

The Department of Public Safety 2014 Annual Prison Rape Elimination Report

INTRODUCTION

The Prison Rape Elimination Act of 2003 (PREA) 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, by establishing a zero tolerance policy for sexual abuse/assault and sexual harassment. PREA also 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.

The PREA standards were finalized in May of 2012, and after a 90-day publication period they became effective on August 20, 2012, when 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 final PREA Audit Compliance Tool was officially released in final form in 2014.

The Department of Public Safety (PSD) began its initial efforts to comply with the finalized PREA standards in August of 2012. As a result, PSD began implementing policies and procedures, training employees, contractors and volunteers, and educating offenders.

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 its prison system and lockups. PSD is committed to providing a safe environment for all offenders committed to the custody and supervision of its Director.

PSD continues its efforts to work towards compliance with the PREA standards. Some of these efforts include, but are not limited to updating policies, requesting community rape crisis centers to provide emotional counseling support services for offenders, developing PREA training materials, as well as appointing PREA Managers in each facility. Under the guidance of the PSD's PREA Coordinator, PREA Managers direct their facility's efforts to comply with the policies and directives that promote the PREA standards.

BJS REPORTING DATA

PREA requires data be collected and aggregated on sexual abuse/assault and sexual harassment incidents for PSD facilities and PSD contracted private prisons. 28 CFR §115.87. Aggregated data can be reviewed for calendars years 2011–2013 at <http://dps.hawaii.gov/policies-and-procedures/pp-prea/>.

PREA also 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. 28 CFR §115.88. The annual report includes a comparison of the current year's data and an assessment of the corrective action from prior years and provides an assessment of the PSD's progress in addressing sexual abuse. This report is PSD's first formal report as it relates to this PREA standard. PSD will make its report readily available to the public annually through its website at www.hawaii.gov/psd.

Additionally, 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 2014 for the Survey of Sexual Violence.

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, 2014, to and including, December 31, 2014.

The PREA standard definition of **Offender-on-Offender Sexual Abuse** (28 CFR §115.6) 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** (28 CFR §115.6) 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 direct toward another.

The PREA standard definition of **Staff-on-Offender Sexual Abuse** (28 CFR §115.6) 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** (28 CFR §115.6) 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 2014

The PSD facilities in 2014 consisted of eight (8) facilities on four islands; the Mainland Branch Unit (MBU), which contracts with the Corrections Corporation of America (CCA) to house inmates in Saguaro Correctional Center (SCC); and the Federal Detention Center (FDC), a federal facility which PSD contracts with to house PSD inmates. Although not typically used to housed inmates and detainees overnight, Sheriff's Cell Blocks in Oahu First Circuit Court and Federal District Court are also subject to the PREA standards.

Four (4) of the eight (8) PSD Correctional Facilities are located on the island of Oahu. They are Halawa Correctional Facility (HCF), Oahu Community Correctional Center (OCCC), Waiawa Correctional Facility (WCF), and Womens Community Correctional Center (Oahu). Two (2) of the eight (8) PSD Correctional Facilities are located on the island of Hawaii, and they are the Hawaii Community Correctional Center (HCCC) and Kulani Correctional Facility (KCF). Kauai Community Correctional Center (KCCC) is located on the island of Kauai and Maui Community Correctional Center (MCCC) is located on the island of Maui.

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 incorporated the PREA standards requirement and language into the contract renewal with CCA in September of 2014. SCC successfully completed its DOJ PREA Audit in 2014.

PSD houses jail inmates and/or special management inmates at FDC. As a federal prison, the FDC is required to comply with the PREA standards. FDC successfully completed their DOJ PREA Audit in 2015.

2014 Offender-on-Offender Sexual Abuse and Sexual Harassment

In 2014, using the PREA definitions, five (5) PSD Correctional Facilities reported allegations of Offender-on-Offender sexual abuse and four (4) facilities reported allegations of Offender-on-Offender sexual harassment. In addition, out of the contracted facilities, MBU reported one (1) allegation of Offender-on-Offender sexual abuse and zero (0) allegations of Offender-on-Offender sexual harassment, and the FDC reported one (1) allegation of Offender-on-Offender sexual abuse and two (2) allegations of Offender-on-Offender sexual harassment.

There were forty-eight (48) Offender-on-Offender allegations all together: thirty-three (33) sexual abuse allegations and fifteen (15) sexual harassment allegations. Of the thirty-seven (37) allegations of Offender-on-Offender sexual abuse, five (5) were substantiated, five (5) were unsubstantiated, twenty (20) were unfounded, and two (2) are currently pending investigation. Of the fifteen (15) allegations of Offender-on-Offender sexual harassment, five (5) were substantiated, two (2) were unsubstantiated, eight (8) were unfounded, and none (0) are pending investigation. The following table presents the allegations by facility.

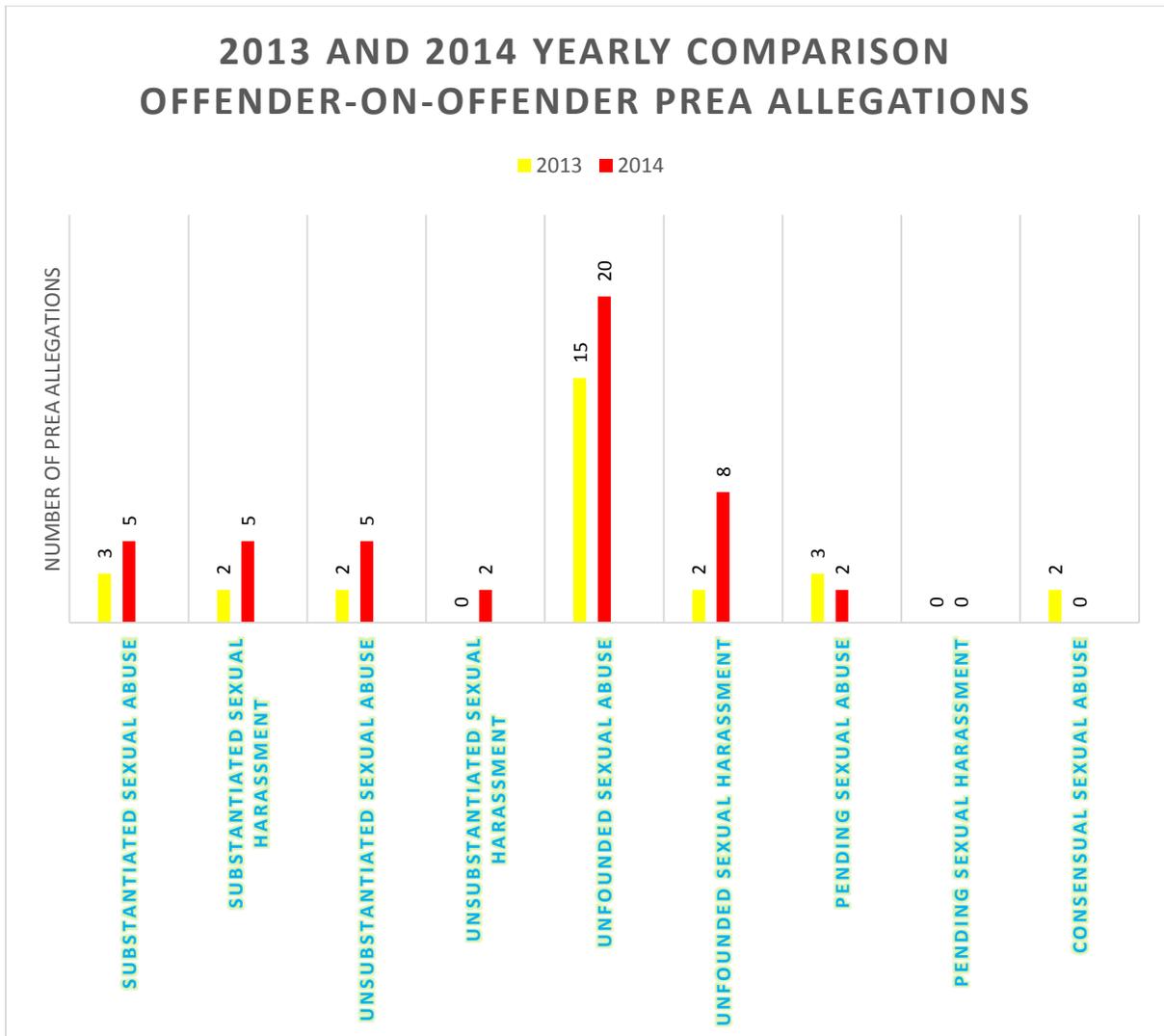
**Offender-on-Offender Sexual Abuse and Sexual Harassment Allegations
January 1 – December 31, 2014**

FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING
MBU CCA/SCC (private contracted facility)	SEXUAL ABUSE	1	0	1	0	0
	SEXUAL HARASSMENT	0	0	0	0	0
FEDERAL DETENTION CENTER (federally contracted facility)	SEXUAL ABUSE	1	0	0	1	0
	SEXUAL HARASSMENT	2	0	0	2	0
HCCC*	SEXUAL ABUSE	2	1	0	1	0
	SEXUAL HARASSMENT	0	0	0	0	0
HCF	SEXUAL ABUSE	10	2	3	5	0
	SEXUAL HARASSMENT	2	0	0	2	0
KCCC*	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	0	0	0	0	0
KCF	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	0	0	0	0	0
MCCC*	SEXUAL ABUSE	6	1	0	4	0
	SEXUAL HARASSMENT	3	1	1	1	0
OCCC*	SEXUAL ABUSE	10	1	0	7	2
	SEXUAL HARASSMENT	3	0	0	3	0
WCCC (F)	SEXUAL ABUSE	3	0	1	2	0
	SEXUAL HARASSMENT	5	4	1	0	0
WCF	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	0	0	0	0	0

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

Offender-on-Offender Sexual Abuse and Sexual Harassment Allegations 2013 and 2014 Yearly Comparison

Year	Substantiated		Unsubstantiated		Unfounded		Pending		Consensual
	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment	
2013	3	2	2	0	15	2	3	0	2
2014	5	5	5	2	20	8	2	0	0



Staff-on-Offender Sexual Abuse and Sexual Harassment

Using the PREA definitions, six (6) PSD Correctional Facilities reported allegations of Staff-on-Offender sexual abuse and four (4) facilities reported allegations of Staff-on-Offender sexual harassment. In addition, out of the contracted facilities, MBU reported zero (0) allegations of Staff-on-Offender sexual abuse and zero (0) allegations of Staff-on-Offender sexual harassment, and the FDC reported zero (0) allegations of Staff-on-Offender sexual abuse and zero (0) allegations of Staff-on-Offender sexual harassment.

There were thirty-three (33) Staff-on-Offender allegations all together: twenty-six (26) sexual abuse allegations and seven (7) sexual harassment allegations. Of the twenty-six (26) allegations of Staff-on-Offender sexual abuse, six (6) were substantiated, three (3) were unsubstantiated, eleven (11) were unfounded, six (6) are currently pending investigation. Of the seven (7) allegations of Staff-on-Offender sexual harassment, two (2) were substantiated, one (1) was unsubstantiated, four (4) were unfounded, and none (0) are pending investigation. The following table presents the allegations by facility.

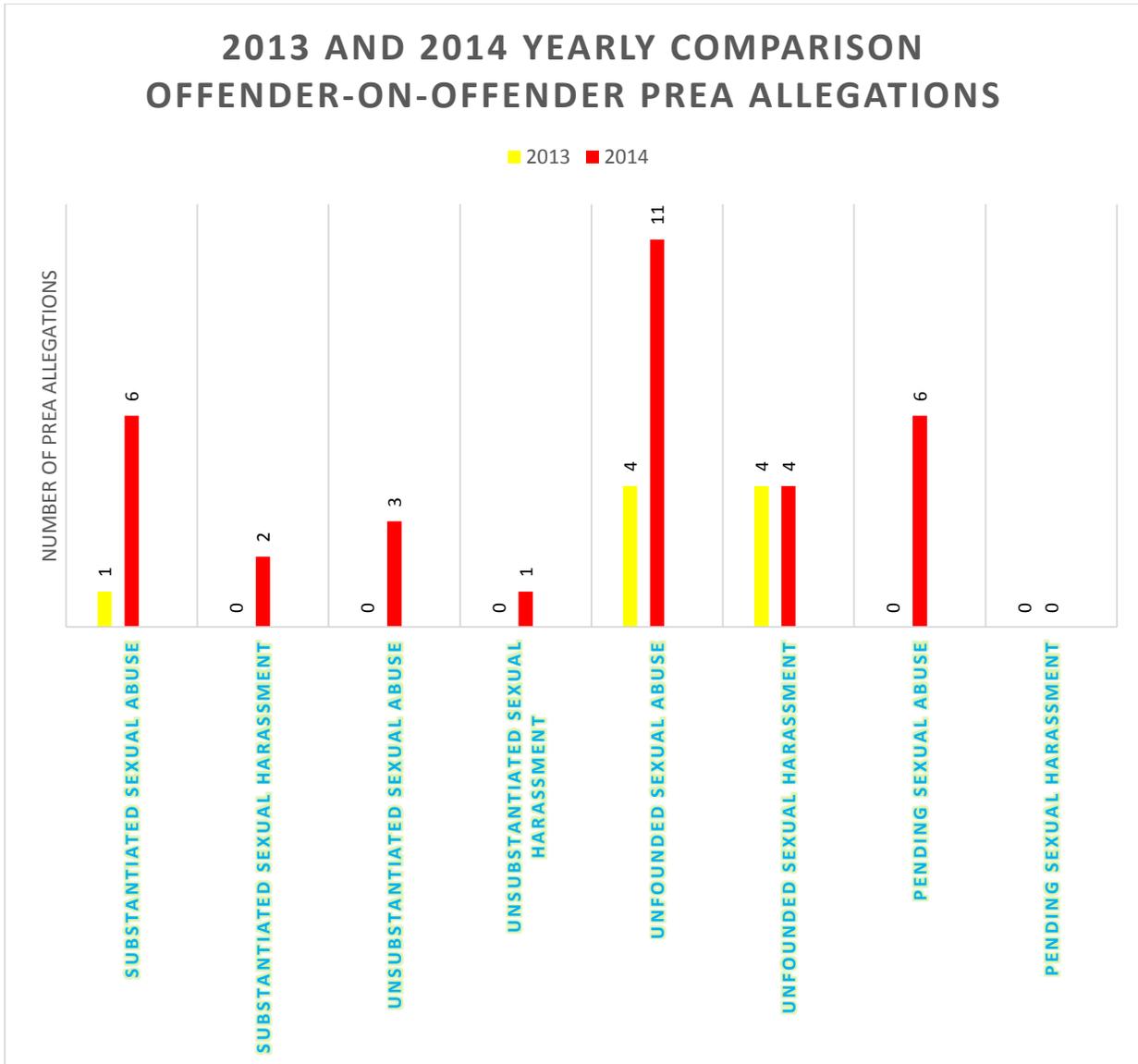
**Staff-on-Offender Sexual Abuse and Sexual Harassment Allegations
January 1 – December 31, 2014**

FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING
MBU CCA/SCC (private contracted facility)	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	0	0	0	0	0
FEDERAL DETENTION CENTER (federally contracted facility)	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	0	0	0	0	0
SHERIFF'S CIRCUIT COURT CELL BLOCK/ DISTRICT COURT CELL BLOCK	SEXUAL ABUSE	2	1	0	0	1
	SEXUAL HARASSMENT	0	0	0	0	0
HCCC*	SEXUAL ABUSE	2	1	0	1	0
	SEXUAL HARASSMENT	0	0	0	0	0
HCF	SEXUAL ABUSE	4	1	0	3	0
	SEXUAL HARASSMENT	2	2	0	0	0
KCCC*	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	0	0	0	0	0
KCF	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	0	0	0	0	0
MCCC*	SEXUAL ABUSE	2	1	0	0	1
	SEXUAL HARASSMENT	0	0	0	0	0
OCCC*	SEXUAL ABUSE	5	2	1	2	0
	SEXUAL HARASSMENT	2	0	0	2	0
WCCC (F)	SEXUAL ABUSE	10	0	2	4	4
	SEXUAL HARASSMENT	2	0	1	1	0
WCF	SEXUAL ABUSE	1	0	0	1	0
	SEXUAL HARASSMENT	1	0	0	1	0

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

**Staff-on-Offender Sexual Abuse and Sexual Harassment Allegations
2013 and 2014 Yearly Comparison**

Year	Substantiated		Unsubstantiated		Unfounded		Pending	
	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment
2013	1	0	0	0	4	4	0	0
2014	6	2	3	1	11	4	6	0



OVERVIEW of 2014 INFORMATION

A. Offender-on-Offender

In 2014, there were five (5) substantiated Offender-on-Offender sexual abuse allegations and five (5) substantiated Offender-on-Offender sexual harassment allegations. Two (2) Offender-on-Offender sexual abuse allegations, which occurred at OCCC, are currently pending investigation.

Five (5) Substantiated Offender-on-Offender Sexual Abuse Incidents:

The first substantiated Offender-on-Offender sexual abuse incident occurred at HCCC in the victim's cell, overnight (midnight to 6 a.m.). The victim was male, between the ages of 25-29 years old, and Native Hawaiian or other Pacific Islander. The victim did not sustain any physical injury. The incident was reported by Medical, Healthcare, or Mental Health Staff. The victim was provided a medical examination, and counseling or mental health treatment. The offender perpetrator was male, between the ages of 45-54 years old, and Native Hawaiian or other Pacific Islander. The nature of the incident was unwanted touching for sexual gratification or abusive sexual contact and physical force (or the threat of force) resulting in a nonconsensual sexual act. The offender perpetrator surprised the victim with unwanted touching, grabbing, or groping, and threatened the victim with a weapon. The offender perpetrator was released prior to the completion of the misconduct investigation, but he was referred to County Law Enforcement.

The second substantiated Offender-on-Offender sexual abuse incident occurred at HCCC in the victim's cell during the morning (6 a.m. to noon). The victim was male, between the ages of 45-54 years old, and White. The victim did not sustain any physical injury. The incident was reported by the victim. The victim was provided with a medical examination, and counseling or mental health treatment. The perpetrator was male, between the ages of 35-39 years old, and Asian. The nature of the incident was sexual harassment, repeated and unwelcomed sexual advances or requests for sexual favors, and unwanted touching for sexual gratification or abusive sexual contact. The perpetrator was placed in disciplinary segregation, written up for a conduct violation, and referred to County Law Enforcement.

The third substantiated Offender-on-Offender sexual abuse incident occurred at HCF in a common area (e.g. shower, dayroom, or bathroom) during the morning (6 a.m. to noon). The victim was male, age 55 or older, and Asian. The victim did not sustain any physical injury. The incident was reported by the victim. The victim was provided with a medical examination, and counseling or mental health treatment. The perpetrator was male, between the ages of 30-34 years old, and Native Hawaiian or other Pacific Islander. The nature of the incident was unwanted touching for sexual gratification or abusive sexual contact. The perpetrator surprised the victim with unwanted touching, grabbing or groping. The perpetrator was placed in disciplinary segregation, in a higher custody level, in a restricted

unit or program within the same facility, transferred to another unit/cell, had a loss of privileges, and was written up for a conduct violation.

The fourth substantiated Offender-on-Offender sexual abuse incident occurred at MCCC in the victim's cell during an unknown time. The victim was male, between the ages of 18-24 years old, and White. The victim did not sustain any physical injury. The incident was reported by Medical Staff. The victim was provided with a medical examination, and counseling or mental health treatment. The perpetrator was male, between the ages of 18-24 years old, and White. The nature of the incident was sexual harassment, indecent exposure, repeated and unwelcome sexual advances or requests for sexual favors, and unwanted touching for sexual gratification or abusive sexual contact. The type of pressure used by the perpetrator was sexual harassment, and surprising the victim with unwanted touching. The perpetrator was placed in disciplinary segregation, transferred to another unit/cell, written up for a conduct violation, and was referred to County Law Enforcement.

The fifth substantiated Offender-on-Offender sexual abuse incident occurred at OCCC in a multiple housing unit during the afternoon (noon to 6 p.m.). The victim was male, between the ages of 25-29 years old, and Native Hawaiian or other Pacific Islander. The victim did not sustain any physical injury. The incident was reported by the victim. The victim was provided with a medical examination, offered counseling or mental health treatment, but declined testing or treatment. The perpetrator was transgender, between the ages of 18-24 years old, and Asian. The nature of the incident was horseplay. The type of physical force used by the perpetrator was surprising the victim with unwanted touching, grabbing or groping. The perpetrator was placed in disciplinary segregation, had a loss of privileges, and was written up for a conduct violation.

Five (5) Substantiated Offender-on-Offender Sexual Harassment Incidents:

The first substantiated Offender-on-Offender sexual harassment incident occurred at MCCC in a common area (e.g. shower, dayroom, or bathroom) during the evening (6 p.m. to midnight). The victim was transgender, between the ages of 25-29 years old, Asian and Native Hawaiian or other Pacific Islander. The victim did not sustain any physical injury. The incident was reported by the perpetrator. The victim was provided with a medical examination, and counseling or mental health treatment. The perpetrator was male, between the ages of 18-24, and Asian. The nature of the incident was slapping the victim across the buttocks with a towel. The type of pressure used by the perpetrator was sexual harassment. The perpetrator was transferred to another unit/cell, had a loss of privileges, written up for a conduct violation, and sent to an adjustment hearing.

The second, third, fourth, and fifth substantiated Offender-on-Offender sexual harassment incidents occurred at WCCC in a common area (e.g. shower, dayroom, or bathroom) during the evening (6 p.m. to midnight). There were four (4) victims and one (1) perpetrator. The

first victim was female, between the ages of 18-24 years old, and White. The second victim was female, between the ages of 30-34 years old, and White. The third victim was female, between the ages of 35-39 years old, and Asian. The fourth victim was female, between the ages of 45-54 years old, and Asian. All four (4) victims were provided with counseling or mental health treatment, and separated from the perpetrator. The perpetrator was female, between the ages of 30-34 years old, and Asian. The nature of the incident was sexual harassment, and repeated and unwelcome sexual advances or requests for sexual favors. The type of pressure used by the perpetrator was sexual harassment or verbal comments. The perpetrator was transferred to another unit/cell, had a loss of privileges, was written up for a conduct violation, and sent to counseling or treatment.

B. Staff-on-Offender

In 2014, there were six (6) substantiated Staff-on-Offender sexual abuse allegations and two (2) substantiated Staff-on-Offender sexual harassment allegations. Six (6) Staff-on-Offender Sexual Abuse allegations (one (1) occurred at the Sheriff's Circuit Court Cell Block, one (1) occurred at MCCC, and four (4) occurred at WCCC) are currently pending investigation.

Six (6) Substantiated Staff-on-Offender Incidents:

The first substantiated Staff-on-Offender sexual abuse incident occurred at the Sheriff's District Court Cell Block in a holding cell during the afternoon (noon to 6 p.m.). The victim was female, between the ages of 45-54 years old, and White. The victim did not sustain any physical injury. The incident was reported by the victim. The staff perpetrator was male, between the ages of 35-39 years old, and Asian. The nature of the incident was sexual contact including touching of the sexual or other intimate parts of the victim. The type of pressure used by the staff perpetrator was abuse of power resulting in a nonconsensual sexual act. The type of physical force used by the staff perpetrator was an unauthorized cross-gender strip search. The staff perpetrator was a full-time paid employee of PSD and his primary position was a Law Enforcement Officer. The staff perpetrator was referred to County Law Enforcement and he was terminated from employment. At the time of the incident, the staff perpetrator worked at PSD for more than ten (10) years.

The second substantiated Staff-on-Offender sexual abuse incident was reported at HCCC; however, the incident itself occurred offsite, in the staff perpetrator's home during an unknown time. The victim was on work furlough. The victim was male, between the ages of 45-54 years old, and Native Hawaiian or other Pacific Islander. The victim did not sustain any physical injury. The incident was reported by the staff perpetrator. The victim was offered, but declined, medical testing and mental health treatment. The nature of the incident was a sexual relationship between the victim and the staff perpetrator that appeared to be willing. The victim moved into the staff perpetrator's home. The staff perpetrator was female, between the ages of 35-39 years old, and Asian. The staff perpetrator was a full-time

paid employee of PSD and her primary position was a Case Manager. The staff perpetrator was referred to County Law Enforcement and she resigned with stipulations prior to the completion of a formal investigation. At the time of the incident, the staff perpetrator worked for PSD for one (1) to five (5) years.

The third substantiated Staff-on-Offender sexual abuse incident occurred at HCF in the Medical Unit during an unknown time. The victim was male, between the ages of 45-54 years old, and Native Hawaiian or other Pacific Islander. The victim did not sustain any physical injury. The incident was reported by a Correctional Officer. The victim was transferred to another facility following the incident for reasons unrelated to the incident. The nature of the incident was writing letters, offering gifts or special privileges to the victim, and a sexual relationship between the victim and the staff perpetrator that appeared to be willing. The staff perpetrator was female, age 55 or older, and Native Hawaiian or other Pacific Islander. The staff perpetrator was a full-time paid employee of PSD and her primary position was a Medical or Health Care Staff. The staff perpetrator was transferred to a female facility pending investigation, and was eventually terminated. At the time of the incident, the staff perpetrator worked for PSD for one (1) to five (5) years.

The fourth substantiated Staff-on-Offender sexual abuse incident was reported at MCCC; however, the incident occurred offsite, in the staff perpetrator's home during an unknown time. The victim was on work furlough. The victim was female, between the ages of 30-34 years old, and White. The victim did not sustain any physical injury. The incident was reported by the victim and the victim's attorney. The victim was provided a medical examination, tested for sexually transmitted diseases, and provided with counseling or mental health treatment. The victim was transferred to another facility, given a single cell, and separated from the staff perpetrator. The nature of the incident was pressure or abuse of power resulting in a nonconsensual sexual act, indecent exposure, and showing nude pictures to the victim. The staff perpetrator was male, between ages 35-39 years old, and Asian. The staff perpetrator was a full-time paid employee of PSD and his primary position was an Adult Corrections Officer. The staff perpetrator was referred to County Law Enforcement, referred for prosecution, and indicted. The staff perpetrator resigned with stipulations prior to the completion of a formal investigation. At the time of the incident, the staff perpetrator had worked for PSD for one (1) to five (5) years.

The fifth substantiated Staff-on-Offender sexual abuse incident occurred at OCCC in a multiple housing unit during the afternoon (noon to 6 p.m.) and evening (6 p.m. to midnight). The victim was male, between the ages of 30-34 years old, and Hispanic or Latino. The victim did not sustain any physical injury. The incident was reported by a Correctional Officer. The victim was offered, but declined, medical testing or mental health treatment. The victim was placed in Administrative Segregation for violation of contraband policy. The nature of the incident was writing letters, showing pictures, offering gifts or special privileges to the victim, and a sexual relationship between the victim and the staff perpetrator

that appeared to be willing. The staff perpetrator was female, between the ages of 45-54 years old, and Asian. The staff perpetrator was a full-time paid employee of PSD and her primary position was a Correctional Officer or Supervisory Staff. The staff perpetrator resigned with stipulations prior to completion of a formal investigation. At the time of the incident, the staff perpetrator had worked for PSD for more than ten (10) years.

The sixth substantiated Staff-on-Offender sexual abuse incident was reported at OCCC; however, the incident occurred offsite, in the staff perpetrator's home during the evening (6 p.m. to midnight) and overnight (midnight to 6 a.m.). The victim was on work furlough. The victim was male, between the ages of 30-34 years old, and Black. The victim did not sustain any physical injury. The incident was reported by the perpetrator. The victim was offered, but declined, medical testing or mental health treatment. As a violation of his furlough agreement, the victim was written up for disciplinary action resulting in a loss of furlough privileges. The nature of the incident was writing letters, a sexual relationship between the victim and staff perpetrator that appeared to be willing, and the victim and staff perpetrator were married. The staff perpetrator was female, between the ages of 45-54 years old, and mixed race. The staff perpetrator was a full-time paid employee of PSD and her primary position was a Correctional Officer at a different PSD facility. The staff perpetrator was referred to County Law Enforcement, referred for prosecution, and was terminated from employment. At the time of the incident, the staff perpetrator had worked for PSD for more than ten (10) years.

Two (2) Substantiated Staff-on-Offender Sexual Harassment Incidents:

The first and second substantiated Staff-on-Offender sexual abuse incidents occurred at HCF in a program service area, during the evening (6 p.m. to midnight). There were two (2) victims and one (1) perpetrator. The first victim was transgender, between the ages of 18-24 years old, and Asian. The second victim was transgender, between the ages of 18-24 years old, and Native Hawaiian or other Pacific Islander. The victims did not sustain any physical injury. The incident was reported by the victims. The victims were offered, but declined, mental health treatment. The nature of the incident was sexual harassment or repeated verbal statements of a sexual nature. The perpetrator was an unpaid Chapel volunteer. The volunteer perpetrator was male, age and race unknown. The volunteer perpetrator was banned from entering the facility premises. At the time of the incident, the volunteer had volunteered at the facility for six (6) months to one (1) year.

PSD PREA Progress and Summary

In May 2014, the Governor of the State of Hawaii certified that Hawaii provided assurances to the DOJ/Bureau of Justice Assistance (BJA), and that Hawaii was working towards full compliance with the PREA standards for the adult and juvenile correctional facilities. As a result for 2014, PSD received a 5% penalty on Judge Advocate General (JAG) funds for an amount of \$26,344. These funds were utilized to purchase equipment for HCCC, OCCC, and WCF to assist with the prevention, detections, and response for PREA incidents. The Violence Against Women Act (VAWA) penalty allocation for 2014 has not been finalized by DOJ/BJA.

In May of 2015, the Governor of the State of Hawaii certified that Hawaii provided assurances to DOJ/BJA that Hawaii will work towards full compliance with the PREA standards; however, this action was primarily based on the deficiencies with the Hawaii Youth Correctional Facility (juvenile facility). All PSD facilities were deemed to be compliant with the PREA standards; nonetheless, the Governor's certification process did not consider the scenario of an adult correctional facility being compliant to avoid any penalty of grant funds.

On July 18, 2014, the PSD PREA policy (ADM.08.08) became effective 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 policy can be accessed at <http://dps.hawaii.gov/wp-content/uploads/2014/07/ADM.08.08.pdf>.

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 educated staff about the serious impact of offender sexual victimization within a correctional setting.

PSD staff members are provided with refresher PREA training every two (2) 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 provides information on current sexual abuse and sexual harassment policies through its website, in addition to handouts, memoranda, 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 new admission offenders are processed by the Intake Service Center. There, offenders receive verbal and written information about PSD's zero tolerance policy and how to report incidents or suspected incidents of sexual abuse or sexual harassment. The written information can be accessed at <http://dps.hawaii.gov/wp-content/uploads/2013/08/FINAL-PREA-Brochure-for-CI-4-23-13.pdf>. Within thirty (30) days of intake, PSD offenders also receive comprehensive PREA education via a video developed by the PREA Resource Center and Just Detention International.

All offenders at admission or transfer are screened. This screening occurs upon admission to a facility by utilizing 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, work line placement, program assignment, and/or to keep separated those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive. PSD is in the process for automating the PREA Screening Tool by incorporating it within the Offendertrak system.

Family, friends, attorneys, and other third parties are informed of ways they can report incidents of offender institutional sexual abuse and/or sexual harassment by other offenders, PSD staff, contractors, or volunteers. The information can be accessed at <http://dps.hawaii.gov/wp-content/uploads/2015/02/How-to-report-PREA-Incident-2-3-15.jpg>.

From May of 2014 to July of 2014, PSD conducted internal audits of seven (7) of its eight (8) correctional facilities. The eighth facility, Kulani Correctional Facility (KCF) re-opened in July of 2014 and it did not begin housing offenders until August of 2014. A PREA internal audit of KCF was conducted in July of 2015, and a DOJ PREA audit is scheduled for October of 2015.

In August of 2014 (1st audit cycle year), a DOJ certified PREA Auditor conducted PSD's first PREA audit to determine whether two (2) of PSD's eight (8) facilities, WCCC and WCF, were in compliance with the federal PREA standards. During the dictated "corrective action" period, WCCC was found to be in compliance with the federal PREA standards and its final DOJ PREA Auditor Report can be accessed at <http://dps.hawaii.gov/wp-content/uploads/2015/02/Auditor-Report-Womens-Correctional-Facility-Final-2-17-15.pdf>. During the dictated "corrective action" period, WCF was also found to be in compliance with the federal PREA standards and its final DOJ PREA Auditor Report can be accessed at <http://dps.hawaii.gov/wp-content/uploads/2015/02/Auditor-Report-Waiawa-Correctional-Facility-Final-2-17-15.pdf>.

In November of 2014, a DOJ certified PREA Auditor conducted an audit of the SCC, a medium security facility operated by Corrections Corporation of America that contracts with PSD, to determine whether it was in compliance with the federal PREA standards. SCC was found to be in compliance with the federal PREA standards and its final DOJ PREA Auditor Report can be accessed at <http://dps.hawaii.gov/wp-content/uploads/2015/02/PREA-Audit-Report-Saguaro-Correctional-Center-11-15-14.pdf>.

In November of 2014, a DOJ certified PREA Auditor conducted an audit of T.J. Mahoney, a ninety (90) bed Residential Reentry Center that contracts with WCCC, to determine whether it was in compliance with the federal PREA standards. T.J. Mahoney was found to be in compliance with the federal PREA standards and its final DOJ PREA Auditor Report can be accessed at <http://dps.hawaii.gov/wp-content/uploads/2015/02/PREA-Audit-Report-TJ-Mahoney-1-7-15.pdf>.

In 2015 (2nd and 3rd audit cycle year), a DOJ certified PREA Auditor conducted or is scheduled to conduct audits of the remaining six (6) PSD facilities: HCF (compliant), KCCC (report pending), MCCC (report pending), HCCC (scheduled for October of 2015), KCF (scheduled for October of 2015) and OCCC (scheduled for March of 2016). PSD will continue working towards compliance with the PREA standards through the future three year cycle of reviews.