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National Prison Rape Elimination Commission
1440 New York Avenue, Northwest
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Washington, D.C. 2005-2111

Mr. Chairman and Commission Members,

My name is Sandra Matheson and I am the Director of the State Office of Victim/Witness Assistance at the New Hampshire Attorney General's Office, a position I have held since the Office was created legislatively in 1987. The Office was formed to provide 24-hour services and support in all of the state's homicide cases, to standardize services and support for victims of crime statewide and to enhance the systems response to crime victim issues, through legislative, policy, protocol and training initiatives.

I want to thank you for the opportunity to testify before you today. I was asked to come and talk to you about one particular New Hampshire case, involving a correctional officer and numerous female inmates in a community corrections facility, and the impact that this case has had on so many lives. All but one of the criminal cases are still pending and there have been 11 civil suits filed against the state, involving 30 plaintiffs, so my testimony today is based on the arrest warrant affidavit and other public record information. Since attorneys from the Civil Bureau of the Attorney General's Office represent the NH Department of Corrections in the civil suits, this is not the official position of the NH Attorney General's Office rather it is my testimony as the Victim Advocate who worked with the victims in this case.

This case involves Douglas Tower, a NH Correctional Officer who was assigned as the night supervisor at the Shea Farm Halfway House in Concord, NH, a minimum-security facility that houses approximately 45 female inmates after they leave the State Prison to transition back into the community. Shea Farm looks like a large white farmhouse. It sits on a quiet country back road. The women live in comfortable rooms and depending upon their classification have the ability to work in the community, go out on weekend leaves and have visits with their children and other family members. This is in sharp contrast to the NH State Prison for Women, which is over crowded, is surrounded by fences and barbwire and has very limited programming.

Sgt. Douglas Tower (Tower), age 60, had been a Corrections Officer for 14 years and had previously been assigned to the NH State Prison for Women. In 2002, a female correctional

officer had accused him of sexual harassment, and as a result Tower had been transferred to Shea Farm, which at the time, was a male facility. That case resulted in a settlement between the officer and the State. When Shea Farm became a female facility, Tower remained in charge, working primarily the 3:00 to 11:00 shift and sometimes the midnight shift. He was often the only officer on duty. Tower was in charge of supervising and disciplining the approximately 45 female inmates. He had the authority to lower their security classification, approve or limit overnight leave requests, telephone privileges, and/or visits with family members, and essentially, he had the ability to write the women up for disciplinary infractions and “send them back behind bars”. In other words, he had ultimate authority and control over the women in the facility.

In June of 2005, one woman came forward to disclose abuse by Tower, and on April 26, 2006, after a lengthy State Police investigation, Tower was indicted on 54 charges, involving 12 different female inmates. The charges included 14 felony counts of aggravated felonious sexual assault, 4 felony counts of felonious sexual assault, 19 counts of simple assault with an extended term of 2/12 to 5 years in prison, and 16 counts of misdemeanor sexual assault. The alleged acts included vaginal, oral and anal penetration; other forms of sexual contact and physical assaults including punching, choking and grabbing.

All of the charges alleged that Tower committed some form of sexual or physical assault against female inmates while he was acting as a corrections officer supervising them. The charges of aggravated felonious sexual assault and felonious sexual assault allege that Tower engaged in sexual penetration or sexual contact with the victims through coercion by using his position of authority over them as a corrections officer, or that he engaged in the conduct without the victim’s consent. The charges of sexual assault allege that Tower engaged in sexual contact with the victims while in a position of authority over them as a corrections officer. The charges of simple assault, extended term, allege that Tower had unprivileged physical contact with the victims while acting as an on-duty law enforcement officer.

After his arrest Tower was released on bail with the condition that he has no contact with any present or former inmates or NH Department of Correction’s (NHDOC) employees. Within a week, his bail was revoked, when in the capacity of his new job as a pizza deliveryman, he actually walked into the front door of the women’s prison and delivered a pizza to DOC staff.

The 12 women named in the indictments ranged in age from 21 to 41. They were serving time for charges ranging from armed robbery to get money for drugs, drug possession, prostitution, forgery and theft. Many of the women had long histories of drug or alcohol abuse, some had mental health issues, and almost all of them reported they had previously been victims of battering, sexual abuse/sexual assault or another violent crimes.

One young woman had recently been sexually assaulted while out working in the community. The suspect had been arrested and was he awaiting trial on felony sexual assault charges against her. He had been released on bail and was living in Concord. The woman had told correctional staff that she was afraid to run into him and as a result Tower was assigned to drive her to and from her job everyday. It was during these trips that he allegedly assaulted her.

As the women began to come forward, we began to see a pattern of coercion and threats. Tower would sign a woman’s leave slip and tell her “she owed him one.” He would write someone up

with a D-report and then tear it up telling her that if “she did him a favor” she could see her boyfriend, who was not on the approved visitor’s list.

One woman told about walking in on Tower and another inmate. Tower then began treating her “very poorly” giving her disciplinary reports. She told him that she wouldn’t say anything and that she wanted him to leave her alone. Shortly after, while passing her on the stairwell of house, Tower allegedly grabbed her by throat and pinched a pressure point. He told her “if she kept messing w/him, she’d go down.” She was then sent back to prison.

One woman reported that she could not use the house phone to call her father so, Tower let her use his office phone. He then told her “she owed him a favor”, and tried to hug her. She worked as a chambermaid, and Tower showed up at her workplace and “had sex” with her in one of the rooms. He told her not to tell anyone about their “relationship”.

One woman reported that when she refused his second request for oral sex, he revoked her visiting privileges and would not let her call her son. She was sent back to prison and when she returned two months later, he told her he was “glad she was back” as she always put a smile on his face. Soon afterward, he revoked her phone privileges. On her son’s birthday, he offered her his office phone so she could call him and when she got to his office, he forced her to perform fellatio on him. The next month she was again sent back to prison.

One woman reported that she began using heroin a couple of weeks after she arrived and Tower found out. He called her into his office and told her that he knew what she was doing and that she could do a drug test or “go another route.” She told him she didn’t want to go back to prison and would do anything. He made her perform fellatio on him

Tower told the women that nobody would believe them and that he was a good friend of the Director of Community Corrections, whose office was at Shea Farm and who all the women knew. He even had a picture over his desk of the Director giving him an award. He told them if they came forward they would be sent back to prison.

Tower even told one woman that he had had an incident with another corrections officer who accused him of acting inappropriately, and that the investigators did not believe this other officer. She reported that he told her “that if they did not believe another officer, they were not going to believe an inmate.”

The first trial involving the youngest of the women, a 21 year old, began in January 2007. After 10 days of testimony, with the victim testifying for almost a full day, Tower was found guilty of 2 counts of aggravated felonious sexual assault and 4 counts of felonious sexual assault. On 2007 Douglas Tower was sentenced to 20 to 40 years at the NH State Prison for Men. He will not be eligible for parole until he has served his minimum sentence of 20 years.

Since this case began just about every one of the women, at some point, has violated their parole and ended up back behind bars. Several of them relapsed and went back to using drugs. One women attempted suicide and almost died. The case not only impacted the women involved, but the other inmates at Shea Farm, as well as the other DOC staff. When the case first broke, the Director of Community Corrections and I set up a “debriefing” meeting with all of the women at Shea Farm, giving them what facts we could share with them at the time, and offering

them support and services if needed. We brought in the local Rape Crisis Center and mental health practitioners from DOC and left them with confidential contact information.

One of the first issues to arise was the fact that due to their lack of trust, the women did not want anything to do with DOC mental health services. They wanted to see a therapist within the community. I worked with them to file a claim with the State's Victim Compensation Program to pay for counseling. Because of an existing rule that prohibited inmates from receiving compensation, their claims were denied. This rule has since been changed. The Attorney General, herself, made the decision that these women deserved to have mental health services and made arrangements for the cost to be paid for out of other available funds.

The state is insisting that any plea negotiations in this case include Tower taking responsibility for the charges involving every single victim, which at this time he is refusing to do. The next trial is scheduled for December 10.

The NH DOC has made many changes as a result of this case. It is hard to measure the emotional cost of this case, to the victims, to the other NHDOC staff and to the public's trust in the system. The financial cost to the state is yet to be determined.

Thank you again for the opportunity to share this case with you and I hope that cases such as this will be prevented in the future, as the result of the work of this Commission.

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON THIS 12TH DAY OF NOVEMBER 2007.**

Respectfully submitted,



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