

The Department of Public Safety 2018 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 2011–2017 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.

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 is to be submitted to the BJS for the 2018 Survey of Sexual Violence which will be submitted to BJS by December of 2019.

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, 2018, to and including, December 31, 2018.

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 of 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 2018

The PSD facilities in 2018 consisted of eight (8) state prison and jail facilities on four islands; (1) Mainland Branch Unit (MBU), that contracts with Core Civic to house sentenced inmates and the Federal Detention Center (FDC) 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 Core Civic, formerly known as Correction Corporation of America in July 2016. SCC successfully completed its DOJ PREA Audit in 2017 with final findings as meeting all PREA standards.

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 2018 having been found to meet all PREA standards.

2018 Offender-on-Offender Sexual Abuse and Sexual Harassment

In 2018, using the PREA definitions, five (5) PSD Correctional Facilities reported allegations of Offender-on-Offender sexual abuse and eight (8) facilities reported allegations of Offender-on-Offender sexual harassment. In addition, out of the contracted facilities, MBU (Saguaro Correctional Center) reported three (3) allegations of Offender-on-Offender sexual abuse and one (1) allegations of Offender-on-Offender sexual harassment.

There were eighty-six (86) Offender-on-Offender allegations all together including contracted facilities: fifty-seven (57) sexual abuse allegations and twenty-nine (29) sexual harassment allegations. Of the fifty-seven (57) allegations of Offender-on-Offender sexual abuse, seven (7) were substantiated, twenty-two (22) were unsubstantiated, nineteen (19) were unfounded, and nine (9) are currently pending investigation. Of the twenty-nine (29) allegations of Offender-on-Offender sexual harassment, eleven (11) were substantiated, seven (7) were unsubstantiated, eight (8) were unfounded, and three (3) are pending investigation. The following table presents the allegations by facility.

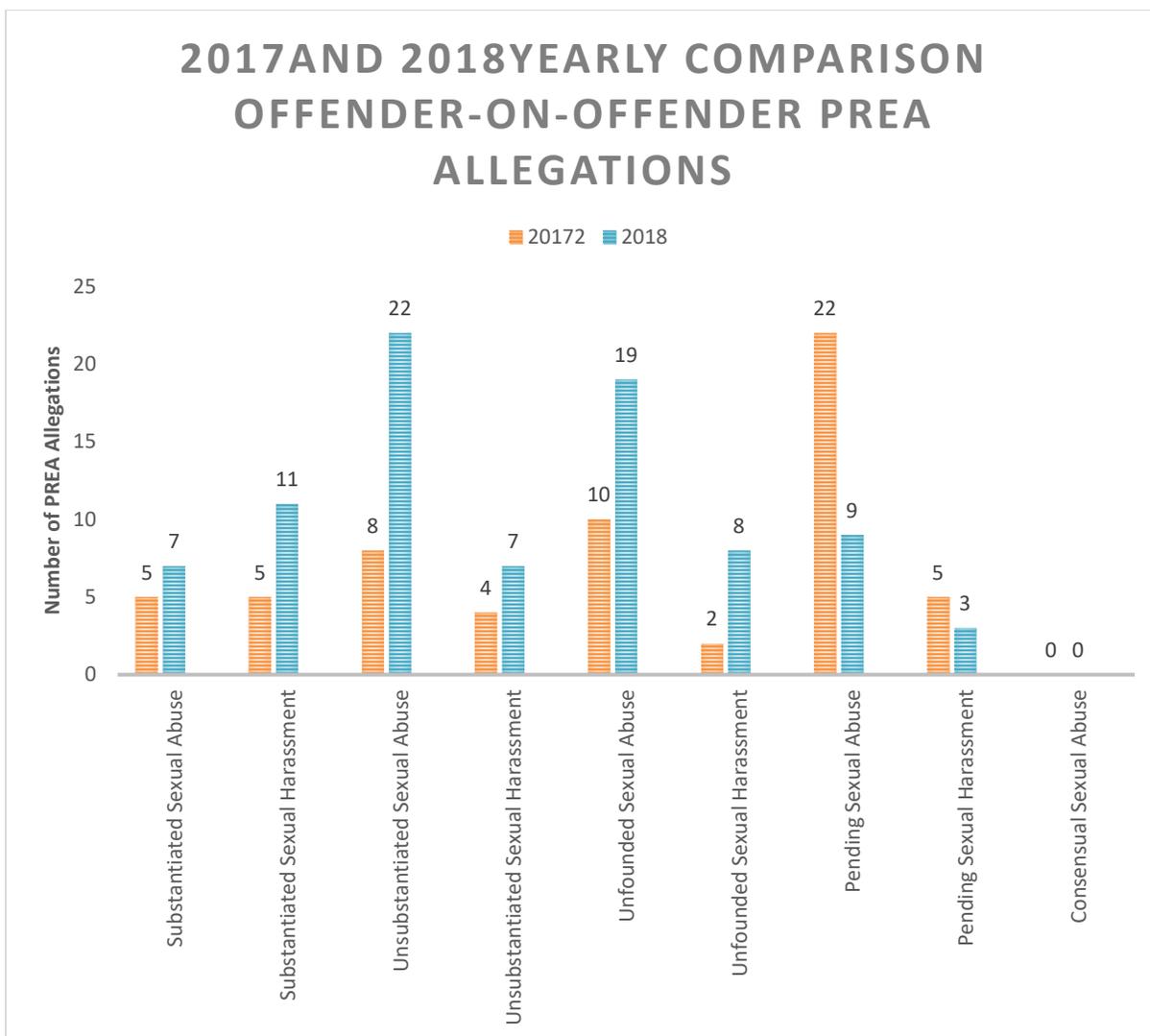
**Offender-on-Offender Sexual Abuse and Sexual Harassment Allegations
January 1 – December 31, 2018**

FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING
MBU CC/SCC (private contracted facility)	SEXUAL ABUSE	3	2	1	0	0
	SEXUAL HARASSMENT	1	0	0	0	1
FEDERAL DETENTION CENTER (federally contracted facility)	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	0	0	0	0	0
HCCC*	SEXUAL ABUSE	12	3	3	4	2
	SEXUAL HARASSMENT	2	0	0	2	0
HCF	SEXUAL ABUSE	5	0	0	1	3
	SEXUAL HARASSMENT	3	0	2	0	1
KCCC*	SEXUAL ABUSE	1	0	0	1	0
	SEXUAL HARASSMENT	8	3	2	3	0
KCF	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	1	0	1	0	0
MCCC*	SEXUAL ABUSE	11	2	3	5	1
	SEXUAL HARASSMENT	5	4	0	1	0
OCCC*	SEXUAL ABUSE	25	0	9	2	14
	SEXUAL HARASSMENT	3	1	1	0	1
WCCC (F)	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	1	0	0	1	0
WCF	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	5	3	0	2	0

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

Offender-on-Offender Sexual Abuse and Sexual Harassment Allegations 2017 and 2018 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
2017	5	5	8	4	10	2	22	5	0
2018	7	11	22	7	19	8	9	3	0



Staff-on-Offender Sexual Abuse and Sexual Harassment

Using the PREA definitions, seven (7) PSD Correctional Facilities reported allegations of Staff-on-Offender sexual abuse and six (6) facilities reported allegations of Staff-on-Offender sexual harassment. In addition, out of the contracted facilities, MBU (Saguaro Correctional Center) reported two (2) allegation of Staff-on-Offender sexual abuse and no allegation of Staff-on-Offender sexual harassment, Sheriff's Daniel K. Inouye International Airport holding reported one (1) allegation of Staff-on-Offender sexual abuse, and FDC reported no allegations of staff-on-offender sexual abuse and or harassment.

There were forty-seven (47) Staff-on-Offender allegations all together including contracted facilities: thirty-seven (37) sexual abuse allegations and ten (10) sexual harassment allegations. Of the thirty-seven (37) allegations of Staff-on-Offender sexual abuse, six (6) were substantiated, three (3) were unsubstantiated, nineteen (19) were unfounded, nine (9) are currently pending investigation. Of the ten (10) allegations of Staff-on-Offender sexual harassment, one (1) were substantiated, zero (0) were unsubstantiated, seven (7) were unfounded, and two (2) are pending investigation. The following table presents the allegations by facility.

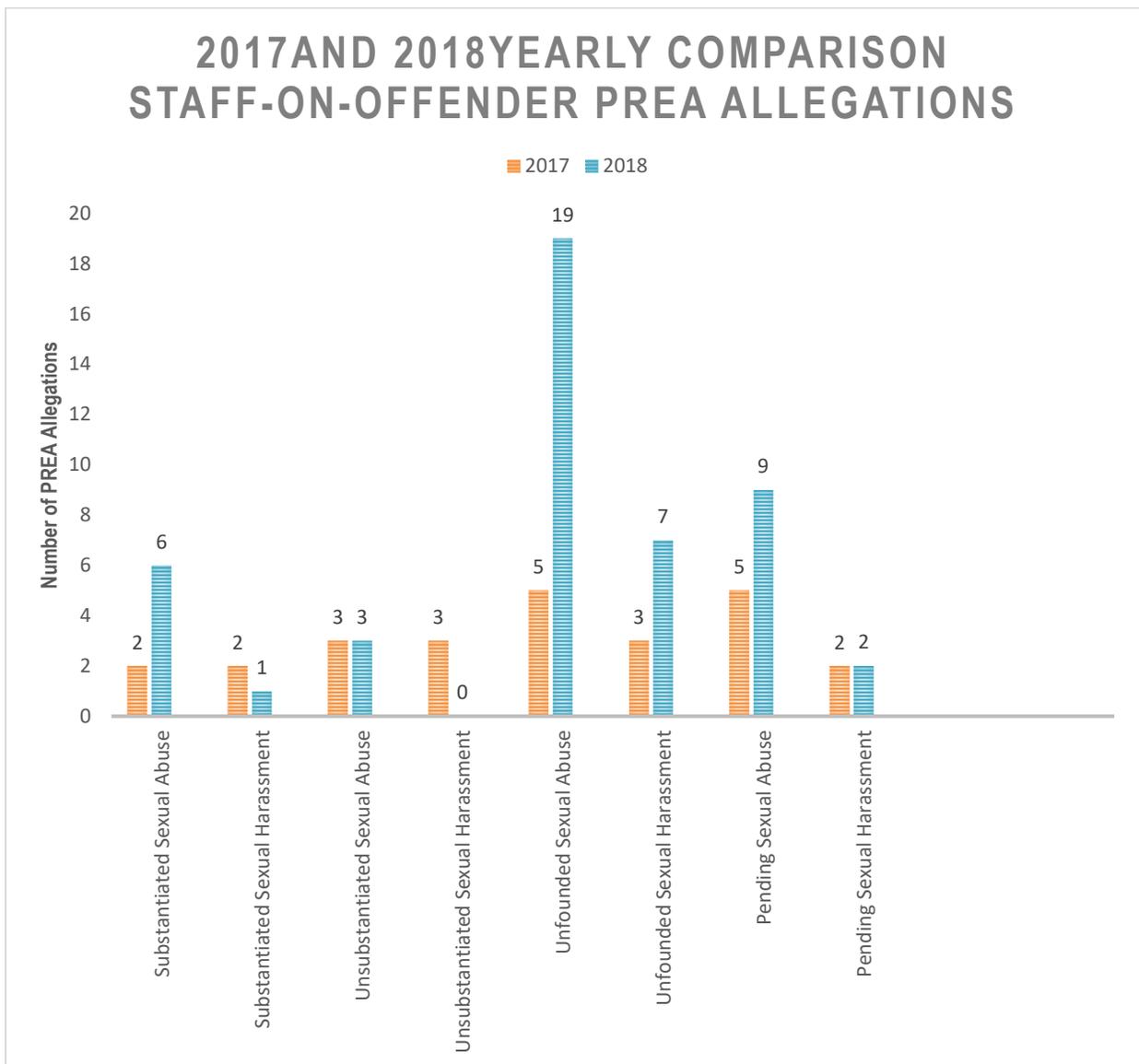
**Staff-on-Offender Sexual Abuse and Sexual Harassment Allegations
January 1 – December 31, 2018**

FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING
MBU CC/SCC (private contracted facility)	SEXUAL ABUSE	2	10	0	1	0
	SEXUAL HARASSMENT	0		0	0	0
FEDERAL DETENTION CENTER (federally contracted facility)	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	0	0	0	0	0
SHERIFF'S DANIEL K. INOUYE INTERNATIONAL AIRPORT HOLDING	SEXUAL ABUSE	1	0	0	0	1
	SEXUAL HARASSMENT	0	0	0	0	0
HCCC*	SEXUAL ABUSE	1	1	0	0	0
	SEXUAL HARASSMENT	1	0	0	1	0
HCF	SEXUAL ABUSE	7	1	2	2	2
	SEXUAL HARASSMENT	2	0	0	0	2
KCCC*	SEXUAL ABUSE	2	1	0	1	0
	SEXUAL HARASSMENT	0	0	0	0	0
KCF	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	0	0	0	0	0
MCCC*	SEXUAL ABUSE	5	0	0	5	0
	SEXUAL HARASSMENT	2	1	0	1	0
OCCC*	SEXUAL ABUSE	12	2	0	4	6
	SEXUAL HARASSMENT	2	0	0	2	0
WCCC (F)	SEXUAL ABUSE	5	0	0	5	0
	SEXUAL HARASSMENT	1	0	0	1	0
WCF	SEXUAL ABUSE	2	0	1	1	0
	SEXUAL HARASSMENT	2	0	0	2	0

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

Staff-on-Offender Sexual Abuse and Sexual Harassment Allegations 2017 and 2018 Yearly Comparison

Year	Substantiated		Unsubstantiated		Unfounded		Pending	
	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment
2017	2	2	3	3	5	3	5	2
2018	6	1	3	0	19	7	9	2



OVERVIEW of 2018 INFORMATION

A. Offender-on-Offender

In 2018, there were seven (7) substantiated Offender-on-Offender sexual abuse allegations and eleven (11) substantiated Offender-on-Offender sexual harassment allegations. A total of fifty-seven (57) Offender-on-Offender sexual abuse allegations, and twenty-nine (29) Offender-on-Offender sexual harassment allegations which occurred at HCCC, HCF, KCCC, KCF, MCCC, OCCC, WCCC, WCF, MBU-SCC and the Sheriff's Holding located at the Daniel K. Inouye International Airport. HCCC, HCF, MCCC, OCCC and MBU-SCC have allegations that are currently pending investigation.

Seven (7) Substantiated Offender-on-Offender Sexual Abuse Incidents:

The first substantiated Offender-on-Offender sexual abuse incident occurred at HCCC in the shower area, evening (6 p.m. to midnight). 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 Native Hawaiian or Other Pacific Islander male, between the ages of 30-34 years old. The nature of the incident was pressure or coercion resulting in a nonconsensual sexual act and was persuaded into performing fellatio on the predator. The offender perpetrator was transferred to another unit in another facility, received a misconduct where he had a loss of privileges, and or other reprimand.

The second substantiated Offender-on-Offender sexual abuse incident occurred at HCCC in the victim's cell, throughout a 24-hour period (6 a.m. to 6 a.m.). The victim was a Native Hawaiian or Other Pacific Islander male, between the ages of 35-39 years old. The victim sustained physical injury as in bruises, sprains, scratches, swelling and welts. The incident was reported by the victim and the victim's family member. The victim was provided with medical care and counseling/mental health services. There were four (4) perpetrators. All four (4) perpetrators were Native Hawaiian or Other Pacific Islander males, all between the ages of 30-34 years old. The nature of the incident was physical force or the threat of force resulting in a nonconsensual sexual act. The victim was physically held down or restrained in some way. The perpetrators were placed in disciplinary segregation, received misconduct violations, transferred to another facility, reprimanded for loss of privileges and the incident referred to County Law Enforcement.

The third substantiated Offender-on-Offender sexual harassment occurred at HCCC in the victim's cell and bunk area in the morning (6 a.m. to noon). 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 Native Hawaiian or Other Pacific Islander male, between the ages 30-34 years old. The nature of the incident was unwanted touching for sexual gratification or abusive sexual contact. The perpetrator surprised the victim with unwanted touching of his groin area while he was asleep. 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.

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 a Micronesian male, between the ages of 30-34 years old. The victim sustained no 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 physical force or the threat of force resulting in a nonconsensual sexual act. 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 arrested when referred to County Law Enforcement and later indicted.

The fifth substantiated Offender-on Offender sexual abuse incident occurred at MCCC in a common are of the shower during the afternoon (noon to 6 p.m.) hours. The victim was a White male, between the ages of 30-34 years old. The victim sustained physical injury as in bruises, sprains, cuts, scratches, swelling and welts. The incident was reported by the victim. The victim was provided with a medical examination and counseling and mental health services. The victim declined/refused services offered to him. There were two (2) perpetrators and both were Asian males, first perpetrator was between the ages of 25-29 years old and the second perpetrator was between the ages of 35-39 years old. The nature of the incident was unwanted touching for sexual gratification or abusive sexual contact. The perpetrators surprised the victim with unwanted touching, grabbing, or groping. The perpetrators were placed in disciplinary segregation, received a misconduct, had lost all privileges and the incident was referred to County Law Enforcement.

The sixth substantiated Offender-on-Offender sexual abuse incident occurred at MBU-SCC in a program service area over a period of time (specific times are unknown). The victim was a White male, between the ages of 25-29 years old. The victim sustained minor physical injuries. The incident was reported by the victim and he was provided with medical and mental health care. The perpetrator was a Native Hawaiian or Other Pacific Islander male, between the ages of 30-34 years old. The nature of the incident was unwanted touching for sexual gratification or abusive sexual contact. The perpetrator surprised the victim with unwanted touching, grabbing, or groping and physically harmed or injured the victim. The perpetrator was placed in disciplinary segregation, loss of all privileges, received a misconduct violation and the incident reported to law enforcement.

The seventh substantiated Offender-on-Offender sexual abuse incident occurred at MBU-SCC in the victim's cell during a time that is unknown. The victim was a Native Hawaiian or Other Pacific Islander male, between the ages of 30-34 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 an Asian male, between the ages of 30-34 years old. The nature of the incident was unwanted touching for sexual gratification or abusive sexual contact. The perpetrator surprised the victim with unwanted touching, grabbing, or groping. The perpetrator was placed in disciplinary segregation, received a misconduct and the incident was referred to County Law Enforcement.

Eleven (11) Substantiated Offender-on-Offender Sexual Harassment Incidents:

The first substantiated Offender-on-Offender sexual harassment incident occurred at KCCC in the victim's cell, specific time is unknown. The victim was a White male, between the ages of 55 or older. The victim did not sustain any physical injury. The incident was reported by the victim and another inmate (non-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 sexual harassment, repeated and unwelcome sexual advances or requests for sexual favors. The perpetrator sexually harassed the victim with sexual innuendo, or verbal comments and unwelcomed sexual advances. The perpetrator was transferred to another housing to separate him from the victim, received a misconduct violation. The incident was referred to County Law Enforcement.

The second substantiated Offender-on-Offender sexual harassment incident occurred at KCCC in the victim's cell, specific time is unknown. The victim was an Asian male, between the ages of 18-24 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 a Native Hawaiian or Other Pacific Islander male, between the ages of 25-29 years old. The nature of the incident was sexual harassment, indecent exposure, masturbation, or voyeurism. The perpetrator sexually harassed the victim with sexual innuendos, or verbal comments. The perpetrator received a misconduct violation, loss of privileges and the incident was referred to law enforcement.

The third substantiated Offender-on-Offender sexual harassment incident occurred at KCCC in the victim's cell, specific time is unknown. The victim was an Asian male, between the ages of 18-24 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 a Native Hawaiian or Other Pacific Islander male, between the ages of 25-29 years old. The nature of the incident was sexual harassment, verbal comments towards gender identity and use of sexual innuendos towards the victim. The perpetrator received a misconduct violation, loss of privileges and the incident was referred to law enforcement.

The fourth substantiated Offender-on-Offender sexual harassment incident occurred at MCCC in the victim's cell, specific time is unknown. The victim was an Asian male, between the ages of 18-24 years old. The incident was reported by the victim. The victim did not sustain any physical injuries. The victim was provided with counseling or mental health treatment. The perpetrator was a White male, between the ages of 40-44 years old. The nature of the incident was sexual harassment, verbal comments towards gender identity. The Perpetrator was transferred to another unit and separated from the victim, given a misconduct violation and loss of all privileges.

The fifth substantiated Offender-on-Offender sexual harassment incident occurred at MCCC in the victim's cell, specific time is unknown. The victim was an Asian female, between the ages of 35-39 years old. The incident was reported by the victim. The victim did not sustain any physical injuries. The victim was provided with medical, mental health treatment and counseling. The perpetrator was

an Asian female, between the ages of 35-39 years old. The nature of the incident was sexual harassment, repeated and unwelcome sexual advances or requests for sexual favors. The perpetrator was transferred to another unit separated from the victim, given a misconduct violation and loss all privileges.

The sixth substantiated Offender-on-Offender sexual harassment incident occurred at MCCC in the victim's cell, specific time is unknown. The victim was an Asian male, between the ages of 18-24 years old. The incident was reported by the victim. The victim did not sustain any physical injuries. The victim was provided with medical, mental health treatment and counseling. The perpetrator was a white male, between the ages of 45-54 years old. The nature of the incident was sexual harassment, sexual innuendo, or verbal comments. The perpetrator was transferred to another unit and separated from the victim, loss of privileges, disciplinary report or conduct violation, or other reprimand.

The seventh substantiated Offender-on-Offender sexual harassment incident occurred at MCCC in the victim's cell, specific time is unknown. The victim was an Asian male between the ages of 18-24 years old. The incident was reported by the victim. The victim did not sustain any physical injuries. The victim was provided with medical, mental health treatment and counseling. The perpetrator was a White male between the ages of 40-44 years old. The nature of the incident was sexual harassment, sexual innuendo, or verbal comments. The perpetrator was transferred to another unit and separated from the victim, loss of privileges, disciplinary report or conduct violation, or other reprimand.

The eighth substantiated Offender-on-Offender sexual harassment incident occurred at OCCC in the victim's cell, specific time is unknown. The victim was an Asian male between the ages of 30-34 years old. The incident was reported by the victim. After the incident was reported the victim was already released or discharged from OCCC. The perpetrator was an Asian male between the ages of 35-39 years old. The nature of the incident was sexual harassment. The perpetrator was placed in solitary confinement or disciplinary segregation, had a loss of privileges, disciplinary report or conduct violation, or other reprimand.

The ninth substantiated Offender-on-Offender sexual harassment incident occurred at WCF in a temporary holding cell or intake area within the facility, the incident occurred in the morning between 6 a.m. and noon. The victim was an Asian male between the ages of 30-34 years old. The incident was reported by the victim. The victim did not sustain any physical injuries. The victim was provided with medical, mental health treatment and counseling. The perpetrator was an Asian male between the ages of 30-34 years old. The nature of the incident was sexual harassment, sexual innuendo, or verbal comments. The perpetrator was transferred to another unit and separated from the victim, loss of privileges, disciplinary report or conduct violation, or other reprimand.

The tenth substantiated Offender-on-Offender sexual harassment incident occurred at WCF in an instructional area, the incident occurred in the morning between 6 a.m. and noon. The victim as an Asian 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 counseling or mental health treatment. The perpetrator was an Asian male between the ages of 35-39 years old. The nature of the

incident was sexual harassment, sexual innuendo, or verbal comments. The Perpetrator was transferred to another facility, loss of privileges, disciplinary report or conduct violation, or other reprimand.

The eleventh substantiated Offender-on-Offender sexual harassment incident occurred at WCF in a program service area, the incident occurred in the morning between 6 a.m. and noon. The victim was a Native Hawaiian or Other Pacific Islander between the ages of 35-39 years old. The incident was reported by the victim. The victim did not sustain any physical injuries. The victim was provided with counseling or mental health treatment. The perpetrator was an Asian male between the ages 40-44 years old. The nature of the incident was sexual harassment, sexual innuendo, or verbal comments. The Perpetrator was transferred to another facility, loss of privileges, disciplinary report or conduct violation, or other reprimand.

B. Staff-on-Offender

In 2018, there were six (6) substantiated Staff-on-Offender sexual abuse allegations and one (1) substantiated Staff-on-Offender sexual harassment allegations. One (1) Staff-on-Offender Sexual Abuse allegation occurred at HCCC, one (1) occurred at HCF, one (1) occurred at KCCC, two (2) occurred at OCCC and one (1) occurred at MBU-SCC. One (1) Staff-on-Offender Sexual Harassment allegation occurred at MCCC. Nine (9) Staff-on-Offender sexual abuse allegations and two (2) Staff-on-Offender Sexual Harassment allegations that occurred at HCF, MCCC, OCCC, and the Sheriff's holding are currently pending investigation.

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

The first substantiated Staff-on-Offender sexual abuse incident occurred at HCCC 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 occurred at HCF, 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 KCCC 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 OCCC 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 OCCC 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 MBU-SCC, PSD's contracted facility 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.

One (1) Substantiated Staff-on-Offender Sexual Harassment Incidents:

The first substantiated Staff-on-Offender Sexual Harassment incident occurred at MCCC in a dormitory or other multiple housing unit during the evening (6 p.m. to midnight) hours. The victim was a Native Hawaiian or Other Pacific Islander between the ages of 35-39 years old. The victim did not sustain any physical injury. The incident was reported by another inmate and Correctional officer or front-line staff. The victim was provided with counseling or mental health treatment. The nature of the incident was sexual harassment or repeated verbal statements of a sexual nature by staff. The staff perpetrator was a Native Hawaiian male, between the ages of 45-49 years old. The staff perpetrator was a full-time paid employee of PSD and his primary position was an Adult Correctional Officer or Supervisory Staff. The staff perpetrator is currently pending a disciplinary hearing.

PSD PREA Progress and Summary

The total number of combined reported allegations increased between 2017 from 82 to 130 allegations in 2018. The increase was based on continued and heightened comprehensive education for offenders, fostering a facility climate which condemns sexual abuse, providing victims with sensitive care, resources, and support. Additionally, the department implemented an automated GTL phone system with speed dial numbers that are free calls to resources where they can confidentially report incidents to. This system has included a PREA Coordinator's hot line. This is believed to have led to the increase in allegations reported. 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: Core Civic (CC), formerly known as 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 is currently in the third year of the second audit cycle and has completed one third of its facilities in each year of the cycle (August 2016 to August 2018). HCF, KCCC, MCCC, WCF and WCCC 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. Specifically, in 2018 HCCC, KCCC, KCF and MCCC were the facilities that had a DOJ audit where corrective action was implemented prior to achieving a final finding of compliance. There were common issues that have been remedied through updated training for staff on general and specialized responsibilities, PREA screening and assessments, investigation processes and implementation of quarterly internal reviews of physical plant to address constant changes.

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 2018, 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 was updated in 2017 and can be accessed at <http://dps.hawaii.gov/wp-content/uploads/2014/07/ADM.08.08.pdf>.

PSD continues to provide 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), under the heading of Policies and Procedures and then the subheading PREA.