \_\_\_\_\_  
Total= \_\_\_\_\_

STAFF / INMATE

Sexual Abuse Investigations:

Substantiated- \_\_\_\_\_  
Unsubstantiated- \_\_\_\_\_  
Unfounded- \_\_\_\_\_  
On-going- \_\_\_\_\_  
Total= \_\_\_\_\_

Sexual Harassment Investigations:

Substantiated- \_\_\_\_\_  
Unsubstantiated- \_\_\_\_\_  
Unfounded- \_\_\_\_\_  
On-going- \_\_\_\_\_  
Total= \_\_\_\_\_