

The Department of Public Safety Consolidated Annual Prison Rape Elimination Report

The Prison Rape Elimination Act (PREA) of 2003 was enacted to address sexual abuse/assault and sexual harassment in confinement facilities. The goal of PREA is to prevent, detect, and respond to sexual abuse/assault and sexual harassment within confinement settings. PREA establishes a zero tolerance policy for sexual abuse/assault and sexual harassment. PREA includes a focus on data collection and analysis of PREA incidences in order for the agency to identify problem areas, take corrective action on an ongoing basis, and provide an assessment of the agency's progress in addressing sexual abuse/assault and sexual harassment within its facilities.

On August 20, 2012, the U.S. Department of Justice (DOJ) published mandatory standards for the detection, prevention, and punishment of sexual abuse/assault and sexual harassment. The four sets of standards correspond to different types of facilities: (1) Adult prisons and jails, (2) Lockups, (3) Community confinement facilities, and (4) Juvenile facilities. State and county agencies were given one year to become compliant.

On August 20, 2013, all correctional agencies were required to be compliant with the PREA standards. Agencies must demonstrate zero tolerance not merely by words and written policy, but through their actions, including what they do to prevent sexual abuse/assault and sexual harassment in order to comply with the PREA standards. Compliance is demonstrated through PREA Audits. Over a three-year period, one-third of an agency's facilities must be audited each year.

The Department of Public Safety (PSD) supports all efforts to detect, prevent, report, investigate, offer victim support services and prosecute criminally and/or administratively perpetrators of sexual abuse/assault and sexual harassment in PSD's prison system and lockups. PSD is committed to providing a safe environment for all offenders committed to the custody and supervision of the Director of PSD. PSD began its initial efforts to comply with the finalized PREA Standards in August 2012. As a result, PSD began implementing policies and procedures, training employees, contractors and volunteers, and educating offenders.

The PREA standards were finalized in May 2012 and after the 90-day publication period they became effective in August 2012. PSD continued its efforts to work towards compliance with the PREA standards. Some of these efforts include but are not limited to, updating policies, asking community rape crisis centers to provide emotional counseling support services for offenders, as well as appointing PREA Managers in each facility. Under the direction of the department's PREA Coordinator, the role of the PREA Managers is to direct their facility's efforts to comply with PSD policies, PSD directives, and the PREA standards.

BJS REPORTING DATA

PREA standard §115.87 requires data be collected and aggregated on sexual abuse/assault and sexual harassment incidents for PSD facilities and PSD contracted private prisons. Aggregated data can be reviewed for calendar years 2011 – 2013 at <http://...>

PREA standard §115.88 requires the department to review data collected and produce an annual report of its findings from its data review and any corrective actions for each facility, as well as the agency as a whole. Generally, the annual report includes a comparison of the current year's data and an assessment of the corrective action from prior years. This report is PSD's first formal report as it relates to this PREA standard. Since 2011, PSD has prepared an

annual report to the Hawaii State Legislature which outlines PSD's incidents of sexual abuse/assault, non-criminal sexual misconduct, criminal case summary, and civil case summary. Therefore, this report does not include a comparison of 2011 to 2013 data with those from prior years, but subsequent annual reports will do so. PSD makes its annual report readily available to the public at least annually through its website at www.hawaii.gov/psd.

In addition, the U.S. Bureau of Justice Statistics (BJS) requires correctional agencies to collect and report detailed information regarding the sexual victimization of offenders. This report includes a summary of the information that was submitted to the BJS in 2011, 2012, and 2013 for the Survey of Sexual Victimization (SSV), which was changed from the Survey of Sexual Violence in 2014.

This report focuses on providing a review of the incident-based and aggregate data collected related to sexual abuse/assault or sexual harassment with offender victims from January 1, 2011, to and including, December 31, 2013.

The PREA standard definition of **Offender-on-Offender Sexual Abuse** is defined consisting of any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, and the anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

The PREA standard definition of **Offender-on Offender Sexual Harassment** is defined as repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender, detainee, or resident directed toward another.

The PREA standard definition of **Staff-on-Offender Sexual Abuse** is defined as Sexual Abuse of an offender, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the Offender, detainee, or resident:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an offender, detainee, or resident, and
- (8) Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an offender, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an offender who is using a toilet in his or her cell to perform bodily functions; requiring an offender to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an offender's naked body or of an offender performing bodily functions.

The PREA standard definition of **Staff-on-Offender Sexual Harassment** is defined as repeated verbal comments or gestures of a sexual nature to an offender, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing; or obscene language or gestures.

Sexual Abuse and Sexual Harassment Data for 2011

The PSD facilities in 2011 consisted of seven facilities on four islands and the Mainland Branch Unit (MBU), who contracts with the Corrections Corporation of America (CCA) to house inmates in Saguaro Correctional Center (SCC). PSD Correctional Facilities are Halawa Correctional Facility (Oahu), Hawaii Community Correctional Center (Big Island), Kauai Community Correctional Center (Kauai), Maui Community Correctional Center (Maui), Oahu Community Correctional Center (Oahu), Waiawa Correctional Facility (Oahu), and Womens Community Correctional Center (Oahu). SCC is a privately operated prison located in Eloy, Arizona that PSD contracts with for housing Hawaii offenders committed to the custody and care of the Director of PSD. As a private prison, SCC is required to comply with the PREA standards that became effective in August 2012. PSD did incorporate the PREA standards requirement and language into the contract renewal with CCA in September 2014.

Offender-on-Offender Sexual Abuse and Sexual Harassment

Using the PREA definitions as indicated above, three (3) facilities reported allegations of Offender-on-Offender sexual abuse and zero (0) facilities had reports of Offender-on-Offender sexual harassment allegations. There were three (3) allegations of Offender-on-Offender sexual abuse. Of the three (3) allegations of Offender-on-Offender sexual abuse, two (2) were substantiated and one (1) was unfounded. The following table illustrates the aggregate data for each PSD facility and privately contracted prison.

Offender-on-Offender Sexual Abuse and Sexual Harassment Allegations January 1 – December 31, 2011

FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED
MBU CCA/ SCC (private contracted facility)	SEXUAL ABUSE	1	1	0	0
	SEXUAL HARASSMENT	0	0	0	0
HCCC*	SEXUAL ABUSE	0	0	0	0
	SEXUAL HARASSMENT	0	0	0	0
HCF	SEXUAL ABUSE	0	0	0	0
	SEXUAL HARASSMENT	0	0	0	0
KCCC*	SEXUAL ABUSE	0	0	0	0
	SEXUAL HARASSMENT	0	0	0	0
MCCC*	SEXUAL ABUSE	1	0	0	1
	SEXUAL HARASSMENT	0	0	0	0
OCCC*	SEXUAL ABUSE	1	1	0	0
	SEXUAL HARASSMENT	0	0	0	0
WCCC (F)	SEXUAL ABUSE	0	0	0	0
	SEXUAL HARASSMENT	0	0	0	0
WCF	SEXUAL ABUSE	0	0	0	0
	SEXUAL HARASSMENT	0	0	0	0

*Facility has both male and female Offenders.
(F) Female Facility

Staff-on-Offender Sexual Abuse and Sexual Harassment

Using the PREA standard definitions, one (1) facility reported an allegation of Staff-on-Offender sexual abuse and one (1) facility reported allegations of Staff-on-Offender sexual harassment. There were a total of three (3) allegations of Staff-on-Offender sexual abuse and one (1) allegation of Staff-on-Offender sexual harassment. Of the three (3) allegations of Staff-on-Offender sexual abuse, one (1) was substantiated and two (2) were unfounded. The one (1) allegation of Staff-on-Offender sexual harassment was unfounded. The following table illustrates the aggregate data for each PSD facility and privately contracted prison.

Staff-on-Offender Sexual Harassment and Sexual Abuse Allegations January 1 – December 31, 2011

FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED
HCCC*	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL ABUSE	0	0	0	0
HCF	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL ABUSE	0	0	0	0
KCCC*	STAFF SEXUAL HARASSMENT	1	0	0	1
	STAFF SEXUAL ABUSE	0	0	0	0
MCCC*	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL ABUSE	0	0	0	0
OCCC*	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL ABUSE	3	1	0	2
WCCC (F)	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL ABUSE	0	0	0	0
WCF	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL ABUSE	0	0	0	0

OVERVIEW OF 2011 INFORMATION

A. Offender-on-Offender cases:

There were two (2) substantiated Offender-on-Offender sexual abuse allegations. First incident occurred in a cell at OCCC; the victim was male; age 45 or older; race was Native Hawaiian or other Pacific Islander; victim reported the incident; victim was given a medical examination, administered a rape kit, tested for HIV/AIDS, tested for other sexually transmitted diseases, and provided with counseling or mental health treatment. Perpetrator was male between the ages of 40-45 years old; Asian and Native Hawaiian or other Pacific Islander; used persuasion or talked the victim into sexual activity and physically held the victim down or restrained him in some way; the perpetrator was placed in solitary confinement, placed in disciplinary segregation, and was referred for prosecution.

The second substantiated incident occurred at the MBU CCA/SCC in the victim's cell. The victim was male, 29 years old, and Asian. The perpetrator was male, 49 years old, and Asian. The nature of the incident was touching the victim's groin, penis, and testicles for sexual gratification, while the victim was asleep. The perpetrator was initially housed in administrative investigation and later found guilty of the misconduct.

B. Staff-on-Offender cases:

One (1) substantiated Staff-on-Offender sexual abuse case was committed by a staff member employed as a Registered Nurse at OCCC. The staff perpetrator was male, 36 years old, and Asian. There were two offender victims, one was female, 21 years old, and Caucasian. The second offender victim was unidentified. The staff perpetrator sexually abused the two offender victims in the OCCC Health Care Unit (HCU) by taking nude photographs of the offender victims for reasons unrelated to official duties. The staff perpetrator sexually assaulted the 21-year-old female offender victim, during or under the guise of a medical exam in the HCU. The disciplinary sanction issued was discharge; however, the matter is pending a grievance appeal.

Sexual Abuse and Sexual Harassment Data for 2012

The PSD facilities in 2012 consisted of seven facilities on four islands and the Mainland Branch Unit (MBU), who contracts with the Corrections Corporation of America (CCA) to house inmates in Saguaro Correctional Center (SCC). PSD Correctional Facilities are Halawa Correctional Facility (Oahu), Hawaii Community Correctional Center (Big Island), Kauai Community Correctional Center (Kauai), Maui Community Correctional Center (Maui), Oahu Community Correctional Center (Oahu), Waiawa Correctional Facility (Oahu), and Womens Community Correctional Center (Oahu). SCC is a privately operated prison located in Eloy, Arizona that PSD contracts with for housing Hawaii offenders committed to the custody and care of the Director of PSD. As a private prison, SCC is required to comply with the PREA standards that became effective in August 2012. PSD did incorporate the PREA standards requirement and language into the contract renewal with CCA in September 2014.

Offender-on-Offender Sexual Abuse and Sexual Harassment

Using the PREA definitions, three (3) facilities reported allegations of Offender-on-Offender sexual abuse and one (1) facility reported an allegation of Offender-on-Offender sexual harassment. There were a total of six (6) allegations of Offender-on-Offender sexual abuse, and one (1) allegation of Offender-on-Offender sexual harassment. Of the six (6) allegations of Offender-on-Offender sexual abuse, one (1) allegation was substantiated, three (3) were unsubstantiated, and two (2) were unfounded. The one (1) Offender-on-Offender sexual harassment allegation was unfounded. The following table presents the allegations by facility.

Offender-on-Offender Sexual Abuse and Sexual Harassment Allegations January 1 – December 31, 2012

FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED
HCCC*	SEXUAL ABUSE	0	0	0	0
	SEXUAL HARASSMENT	0	0	0	0
HCF	SEXUAL ABUSE	2	0	1	1
	SEXUAL HARASSMENT	0	0	1	0
KCCC*	SEXUAL ABUSE	0	0	0	0
	SEXUAL HARASSMENT	0	0	0	0
MCCC*	SEXUAL ABUSE	2	0	1	1
	SEXUAL HARASSMENT	0	0	0	0
OCCC*	SEXUAL ABUSE	2	1	1	0
	SEXUAL HARASSMENT	0	0	0	0
WCCC (F)	SEXUAL ABUSE	0	0	0	0
	SEXUAL HARASSMENT	1	0	0	1
WCF	SEXUAL ABUSE	0	0	0	0
	SEXUAL HARASSMENT	0	0	0	0

Staff-on-Offender Sexual Abuse/Assault and Sexual Harassment

Using the PREA definitions, there were two (2) allegations of Staff-on-Offender sexual harassment and eight (8) allegations of Staff-on-Offender sexual abuse. Two (2) of the two (2) allegations of Staff-on-Offender sexual harassment were unfounded. Of the eight (8) allegations of Staff-on-Offender sexual abuse, four (4) were unfounded, two (2) were substantiated, one (1) was unsubstantiated, and one (1) is currently pending investigation. The following table presents the allegations by facility.

**Staff-on-Offender Sexual Harassment and Sexual Abuse Allegations
January 1 – December 31, 2012**

FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	INVESTIGATION PENDING
MBU CCA/ SCC (private contracted facility)	STAFF SEXUAL HARASSMENT	1	0	0	1	0
	STAFF SEXUAL ABUSE	0	0	0	0	0
HCCC*	STAFF SEXUAL HARASSMENT	0	0	0	0	0
	STAFF SEXUAL ABUSE	2	1	1	0	0
HCF	STAFF SEXUAL HARASSMENT	0	0	0	0	0
	STAFF SEXUAL ABUSE	0	0	0	0	0
KCCC*	STAFF SEXUAL HARASSMENT	0	0	0	0	0
	STAFF SEXUAL ABUSE	1	0	0	1	0
MCCC*	STAFF SEXUAL HARASSMENT	0	0	0	0	0
	STAFF SEXUAL ABUSE	0	0	0	0	0
OCCC*	STAFF SEXUAL HARASSMENT	1	0	0	1	0
	STAFF SEXUAL ABUSE	1	0	0	1	0
WCCC (F)	STAFF SEXUAL HARASSMENT	0	0	0	0	0
	STAFF SEXUAL ABUSE	4	1	0	2	1
WCF	STAFF SEXUAL HARASSMENT	0	0	0	0	0
	STAFF SEXUAL ABUSE	0	0	0	0	0

OVERVIEW OF 2012 INFORMATION

A. Offender-on-Offender

The one (1) substantiated Offender-on-Offender sexual abuse allegation occurred at OCCC in the victim's cell. The victim was male between the ages of 25-29 years old; and Native Hawaiian or other Pacific Islander. The victim was given a medical examination, administered a rape kit, tested for HIV/AIDS, tested for other sexually transmitted diseases, and provided with counseling or mental health treatment. Offender perpetrator was male, between the ages of 30-34 years old, and African American. The nature of the incident was unwanted touching for sexual gratification and physical force (or the threat of force) resulting in a nonconsensual sexual act.

B. Staff-on-Offender cases:

There were two (2) substantiated Staff-on-Offender sexual abuse allegations. One occurred at HCCC, where a male Adult Corrections Officer (ACO) engaged in an inappropriate and intimate relationship with a female offender, while she was out on work furlough. Offender victim was between the ages of 18-24 years old and Native Hawaiian or other Pacific Islander. The victim was provided with counseling or mental health treatment. Staff perpetrator was male between ages of 30-34 years old; Native Hawaiian or other Pacific Islander; and employed as a full-time ACO. The disciplinary sanction imposed was discharge and the appeals process was completed.

The second incident occurred at WCCC, where a male ACO sexually assaulted a female offender in the staff bathroom of the Control Station. The offender victim was female; between the ages of 25-29 years old; Caucasian; and was given a medical examination, tested for HIV/AIDS, tested for other sexually transmitted diseases, and provided with counseling or mental health treatment. After the incident, the victim was transferred to another facility. Staff perpetrator was male, between the ages of 45-54 years old, other Pacific Islander (Samoan), and employed as an ACO. The disciplinary sanction issued was discharge and the grievance appeals process is pending.

Sexual Abuse and Sexual Harassment Data for 2013

The PSD facilities in 2012 consisted of seven facilities on four islands and the Mainland Branch Unit (MBU), who contracts with the Corrections Corporation of America (CCA) to house inmates in Saguaro Correctional Center (SCC). PSD Correctional Facilities are Halawa Correctional Facility (Oahu), Hawaii Community Correctional Center (Big Island), Kauai Community Correctional Center (Kauai), Maui Community Correctional Center (Maui), Oahu Community Correctional Center (Oahu), Waiawa Correctional Facility (Oahu), and Womens Community Correctional Center (Oahu). SCC is a privately operated prison located in Eloy, Arizona that PSD contracts with for housing Hawaii offenders committed to the custody and care of the Director of PSD. As a private prison, SCC is required to comply with the PREA standards that became effective in August 2012. PSD did incorporate the PREA standards requirement and language into the contract renewal with CCA in September 2014.

Offender-on-Offender Sexual Abuse

Using the PREA definitions, six (6) facilities reported allegations of Offender-on-Offender sexual abuse and three (3) facilities reported allegations of Offender-on-Offender sexual harassment. There were twenty-nine (29) allegations all together: twenty-five (25) sexual abuse allegations and four (4) sexual harassment allegations. Of the twenty-five (25) allegations of Offender-on-Offender sexual abuse, three (3) were substantiated, two (2) were unsubstantiated, fifteen (15) were unfounded, three (3) are currently pending investigation, and two (2) were deemed to be consensual acts. Of the four (4) allegations of Offender-on-Offender sexual harassment, two (2) were substantiated and the other two (2) were unfounded. The following table presents the allegations by facility.

**Offender-on-Offender Sexual Abuse and Sexual Harassment Allegations
January 1 – December 31, 2013**

FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING	CONSENSUAL SEXUAL ACTS
MBU CCA/ SCC (private contracted facility)	SEXUAL ABUSE	0	0	0	0	0	0
	SEXUAL HARASSMENT	1	0	0	1	0	0
HCCC*	SEXUAL ABUSE	1	0	0	0	1	0
	SEXUAL HARASSMENT	0	0	0	0	0	0
HCF	SEXUAL ABUSE	9	1	1	7	0	0
	SEXUAL HARASSMENT	0	0	0	0	0	0
KCCC*	SEXUAL ABUSE	1	1	0	0	0	0
	SEXUAL HARASSMENT	1	1	0	0	0	0
MCCC*	SEXUAL ABUSE	3	0	1	1	1	0
	SEXUAL HARASSMENT	2	1	0	1	0	0
OCCC*	SEXUAL ABUSE	6	1	0	4	1	0
	SEXUAL HARASSMENT	0	0	0	0	0	0
WCCC (F)	SEXUAL ABUSE	5	0	0	3	0	2
	SEXUAL HARASSMENT	0	0	0	0	0	0
WCF	SEXUAL ABUSE	0	0	0	0	0	0
	SEXUAL HARASSMENT	0	0	0	0	0	0

PSD definition **Consensual Sexual Acts:**

The investigative outcome of the Offender-on-Offender PREA allegation of sexual abuse was determined to be consensual sexual acts between the alleged Offender victim and alleged Offender perpetrator. "Consensual sexual acts" means that both Offenders willingly engaged in sexual activity with each other. PSD prohibits all Offender-on-Offender sexual conduct and offenders are subject to misconduct charges and disciplinary action.

Staff-on-Offender Sexual Abuse and Sexual Harassment

Using the PREA definitions, there were a total of four (4) allegations of Staff-on-Offender sexual harassment and five (5) allegations of Staff-on-Offender sexual abuse. All four (4) allegations of Staff-on-offender sexual harassment were unfounded. Of the five (5) allegations of Staff-on-offender sexual abuse, four (4) were unfounded and one (1) was substantiated. The following table presents the allegations by facility.

Staff-on-Offender Sexual Harassment and Sexual Abuse Allegations January 1 – December 31, 2013

FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	INVESTIGATION PENDING
HCCC*	STAFF SEXUAL HARASSMENT	0	0	0	0	0
	STAFF SEXUAL ABUSE	1	0	0	1	0
HCF	STAFF SEXUAL HARASSMENT	1	0	0	1	0
	STAFF SEXUAL ABUSE	1	0	0	1	0
KCCC*	STAFF SEXUAL HARASSMENT	0	0	0	0	0
	STAFF SEXUAL ABUSE	0	0	0	0	0
MCCC*	STAFF SEXUAL HARASSMENT	0	0	0	0	0
	STAFF SEXUAL ABUSE	1	1	0	0	0
OCCC*	STAFF SEXUAL HARASSMENT	2	0	0	2	0
	STAFF SEXUAL ABUSE	1	0	0	1	0
WCCC (F)	STAFF SEXUAL HARASSMENT	0	0	0	0	0
	STAFF SEXUAL ABUSE	1	0	0	1	0
WCF	STAFF SEXUAL HARASSMENT	1	0	0	1	0
	STAFF SEXUAL ABUSE	0	0	0	0	0

OVERVIEW OF 2013 INFORMATION

A. Offender-on-Offender

There were three (3) substantiated Offender-on-Offender sexual abuse allegations and two (2) substantiated Offender-on-Offender sexual harassment allegations. The first substantiated Offender-on-Offender sexual abuse allegation occurred at HCF in the victim's cell. The victim was male; between the ages of 30 to 34 years old; Asian; and the victim was given a medical examination, administered a rape kit, tested for other sexually transmitted diseases, and provided with counseling or mental health treatment. The offender perpetrator was male; between the ages of 25-29 years old, and Native Hawaiian or other Pacific Islander. The perpetrator used physical force (or the threat of force) resulting in a nonconsensual sexual act. The perpetrator was placed in administrative segregation, placed in disciplinary segregation, subject to an increase in custody level, and referred to County law enforcement.

The second of three substantiated Offender-on-Offender sexual abuse allegations occurred at KCCC in a common area (shower). The incident took place in an area not subject to video monitoring. The victim was female; between the ages of 25-29 years old; Asian; and the victim was provided with counseling services by facility mental health treatment staff. The nature of the incident was unwanted touching for sexual gratification or abusive sexual contact. The offender perpetrator was female; between the ages of 25-29 years old, and African American. The offender perpetrator was placed in administrative segregation, placed in disciplinary segregation; subject to an increase in custody level, and referred to County law enforcement.

The third of three substantiated Offender-on-Offender sexual abuse allegations occurred at OCCC in a common area. The incident took place in an area subject to video monitoring. The victim was female; between the ages of 30-34 years old; Asian; and the victim was offered, but declined testing or treatment. The nature of the incident was sexual harassment, verbal comments, and unwanted touching for sexual gratification or abusive sexual contact. The offender perpetrator surprised the victim with unwanted touching, grabbing, or groping. The offender perpetrator was female; between the ages of 30-34 years old, and Asian. The offender perpetrator was placed in administrative segregation, placed in disciplinary segregation, subject to an increase in custody level, and referred to County law enforcement.

The first out of two substantiated Offender-on-Offender sexual harassment allegations occurred at MCCC in a common area (shower). The incident took place in an area without video monitoring. The victim was a transgender male; between the ages of 40-44 years old; Native Hawaiian or other Pacific Islander. The victim was offered, but declined treatment services. The offender perpetrator was male; between the ages of 40-44 years old; and Native Hawaiian or other Pacific Islander. The nature of the incident was sexual harassment and verbal comments. The offender perpetrator was placed in administrative segregation and subsequently disciplined via the adjustment hearings process.

The second of the two substantiated Offender-on-Offender sexual harassment allegations occurred at KCCC in a dormitory housing unit. The incident took place in an area not subject to video monitoring. The victim was male; between the ages of 18-24 years old; Native Hawaiian or other Pacific Islander; and the victim was provided with counseling or mental health treatment. The nature of the incident was repeated and unwelcomed sexual advances or requests for sexual favors, persuasion into sexual activity, and bribery or blackmail. The offender perpetrator was male; between the ages of 45-54 years old; and Caucasian. The offender perpetrator was placed in administrative segregation, placed in disciplinary segregation; subject to a custody increase; and transferred to a higher security facility.

B. Staff-on-Offender

There was one (1) substantiated allegation of Staff-on-Offender sexual abuse and zero (0) substantiated allegations of Staff-on-Offender sexual harassment. The one (1) substantiated incident of Staff-on-Offender sexual abuse occurred at MCCC, where the staff perpetrator sexually assaulted an offender victim in a temporary holding cell within the facility. The incident took place in an area subject to video monitoring. The offender victim was female; between the ages of 25-29 years old; Native Hawaiian or other Pacific Islander; and the victim was provided with counseling or mental health treatment. The nature of the incident was unwanted touching for sexual gratification. The staff

perpetrator was male; between ages of 40-44 years old; Asian; and employed as an ACO. The disciplinary action was discharge and it is currently pending the grievance appeals process.

PSD PREA PROGRESS AND SUMMARY

Director's Memorandum on PREA, issued on December 3, 2013, notified all employees of the zero tolerance policy against institutional sexual abuse/assault and sexual harassment by offenders, staff, volunteers or contract providers. The delay was the result of the requirements of a collective bargaining agreement. However, the training aspect began in late 2012.

From May 2014 to July 2014, PSD conducted PREA internal audits of seven of its eight correctional facilities. Kulani Correctional Facility (KCF) was only re-opened in July 2014 and did not begin housing offenders until August 2014. KCF will be subject to a PREA internal audit in 2015.

The PSD PREA policy (ADM.08.08) became effective on July 18, 2014 and a Director's Memorandum was issued along with the PSD PREA policy, PSD PREA Screening Tool, PSD PREA Mandated Reporting Form, and PSD Sexual Abuse Incident Review Form. The delay was the result of the requirements of a collective bargaining agreement.

PSD has provided comprehensive training for all PSD staff emphasizing PSD's zero tolerance policy and the importance of preventing, detecting, deterring, and encouraging the reporting of sexual abuse/sexual assault and sexual harassment toward offenders. PSD also educates staff about the serious impact of offender sexual victimization within a correctional setting.

PSD staff members will be provided with a refresher PREA training every two years to ensure that staff members are aware of PSD's PREA policy. In years when a staff member does not receive the refresher training, PSD will provide refresher information on current sexual abuse and sexual harassment policies through the PSD website, handouts, and posters.

PSD volunteers and contractors, who have contact with offenders, have been trained on PREA, PSD's policy, and their responsibilities regarding prevention, detection, reporting, and how to respond to an offender victim of sexual abuse and sexual harassment.

All offenders, at the time of intake by the Intake Service Center, have received verbal and written information about PSD's zero tolerance policy and how to report incidents or suspected incidents of sexual abuse or sexual harassment. Within thirty days of intake, PSD offenders receive comprehensive PREA education via a video developed by the PREA Resource Center and Just Detention International.

All offenders at admission or intake screening, which occurs upon admission to a facility, are screened using the PSD PREA Screening Tool. The screening tool assesses an offender's risk of sexual abuse victimization or sexual abusiveness towards other offenders. The information obtained by the screening tool is utilized to determine housing designations, workline placement, program assignment, or to keep separated those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive.

In August 2014, a DOJ certified PREA auditor conducted PSD's first PREA audit to determine whether the facility was in compliance with federal PREA standards. WCCC and WCF were audited in August of 2014. The WCCC and WCF DOJ PREA Auditor Interim Report was issued on September 12, 2014 and PSD is currently in "corrective action."

PREA impacts PSD in its Corrections and Law Enforcement Division, as well as the Office of Youth Services: Hawaii Youth Correctional Facility. The management of the finalized PREA national standards will have a significant impact on PSD's budget, programs, and resources.