

## HOW TO AVOID SEXUAL ABUSE

- ✓ Do not accept store order items, gifts, loans or favors from anyone. Placing yourself in debt to another offender can lead to the belief or expectation that you will repay the debt with sexual favors.
- ✓ Do not accept an offer from another offender for protection. Avoid becoming involved in gang activity.
- ✓ Carry yourself in a confident manner. Many perpetrators (abusers) choose victims, who look like they won't stand up or defend themselves.
- ✓ Avoid casual nudity and talking about sex. The perpetrator (abuser) may use this as an excuse to commit an act of sexual abuse or sexual harassment.
- ✓ Be alert and trust your instincts. Don't be afraid to say, "NO!" Be aware of your physical surroundings and avoid secluded areas. Position yourself in plain view of staff.
- ✓ Avoid engaging in overly familiar relationships, personal relationship or intimate relationships with staff.
- ✓ Be aware of situations with offenders and staff that cause you to feel uncomfortable. Trust your instincts: "If it feels wrong, then it usually is wrong."

## SEXUAL ABUSERS BEWARE

- ✓ Sexual abuse does not have to be a violent act.
- ✓ If the victim is threatened, coerced, has a disability, or feels they will be harmed, if they refuse = IT IS SEXUAL ABUSE.
- ✓ PSD will conduct an investigation. The incident will be referred to local law enforcement for criminal prosecution, a facility adjustment hearing, and a facility program hearing.
- ✓ If you are found guilty of a sexual offense in criminal court, you face life-long reporting requirements to register as a Sex Offender.

- ✓ If you are found guilty of a sexual offense in an adjustment hearing, your classification, housing, and programming will be significantly affected.

## AFTER A REPORT OF SEXUAL ABUSE

Staff will immediately separate the offender-victim from the alleged abuser. Facility Health Care Professionals will be notified and the offender-victim will receive initial health care treatment.

If transported to the Sex Abuse Treatment Center or ER the offender-victim will be assessed for injuries, exposure to sexually transmitted diseases (STDS), emergency contraceptives, pregnancy testing and alternatives, and the collection of forensic evidence. Otherwise, the Facility Health Care Unit will conduct the required assessments and schedule referrals for internal or external counseling services inclusive of an assessment, development of a treatment plan, and continued care at no cost to the victim.

PSD will contact the County Police Department to report an allegation of sexual abuse/assault or criminal sexual harassment. The County Police Department is responsible for the criminal investigation of a PREA incident at a PSD Facility.

PSD will 1) Conduct the administrative investigation related to sexual abuse/assault or sexual harassment as defined by PREA; 2) Deal with the abuser administratively and criminally based on the findings of the investigation; 3) Notify the victim about the status of the investigation and a summary of the action taken related the abuser; and 4) Monitor any offender or staff member who reports a PREA incident for retaliation. The offender-victim and witnesses can assist by cooperating with the County Police and PSD Investigators.



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## STATE OF HAWAII DEPARTMENT OF PUBLIC SAFETY

### AN INFORMATIONAL GUIDE FOR OFFENDERS



## OFFENDER SEXUAL ABUSE AND SEXUAL HARASSMENT

BY

OFFENDERS  
STAFF  
VOLUNTEERS  
AND CONTRACTORS

A publication of the  
State of Hawaii  
Department of Public Safety

The Department of Public Safety (PSD) is committed to ensuring a secure, safe, and humane environment. The Prison Rape Elimination Act of 2003 (PREA), a Federal law, was passed to address sexual abuse and sexual harassment in correctional facilities. In support of PREA, PSD has a “Zero Tolerance” policy against any form of sexual abuse and sexual harassment towards an offender by another offender or by a staff member at a PSD Prison, Jail, Contracted Facility, Lock Up or Community Center. All references to staff member also includes volunteers and contractors.

A “Zero Tolerance” policy means that sexual abuse and sexual harassment in any form is strictly prohibited and all allegations of such conduct will be investigated. Any retaliation against individuals for reporting an incident is also prohibited. Although not a PREA incident, it is prohibited and a misconduct, for offenders to engage in consensual sexual acts with another offender.

## SEXUAL ABUSE OR HARASSMENT BY AN OFFENDER

Sexual abuse by an offender includes the following acts, if the offender-victim does not consent, is coerced by overt or implied threats of violence or is unable to consent (disability) or refuses:

- ✓ Contact or penetration with the penis, anus or vulva. Contact between the mouth and the penis, vulva, or anus. Penetration of the anal or genital opening by a hand, finger, object, or other instrument.
- ✓ Any unwanted intentional touching, directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks.
- ✓ When sexual contact is accomplished through fear, threat of bodily harm or implied threat it is SEXUAL ABUSE.
- ✓ Sexual Harassment involves repeated and unwanted sexual advances, requests for sexual favors, verbal comments, gestures, or actions of a demeaning, derogatory or offensive sexual nature, including references to gender and

sexually suggestive or derogatory comments about the body or clothing.

## SEXUAL ABUSE OR HARASSMENT BY A STAFF MEMBER

It is against the law in Hawaii for any person working in a correctional setting or in law enforcement to engage in any sexual act with an offender. A staff member is in a position of power and authority over an offender, therefore consent is irrelevant.

Sexual abuse by a staff member towards an offender includes the following acts or attempts to facilitate the following acts that are unrelated to their official duties, with or without consent:

- ✓ Contact or penetration with the penis, anus or vulva. Contact between the mouth and the penis, vulva, or anus. Penetration of the anal or genital opening by a hand, finger, object, or other instrument, or is intended to abuse, arouse, or gratify sexual desire.
- ✓ Any intentional touching, directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks or when the staff member has the intent to abuse, arouse, or gratify sexual desire.
- ✓ Any display by a staff member of his/her uncovered genitalia, buttocks, or breast in the presence of an offender. Voyeurism or “peeping” by a staff member.
- ✓ Sexual Harassment involves the repeated verbal comments and gestures of a sexual nature by a staff member, demeaning references to gender, sexually suggestive or derogatory comments about the body, clothing, and obscene language or gestures.

## WHAT TO DO IF YOU ARE SEXUALLY ABUSED

If you have been abused, get to a safe place. You may have been threatened and you may be scared, but you must report the sexual abuse IMMEDIATELY. PSD provides several ways to

report sexual abuse whether you are the victim, a witness, staff member, or a concerned individual:

- ✓ You may report the sexual abuse verbally or in writing to a staff member or supervisor that you trust, such as your Case Manager, an Adult Corrections Officer, Chaplain, Medical, or Mental Health Professionals.
- ✓ You may report the sexual abuse verbally or in writing to Internal Affairs, the Warden, the Sheriff, the Institutions Division Administrator, the PREA Coordinator, or other Administrators.
- ✓ You may file an inmate grievance. You may also submit information anonymously (kite).
- ✓ A family member, friend, or other 3<sup>rd</sup> Party may file a report on your behalf to the administrators and staff identified above.

## EXTERNAL/CONFIDENTIAL/ANONYMOUS REPORTING OPTIONS. SATC IS AN OPTION FOR EMOTIONAL SUPPORT COUNSELING SERVICES.

- ✓ You may contact the State Ombudsman Office at 808-587-0770 to report any sexual abuse by a staff member or if PSD has not satisfactorily addressed your concerns related to the sexual abuse. (External & Confidential)
- ✓ You may contact the Sex Abuse Treatment Center Hotline at 808-524-7273 to report an incident and to obtain Emotional Support Counseling Services. (External & Confidential)
- ✓ You may also file a criminal complaint report with your County Police Department. (External)

## IF A VICTIM OF SEXUAL ABUSE YOU MUST HELP TO PRESERVE THE EVIDENCE, DO NOT:

- \* Shower, eat, drink, or brush your teeth,
- \* Use the restroom or change your clothes.

The longer you wait to report the abuse, the more power you give the perpetrator (abuser).

**MAKING A FALSE REPORT WILL RESULT IN A MISCONDUCT AND CRIMINAL CHARGES**