

PREA AUDIT: AUDITOR'S SUMMARY REPORT

ADULT PRISONS & JAILS

NATIONAL
PREA
RESOURCE
CENTER



BJA
Bureau of Justice Assistance
U.S. Department of Justice

[Following information to be populated automatically from pre-audit questionnaire]

Name of facility: Maui Community Correctional Center		
Physical address: 600 Waiale Road Wailuku, Hi 96793		
Date report submitted: July 5, 2015		
Auditor Information Shamroque D Alvis-Hill		
Address: 2605 State Street		
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Telephone number: 503-562-0099		
Date of facility visit: June 3, 2015 – June 6, 2015		
Facility Information		
Facility mailing address: (if different from above)		
Telephone number: (808) 243-5101		
The facility is:	<input type="checkbox"/> Military	<input type="checkbox"/> County Federal
	<input type="checkbox"/> Private for profit	<input type="checkbox"/> Municipal <input checked="" type="checkbox"/> State
	<input type="checkbox"/> Private not for profit	
Facility Type:	<input checked="" type="checkbox"/> Jail	Prison
Name of PREA Compliance Manager: Gail Mirkovich		Title: PREA Facility Manager
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Agency Information		
Name of agency: State of Hawaii, Department of Public Safety		
Governing authority or parent agency: (if applicable)		
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Agency Chief Executive Officer		
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Agency-Wide PREA Coordinator		
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AUDIT FINDINGS

NARRATIVE:

The PREA Audit of the Maui Community Correctional Center was conducted on June 03, 2015 through June 06, 2015. Notice of the audit was posted in the facility six weeks prior to the audit providing auditor contact information. One week prior to the audit, the auditor received the Pre-Audit Questionnaire with attached documentation. Interviews were not conducted prior to the onsite visit of this audit. Prior to the audit, the auditor reviewed the provided documentation and reviewed the agency website to evaluate compliance with PREA standards.

The Auditor conducted a tour of the facility which included but was not limited to intake, all housing units to include segregated housing areas, medical, food services, industry areas, and programming and education areas. PREA signs and informational posters for services related to PREA were posted throughout the facility. Interviews were conducted and an examination of the facility's intake process was reviewed.

As part of the Facility Audit, the Auditor interviewed key agency and facility staff to include; Nolan Espinda, Director; James Hirano, Warden; Shelley Nobriga, PREA Compliance Coordinator; Lt. Gall Mirkovich, PREA Compliance Manager.

Additionally, all required staff and inmate interviews were conducted which included 15 random staff and 15 random inmates that had been selected randomly from rosters provided by the facility. Additionally, specialized interviews were conducted for inmates identified as disabled, limited English proficient, LGBTI, or who had reported sexual abuse. Also, other specialized staff interviews conducted included First Responders, Intermediate or Higher Level Facility Staff, Staff who perform screening for risk of victimization and abusiveness Medical staff, Mental Health staff, and Staff assigned to supervise inmates in segregated housing as well as 1 volunteer and 1 contractor. Total interviews conducted were 40 staff, 26 inmates and 2 volunteer/contractors.

The auditor found that staff and inmates were aware of PREA. The auditor reviewed staff, contractor and volunteer training records to ensure that all required training had been completed. At the time of this audit, all staff, investigator staff and contractor training had not been completed. Corrective action will take place in this area. The auditor also reviewed investigative reports and staff personnel files related to completed investigations and disciplinary actions taken regarding PREA related allegations.

Maui Community Correctional Center staff was incredible and are very dedicated to their facility. The attitude of staff was extremely positive and you could see first-hand the moral support they provide. The communication between line staff and administration was seamless.

Recommendations that were made to the PREA Compliance Coordinator:

- Will be to review with staff at Maui Community Correctional Center the procedure on how to conduct cross gender pat down searches and searches of transgender

and inter sex inmates in a professional and respectful manner that is consistent with security needs.

- Recommendation for staff training is to incorporate a policy refresher memorandum.
- Recommendation for tracking and documentation of monitoring for retaliation.
- Recommendations to fine tune the process for showing inmate PREA video.

Corrective Action Taken: The facility shall put out a written directive to all staff that opposite gender staff must announce themselves when entering the housing units. This was not being done per the interviews conducted with the graveyard shift staff. Proofs of such directives were supplied to the auditor.

The PREA policy was signed and implemented on July 18, 2014. The standard numbers were added to the policy to assist in identifying how the agency is complying with specific standards.

Additional documents were reviewed and requested throughout the audit as well as during this corrective action period.

The Maui Police Department investigates criminal allegations of sexual abuse or sexual assault at Maui Community Correctional Center. Internal Affairs investigates administrative allegations.

DESCRIPTION OF FACILITY CHARACTERISTICS:

The Maui Community Correctional Center (MCCC) is a 404 bed facility that serves the needs of pre-trial and sentenced female and male offenders. The average length of stay under supervision is Sentenced Jail up to 90 days, Pre-Trial Jail up to 2 years, and Furlough SF is up to 9 months of stay. The facility houses female and male offenders who are of minimum, medium, max and community custody levels. Maui Community Correctional Center provides an environment that helps offenders successfully re-enter the community.

The Maui Community Correctional Center (MCCC) is located on approximately 7 acres. In addition to housing pre-trial detainees, MCCC provides reintegration programs to sentenced felons and parole violators who will be released on Maui.

Maui Community Correctional Center provides an innovative drug court program enables select pre-trial inmates, sentenced felons, and parole violators to participate in in-facility treatment services, which is followed by another 9 months of treatment in the community

All forensic sexual assault medical exams are conducted at Maui Memorial Medical Center which is an outside facility.

LIVING UNITS:

Living units are broke into seven dormitory housing units (male and female) as well as ten multiple occupancy housing units. All posts are deemed Gender Specific.

The layout of the units contains showers and toilets that provide privacy to the male and female offenders. There are signs posted throughout the facility and housing units of opposite gender staff entering housing units. The audit team observed PREA posters and information were visible in all living areas and throughout the facility.

Female housing areas are separate from the male housing areas. Male and female offenders both utilize the recreational area but they have separate schedules for the use of the recreational areas. These areas are all monitored by staff throughout the facility.

MODULE A & B

EACH MODULE 4 QUADS

EACH MODULE IS DESIGNED TO HOLD 48 INMATES

EACH QUAD IS DESIGNED TO HOUSE 12 INMATES

EACH MODULE HAS 2 STAFF

1 CONTROL AND 1 ROVER

1 SERGEANT SUPERVISES MODULES A-D

TOTAL 2 STAFF (THE AMOUNT OF INMATES AT THIS TIME IS 90)

MODULE C & D

(SEGREGATED HOUSING)

EACH MODULE HAS 6 CELLS

DESIGNED TO HOLD 12 INMATES

BOTH OF THESE MODULES ARE CONNECTED SO IT SUPERVISED BY 2 STAFF

1 CONTROL AND 1 ROVER

1 SERGEANT SUPREVISES MODULES A THRU D

TOTAL 2 STAFF (THE AMOUNT OF INMATES HOUSED THERE AT THIS TME IS MC-6 MD-6 TOTAL 12)

DORM 1 & 2

DORM SETTING

EACH DORM WAS DESIGNED TO HOLD 32 BUNKS

1 CONTROL AND 1 ROVER

1 SERGEANT SUPERVISES DORMS 1 THRU 5 AS WELL AS THE MULTI-PURPOSE AND HOLDING AREA

TOTAL 2 STAFF (THE AMOUNT OF INMATES HOUSED AT THIS TIME IS 31)

DORM 3

DORM SETTING

DRUG TREATMENT PROGRAM

HOUSES 20 INMATES

1 CONTROL OFFICER

1 SERGEANT SUPERVISES DORMS 1 THRU 5 AS WELL AS THE MULTI-PURPOSE AND HOLDING AREA

TOTAL 1 STAFF (THE AMOUNT OF INMATES HOUSED AT THIS TIME IS20)

MULTIPURPOSE

GENDER SPECIFIC (FEMALES)

2 AREA CONSISTING OF MODULE 3 AND DAYROOMS

MODULE 3 HAS 6 CELLS DESIGNED TO HOLD 2 INMATES FOR A TOTAL OF 12 BUNKS
DAYROOMS – 2 DAYROOMS WITH 3 CELLS EACH =9
1 DAYROOM WITH 2 CELLS (USED FOR LOCKDOWNS MH ETC.)
1 FEMALE STAFF
1 SERGEANT SUPERVISES DORMS 1 THRU 5 AS WELL AS THE MULTI-PURPOSE AND HOLDING AREA
TOTAL 1 STAFF(THE AMOUNT OF INMATES HOUSED IN MODULE 3=19 DAYROOMS=24
DORM 4 & 5
GENDER SPECIFIC (FEMALES
DORM 4 CONSISTS OF GENERAL POPULATION FEMALINMATES WITH 22 BEDS
DORM 5 IS FEMALE DRUG TREATMENT CONSISTING OF 12 BEDS
1 FEMALE STAFF
1 SERGEANT SUPERVISES DORMS 1 THRU 5 AS WELL AS THE MULTI-PURPOSE AND HOLDING AREA
TOTAL 1 STAFF (THE AMOUNT OF INMATES HOUSED IN THIS AREA IS D4=22 D5=12)

DORM 6 & 7
(COMMUNITY WORKLINES & WORK FURLOUGH)
2 SEPARATE DORMS WITH 60 BEDS EACH FOR A TOTAL OF 120
2 STAFF =1 CONTROL AND 1 ROVER
SUPERVISED BY 1 SERGEANT(THE AMOUNT OF INMATES CURRENTLY HOUSED IN THIS AREA IS 120)

HOLDING/INTAKE
4 CELLS
1 SUICIDE CELL
3 CELLS W/ 2 BEDS USED MAINLY FOR MEDICAL/ MENTAL HEALTH/ DETOX..
1 OFFICER 2 TRANSPORT OFFICERS
1 SERGEANT SUPERVISES DORMS 1 THRU 5 AS WELL AS THE MULTI-PURPOSE AND HOLDING AREA
(THE AMOUNT OF INMATES IS 6 ... 4 =SAFETY WATCH 1= MED OBS 1=MH)

Disciplinary Segregation Unit (12 beds total 6 Admin, 6 Disciplinary)

Inmates at Maui Community Correctional Center are admitted to Segregation to serve assigned punitive segregation time or for the Administrative Segregation as outlined in PREA policy, ADM 08.08. The Department policy discourages the placement of inmates in involuntary administrative segregated housing solely because of their high risk of sexual victimization status, unless an assessment of all available alternatives has been made. If the assessment concludes that there is no available alternative for separating the victim from a likely abuser. This shall be documented by utilizing the PREA Mandated Reporting form.

This unit is equipped with 12 segregated cells that are designed to provide safe and secure housing for offenders who may be under investigation, facing disciplinary action, serving disciplinary sanctions, and/or under protective custody. Offenders generally remain in their cell 23 hours each day.

Medical

The Hawaii Department of Public Safety is responsible for providing medical, behavioral health, dental, vision, and pharmaceutical services to individuals incarcerated in Hawaii's state operated correctional facilities. The Hawaii PSD is committed to

providing essential health care services to inmate-patients. All offenders are granted access to essential health care services.

Programs/Education: Maui Community Correctional Center provides programs such as adult basic education, GED, parenting, cognitive skills, substance abuse treatment, vocational training, and work furlough. Extended furlough is offered in conjunction with the Maui Intake Service Center.

SUMMARY OF AUDIT FINDINGS:

Number of standards exceeded: 0

Number of standards met: 42

Number of standards not met:

Non-applicable: 1

§115.11 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Hawaii Department of Public Safety has met all elements of this standard. Hawaii Policy, Prison Rape Elimination Act ADM 08.08 (PREA) Prevention and Reporting Policy: (A) The Department has a zero tolerance policy towards sexual abuse, sexual harassment and retaliation for reporting incidents.

This policy encompasses the approach to prevention, detection, and responsibility to report such conduct. This policy was effective July 14, 2014.

In addition to the policy, a memorandum was completed by Director Ted Sakai, dated December 3, 2013 that outlines the zero tolerance policy and PSD intentions to be compliant with PREA national standards.

During the onsite visit of the facility, it was observed by this auditor that staff was aware of the agency's zero tolerance policy towards sexual abuse and sexual harassment and were familiar with the agency's PREA policy.

The Agency has identified a Statewide PREA Compliance Coordinator and Maui Community Correctional Center has identified a PREA Liaison that services as the facility's PREA Compliance Manager. It was apparent that there is sufficient time and authority to coordinate, develop, implement, and oversee the agency's efforts to comply with the PREA standards at the Agency level as well as the Facility level.

The Agency has designated an upper level, Agency Statewide PREA Coordinator that has the sufficient time, and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities in the Hawaii Department of Corrections. The organization chart has the position identified as the litigation coordinator because it serves as a dual role. It is recommended that the organization chart be clearer that the litigation coordinator is also the PREA Coordinator.

The Agency has designated PREA compliance managers in all of its facilities. PREA policy ADM 08.08 requires that each PREA compliance manager have sufficient time and authority to coordinate the facility's effort to comply with the standards.

The PREA Compliance Manager at Maui Community Correctional Center is a dedicated correctional supervisor position, allowing for sufficient time and authority to coordinate PREA efforts.

§115.12 - Contracting with other entities for the confinement of inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The contract with Corrections Corporation of America to confine their inmates was recently renewed. The new contract included the special condition that the contract agency comply with the PREA and to demonstrate compliance through PREA audits. PREA Policy ADM 008.08 mandates that new contracts or contract renewals with private agencies or other entities for the confinement of PSD's offenders shall include language that the private entity is required to adopt and comply with the PREA standards.

The private entity is subject to PSD monitoring/audit as part of its contract. PSD has developed language to include interstate compact agreements.

An online review of Saguaro Correctional Center indicates it passed a PREA audit in November 14, 2014.

§115.13 – Supervision and Monitoring

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The facility does meet all the elements in this standard. Maui Community Correctional Center has developed a staffing plan that provides for adequate levels of staffing, and video monitoring to protect inmates against sexual abuse. The requirements listed in this standard are also listed in the PREA Policy.

The staffing plan has been reviewed annually with input from the Agency PREA Coordinator who reviews aggregated data for indications those changes to staffing or camera systems may be appropriate.

The facility has been in consultation with the PREA Coordinator to assess, determine, and document any adjustments to the staffing plan and make available resources to commit to ensure the adherence of the staffing plan.

The facility does require that supervisory rounds are being conducted, as required in the PREA policy. A review of housing logs and interviews of staff show that supervisory rounds are being conducted.

§115.14 – Youthful Inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center has demonstrated compliance with all elements of this standard. Maui Community Correctional Center does not house youthful inmates.

If an instance were to occur, there would be a staff member with the individual at any time there were an adult offender within sight, sound, or physical contact.

§115.15 – Limits to Cross-Gender Viewing and Searches

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center meets all the elements in this standard as outlined in Limits to Cross-Gender Viewing and Searches. Maui Community Correctional Center meets the standard and documents all cross gender strip searches and cross body cavity searches. The PREA policy outlines that opposite gender strip searches shall not be done and that pat down or frisk searches of inmates of the opposite gender should not be completed without another officer within view.

A review of their policies, ADM 08.08 and procedures and reported interviews, reflect inmates are able to shower, preform bodily functions and change clothes without non-medical staff of the opposite gender being able to view their genitalia, breasts or buttocks, except during routine cell checks.

The Agency/Facility has trained security staff in how to conduct cross gender pat down searches, and searches of transgender and intersex inmates. Maui Community Correctional Center does not conduct cross gender pat searches and if it did occur for exigent reasons, then staff would utilize the mandatory reporting form. Maui Community Correctional Center did not have any reported incidents. However, recommendations were given to review with staff at Maui Community Correctional Center the procedure on how to conduct cross gender pat down searches and searches of transgender and inter sex inmates in a professional and respectful manner that is consistent with security needs.

Corrective Action: Maui Community Correctional Center policy requires staff of the opposite gender to announce them when entering a housing unit. Interviews with staff and inmates confirmed that opposite gender announcements were not being made on the graveyard shift. The facility shall put out a written directive to all staff that opposite gender staff must announce themselves when entering the housing units. Proofs of such directives were supplied to the auditor.

§115.16 – Inmates with Disabilities and Inmates who are Limited English Proficient

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center demonstrated compliance with all elements of this standard. Maui Community Correctional Center has made every effort to comply with this portion of the standard. The agency has taken all necessary steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient.

Hawaii Department of Public Safety has an account with a telephone language interpretation service which is available 7 days a week, 24 hours a day. There is Limited English Proficiency Plan in place that began in July 2013. During the audit, the facility did not have many inmates that were limited English proficient. The language that was more fluent among the inmates was Chuukese.

During the tour, it was noted that PREA posters were not available in other languages. It is a recommendation of this auditor that the facility develop posters and brochures in other languages.

§115.17 – Hiring and Promotion Decisions

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center has met compliance with all elements of this standard. The Agency conducts background checks for new employees and on all promotions. PREA policy, ADM 08.08, prohibits the hiring or promoting of anyone who may have contact with inmates and shall not enlist the services of any contractor who may have contact with inmates, who:

- 1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution.
- 2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
- 3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a) (2) of this section.

Human Resources were interviewed during the audit. The HR staff member confirmed that all employees have an affirmative duty to immediately disclose PREA related

misconduct through their chain of command and material omissions or materially false information shall be grounds for termination.

New employees have a background and suitability check prior to hiring. Employees who are promoted have a background check completed prior to their promotion. Documentation provided compliance during the interview conducted.

Documentation was provided that all contractors and volunteers received a background check prior to having contact with inmates. Interviews conducted with Human Resources determined that they are conducting background checks for new hires, promotional employees, contractors, and volunteers.

Per the Agency policy, ADM 08.08, it requires that Hawaii Department of Public Safety provides information on substantiated allegations of sexual abuse or sexual harassment involving current or former employees, upon receiving a request from an institutional employer conducting a background check on the employee.

§115.18 – Upgrades to Facilities and Technology

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center has met compliance in this standard. The facility has cameras located throughout the facility that monitors, reports and tracks inmate activities. An updated technology system would enhance the facility's ability to help prevent and reduce incidents or substantiate incidents of sexual abuse and sexual harassment.

No substantial expansions or modifications were made since August 20, 2012. The staffing plan meets the camera system currently in place as well as documentation how PREA is being taken into consideration to cover this standard.

§115.21 – Evidence Protocol and Forensic Medical Examinations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center has demonstrated compliance with all elements of this section. Hawaii Department of Public Safety is responsible for conducting administrative sexual abuse investigations. All criminal sexual abuse investigations are referred to county law enforcement agency. The agency has attempted to enter into an MOU with the Maui Police Department, however MPD is statutorily obligated and is

responsible to respond and investigate allegations of sexual abuse. At the time of the audit, Maui Police Department has elected to not sign the MOU. They have provided a response that shows that the standards outlined in the MOU are their standard of practice and investigative avenues.

The local medical center provides a forensic medical exam by a SANE and a test for sexually transmitted diseases.

Victims of sexual abuse/assault have access to forensic medical examinations through a local hospital, and access to a victim advocate at the SATC. The SATC provides forensic medical examinations and counseling.

Staff has been trained in evidence collection and preservation to maximize the potential of collecting usable evidence.

§115.22 – Policies to Ensure Referrals of Allegations for Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center has met compliance with all elements of this standard. The Agency ensures allegations of sexual abuse and sexual harassment are referred for investigation per the Agency's PREA policy, ADM 08.08. This policy requires that allegations of sexual abuse and sexual harassment are referred for an administrative or criminal investigation. An allegation of sexual harassment is only referred for a criminal investigation if it meets a criminal standard. If it does not meet, then it is referred to the facility investigator.

When an incident has been reported, both Maui Police and the Internal Affairs are notified. The administrative investigations are completed by the Internal Affairs and the criminal investigations are completed by the Maui Police Department.

§115.31 – Employee Training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center has met compliance with all elements of this standard. MCCC security staffs, medical/mental health staff currently had not received the required PREA training curriculum in accordance with the PREA standards. The institution provided documentation showing institution training records that all staff have received training in how to communicate effectively and professionally with inmates,

including lesbian, gay, bisexual, transgender, intersex, or gender conforming inmates and how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

*****Corrective Action taken*****

Training for LGBTI communication is provided during PREA training as well as the Mandatory Reporting laws. Currently, staff have received the training and are now in compliance with this standard.

§115.32– Volunteer and Contractor Training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center has met compliance with all elements of this standard. The Agency's PREA policy, ADM 08.08 requires all volunteers and contractors who have contact with inmates be trained on PREA.

The Auditor has reviewed the training curriculum, as of this date, volunteers and contractors have received training on their responsibilities under the Agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

All contractors and volunteers training records were reviewed as well as interviews conducted showed a clear understanding of the PREA training. Contractors and Volunteers who have regular contact with inmates receive the same PREA training as all Hawaii Department of Public Safety staff. All training provided is documented once received.

§115.33 – Inmate Education

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center has demonstrated that they have met the elements of this standard. Every inmate receives PREA Training within the first week at the facility as part of orientation. The facility ensures that every inmate regardless of limitation or disability has the same access to PREA education resources. PREA information has been provided on an ongoing basis and has been documented to demonstrate compliance.

Intake staff was knowledgeable of the policy and showed compliance during the intake process. Documentation and the video were viewed by auditors to show compliance in this standard.

§115.34 – Specialized Training: Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Hawaii Department of Public Safety and the Maui Community Correctional Center has met compliance with all elements of this standard. The Hawaii Department of Corrections provides specialized training that covers techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity, or sexual abuse investigations.

The Maui Police Department conducts the criminal abuse investigations. Internal Affairs investigators as well as facility investigators receive general PREA training as well as specialized PREA training.

Interviews conducted with the investigations staff were very thorough in their understanding of how to interview sexual abuse victims, Miranda and Garrity, sexual abuse evidence collection and the interview process to substantiate a case for administrative or criminal actions.

Corrective Action: Documentation was provided to this auditor that the specialized training was completed

§115.35 – Specialized training: Medical and Mental health care

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center has met compliance with all elements of this standard. The agency has a policy that relates to the training of medical and mental health practitioners who work regularly in its facilities. The agency/facility needs to ensure that all full and part time medical and mental health care practitioners who work regularly in its facilities have been trained in:

- 1) How to detect and assess signs of sexual abuse and sexual harassment;
- 2) How to preserve physical evidence of sexual abuse;
- 3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and

- 4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

The agency/facility will need to maintain documentation that all medical and mental health staff has been trained in reference to the standard.

Corrective Action: Documentation was provided to reflect the training has now been completed to meet compliance in this standard.

§115.41 – Screening for Risk of Victimization and Abusiveness

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center has met compliance with all elements of this standard. The Agency/Facility has implemented a screening assessment that takes place during an intake and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. The intake screening takes place within 72 hours of arrival at the facility. The screening instrument that is used considers the following criteria to assess inmates for risk of sexual victimization:

- 1) Whether the inmate has a mental, physical, or developmental disability;
- 2) The age of the inmate;
- 3) The physical build of the inmate;
- 4) Whether the inmate has previously been incarcerated;
- 5) Whether the inmate's criminal history is exclusively nonviolent;
- 6) Whether the inmate has prior convictions for sex offenses against an adult or child;
- 7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- 8) Whether the inmate has previously experienced sexual victimization;
- 9) The inmate's own perception of vulnerability; and
- 10) Whether the inmate is detained solely for civil immigration purposes.

The Agency considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency in assessing inmates for risk of being sexually abusive.

The Facility reassesses each inmate's risk of victimization or abusiveness within a set period not to exceed 30 days after the inmate's arrival at the facility, based upon any additional, relevant information received by the facility since the intake screening.

Documents confirmed during the interview that that a 30 day assessments are being done using an objective screening tool. Intake does the initial screening. Once the initial screening has taken place, the PREA compliance Manager sees the inmate within 72 hours. They go over the PREA screening tool which determines appropriate housing, bed, work, education and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those as high risk of being sexually abusive.

§115.42 – Use of Screening Information

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center does meet all the elements of this standard. The Agency/Facility has developed a risk screening tool utilizing the information obtained from the vulnerability risk assessment to make housing, work, education, and programming assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

A review is completed for all transgender and intersex inmates to determine the most suitable housing assignment and it includes the offender's own views related to their safety. The facility does not have dedicated housing for LGBTI inmates and does provide separate showering for all inmates. Interviews with transgender inmate confirmed compliance with this standard.

The placement and programming assignments for each transgender or intersex inmate will need to be reassessed at least twice each year to review any threats to safety experienced by the inmate. Housing decisions for transgender and intersex inmates are reviewed on a case by case basis. Interviews confirmed that transgender and intersex inmates were able to shower separately and safety issues were considered for housing.

The PREA policy, ADM 08.08 allows for inmates to shower separately. At Maui Community Correctional Center, the shower stalls are separate and private, allowing the inmates to shower individually.

§115.43 – Protective Custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center demonstrated compliance with all the elements of this standard. The Agency has a policy, ADM 08.08 prohibiting the placing of inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made a determination has been made that there is no available means of separation from likely abusers. This is documented by utilizing the PREA Mandated Reporting Form.

If the Hawaii Department of Public Standards is unable to conduct the above assessment immediately, the facility may hold the inmate in involuntary administrative housing for a period of less than 24 hours pending the completion of the mandated assessment.

Inmates placed in administrative housing have access to programs, privileges, education and work opportunities. If the facility restricts access to programs, privileges, education or work opportunities, the facility will document it.

Interviews with staff and the tour of the Administrative Unit confirmed that the standards were being met in this area.

§115.51 – Inmate Reporting

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center demonstrated compliance with all elements of this standard. The Hawaii Department of Public Safety and Maui Community Correctional Center have made every effort to ensure multiple ways for offenders to report concerns related to sexual abuse, sexual harassment, retaliation, staff neglect or violation of responsibilities. Offenders were aware of many ways to report and stated that they felt safe reporting to staff at the facility.

Staff knew and understood that regardless of how a report of sexual abuse, sexual harassment, retaliation, staff neglect or violation of responsibilities is received, it must be reported and investigated. Maui Community Correctional Center has established a procedure for staff to follow that requires an affirmative responsibility to report PREA concerns privately.

§115.52 – Exhaustion of Administrative Remedies

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center has met all the elements of this standard. PREA policy, ADM 08.08 refers to the policy COR 12-03, Inmate Grievance Program which outlines the administrative procedures available to inmates for reporting incidents of sexual abuse, sexual harassment or retaliation. A time limit is not imposed when an inmate may submit a grievance regarding an allegation.

The PREA Coordinator indicated that there is a process in place for the Grievance Officer to notify the PREA Coordinator of all PREA related grievances. Inmates can ask for a grievance without identifying why they want the form. Sexual abuse and sexual harassment related grievances are then forwarded to the PREA Coordinator. An interview with the Grievance Coordinator and documentation of grievances was provided to the auditor, confirming this was occurring.

§115.53 – Inmate Access to Outside Confidential Support Services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center demonstrated compliance with all elements of this standard. Hawaii Department of Public Safety has a contract with Health and Human Services: Sex Abuse Treatment Center (SATC) for statewide sexual assault services. SATC provides sexual abuse crisis phone intakes, secondary phone contacts, crisis stabilization, counseling and therapy.

The Agency provides access to outside victim advocates for support. Interviews with inmates indicated their knowledge of this service to them. Inmates are provided a brochure during their intake that provides information on how to report sexual abuse. The posters posted in the housing units provide information how inmates can report incidents of sexual abuse and how to obtain emotional support services.

§115.54 – Third-Party Reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center had demonstrated compliance in all elements of this standard. There are multiple methods that can be utilized for third party reporting.

The Hawaii Department of Public Safety has a website that offers information containing links to provide information about PREA and how to make a report, including third party reporting. There is multiple ways available for third parties to report incidents of sexual abuse or sexual harassment, including external and confidential reporting options.

§115.61 – Staff and Agency Reporting Duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center demonstrated compliance with all elements of this standard. They have a process outlined in policy, ADM 08.08 that requires staff to report any knowledge, suspicion or information regarding an incident of sexual abuse, sexual harassment that occurred in a correctional facility, regardless if it is part of the agency.

The PREA policy outlines medical and mental health reporting responsibilities to all allegations, including third party or anonymous reports to be reviewed and assigned for appropriate investigation.

Staff is prohibited from revealing any information related to a sexual abuse report to anyone other than and to the extent necessary to manage treatment, investigation, and other security decisions. Staff is required to report all allegations of sexual abuse and sexual harassment through their chain of command and send a copy to the PREA Coordinator. The PREA Coordinator submits the report to the Department of Human Services in accordance with Hawaii Revised Statutes.

§115.62 – Agency Protection Duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center has demonstrated compliance with all elements of this standard. The facility complies with the Agency Protection Duties that outlines staff responsibilities related to keeping an offender safe when it is learned that they may be at substantial risk of imminent sexual abuse.

The PREA policy, ADM 08.08 requires immediate action to protect inmates from sexual abuse. When a staff learns that an inmate is subject to a substantial risk of imminent sexual abuse, the staff member is required to take immediate action to protect the inmate. Staff interviewed was aware of the immediate action required to protect inmates.

§115.63 – Reporting to Other Confinement Facilities

- Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center does meet all the elements of this standard. The PREA policy indicates the responsibility to report to other confinement facilities within 72 hours after receiving an allegation of sexual abuse with confined at another facility.

Corrective action: The agency shall modify its practice to include, including the facility head of each facility in such notifications as required by the standards. This standard includes the facility head in emails with a copy of the notice to the other facility.

§115.64 – Staff First Responder Duties

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center demonstrated compliance with all elements of this standard. All staff from the Superintendent to random staff and first responders knew of their responsibility to report. The first responder duties are written in the Hawaii Department of Public Safety, PREA policy, ADM 08.08, which directs employees and contract staff to separate the accused from the alleged victim and witnesses. The Shift Commander then initiates a PREA Response Checklist based upon the information received.

§115.65 – Coordinated Response

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center provided policies and procedures which supported compliance with this standard. Interviews with facility staff confirmed that they are familiar with the policy and procedures. Auditor interview with the Superintendent, PREA Coordinator, PCM and Investigators demonstrated knowledge and practice which further supported compliance with this standard from upper management down to the line staff. In addition to interviews, auditors reviewed completed investigations demonstrated successful use of the agency's coordinated efforts.

§115.66 – Preservation of ability to protect inmates from contact with abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center demonstrated compliance to all elements of this standard. The PREA policy, ADM 08.08 requires the removal of alleged staff sexual abusers from contact with any inmate pending the outcome of an investigation and does not prohibit discipline, if warranted. Hawaii Department of Public Safety or any other governmental entity responsible for collective bargaining on Hawaii Department of Public Safety ability to remove alleged staff sexual abusers from contact with any offender pending the outcome of an investigation; or in a determination of whether and to what extent discipline is warranted.

The Hawaii Department of Public Safety has a contract provision which indicates that management has the right to remove the alleged staff from having contact with the alleged victim pending the outcome of an investigation is similar in all of the CBAs.

Contract language provided: UPW Unit 1 & 10 CBA July 2013 to June 2017.

HGEA Unit 2, 3, 4, 9 CBA Jul 2013 to June 2015. Only HGEA Unit 13 extended to June 2017.

§115.67 – Agency protection against retaliation

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center meets all the elements of this standard. The Agency has it in their PREA policy, ADM 08.08 that it protects all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff.

The facility's Compliance manager monitors for retaliation and has implemented a tracking system to monitor retaliation perpetrated by staff and inmates. These checks are documented monthly and forwarded to the PREA Coordinator and Warden for his review.

During the 90 day period following a report of sexual abuse, the facility PREA compliance manager in conjunction with the warden, monitors inmates who were reported to have suffered sexual abuse to see if there are any changes that may suggest possible retaliation by other inmates or staff.

Interviews were conducted with the Director, Warden, PREA Coordinator and the PREA Compliance Manager regarding the agencies process to protect inmate from staff retaliation. Documentation was provided and retaliation reports were reviewed by this auditor.

§115.68 – Post-Allegation Protective Custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center meets all the elements of this standard. The Hawaii Department of Public Safety has a policy prohibiting the placement of inmates who alleged to have suffered sexual abuse in involuntary segregated housing. The Hawaii Department of Public Safety requires inmate at high risk of sexual victimization shall not be placed in administrative housing unless an assessment of all available alternative determines that there is no available alternative means of separation from likely abuses. Inmates shall have the access to programs, privileges, education and work opportunities.

§115.71 – Criminal and Administrative Agency Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Hawaii Department of Public Safety has a policy related to investigations for allegations of sexual abuse and sexual harassment. All standards requirements are met in the PREA policy, ADM 08.08.

Maui Police Department has jurisdiction on criminal investigations and Internal Affairs will conduct administrative investigations. Internal Affairs investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data.

All administrative reports are retained for as long as the alleged abuser is incarcerated or employed by Hawaii Public Safety to include an additional 5 years. Documentation was provided to the auditor of an investigative report for compliance in this standard. The reports were very thorough and objective.

Interviews conducted with the Investigative staff were very knowledgeable and conveyed a good understanding of the process and how an investigation is completed thoroughly and objectively.

Documentation was provided to the auditor that the investigators for administered investigations attended specialized PREA training.

§115.72 – Evidentiary Standard for Administrative Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center demonstrated compliance with all elements of this standard. The PREA policy, ADM 08.08 states that there will not be a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

The findings in an investigation of sexual abuse and sexual harassment are based on a preponderance of evidence. Interviews were conducted with the PREA Coordinator and the Internal Affairs Investigators.

§115.73 – Reporting to Inmate

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center meets all the elements of this standard. The agency's PREA policy, ADM 08.08 requires upon completion of an administrative or criminal investigation for sexual abuse, facility staff will inform the inmate the outcome of the investigation.

The Hawaii Department of Public Safety will inform the inmate of information if the staff member is no longer posted within the inmate's unit, or employed at the facility, indicted on a charge related to sexual abuse within the facility or if the staff member has been convicted on a charge related to sexual abuse within the facility. If Hawaii Department of Public Safety did not conduct the investigation, then the information from the external investigative agency will be requested.

Documentation of investigative reports were provided to show that notice to the victim/offender of the results of the completed investigation, the status of the criminal case, or the employment status/location of the alleged staff abuser.

§115.76 – Disciplinary sanctions for staff

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center has demonstrated compliance with all elements of this standard. The agency's PREA policy, ADM 08.08 requires disciplinary sanctions up to and including termination for sexual abuse or sexual harassment policy violations. The Hawaii Department of Public Safety shall report the incident to any relevant licensing body applicable to the staff member.

§115.77 – Corrective action for contractors and volunteers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center demonstrated compliance with all elements of this standard. Maui Community Correctional Center demonstrated compliance in the PREA policy, ADM 08.08 which requires allegations determined to be criminal be referred to Maui Police Department as well as contractors and volunteers will be terminated if found to have committed sexual abuse or sexual harassment. The Hawaii Department of Public Safety is required to report incidents to any relevant licensing body applicable to the contractor or volunteer.

Documentation of incidents was provided to the auditor copy of letters submitted to relevant licensing bodies in regards to contractors/volunteers.

§115.78 – Disciplinary sanctions for inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center meets all elements of this standard. Maui Community Correctional Center inmates are subject to disciplinary actions if they are found in violation are adjudicated as guilty of a misconduct violation. Inmates are disciplined for sexual contact with staff only upon finding that the staff member did not consent to such contact and inmates are not subject to discipline for a report of sexual abuse made in good faith.

Inmates at Maui Community Correctional Center can be required to attend sex offender treatment, if medical mental health and facility staff recommend the inmate abuser participate in the treatment program. Inmates needing this treatment for sexual abuse are sent to the Halawa Correctional Facility.

§115.81 – Medical and mental health screenings; history of sexual abuse

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center meets all the elements of this standard. The Agency/Facility's PREA policy, ADM 08.08 states that any inmate who inmates who have disclosed any prior sexual victimization during a screening are ordered a follow up meeting with a medical or mental health practitioner. This meeting needs to take place within 14 days of the intake screening.

The Agency/Facility also has in place all prison inmates who have previously perpetrated sexual abuse as indicated during a screening to the standard, are offered a follow up meeting with a mental health practitioner within 14 days of the intake screening.

Medical and Mental Health staff are aware of their duty to report any incident of sexual abuse that had occurred in an institutional setting and the need to obtain an informed consent in cases that did not occur in a correctional setting, unless the offender was under the age of 18.

§115.82 – Access to emergency medical and mental health services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center has demonstrated compliance with all elements of this standard. The Agency/Facility's PREA policy, ADM 08.08, requires that inmates who report sexual abuse are provided timely and immediate access to medical and mental health care at no cost to the inmate. When a report of sexual abuse is reported, Maui Community Correctional Center Correctional Staff take immediate steps to protect the inmate and to report the information to medical.

Medical staff has received specialized training in how to preserve evidence and ensure that the victim is provided timely information about emergency contraception and sexually transmitted disease prophylaxis when medically appropriate. Care is provided for victims of sexual abuse at no cost to the inmate regardless of whether or not they cooperate in identifying the abuser or cooperate with the investigation.

Inmates that allege sexual abuse within 72 hours, then they are transported to the SATC via Maui Memorial Hospital's emergency room for the forensic medical exam, STD testing, and victim advocate services. If a sexual abuse is outside the above time

frame, then they would conduct any STD testing and refer the inmate to Mental Health. All services provided to the alleged sexual abuse victim are based on the community standard of care and is at no cost to the alleged victim.

Inmates are transported to the local hospital, Maui Memorial Hospital as the SATC contracts with providers on Maui, for medical care and forensic evidence collection. The SATC via Maui Memorial Hospital's emergency room offers sexually transmitted infections prophylaxis. Mental health treatment is offered at the facility.

§115.83 – Ongoing medical and mental health care for sexual abuse victims and abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center has demonstrated compliance with all elements of this standard. Maui Community Correctional Center provides services to offender victims regardless of their cooperation with investigators or refusal to identify an aggressor. Maui Community Correctional Center provides medical and mental health care to all inmates who have reported to be victims of sexual abuse in an institutional setting at no cost to the inmate.

Ongoing medical and mental health care for victims is provided at the facility. SATC offers victims counseling via contracted providers on Maui and services are available by phone.

Per the PREA policy, ADM 08.08, the facility offers medical and mental health evaluation, treatment to all inmates who have been victimized by sexual abuse. They also provide treatment services to the victim without financial cost and will conduct mental health evaluations of all known inmate on inmate abusers within 60 days of learning of the abuse and will provide treatment deemed appropriate by mental health.

§115.86 – Sexual abuse incident reviews

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center meets all elements of this standard. The standard is required in the PREA policy, ADM 08.08 which requires a review form for staff to utilize. Maui Community Correctional Center conducts a review at the conclusion of every substantiated or unsubstantiated investigation.

Reviews take place within 30 days of the conclusion of an investigation. The review team is very involved and responsive to any report that could be PREA related.

§115.87 – Data Collection

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center meets all the elements of this standard. All uniform data is collected which tracks allegations of sexual abuse. The Hawaii Department of Public Safety aggregates the incidents annually for each facility for the US Department of Justice Bureau of Justice Statistics Survey of Sexual Violence. They collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The standardized format includes data necessary to answer all questions from the most recent version of the survey of sexual violence conducted by the Department of Justice.

The aggregated data is contained in the Annual Report. This includes all data from the Hawaii Department of Public Safety regarding sexual abuse and sexual harassment incidents in state run facilities as well as private prisons under contract with the state.

§115.88 – Data Review for Corrective Action

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center meets all the elements of this standard. The Agency has a process that reviews data collected and aggregated pursuant to §115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, and training. This includes: Identifying problem areas; Taking corrective action on an ongoing basis; and preparing 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.

This data is compiled from all agency facilities and aggregated into a report that is submitted to the agency secretary for review and to U.S. Department of Justice upon request.

The Annual Report is posted on the website to review. It includes statistical information for each facility and private prison. There is a section that provides information on the Department's progress and summary for their advancement towards PREA compliance. The Hawaii Department of Public Safety plans to include information of incidents in their upcoming Annual Report.

Interviews conducted with the Director and PREA Coordinator proved very knowledgeable of the policy and this standard.

§§115.89 – Data Storage, Publication, and Destruction

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Maui Community Correctional Center does meet all the elements of this standard. The Agency/Facility policy, ADM 08.08 require aggregated sexual abuse data from facilities under its direct control and private facilities with which it contracts be made readily available to the public, at least annually, through its website. Prior to making it publicly, the agency will remove all personal identifiers.

The Agency PREA Coordinator collects data and reports from all facilities and compiles a report annually of investigations of all allegations of sexual abuse and sexual harassment.

The Agency Coordinator compiles the report which consists of prevention and response, findings of corrective action and the assessment of the Department's progress in addressing sexual abuse and sexual harassment against previous years. The Agency PREA Coordinator submits the report for review. It is then placed on the department's website. All data and reports are submitted to the U.S. Department of Justice upon request. Each facility and private prisons aggregated sexual abuse data is on the Hawaii Department of Public Safety website in the Annual Report.

The PREA Coordinator is responsible for maintaining all electronic records of sexual abuse and sexual harassment cases pursuant to the state's Records Retention Schedule.

The PREA Coordinator maintains the data and all records are retained for 10 years after the close of the investigation. Excluded are records covered by the Prison Rape Elimination Act which are retained for 5 years after the close of the investigation. This includes incident and investigative reports, evidence cards, photographs, interviews, and other related items.

AUDITOR CERTIFICATION:

The auditor certifies that the contents of the report are accurate to the best of his/her knowledge and no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.

Shamroque D Alvis-Hill
Auditor Signature

September 10, 2015
Date

