



**New Hampshire Division for Children, Youth and Families Policy Manual**

**2040 PREA GENERAL PROVISIONS**

Chapter: Sununu Youth Services Center

Section: Admission and Orientation

Approved:

Joseph E. Ribsam, Jr., DCYF Director

Policy Directive: **22-25**

Effective Date: **February 2022**

**References Of Note**

Federal Authority: [28 CFR 115](#)

Statutes: [RSA 169-B](#), [RSA 169-C](#), [RSA 354-A:7](#), [RSA 621](#), [RSA 621-A](#), [RSA 629](#), [RSA 632-A](#), [RSA 639:3](#), and [RSA 642:2](#)

Administrative Rules: [PER 1002](#)

Case Law:

This policy mandates zero tolerance towards all forms of sexual abuse, sexual harassment, and other forms of sexual misconduct, and outlines SYSC's approach to detection and prevention planning in accordance to the provisions of the Prison Rape Elimination Act of 2003 (PREA) (28 CFR 115).

**Required Practices**

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

- I. SYSC mandates zero tolerance towards all forms of sexual abuse, sexual harassment, and other forms of sexual misconduct<sup>1</sup>.
  - A. Sexual or sexualized behavior, sexual harassment, and sexual misconduct between youth-to-youth, youth-to-staff, staff-to-youth, or staff-to-staff is expressly prohibited.
  - B. All incidents of sexual or sexualized behavior, sexual harassment, and sexual misconduct will be investigated and subject to sanctions and disciplinary action according to:
    1. Applicable RSAs;
    2. Personnel rules; and
    3. DCYF policies, including policy 2100 Addressing Rules Violations and 2476 PREA Requirements for Managing SYSC Personnel, Contractors, Volunteers and Mentors.
  - C. To prevent and deter such behaviors, Staff-to-youth and youth-to-youth sexual abuse is a criminal offense that will be reported to Law Enforcement, investigated and prosecuted to the fullest extent of the law.
  - D. SYSC prohibits sexualized behavior of any kind, including:

1. Youth-to-youth sexualized behavior (prohibited due to their age, custodial status, and applicable New Hampshire laws); and
  2. Sexual contact or behavior, physical or otherwise, between staff and youth.
- II. To prevent substantial risk of imminent sexual abuse, staff will take immediate action to protect all youth from such behaviors<sup>ii</sup>.
- III. If an alleged PREA occurrence is detected by or reported to staff, they will document the allegation using the SYSC Allegation Report (Form 2087) in YouthCenter (for youth-to-youth occurrences only) and on Reporting Form for Sexual Abuse, Sexual Harassment, Sexual Misconduct and Retaliation (Form 2055).
- IV. PREA Standards apply to youth committed or detained at SYSC and to youth on Administrative Release to Parole from SYSC.
- A. Incidents involving youth who have been granted parole through the New Hampshire Juvenile Parole Board that allege sexual abuse, sexual harassment, or sexual misconduct shall be reviewed by the SYSC Administrator (or their designee) and the SYSC PREA Compliance Manager on a case-by-case basis for consideration as a PREA incident.
- V. Staff who have reason to suspect that any child or youth has been abused or neglected must report as required under RSA 169-C:29 by calling the DCYF Central Intake Unit at (800) 894-5533 or 271-6563<sup>iii</sup> in addition to any other reporting responsibilities included in policy 2475 Abuse or Neglect of Committed or Detained Youth.
- VI. To prevent potential safety issues for gay, lesbian, bisexual, transgendered, intersex youth or other youth, the On-Duty Supervisor will order the youth presenting any safety concerns be placed on Administrative Watch status pending further review by the SYSC Administrator or designee.
- VII. Applicable SYSC policies related to PREA to ensure strategies and responses to prevent, detect, and respond to all forms of sexual abuse, sexual harassment, and sexual misconduct include:
1. 1012 Committed Program Mission;
  2. 1013 Detention Program Mission;
  3. 1164 Intake of Special Investigation Reports;
  4. 2028 Admission Procedure;
  5. 2055 PREA Immediate Response;

6. 2058 Searches;
7. 2071 SYSC Staffing Plan and Master Schedule;
8. 2088 PREA Investigative Response;
9. 2095 Youth Reporting and Protection Against Retaliation;
10. 2131 Proactive Safety Screening and Planning;
11. 2132 SYSC Programming;
12. 2140 Classification of Committed Youth;
13. 2180 Medical/Clinical Response to PREA;
14. 2279 Nursing Services at Admission;
15. 2375 Data Collection and Review for PREA;
16. 2475 Abuse of Neglect of Committed or Detained Youth; and
17. 2476 PREA Requirements for Managing SYSC Personnel, Contractors, Volunteers and Mentors.

VIII. Any information related to sexual victimization or abusiveness that occurred in an institutional setting will be limited to Medical, Clinical, and other staff as necessary to inform treatment plans, and security and management decisions, including:

- A. Housing and bed assignment; and
- B. Education and program assignments, or as otherwise required by Federal, State, or local law<sup>iv</sup>.

IX. For youth under the age of 18, Clinical or Medical staff will advise the youth of applicable reporting laws and make all reports as mandated. For youth age 18 or older, Medical or Clinical staff will obtain informed consent from the youth before reporting information about prior sexual victimization that did not occur in an institutional setting<sup>v</sup>.

X. Disclosure of information gathered through mandatory PREA screenings shall be limited to ensure sensitive information is not exploited by staff or other youth<sup>vi</sup>.

## Applicable Forms

Form	Title
2055	Reporting Form for Sexual Abuse, Sexual Harassment, Sexual Misconduct, and Retaliation
2087	SYSC Allegation Report

## 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
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<sup>i</sup> 28 CFR 115.311 (a)

<sup>ii</sup> 28 CFR 115.362

<sup>iii</sup> 28 CFR 115.361 (b)

<sup>iv</sup> 28 CFR 115.381 (c)

<sup>v</sup> 28 CFR 115.381 (d)

<sup>vi</sup> 28 CFR 115.341 (e)