



**New Hampshire Division for Children, Youth and Families Policy Manual
2055 PREA – IMMEDIATE RESPONSE TO SEXUAL ABUSE AND FIRST
RESPONDER DUTIES**

Chapter: Sununu Youth Services Center

Section: Safety and Security

Approved:

Joseph E. Ribsam, Jr., DCYF Director

Policy Directive: **22-25**

Effective Date: **February 2022**

References Of Note

Federal Authority: [28 CFR Part 115](#)

Statutes: [RSA 621](#) and [RSA 621-A](#)

Administrative Rules: [PER 1002](#)

Case Law:

This policy establishes the John H. Sununu Center (SYSC) written plan to coordinate actionsⁱ taken in the immediate response to an incident of sexual abuse and specify staff duties in keeping with the provisions of the Prison Rape Elimination Act (PREA).

Required Practices

Any deviations to the following information must be documented with Supervisory Approval.

- I. Staff responding to a report of the sexual abuse of a youth will:
 - A. Verbally command the alleged abuser to stop (if there is an active assault), call for assistance, and contact the On-Duty Supervisor immediately;
 1. The On-Duty Supervisor will notify the Medical Department and SYSC Administrator or designee; and
 2. The alleged victim and abuser must be separated immediately or as soon as possible, and will remain separated for the duration of any ensuing investigationⁱⁱ;
 - B. Preserve and protect any crime scene until appropriate steps can be taken to collect evidence by the responding Law Enforcement Agencyⁱⁱⁱ;
 1. Ensure no one enters or leaves the scene after the alleged victim and alleged abuser are separated until otherwise directed by the On-Duty Supervisor.
 - C. If the abuse occurred within the past 120-hours (5-days), request that the alleged victim not take any actions that could destroy physical evidence. This includes washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating^{iv}.
 1. The restriction on these activities is not necessary if the abuse is reported to have occurred more than 120 hours (5-days) prior;

- D. If the first staff responder is not a Youth Counselor, Supervisor or Administrator, request that the alleged victim not take any actions that could destroy physical evidence, and notify the On-Duty Supervisor immediately^v;
 - E. NOT collect evidence;
 - 1. If you are a first responder to an incident, limit your questions to immediate safety and *do not ask for details of the incident*;
 - 2. Once the alleged victim is medically stabilized, questions should be limited to the following and documented on Reporting Form for Sexual Abuse, Sexual Harassment, and Retaliation (Form 2055);
 - (a) When did the abuse occur? Establish if the incident is recent;
 - (b) Where did the abuse occur? Ensure the scene is secure;
 - (c) Who perpetrated the abuse?
 - (d) When was the last time you showered? and
 - (e) Have you changed clothes since the abuse, if so, where are the clothes?
 - F. Escort the alleged victim to the Medical Department;
 - 1. The Supervisor On-Duty or Medical staff will ensure victim advocacy services are offered, then notified and made accessible to the youth as requested by the youth;
 - G. Request the alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating^{vi};
 - 1. As noted above, the collection of physical evidence is viable if the abuse occurred within the past 120 hours (5 days);
 - 2. The restriction on these activities is not necessary if the abuse is reported to have occurred more than 120 hours (5 days).
- II. Medical staff will follow the provisions of policy 2180 Medical/Clinical Response to PREA;
- A. Any identified concern that forensic evidence of a criminal (or delinquent) act may need to be collected according to uniform evidence collection procedures will be cause for the youth to be transferred to the hospital as approved by the SYSC Administrator or designee;

- B. When Medical staff determines a youth requires forensic examination, the youth should be supported, *but not mandated*, to comply.
 - 1. Medical staff should explain that there would be two types of exams, the first to address any immediate medical concerns or injuries, the second for collecting evidence; and
 - 2. Adolescent youth may consent to either or both, but it should be made clear to the youth they are not mandated to comply;
 - C. The On-Duty Supervisor and Medical staff will coordinate and contact the hospital to request a sexual assault examination by a qualified SANE Nurse for the youth. *No Sexual Assault Evidence Collection Kit will be administered at the SYSC;*
 - D. The On-Duty Supervisor will notify the responding Law Enforcement Agency before the youth is transported to the hospital; and
 - E. The On-Duty Supervisor or designee will ensure appropriate staff coverage for the transport and hospital stay.
- III. The On-Duty Supervisor will determine sight and sound separation of the alleged abuser and victim to include modification to the alleged abusing youths' programming and educational schedules including referral to the Crisis Services Unit if appropriate.
- IV. PREA allegations perpetrated by a Staff, Contractor, Mentor or Volunteer abuser:
- A. Staff who have been alleged to commit sexual abuse, sexual harassment or sexual misconduct against youth will be reassigned immediately from direct youth contact pending further investigation by the SYSC Internal Investigator or appropriate Law Enforcement Agency and determination by the SYSC Administrator or designee; and
 - B. Contractors, Mentors and Volunteers alleged to have committed sexual abuse, sexual harassment or sexual misconduct against youth will have their access to SYSC revoked pending further investigation by the SYSC Internal Investigator or appropriate Law Enforcement Agency, and determination by the SYSC Administrator or designee.
- V. If youth reports sexual abuse occurring off-grounds while in custody of SYSC, staff will:
- A. Notify the On-Duty Supervisor immediately;
 - B. The On-Duty Supervisor will notify the SYSC Administrator or designee;
 - C. The On-Duty Supervisor will contact the Medical Department and the Law Enforcement Agency with jurisdiction where the abuse occurred;

1. The On-Duty Supervisor will advise staff on the appropriate actions based on recommendations from the Medical Department and Law Enforcement Agency, depending on the youth’s immediate medical needs; and
2. The On-Duty Supervisor will designate staff to complete the documentation described below.

VI. The On-Duty Supervisor will ensure:

- A. The alleged victim and abuser’s parent(s)/guardian(s), JPPO, and Attorney are notified;
- B. Designate a staff member to complete and submit to the Internal Investigator a Juvenile PREA First Responder Checklist (Form 2097) and Form 2055;
 1. Any staff who were witness to the incident will complete a Staff Witness Report (Form 2088) on YouthCenter; and
 2. All forms will be delivered to the Internal Investigator;
- C. The SYSC Administrator or designee are notified; and
- D. Youth alleged to be the victim of sexual abuse is placed on Administrative Watch until further review by the youth’s Clinical Staff and the SYSC Administrator or designee.

Applicable Forms	
Form	Title
2055	Reporting Form for Sexual Abuse, Sexual Harassment, and Retaliation
2088	Staff Witness Report
2097	Juvenile PREA First Responder Checklist

Glossary and Document Specific Definitions

A - B C - D E - F G - I J - L M - N O - Q R - S T - V W - Z

Document Change Log			
PD	Modification Made	Approved	Date

ⁱ 28 CFR 115.365
ⁱⁱ 28 CFR 115.364 (a)(1)
ⁱⁱⁱ 28 CFR 115.364 (a)(2)

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- iv 28 CFR 115.364 (a)(3)
 - v 28 CFR 115.364 (b)
 - vi 28 CFR 115.364 (a)(4)