


NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE	CHAPTER <u>Resident Programming</u> STATEMENT NUMBER <u>7.30</u>
SUBJECT: SAFEGUARDING OF RESIDENTS IN DEPARTMENTAL FACILITIES	EFFECTIVE DATE <u>06/27/2019</u> REVIEW DATE <u>06/27/2021</u>
PROPONENT: <u>Joanne Fortier, Warden</u> <i>Name/Title</i> <u>NHCFW 271-7514</u> <i>Office Phone #</i>	SUPERSEDES PPD# <u>7.30</u> DATED <u>11/30/12</u>
ISSUING OFFICER:  <i>Helen E. Hanks, Commissioner</i>	DIRECTOR'S INITIALS _____ DATE _____ APPENDIX ATTACHED: YES _____ NO _____
REFERENCE NO. See reference section on last page of PPD.	

I. PURPOSE:

To describe the Department's commitment to provide residents with a healthy environment as relates to living areas, recreational areas, and medical and dental care.

II. APPLICABILITY:

To all employees involved in the management or operation of programs or services related to resident housing, recreation, medical and dental care.

III. POLICY:

It is the policy of the NH Department of Corrections to provide:

- A. Clean and orderly surroundings.
- B. Adequate toilet, bathing, and laundry facilities.
- C. Adequate lighting, heating, ventilation, and noise levels.
- D. Compliance with state, federal, and local fire and safety laws and regulations.
- E. A wholesome, properly prepared, nutritionally adequate diet.
- F. Clean, fitted, and seasonable clothing.
- G. Adequate health care services (Refer to PPD 6.03).
- H. Access to both indoor and outdoor recreational opportunities and equipment consistent with security concerns.
- I. Access to clergy, spiritual advisors, publications, and related services which allow residents to practice their religious faith.
- J. Visitation with family members and friends in a visiting area that is limited only to institutional requirements necessary to maintain order and security. Visits can be suspended for rule violations. Private areas are available for confidential visitation

- between residents and attorneys except when prison security requires a different arrangement. Visits may be non-contact. (Cor 305.02)
- K. Communication and/or correspondence may be authorized between residents and their families, friends, public officials, attorneys, officers of the court, and other persons and organizations. This right is limited only as necessary to maintain order and security. Residents may not communicate with other residents by mail, unless authorized by the Warden/Director. (Cor 301.05 Mail)
- L. Freedom from improper discrimination for all residents. No program, activity, services, or assignment shall be denied any resident based on the resident's race, religion, national origin, sex, age, handicap, or political beliefs. In order to reduce security risk inherent in maintaining prison environments the department may issue neutral policies that impact residents' ability to express their views and beliefs. Any need for restriction shall be no greater than necessary to ensure the safety of residents and the security of the facility, while giving due consideration to the resources of the department. .
- M. A safe environment. No resident shall be improperly subjected to any of the following conditions:
1. Corporal punishment;
 2. Abuse of any kind, including sexual abuse;
 3. Injury;
 4. Disease;
 5. Property damage;
 6. Harassment, including sexual harassment; or
 7. Use of unnecessary force.
- N. A dignified conversational form of address. All residents shall be addressed by name rather than number (PPD 7.32 Persons under DOC Custody & Staff Interpersonal Relations).
- O. Participation in the classification process allowing residents input in all stages of the program planning. Residents are entitled to present opinions, preferences, and requests for appropriate classification procedures and to participate in deliberations involving that programming. Residents may refuse to participate in any rehabilitation or treatment program, and shall be advised of the negative consequences of such refusals.
- P. A resident's personal grooming choices regarding appearance are limited only by institutional requirements for:
1. Safety;
 2. Security;
 3. Identification; or
 4. Hygiene
- Q. Residents are allowed to grow their hair and facial hair to a length of their preference, subject to the following:
1. All hair must be kept clean.
 2. Sculpting, shaping or selective shaving is not allowed. Trimming and grooming is authorized, but trimming, shaping or sculpting into goatees, mutton chops, circle beards, vandykes, or the like shall be avoided.
 3. Hairstyles and/or beards are not allowed that could:

- a) conceal contraband;
 - b) promote identification with gangs;
 - c) create a health, hygiene, or sanitation hazard; or
 - d) could significantly compromise the ability to identify a resident.
4. Grooming exceptions are authorized for sincerely held religious-based reasons, through the submission of request slip to the Warden/Director who will consult with the chaplain of the facility. The Warden/Director and facility chaplain shall consider such requests for a grooming exception on a case-by-case basis and, in doing so, shall evaluate:
- a) the grooming standard's substantial burden on the resident's exercise of religion,
 - b) the institutional risks presented by the grooming/hairstyle,
 - c) the department's means of managing such risks,
 - d) the resident's prison record, including past disciplinary violations and other safety-related incidents.
 - e) The Warden/Director and chaplain's review shall not include an intensive assessment of the sincerity of the resident's beliefs, but may assess the resident's credibility.
5. Residents shall be provided with the least restrictive conditions of confinement that will mitigate the security threat that the religious hairstyle/grooming standard presents. Such restrictions may include:
- a) restrictions on housing location,
 - b) restrictions on job assignments,
 - c) restrictions on contact visits.
- Residents shall not be re-classified to a more secure custody level based solely on religious based grooming/hairstyles, but may be relocated to a more secure housing unit with a note in the resident's official file that indicates such reassignment has no impact on parole eligibility.
6. The warden's determination regarding such restrictions is appealable to the Commissioner via the PPD 1.18 grievance process.
7. Any hairstyle/grooming standard exemption issued is revocable by the warden of the resident's facility based upon a determination that, due to changed circumstances or information newly received, the resident's hairstyle presents a safety or security threat. Any revocation of a hairstyle exemption is appealable to the commissioner via the PPD 1.18 grievance process.
- R. Searches of resident property are conducted only in accordance with Policy and Procedure Directives, rules and regulations, and the law.
- S. Reasonable access between residents and the media, subject to only those limitations necessary to maintain order and security, and protect victims of crime and residents' privacy. Media requests for interviews and resident's consent are covered in PPD 1.13, Contact with Media.
- T. Reasonable access to data needed to function in a prison environment will be provided to all residents. Those residents who cannot read or write, or read or write English, are blind, hearing impaired, or suffer from any other communication problems will be provided appropriate assistance to access necessary data, to include: obtaining medical, dental, mental health, treatment, training, or similar programs and

- will be aided in understanding the procedures and rules guiding their behavior.
- U. Biological Females in menses may obtain standard issue feminine hygiene products at no cost. Such females may also purchase feminine products through the commissary system. The number of feminine hygiene products kept in a cell shall not be excessive, so as to create safety and/or security issues.

IV. PROCEDURES:

- A. Any violation of the above principles will be reported by any staff observer to their supervisor.
- B. The supervisor will investigate the allegation and report the results of the investigation to the Warden/Director and the Investigation Bureau.
- C. This policy directive will be a training topic for staff pre-service training and for resident quarantine processing.

REFERENCES:

Standards for the Administration of Correctional Agencies

Second Edition Standards

2-CO-3C-01

Standards for Adult Correctional Institutions

Fourth Edition Standards

4-4277 through 4278; 4-4281; 4-4283; 4-4301; 4-4429

Standards for Adult Community Residential Services

Fourth Edition Standards

4-ACRS-6A-03 through 6A-05; 4-ACRS-6B-01

Standards for Adult Probation and Parole Field Services

Third Edition Standards

Other

Cutter v. Wilkinson, 544 U.S. 709, 722, 125 S. Ct. 2113, 161 L. Ed. 2d 1020 (2005)

Pell v. Procunier, 417 U.S. 817, 823, 94 S. Ct. 2800, 41 L. Ed. 2d 495 (1974). [*13]

Williams, 2010 U.S. App. LEXIS 4777, 2010 WL 75015

FORTIER/LB