

## The Department of Public Safety 2016 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 federal, state and local institutions. 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 that assists the agency in identifying 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 August 20, 2012. The U.S. Department of Justice (DOJ) published mandatory standards for the detection, prevention, and punishment of sexual abuse/assault and sexual harassment. The four sets of standards correspond to different types of facilities: (1) Adult prisons and jails, (2) Lockups, (3) Community confinement facilities, and (4) Juvenile facilities. State and county agencies were given one year to become compliant.

On August 20, 2013, all correctional agencies were required to be compliant with the PREA standards. Agencies must demonstrate zero tolerance not merely by words and written policy, but through their actions, including what they do to prevent sexual abuse/assault and sexual harassment in order to comply with the PREA standards. Compliance is demonstrated through PREA Audits. Over a three-year period, one-third of an agency's facilities must be audited each year. The 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, 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 maintain 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, updating PREA training with current information and 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 calendar years 2011–2015 at <http://dps.hawaii.gov/policies-and-procedures/pp-prea/>.

PREA also requires PSD 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 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](http://www.hawaii.gov/psd).

Additionally, the U.S. Bureau of Justice Statistics (BJS) requires correctional agencies 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 for the 2016 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, 2016, to and including, December 31, 2016.

The PREA standard definition of **Offender-on-Offender Sexual Abuse** (28 CFR §115.6) is defined as 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 which 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 2016**

The PSD facilities in 2016 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 house inmates and detainees overnight, Sheriff's Kaka'ako Booking Station and the Daniel K. Inouye International Airport Cell Block 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 Women's Community Correctional Center (WCCC). 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 July 2016. SCC successfully completed its DOJ PREA Audit in 2014 with final findings as meeting all PREA standards. SCC is scheduled for their next audit in October 2017.

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 having been found to meet all PREA standards, they are scheduled to have their next audit in August 2017.

## **2016 Offender-on-Offender Sexual Abuse and Sexual Harassment**

In 2016, using the PREA definitions, five (5) PSD Correctional Facilities reported allegations of Offender-on-Offender sexual abuse and seven (7) facilities reported allegations of Offender-on-Offender sexual harassment. In addition, out of the contracted facilities, both FDC and MBU reported three (3) allegation of Offender-on-Offender sexual abuse and one (1) allegations of Offender-on-Offender sexual harassment.

There were sixty-four (64) Offender-on-Offender allegations all together including contracted facilities: forty-five (45) sexual abuse allegations and nineteen (19) sexual harassment allegations. Of the forty-five (45) allegations of Offender-on-Offender sexual abuse, eight (8) were substantiated, seven (7) were unsubstantiated, twenty-six (26) were unfounded, and four (4) are currently pending investigation. Of the nineteen (19) allegations of Offender-on-Offender sexual harassment, two (2) were substantiated, four (4) were unsubstantiated, eight (8) were unfounded, and five (5) are pending investigation. The following table presents the allegations by facility.

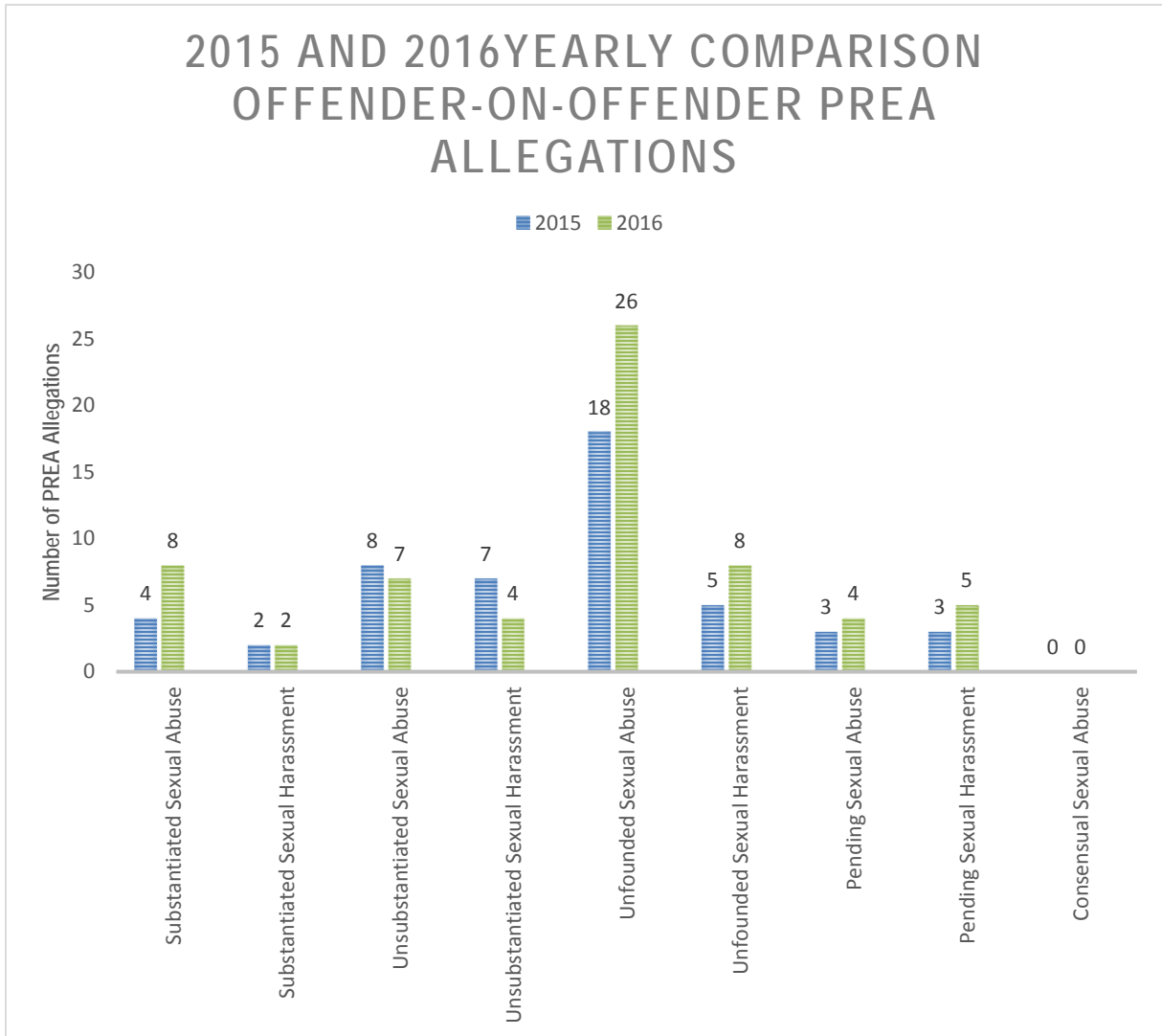
**Offender-on-Offender Sexual Abuse and Sexual Harassment Allegations  
January 1 – December 31, 2016**

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	0	1
	SEXUAL HARASSMENT	0	0	0	0	0
HCCC*	SEXUAL ABUSE	6	2	1	2	1
	SEXUAL HARASSMENT	2	0	0	0	2
HCF	SEXUAL ABUSE	4	1	3	0	0
	SEXUAL HARASSMENT	6	1	3	2	0
KCCC*	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	1	0	1	0	0
KCF	SEXUAL ABUSE	2	0	0	2	0
	SEXUAL HARASSMENT	1	0	0	0	1
MCCC*	SEXUAL ABUSE	7	3	2	2	0
	SEXUAL HARASSMENT	2	1	0	1	0
OCCC*	SEXUAL ABUSE	24	2	0	20	2
	SEXUAL HARASSMENT	5	0	0	5	0
WCCC (F)	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	2	0	0	0	2
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 2015 and 2016 Yearly Comparison

Year	Substantiated		Unsubstantiated		Unfounded		Pending		Consensual
	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment	Sexual Abuse
2015	4	2	8	7	18	5	3	3	0
2016	8	2	7	4	26	8	4	5	0



### **Staff-on-Offender Sexual Abuse and Sexual Harassment**

Using the PREA definitions, eight (8) PSD Correctional Facilities reported allegations of Staff-on-Offender sexual abuse and five (5) facilities reported allegations of Staff-on-Offender sexual harassment. In addition, out of the contracted facilities, MBU reported two (2) allegations of Staff-on-Offender sexual abuse and zero (0) allegations of Staff-on-Offender sexual harassment. FDC reported one (1) allegations of Staff-on-Offender sexual abuse and zero (0) allegations of Staff-on-Offender sexual harassment. In addition, the Sheriff's Federal District Court Cell Block on Oahu reported one (1) allegation of Staff-on-Offender Sexual abuse and one (1) allegation of Staff-on-Offender sexual harassment.

There were thirty (30) Staff-on-Offender allegations all together including contracted facilities and Sheriff Cell Block: twenty-one (21) sexual abuse allegations and nine (9) sexual harassment allegations. Of the twenty-one (21) allegations of Staff-on-Offender sexual abuse, eight (8) were substantiated, four (4) were unsubstantiated, seven (7) were unfounded, two (2) are currently pending investigation. Of the nine (9) allegations of Staff-on-Offender sexual harassment, zero (0) were substantiated, zero (0) was unsubstantiated, seven (7) were unfounded, and two (2) are pending investigation. The following table presents the allegations by facility.

**Staff-on-Offender Sexual Abuse and Sexual Harassment Allegations  
January 1 – December 31, 2016**

FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING
MBU CCA/SCC (private contracted facility)	SEXUAL ABUSE	2	2	0	0	0
	SEXUAL HARASSMENT	0	0	0	0	0
FEDERAL DETENTION CENTER (federally contracted facility)	SEXUAL ABUSE	1	1	0	0	0
	SEXUAL HARASSMENT	0	0	0	0	0
SHERIFF'S CIRCUIT COURT CELL BLOCK/ DISTRICT COURT CELL BLOCK	SEXUAL ABUSE	1	0	0	1	0
	SEXUAL HARASSMENT	1	0	0	1	0
HCCC*	SEXUAL ABUSE	1	0	0	1	0
	SEXUAL HARASSMENT	1	0	0	0	1
HCF	SEXUAL ABUSE	1	0	1	0	0
	SEXUAL HARASSMENT	1	0	0	1	0
KCCC*	SEXUAL ABUSE	1	1	0	0	0
	SEXUAL HARASSMENT	0	0	0	0	0
KCF	SEXUAL ABUSE	1	0	1	0	0
	SEXUAL HARASSMENT	0	0	0	0	0
MCCC*	SEXUAL ABUSE	1	0	0	1	0
	SEXUAL HARASSMENT	4	0	0	3	1
OCCC*	SEXUAL ABUSE	1	0	0	1	0
	SEXUAL HARASSMENT	1	0	0	1	0
WCCC (F)	SEXUAL ABUSE	9	4	2	2	1
	SEXUAL HARASSMENT	1	0	0	1	0
WCF	SEXUAL ABUSE	2	0	0	1	1
	SEXUAL HARASSMENT	0	0	0	0	0

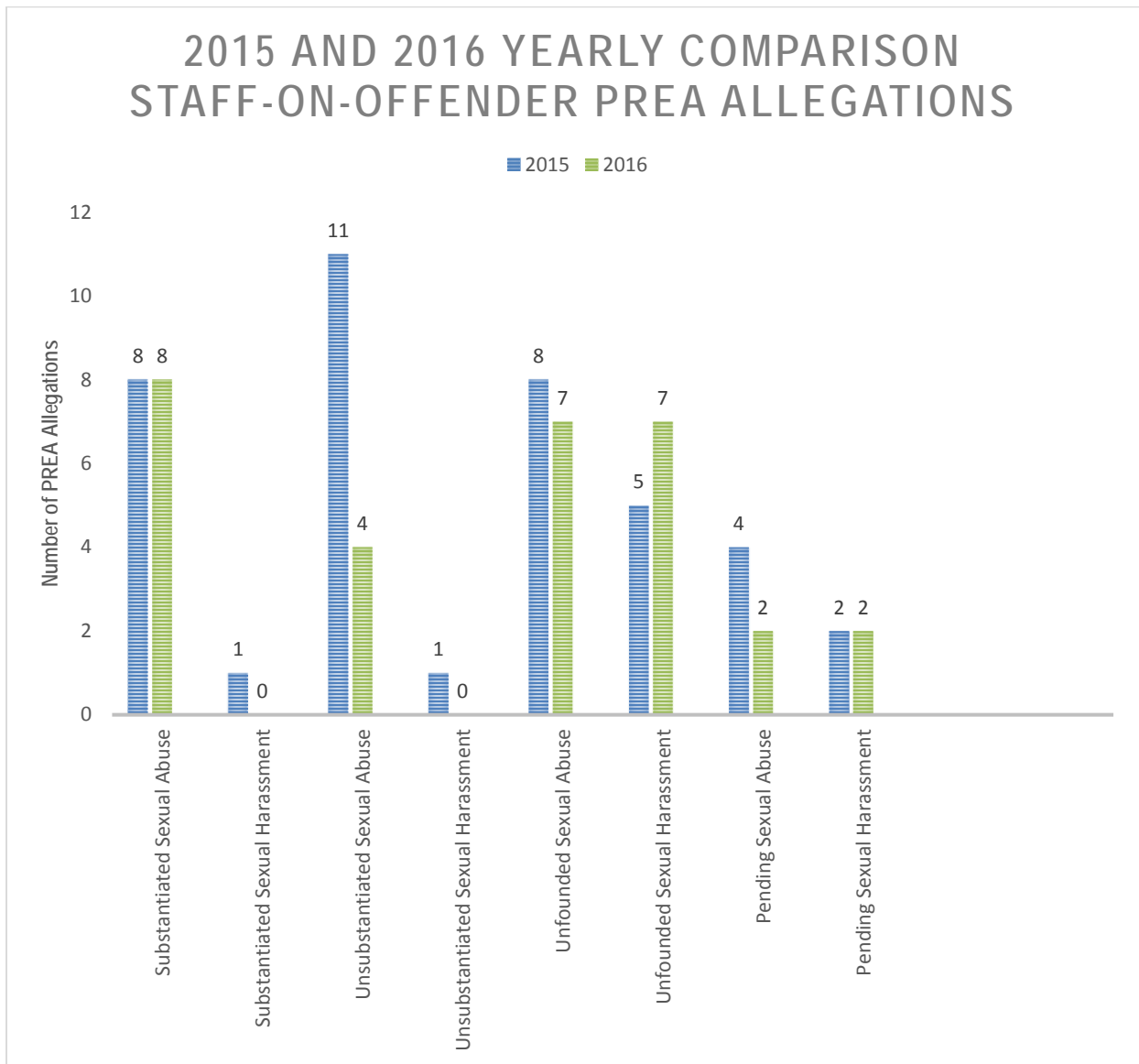
\*Facility has both male and female Offenders.

(F) Female Facility



**Staff-on-Offender Sexual Abuse and Sexual Harassment Allegations  
2015 and 2016 Yearly Comparison**

Year	Substantiated		Unsubstantiated		Unfounded		Pending	
	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment
2015	8	1	11	1	8	5	4	2
2016	8	0	4	0	7	7	2	2



## OVERVIEW of 2016 INFORMATION

### A. Offender-on-Offender

In 2016, there were eight (8) substantiated Offender-on-Offender sexual abuse allegations and two (2) substantiated Offender-on-Offender sexual harassment allegations. A total of four (4) Offender-on-Offender sexual abuse allegations, and five (5) Offender-on-Offender sexual harassment allegations which occurred at FDC, HCCC, KCF, OCCC and WCCC are currently pending investigation.

#### **Eight (8) Substantiated Offender-on-Offender Sexual Abuse Incidents:**

The first substantiated Offender-on-Offender sexual abuse incident occurred at HCCC in the victim's dormitory, afternoon (noon to 6 p.m.). The victim was a White male, between the ages of 30-34 years old. The victim did not sustain any physical injury. The incident was reported by the victim and he was separated from his alleged perpetrator. The victim was provided with medical attention and counseling/mental health services. The offender perpetrator was a White male, between the ages of 18-24 years old. The nature of the incident was unwanted touching of the buttocks and groin for sexual gratification (abusive sexual contact). The offender perpetrator continued to pursue the victim with unwanted touching, grabbing, or groping. The offender perpetrator received a misconduct and was referred to the facility adjustment committee.

The second substantiated Offender-on-Offender sexual abuse incident occurred at HCCC in the victim's dormitory bunk, evening (6 p.m. to midnight). The victim was a White/Part Hawaiian female, between the ages of 25-29 years old. The victim did not sustain any major physical injury. The incident was reported by another inmate (non-victim). The victim was provided with medical care and counseling/mental health services. The perpetrator was a White/Part Hawaiian female, between the ages of 18-24 years old. The nature of the incident was unwanted touching for sexual gratification resulting in nonconsensual sexual act. The perpetrator was placed in disciplinary segregation, received a misconduct violation, and the incident referred to County Law Enforcement.

The third substantiated Offender-on-Offender sexual abuse incident occurred at HCF in the victims living area or bunk during the afternoon (noon to 6 p.m.). The victim was a White male, between the ages of 18-24 years old. The victim did not sustain major physical injury. The incident was reported by the victim. The victim was provided with a medical examination and counseling/mental health services. The perpetrator was a White male, between the ages of 55 years old or older. The nature of the incident was unwanted touching. The perpetrator surprised the victim with unwanted touching of his groin area. The perpetrator was placed in disciplinary segregation, transferred to another unit/cell, and received a misconduct violation. The incident was referred to County Law Enforcement, but the victim refused to pursue charges.

The fourth substantiated Offender-on-Offender sexual abuse incident occurred at MCCC in the victim's cell during the afternoon (noon to 6 p.m.) hours. The victim was an Asian male, between the ages of 25-29 years old. The victim sustained some physical injury. The incident was reported by the victim. The victim was provided with a medical examination and counseling/mental health services. The

perpetrator was an Asian male, between the ages of 25-29 years old. The nature of the incident was unwanted touching for sexual gratification and physical force (or the threat of force) resulting in a nonconsensual sexual contact. The offender perpetrator physically held victim down or restrained the victim in some way. The perpetrator was placed in disciplinary segregation, transferred to another unit/cell, received a misconduct violation, and the incident was referred to County Law Enforcement.

The fifth substantiated Offender-on Offender sexual abuse incident occurred at MCCC in the victim's cell during the evening (6 p.m. to midnight) hours. The victim was an Asian male, between the ages of 25-29 years old. The victim sustained major physical injury with anal tearing. The incident was reported by the victim. The victim was provided with a medical examination, administered a rape kit, and tested for HIV/AIDS and for other sexual transmitted diseases. The victim was provided with counseling and mental health services. The perpetrator was an Asian male, between the ages of 45-54 years old. The nature of the incident was physical force or the threat of force resulting in a nonconsensual sexual act. The perpetrator physically held the victim down or restrained the victim in some way. The perpetrator was placed in disciplinary segregation, custody level increased, received a misconduct and placed on restricted housing. The incident was referred to County Law Enforcement.

The sixth substantiated Offender-on-Offender sexual abuse incident occurred at MCCC in the victim's dormitory over a period of time (specific times are unknown). The victim was an Asian male, between the ages of 18-24 years old. The victim did not sustain any major physical injuries. The incident was reported by the victim and he was provided with medical and mental health care. The perpetrator was an Asian male, between the ages of 45-54 years old. The nature of the incident was sexual harassment and unwanted touching for sexual gratification (abusive sexual contact). The perpetrator surprised the victim with unwanted touching, grabbing or groping. The perpetrator was transferred to another housing to separate him from the victim. The perpetrator received a misconduct and the incident was referred County Law Enforcement.

The seventh substantiated Offender-on-Offender sexual abuse incident occurred at OCCC in the victim's cell during a time that is unknown. The victim was a Pacific Islander male, between the ages of 18-24 years old. The victim did not sustain any physical injuries. The incident was reported by the victim and he was provided with medical and mental health care. The perpetrator was a Black male, between the ages of 55 or older. The nature of the incident was unwanted touching for sexual gratification (abusive sexual contact). The perpetrator surprised the victim with unwanted touching, grabbing or groping. The perpetrator was placed in disciplinary segregation, received a misconduct and the incident was referred to County Law Enforcement.

The eighth substantiated Offender-on-Offender sexual abuse incident occurred at OCCC in the victim's cell during the evening (6 p.m. to midnight) hours. The victim was a Pacific Islander male, between the ages of 18-24 years old. The victim did not sustain any major physical injuries. The incident was reported by the victim and he was provided with medical and mental health/counseling services. The perpetrator was a Black male, between the ages of 55 or older. The nature of the incident was unwanted touching for sexual gratification (abusive sexual contact). The perpetrator surprised the

victim with unwanted touching, grabbing or groping while the victim was asleep. The perpetrator was placed in disciplinary segregation, received a misconduct and the incident was referred to County Law Enforcement.

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

The first substantiated Offender-on-Offender sexual harassment incident occurred at HCF in the victim's cell (specific time is unknown). The victim was an Asian male, between the ages of 55 or older. 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/mental health services. The perpetrator was an Asian male, between the ages of 55 or older. The nature of the incident was indecent exposure, masturbation, or voyeurism. The type of pressure used by the perpetrator was sexual harassment, sexual innuendos, verbal comments and unwelcomed sexual advances or request for sexual favors. The perpetrator was transferred to another housing to separate him from the victim, received a misconduct violation, and sent to an adjustment hearing. The perpetrator also received counseling services. The incident was referred to County Law Enforcement.

The second substantiated Offender-on-Offender sexual harassment incident occurred at MCCC in the victim's cell during the evening (6 p.m. to midnight) hours. The victim was a White male, between the ages of 25-29 years old. The incident was reported by the victim. The victim did not sustain any physical injuries. The victim was provided with a medical examination and counseling/mental health treatment. The perpetrator was an Asian male, between the ages of 25-29 years old. The nature of the incident was sexual harassment, repeated and unwelcomed sexual advances. The type of pressure used by the perpetrator was sexual harassment, sexual innuendos, or verbal comments. The perpetrator was transferred to another housing to separate him from the victim, received a misconduct violation, and sent to an adjustment hearing.

**B. Staff-on-Offender**

In 2016, there were eight (8) substantiated Staff-on-Offender sexual abuse allegations and zero (0) substantiated Staff-on-Offender sexual harassment allegations. Two (2) Staff-on-Offender Sexual Abuse allegation occurred at MBU / SCC, one (1) occurred at FDC, and one (1) occurred at KCCC, four (4) occurred at WCCC. Three (3) Staff-on-Offender sexual abuse allegations and two (2) Staff-on-Offender Sexual Harassment allegations that occurred at HCCC, MCCC, OCCC, WCCC and WCF are currently pending investigation.

**Eight (8) Substantiated Staff-on-Offender Incidents:**

The first substantiated Staff-on-Offender sexual abuse incident occurred at KCCC through telephone contact during the evening (6 p.m. to midnight) hours. The victim was White and Native Hawaiian female, between the ages of 18-24 years old. The victim did not sustain any physical injury and was provided medical and mental health/counseling services. The incident was reported by the victim. The staff perpetrator was a Native Hawaiian male, between the ages of 30-34 years old. The nature of the incident was repeated verbal statements of a sexual nature by staff, intentions of sexual acts and voyeurism. The type of pressure used by the staff perpetrator was abuse of power resulting in staff

sexual misconduct. The staff perpetrator was a full-time paid employee of PSD and his primary position was a Correctional Officer. The staff perpetrator was referred for administrative investigation and as a result was discharged from employment. At the time of the incident, the staff perpetrator worked at PSD for approximately one (1) to five (5) years.

The second substantiated Staff-on-Offender sexual abuse incident was reported at MBU / SCC, PSD's contracted facility and occurred in a staff area, counselor's office on three (3) separate occasions (specific times are unknown). The victim was a White male, between the ages of 25-29 years old. The victim did not sustain any major physical injury. The incidents were reported by the victim. The victim was provided with medical testing/examination and mental health/counseling services. The nature of the incident was pressure or abuse of power resulting in a nonconsensual sexual act. The incident included inappropriate touching and sexual acts. The staff perpetrator was a White male, between the ages of 55 or older. The staff perpetrator was a full-time paid employee of PSD's contracted facility and his primary position was a Counselor. The perpetrator resigned prior to completion of the administrative investigation. This incident was referred to Law Enforcement for prosecution. At the time of the incident, the staff perpetrator worked for the PSD contracted facility for one (1) to five (5) years.

The third substantiated Staff-on-Offender sexual abuse incident occurred at MBU / SCC, PSD's contracted facility in a program service area (specific times are unknown). The victim was an Asian and Pacific Islander male, between the ages of 30-34 years old. The victim did not sustain any physical injury. The incident was reported by the victim. The nature of the incident was a sexual relationship between inmate and staff that appeared to be willing. The victim was provided medical and mental health/counseling services. The staff perpetrator was a White female, age is between 30-34 years old. The staff perpetrator was a full-time paid employee of PSD's contract facility and her primary position was a Programs Facilitator. The staff perpetrator resigned prior to completion of investigation. This incident was referred to local law enforcement for prosecution. At the time of the incident, the staff perpetrator worked for MBU / SCC for approximately one (1) to five (5) years.

The fourth substantiated Staff-on-Offender sexual abuse incident occurred at WCCC during offsite trips for work line, specific times are unknown. The victim was an Asian and Pacific Islander female, between the ages of 30-34 years old. The victim did not sustain any physical injury. The incident was reported by a third-party offender. The nature of the incident was occurrences of inappropriate behaviors in a sexual manner that indicated a sexual relationship between the inmate and the staff perpetrator that appeared to be willing. The victim went to live with the staff member when she was released on parole. The staff perpetrator was a White and Native Hawaiian female, age is between 30-34 years old. The staff perpetrator was a full-time paid employee of PSD's contracted service providers and her primary position was a Correctional Industry Specialist. At the time of the incident, the staff perpetrator worked for PSD's contracted service provider for approximately one (1) to five (5) years.

The fifth substantiated Staff-on-Offender sexual abuse incident was reported at WCCC and occurred in multiple areas, victim's cell and staff areas, the time of occurrences ranged between 6 a.m. to 10 p.m. The victim was a White female, between the ages of 30-34 years old. The victim did not sustain any major physical injury. The incident was reported by another inmate (non-victim). The victim was offered a medical examination, tested for sexually transmitted diseases, provided with counseling and mental health services. The nature of the incident was a sexual and romantic relationship between the victim and the staff perpetrator that appeared to be willing. The staff perpetrator was a Pacific Islander male, between ages 30-34 years old. The staff perpetrator was a full-time paid employee of PSD and his primary position was an Adult Corrections Officer. The staff perpetrator was removed from the facility and this incident was referred to County Law Enforcement. At the time of the incident, the staff perpetrator had worked for PSD for approximately one (1) to five (5) years.

The sixth substantiated Staff-on-Offender sexual abuse incident occurred at WCCC in a staff area during the afternoon (noon to 6 p.m.) hours. The victim was a White and Native Hawaiian female, between the ages of 40-44 years old. The victim did not sustain any major physical injury. The incident was reported by the victim. The victim was offered medical, mental health treatment and counseling services. The nature of the incident was pressure or abuse of power, showed sexual videos, offered gifts for sexual acts and special privileges. The staff perpetrator was a Native Hawaiian male, between the ages of 30-34 years old. The staff perpetrator was a full-time paid employee of PSD and his primary position was an Adult Correctional Officer. The staff perpetrator was removed from the facility, discharged from employment and the incident was referred to County Law Enforcement. At the time of the incident, the staff perpetrator had worked for PSD for approximately one (1) to five (5) years.

The seventh substantiated Staff-on-Offender sexual abuse incident was reported at WCCC the incident occurred in a program service area (kitchen, commissary, storage, and cafeteria) between the hours of 6 a.m. and 2 p.m. The victim was a Hispanic and Native Hawaiian female, between the ages of 30-34 years old. The victim did not sustain any major physical injury. The incident was reported by the victim. The victim was offered medical, mental health and counseling services. The nature of the incident was a sexual relationship between inmate and staff member that appeared to be willing. The staff perpetrator was a White and Hispanic female, between the ages of 40-44 years old. The staff perpetrator was a full-time paid employee of PSD and her primary position was a Cook. The staff perpetrator resigned prior to completion of investigation and this incident was referred to County Law Enforcement. At the time of the incident, the staff perpetrator had worked for PSD for approximately five (5) to ten (10) years.

The eighth substantiated Staff-on-Offender sexual abuse incident was reported at FDC the incident occurred in a program service area, the specific time of occurrence is unknown. The victim was a White female, between the ages of 18-24 years old. The victim did not sustain any major physical injury. The incident was reported by the victim. The victim was offered medical, mental health and counseling services. The nature of the incident was the staff member writing and sending letters

though email, the staff member offered the inmate gifts and special privileges. The staff member used pressure or abuse of power resulting in a sexual relationship. The staff perpetrator was White male, between the ages of 25-29 years old. The staff perpetrator was a full-time paid employee of PSD's contracted facility and his primary position was a Correctional Officer. The staff perpetrator was reprimanded or disciplined. At the time of the incident, the staff perpetrator had worked for PSD's contracted facility for one (1) to five (5) years.

**Zero (0) Substantiated Staff-on-Offender Sexual Harassment Incidents:**

There were no substantiated Staff-on-Offender Sexual Harassment incidents in 2016.

**PSD PREA Progress and Summary**

PSD has completed PREA audits for one third of its facilities in each of the three years of the first audit cycle. From August 2014 to August 2016, PSD's eight facilities were audited for compliance with the PREA standards by three (3) different Certified Department of Justice PREA Auditors. PSD's contract facilities; Corrections Corporation of America (CCA) Saguaro Correctional Center (SCC) and the Federal Detention Center (FDC) were also audited during this time. All eight (8) PSD facilities and the two (2) contracted facilities received a final PREA Audit report and were deemed to be in full compliance with the National PREA Standards for the first audit cycle.

PSD has entered the second audit cycle and has completed one third of its facilities for the first year (August 2016 to August 2017). HCF, WCCC and WCF was audited during this time and received a final PREA audit report and has been deemed to be in full compliance with the National PREA Standards. The remaining 5 PSD facilities (HCCC, KCF, KCCC, MCCC and OCCC) are scheduled to be audited in the second and third year of the second audit cycle. PSD's contracted facilities, CCA/SCC is scheduled for an audit in October of 2017 and FDC is scheduled in August 2017 for a PREA audit.

All final PREA audit reports for all eight (8) PSD facilities and two (2) contracted facilities for the first audit cycle and the first year of the second cycle can be accessed at the links listed on the bottom of this report.

In October of 2016, the Governor of the State of Hawaii certified that Hawaii is providing assurances to the DOJ/Bureau of Justice Assistance (BJA) that Hawaii is working towards full compliance with the National PREA Standards to prevent, detect, and respond to prison rape for Hawaii's adult and juvenile correctional facilities. The need to provide assurances is primarily based on the Hawaii Youth Correctional Facility (juvenile facility). The DOJ/BJA certification process does not provide for an exception from grant funds penalty, if the adult facilities are compliant.

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 and PREA updates 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 they are aware of PSD's PREA policies and goals. In years when a staff member does not receive the refresher training, PSD provides information on current sexual abuse and sexual harassment policies and any relevant updates or changes through its website, in addition to handouts, memoranda, and posters. The training curriculum was updated with additional relevant PREA information in February of 2017.

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 are screened upon admission or transfer. This screening occurs by utilizing the PSD PREA Screening Tool that assesses an offender's risk of being a victim of sexual abuse victimization or having the propensity to be sexually abusive towards other offenders. In April 2016, PSD conducted training for key staff on the electronic PREA screening form through PSD's Offendertrak system. The electronic process went live on June 1, 2016. The electronic screening process considers all screening variables from the National PREA Standards which enables an effective and efficient process for offender designations that will assist in housing, work assignment, programming, education and keeping separate those inmates at high risk. This process also provides confidentiality as only authorized staff members have access to the completed forms. Electronic Screening limits errors as the form automatically populates relevant misconducts and issues that would be more time consuming when researching manual files.

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>.

PSD will continue to maintain compliance with the PREA standards through the future three-year cycle reviews and audits. PSD's final DOJ PREA Auditor Reports can be accessed at PSD's website ([www.hawaii.gov/psd](http://www.hawaii.gov/psd)), under the heading of Policies and Procedures and then the subheading PREA.