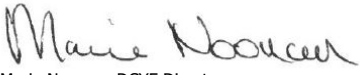
	<p>New Hampshire Division for Children, Youth and Families Policy Manual</p> <p>2088 PREA INVESTIGATIONS</p> <p>Chapter: Sununu Youth Services Center</p> <p>Section: Safety & Security</p>
	<p>Approved:</p> <p> Marie Noonan, DCYF Director</p> <p>Policy Directive: 25-01</p> <p>Effective Date: March 2025</p>

This policy establishes requirements for documentation, communication, investigation of all reports and allegations of sexual misconduct, sexual harassment, sexual abuse and retaliation by facility youth, staff, contractors, and volunteers. This policy also identifies the training requirements for PREA Investigators.

Required Practices
Any deviations to the following information must be documented with Supervisory approval.

- I. The Division for Children, Youth and Families will conduct Prison Rape Elimination Act (PREA) investigations promptly, thoroughly, and objectively for all allegations of sexual misconduct, sexual harassment, sexual abuse, and retaliation that occur at the State’s secure treatment facility for juveniles and when a youth is away from the facility on administrative release or parole.
 - A. Staff will accept, document, and report all allegations made verbally, in writing, anonymously, and by third parties. An allegation may be made by or on the behalf of youth who are or have been confined or detained in the facilityⁱ.
 - B. A PREA investigation shall not be terminated solely because the source of the allegation recants the allegation or original statementⁱⁱ, or due to the departure of the alleged abuser or victim from employment with or commitment/detention to the facility.ⁱⁱⁱ
 - C. Administrative PREA investigations are conducted by authorized trained DCYF PREA investigators. Allegations that are potentially criminal in nature are referred to law enforcement for criminal investigation.

- II. DCYF designates an Agency PREA Coordinator, a facility-specific PREA Compliance Manager, and a PREA Investigator(s) to ensure compliance with federal PREA regulations.
 - A. DCYF will provide specialized training in investigations of sexual abuse occurring in juvenile confinement settings to the Agency PREA Coordinator, facility-specific PREA Compliance Manager, and PREA Investigator(s) based on their assigned duties. These trainings include, but are not limited to^{iv}:
 - 1. National Institute of Corrections - PREA: Investigating Sexual Abuse in Confinement Settings;
 - 2. PREA Resource Center: PREA Advanced Investigations training;
 - 3. PREA training provided by the training contractor;

4. Techniques for interviewing juvenile sexual abuse victims, proper use of Miranda and Garrity warnings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral; and
 5. Preservation and protection of sexual abuse evidence pursuant to [Policy 2055 PREA – Sexual Abuse First Responder Duties](#)^v.
- B. The Agency PREA Coordinator will maintain a record of completed trainings for all designated PREA investigators^{vi}.
 - C. A PREA Investigator must successfully complete the trainings in A. 1-5 above, and participate in job-shadowing and mentoring as needed, before independently conducting an investigation^{vii}.
- III. The Agency PREA Coordinator maintains an electronic spreadsheet to track the status of all PREA investigations which is saved in a secure agency network folder accessible only to those with a business need to view the information. When notified an Allegation Report – Youth Offense (Form 2087) or Allegation Report – Staff Offense (Form 2092) has been submitted through YouthCenter pursuant to [Policy 2095 PREA Reporting and Retaliation Monitoring](#), the Agency PREA Coordinator will enter the incident into the PREA investigations tracking sheet and assign an investigator as soon as practicable, but no later than the next business day.
- A. The assigned PREA Investigator will:
 1. Review all prior PREA related reports for involved youth;
 2. Review all prior PREA related reports for involved staff, contractors, and volunteers;
 3. Review video footage associated to the incident when available;
 4. Review Form 2087 or Form 2092 and PREA Allegation Report (Form 2055);
 5. Review the completed PREA Vulnerability Assessment Tool (Form 2197) for all involved youth;
 6. Complete the PREA Allegation Screening Tool – Youth Offense (Form 2099) in YouthCenter; and
 7. Submit the completed Form 2099 to the Agency PREA Coordinator via YouthCenter.
 - B. The Agency PREA Coordinator will:
 1. Review Form 2099 to approve or override the recommended screening determination within 24 hours of receipt, excluding weekends and holidays. In making this decision, the Agency PREA Coordinator will consider:
 - (a) The numeric scoring of Form 2099; and
 - (b) All available information about the incident;
 2. Document on Form 2099 the justification for the screening decision;
 3. Notify the facility-specific PREA Compliance Manager of the screening decision via YouthCenter;

4. Assign a PREA Investigator to screened-in reports; and
 5. Place the completed Form 2099 and any supplemental documentation in the PREA allegation paper file when an allegation is screened-out.
- IV. The assigned PREA Investigator will commence an administrative investigation as soon as practicable^{viii}, but no later than 24 hours after notification, excluding weekends and holidays. The assigned PREA Investigator will ^{ix}:
- A. Identify and document the names and roles of all individuals involved (staff, contractors, volunteers, and youth).
 1. For a youth-on-youth allegation, collaborate with Clinical Staff to conduct a review of involved youth(s) prior PREA records, if applicable, including any:
 - (a) Youth Vulnerability Assessment Instrument (Form 2197);
 - (b) Allegation Report - Youth Offense (Form 2087);
 - (c) PREA Allegation Screening Tool - Youth Offense (Form 2099); and
 - (d) PREA Investigation Summary - Youth Offense (Form 2096);
 2. For a staff, contractor, or volunteer-on-youth allegation, conduct a review of the involved individual's prior PREA records, if applicable, including any:
 - (a) Allegation Report - Staff Offense (Form 2092);
 - (b) PREA Allegation Screening Tool - Staff Offense (Form 2103);
 - (c) PREA Investigation Summary - Staff Offense (Form 2104); and
 - (d) In consultation with the Facility Director or designee, review any personnel record(s) related to a staff member's prior PREA investigation outcomes, including related disciplinary records;
 - (1) If an allegation is made against a staff member, the Facility Director or designee shall inform the staff member in writing, within 10 calendar days of the date the investigation commences, of the investigation and the reason for the investigation, in accordance with the current [Collective Bargaining Agreement](#) and [N.H. Admin. R. Per 1000](#).
 - B. Inform the youth, the youth's parent(s)/guardian(s), the youth's attorney, and assigned JPPO that an investigation is being commenced;
 - C. Gather, preserve, and maintain the chain of custody for any evidence collected pursuant to [Policy 2058 Searches](#);
 - D. Review video footage associated with the reported incident, if available;
 - E. Conduct minimal facts interviews with the alleged victim(s), perpetrator(s), and witness(es);
 - F. Collaborate with external investigative agencies, as needed;
 1. If the PREA Investigator determines at any point during the investigation an allegation is potentially criminal in nature, the administrative investigation must stop, and the matter be reported to the New Hampshire State Police

- (NHSP) for criminal investigation^x using the applicable PREA Law Enforcement Notification - Youth Offense (Form 2101) or PREA Law Enforcement Notification - Staff Offense (Form 2108);
2. If the PREA Investigator determines at any point during the investigation an allegation includes, or potentially includes, allegations of abuse or neglect perpetrated by staff, contractor, volunteer or mentor as documented on Allegation Report - Staff Offense (Form 2092), the matter must be reported to DCYF Child Protective Services Central Intake pursuant to [Policy 2040 Foundations of PREA](#);
 3. The PREA Investigator will obtain approval from, and coordinate with, the external investigating agency prior to resuming an administrative investigation;
 4. The PREA Investigator will request the relevant criminal or child protection investigative information from external investigative agencies^{xi}. Consistent with the provisions of [RSA 169-B:35-a](#), following an allegation a youth has been sexually abused by another youth, the PREA Investigator will request information from the prosecutor to inform the alleged victim whenever^{xii}:
 - (a) The alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - (b) The alleged abuser has been convicted on a charge related to sexual abuse within the facility;
- G. Ensure the credibility of an alleged victim, suspect, or witness is assessed on an individual basis and is not determined by the person's status as resident or staff;
1. Compelled interviews of youth by the PREA Investigator are prohibited^{xiii}; and
 2. A youth who allege sexual abuse shall not be subject to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation^{xiv};
- H. Provide updates to both the alleged youth victim and youth perpetrator, as applicable, at least every 30 days;
- I. Complete a Form 2096 or Form 2104 at the conclusion of a PREA Investigation that includes:
1. A determination of whether the allegation(s) of sexual misconduct, sexual harassment, sexual abuse, and retaliation is either unfounded, unsubstantiated, or substantiated based on a standard of proof no higher than a preponderance of the evidence, according to their training and generally accepted investigatory practices^{xv}.
 - (a) The determination will include justification for the determination based on a description of the physical and testimonial evidence, the reasoning behind the credibility assessments, and the investigative facts and findings;

2. Identified policy violations of staff, contractor(s), volunteer(s), or mentor(s), including actions or inaction that contributed to the abuse^{xvi}. Examples include, but are not limited to:
 - (a) Leaving an assigned facility location without adequate coverage or communication;
 - (b) Failing to uphold [Policy 2040 Foundations of PREA](#), DCYF's the zero tolerance policy for sexual misconduct, sexual harassment, sexual abuse, and retaliation;
 - (c) Facilitating an opportunity for the incident to occur;
 - (d) Failing to report an incident that the staff was informed of or witness to;
 - (e) Failing to interrupt and remove an active offender;
 - (f) Minimizing or failing to report and assign behavioral interventions for known behaviors or actions of involved youth; and
 - (g) Diverting documentation of a PREA incident by coercion or threats;
3. Identified youth conduct violations; and
4. Recommendations for Facility Administration, including:
 - (a) Youth and staff discipline;
 - (b) Suggested revisions to policy;
 - (c) Identified safety issues with the physical plant; and
 - (d) Informing Clinical Staff of follow-up required for the involved youth, as needed.

V. At the conclusion of an investigation, the PREA Investigator will:

- A. Complete the Youth Notification of PREA Investigation Status (Form 2098) in YouthCenter within 5 business days;
- B. Inform the youth victim of the finding documented on Form 2098 indicating whether the allegation is determined to be substantiated, unsubstantiated, or unfounded^{xvii};
 1. Following a substantiated or unsubstantiated determination that the staff member committed sexual abuse against the youth, the PREA Investigator will also document on Form 2098 and inform the youth directly whenever^{xviii}.
 - (a) The staff member is no longer posted within the youth's unit;
 - (b) The staff member is no longer employed at the facility;
 - (c) The PREA Investigator learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - (d) The PREA Investigator learns that the staff member has been convicted on a charge related to sexual abuse within the facility;

2. The PREA Investigator will document the notification or attempted notifications in B 1, above, on Form 2098 in YouthCenter^{xix}; and
 3. The obligation to report the information in B 1, above to the youth terminates when the youth is discharged from the facility^{xx};
- C. Submit the completed Form 2096 or Form 2104 to the Agency PREA Coordinator for review and finalization;
 - D. Complete the PREA Case Review Summary (Form 2495) in YouthCenter and submit a printed copy to the Agency PREA Coordinator; and
 - E. Inform the youth's parent(s)/guardian(s), the youth's attorney, and assigned JPPO whether the allegation is determined to be substantiated, unsubstantiated, or unfounded.
- VI. Administrative PREA investigation determinations are not eligible for appeal. When disciplinary action is issued to a staff member as a result of the PREA investigation, the discipline, settlement, and appeals process shall be subject to the provisions of the [Division of Personnel Administrative Rules](#) and the current [Collective Bargaining Agreement](#).
- VII. The facility-specific PREA Compliance Manager will review the recommendations on Forms 2096 and 2104 about youth programmatic needs and staff disciplinary actions with the Facility Director or designee.
- A. The PREA Compliance Manager will report the facility's response to youth programmatic needs and staff disciplinary actions to the Agency PREA Coordinator.
- VIII. A Former Resident Allegation is PREA allegations made when the alleged victim is no longer a youth confined or detained at the facility, regardless of their age at the time of the allegation. Former Resident Allegations will be investigated by an assigned PREA investigator in the same manner as any other PREA allegation.
- A. The Agency PREA Coordinator will promptly notify and consult with the DCYF Chief of Legal, Regulatory and Legislative Affairs or designee upon receipt of a Former Resident Allegation and prior to closing the PREA investigation.
- IX. The facility-specific PREA Compliance Manager will monitor the status and progress of all open PREA investigations by:
- A. Communicating regularly with the Agency PREA Coordinator about current PREA investigations;
 - B. Attending periodic meetings with external investigative agencies; and
 - C. Collaborating with the Agency PREA Coordinator to review and address individual youth and facility-wide PREA safety planning.
- X. Facility Administration will uphold youths' rights whenever the NHSP or DCYF Special Investigations Unit investigate a PREA incident by ensuring that:
- A. The facility is in compliance with the PREA standards and requirements; and

B. Staff involved in a PREA incident are made available to internal and external investigators and investigative agencies.

XI. DCYF retains all written reports associated with PREA investigations in secure file storage which is maintained by the Agency PREA Coordinator. Reports are retained for as long as the alleged abuser is committed, detained, or employed at the facility, plus 5 years after their departure^{xxi}.

Applicable Forms	
Form	Title
2055	PREA Allegation Report
2085	Moderate Incident Report
2086	Major Incident Report
2087	Allegation Report – Youth Offense
2092	Allegation Report – Staff Offense
2096	PREA Investigation Summary –Youth Offense
2098	PREA Investigation Notification – Youth Offense
2099	PREA Allegation Screening Tool – Youth Offense
2101	PREA Law Enforcement Notification – Youth Offense
2103	PREA Allegation Screening Tool – Staff Offense
2104	PREA Investigation Summary – Staff Offense
2108	PREA Law Enforcement Notification – Staff Offense
2197	PREA Vulnerability Assessment Instrument
2495	PREA Case Review Summary

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](#)

References of Note

Federal Authority:	28 CFR § 115
Statute:	RSA 169-B:35-a ; RSA 621 , and RSA 621-A
Administrative Rule:	Per 1000
Case Law:	

ⁱ 28 CFR 115.371 (a)
ⁱⁱ 28 CFR 115.371 (d)
ⁱⁱⁱ 28 CFR 115.371 (k)
^{iv} 28 CFR 115.334 (a)
^v 28 CFR 115.334 (b)
^{vi} 28 CFR 115.334 (c)
^{vii} 28 CFR 115.371 (b)

viii	28 CFR 115.322 (a), in part
ix	28 CFR 115.371 (c)
x	28 CFR 115.322 (b); 115.322 (a), in part
xi	28 CFR 115.373 (b)
xii	28 CFR 115.373 (d)
xiii	28 CFR 115.371 (e)
xiv	28 CFR 115.371 (f)
xv	28 CFR 115.372
xvi	28 CFR 115.371 (g)
xvii	28 CFR 115.373 (a)
xviii	28 CFR 115.373 (c)
xix	28 CFR 115.373 (e)
xx	28 CFR 115.373 (f)
xxi	28 CFR 115.371 (j)