

The Department of Public Safety 2019 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 2011–2019 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. 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 2019 Survey of Sexual Violence which was submitted to BJS in November of 2020.

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, 2019, to and including, December 31, 2019.

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 2019

The PSD facilities in 2019 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 has a supplemental contract to house PSD inmates set to expire in July 2021. SCC successfully completed its DOJ PREA Audit in 2017 with final findings as meeting all PREA standards and is currently going through their third audit since the inception of audits of correctional facilities.

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.

2019 Offender-on-Offender Sexual Abuse and Sexual Harassment

In 2019, using the PREA definitions, six (6) 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 one (1) allegation of Offender-on-Offender sexual abuse and MBU (Hawaii Federal Detention Center) one (1) allegation of Offender-on-Offender sexual harassment.

There were eighty-five (85) Offender-on-Offender allegations all together including contracted facilities: forty-nine (49) sexual abuse allegations and thirty-six (36) sexual harassment allegations. Of the forty-nine (49) allegations of Offender-on-Offender sexual abuse, one (1) were substantiated, twenty-six (26) were unsubstantiated, seventeen (17) were unfounded, and five (5) are currently pending investigation. Of the thirty-six (36) allegations of Offender-on-Offender sexual harassment, seven (7) were substantiated, seventeen (17) were unsubstantiated, eleven (11) were unfounded, and one (1) is pending investigation. The following table presents the allegations by facility.

**Offender-on-Offender Sexual Abuse and Sexual Harassment Allegations
January 1 – December 31, 2019**

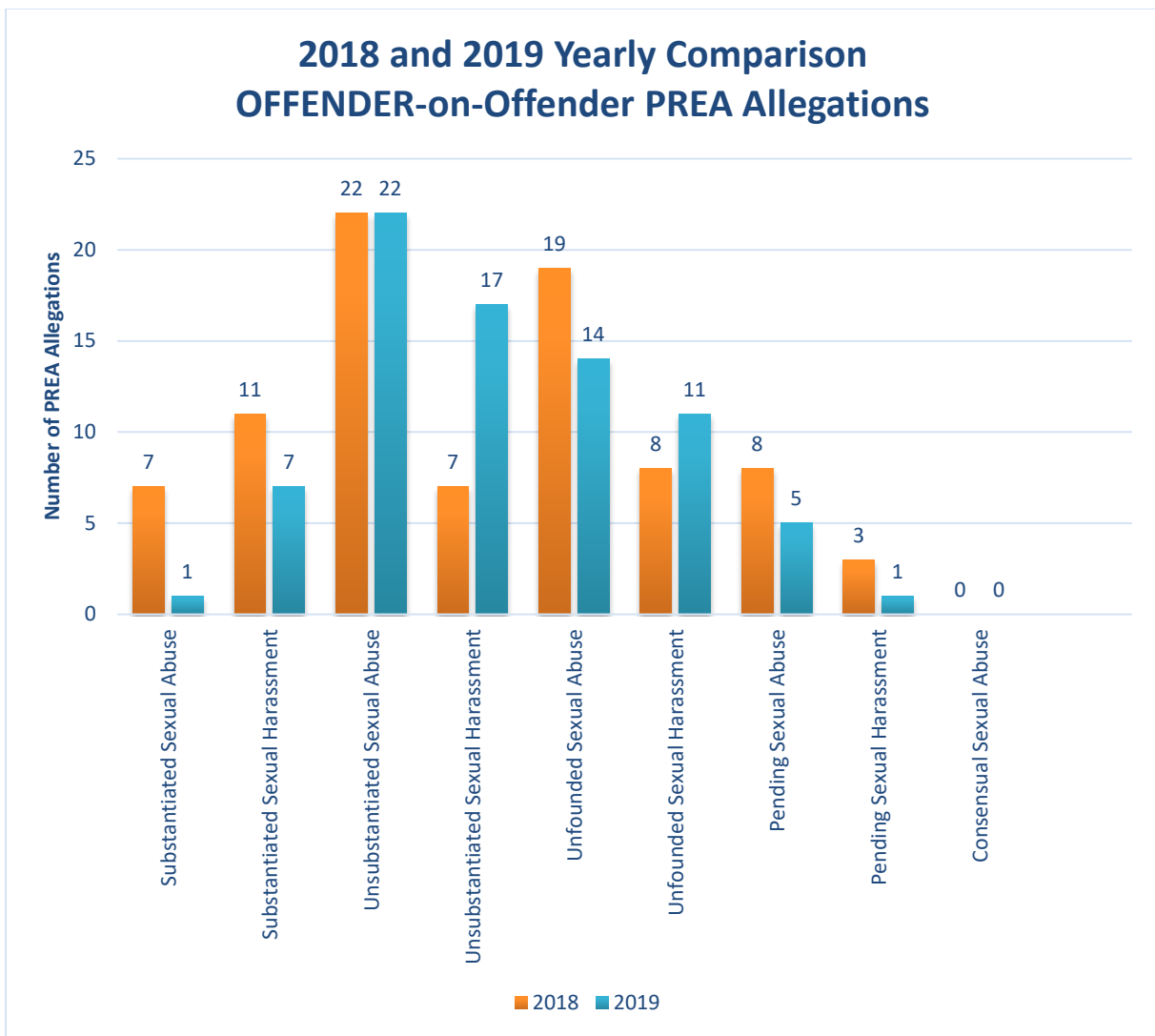
FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING
MBU CC/SCC (private contracted facility)	SEXUAL ABUSE	7	0	4	3	0
	SEXUAL HARASSMENT	0	0	0	0	0
FEDERAL DETENTION CENTER (federally contracted facility)	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	1	0	0	1	0
HCCC*	SEXUAL ABUSE	6	0	2	2	2
	SEXUAL HARASSMENT	3	0	1	2	0
HCF	SEXUAL ABUSE	6	1	1	2	2
	SEXUAL HARASSMENT	14	0	7	6	1
KCCC*	SEXUAL ABUSE	2	0	1	1	0
	SEXUAL HARASSMENT	2	0	1	1	0
KCF	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	1	1	0	0	0
MCCC*	SEXUAL ABUSE	3	0	0	2	1
	SEXUAL HARASSMENT	1	1	0	0	0
OCCC*	SEXUAL ABUSE	25	0	18	7	0
	SEXUAL HARASSMENT	13	4	7	2	0
WCCC (F)	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	1	1	0	0	0
WCF	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	1	0	1	0	0

*Facility has both male and female Offenders.

(F) Female Facility

Offender-on-Offender Sexual Abuse and Sexual Harassment Allegations 2018 and 2019 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
2018	7	11	22	7	19	8	9	3	0
2019	1	7	22	17	14	11	5	1	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 five (5) facilities reported allegations of Staff-on-Offender sexual harassment. In addition, out of the contracted facilities, MBU (Saguaro Correctional Center) reported three (3) allegation of Staff-on-Offender sexual abuse and no allegation of Staff-on-Offender sexual harassment, and FDC reported no allegations of staff-on-offender sexual abuse and or harassment.

There were sixty-three (63) Staff-on-Offender allegations all together including contracted facilities: fifty (50) sexual abuse allegations and thirteen (13) sexual harassment allegations. Of the fifty (50) allegations of Staff-on-Offender sexual abuse, six (6) were substantiated, fifteen (15) were unsubstantiated, twenty-three (23) were unfounded, six (6) are currently pending investigation. Of the thirteen (13) allegations of Staff-on-Offender sexual harassment, zero (0) were substantiated, three (3) were unsubstantiated, nine (9) were unfounded, and one (1) pending investigation. The following table presents the allegations by facility.

**Staff-on-Offender Sexual Abuse and Sexual Harassment Allegations
January 1 – December 31, 2019**

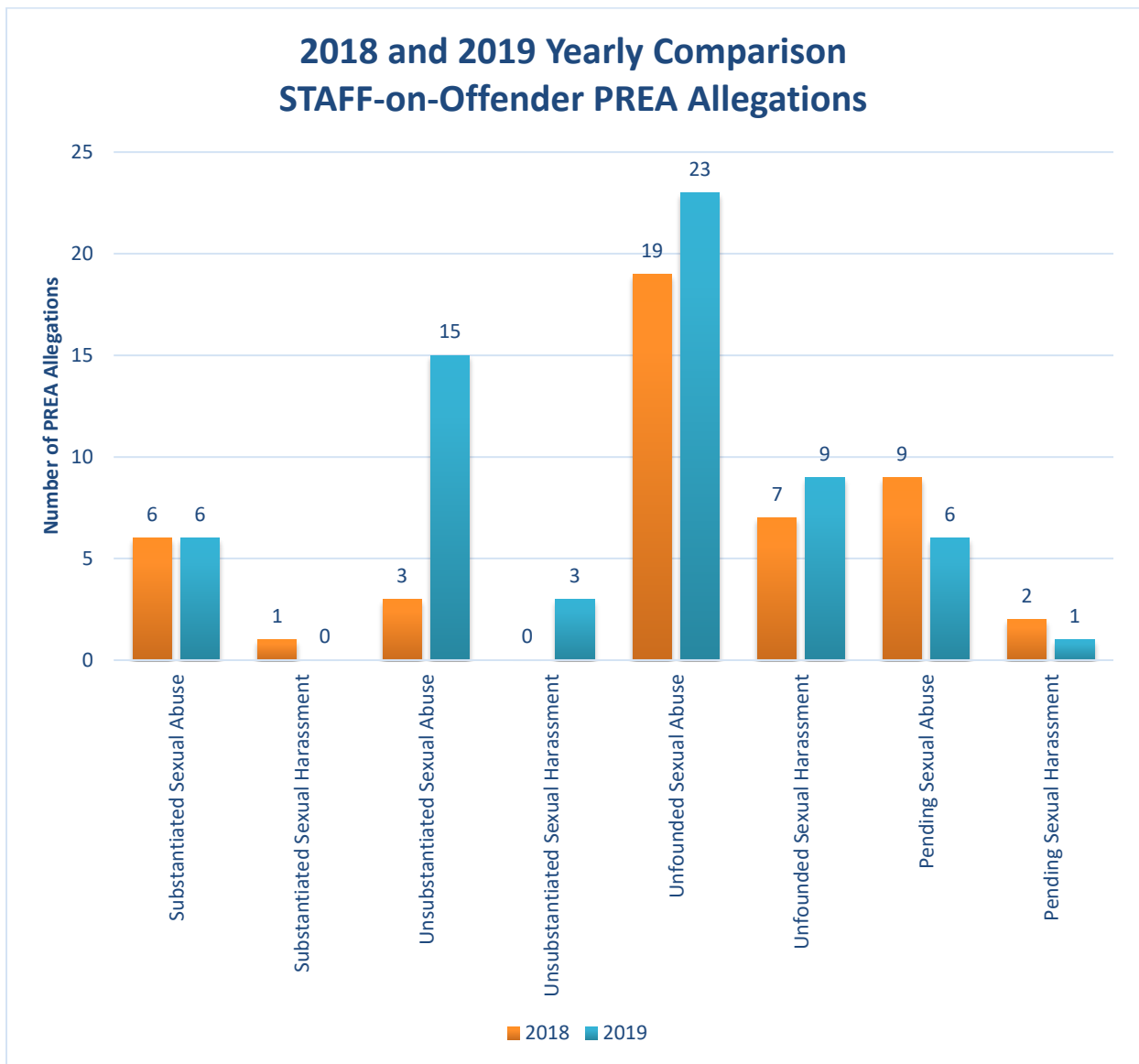
FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING
MBU CC/SCC (private contracted facility)	SEXUAL ABUSE	3	2	1	0	0
	SEXUAL HARASSMENT	0	0	0	0	0
FEDERAL DETENTION CENTER (federally contracted facility)	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	1	0	0	1	0
HCCC*	SEXUAL ABUSE	2	0	0	0	2
	SEXUAL HARASSMENT	0	0	0	0	0
HCF	SEXUAL ABUSE	15	1	2	9	3
	SEXUAL HARASSMENT	3	0	0	3	0
KCCC*	SEXUAL ABUSE	0	0	0	0	0
	SEXUAL HARASSMENT	2	0	1	1	0
KCF	SEXUAL ABUSE	2	0	1	1	0
	SEXUAL HARASSMENT	2	0	0	2	0
MCCC*	SEXUAL ABUSE	4	1	0	2	1
	SEXUAL HARASSMENT	2	0	0	1	1
OCCC*	SEXUAL ABUSE	14	1	8	5	0
	SEXUAL HARASSMENT	4	0	2	2	0
WCCC (F)	SEXUAL ABUSE	9	0	3	6	0
	SEXUAL HARASSMENT	0	0	0	0	0
WCF	SEXUAL ABUSE	1	1	0	0	0
	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 2018 and 2019 Yearly Comparison

Year	Substantiated		Unsubstantiated		Unfounded		Pending	
	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment
2018	6	1	3	0	19	7	9	2
2019	6	0	15	3	23	9	6	1



OVERVIEW of 2019 INFORMATION

A. Offender-on-Offender

In 2019, there was one (1) substantiated Offender-on-Offender sexual abuse allegation and seven (7) substantiated Offender-on-Offender sexual harassment allegations. A total of forty-nine (49) Offender-on-Offender sexual abuse allegations, and thirty-seven (37) Offender-on-Offender sexual harassment allegations which occurred at HCCC, HCF, KCCC, KCF, MCCC, OCCC, WCCC, WCF, MBU-SCC and FDC . HCCC, HCF and MCCC, have allegations that are currently pending investigation.

One (1) Substantiated Offender-on-Offender Sexual Abuse Incidents:

The substantiated Offender-on-Offender sexual abuse incident occurred at HCF in the victim's room in the infirmary area, in the afternoon (noon to 6 p.m.). The victim was an Asian male, between the ages of 40-44 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 Asian male, between the ages of 40-44 years old. The nature of the incident was unwanted touching for sexual gratification or abusive sexual contact and surprised the victim with unwanted touching, grabbing or groping. The offender perpetrator was transferred to another unit, referred to law enforcement and received a misconduct where he had a loss of privileges, and or other reprimand.

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

The first substantiated Offender-on-Offender sexual harassment incident occurred at KCF in the mess hall area, in the morning (6 a.m. to noon). The victim was an Asian male, between the ages of 35-39 years old. The victim did not sustain physical injury. The incident was reported by a counselor . The victim was separated from the perpetrator and provided with medical care and counseling/mental health services. The perpetrator was an Asian transgender, between the age of 25-29 years old. The nature of the incident was sexual harassment, sexual innuendo, or verbal comments. The perpetrator was 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 second substantiated Offender-on-Offender sexual harassment incident occurred at MCCC in a dormitory or other multiple housing unit, in the morning (6 a.m. to noon). The victim was a white male, between the ages of 18-24 years old. The incident was reported by the victim and the victim did not sustain any physical injuries. The victim was provided with counseling/mental health treatment and separated from the perpetrator. The perpetrator was a white male, between the ages of 18-24 years old. The nature of the incident was sexual harassment, repeated and unwelcome sexual advances or requests for sexual favors. The perpetrator pressured the victim by physically holding the victim down or restrained in some way. 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 OCCC in the victim's cell, specific time is unknown. The victim was a Native Hawaiian or Other Pacific Islander, between the ages of 25-29 years old. The incident was reported by another inmate. The victim did not sustain any physical injuries. The victim was already released or discharged. The perpetrator was a

Native Hawaiian or Other Pacific Islander male, between the ages of 45-54 years old. The nature of the incident and pressure used by the perpetrator was sexual harassment, sexual innuendos, and verbal comments towards the victim. The perpetrator was placed in disciplinary segregation and 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 OCCC in a common area, dayroom, 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. The victim did not sustain any physical injuries. The victim was provided with counseling or mental health treatment. The perpetrator was a black male, between the ages of 35-39 years old. The nature of the incident and pressure used by the perpetrator was sexual harassment, verbal comments and written letters that contained threats and sexual comments. 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 OCCC in a temporary holding cell or intake area within the facility, in the morning (6 a.m. to noon). The victim was an Asian female, between the ages of 25-29 years old. The incident was reported by a Maintenance worker. The victim did not sustain any physical injuries. The victim was in the process of being released. The perpetrator was a Native Hawaiian or Other Pacific Islander male, between the ages of 30-34 years old. The nature of the incident and pressure used by the perpetrator was sexual harassment, sexual innuendo, or verbal comments. The perpetrator was placed in disciplinary segregation and subsequently released from custody.

The sixth substantiated Offender-on-Offender sexual harassment incident occurred at OCCC in the victim's cell, in the morning (6 a.m. to noon). The victim was a White male, between the ages of 40-44 years old. The incident was reported by the victim. The victim did not sustain any physical injuries and was already released from custody. The perpetrator was a white male, between the ages of 45-54 years old. The nature of the incident and type of pressure used by the perpetrator was sexual harassment, indecent exposure, masturbation, sexual innuendo, or verbal comments. The perpetrator was transferred to another unit and separated from the victim, placed in disciplinary segregation with loss of privileges, disciplinary report or conduct violation, or other reprimand.

The seventh substantiated Offender-on-Offender sexual harassment incident occurred at WCCC in a dormitory or other multiple housing unit, specific time is unknown. The victim was an Asian female between the ages of 30-34 years old. The incident was reported by the victim and the victim did not sustain any physical injuries. The victim was provided with medical, mental health treatment and counseling. The perpetrator was a Native Hawaiian or Other Pacific Islander female between the ages of 35-39 years old. The nature of the incident and pressure used by the perpetrator was sexual harassment, repeated and unwelcomed sexual advances or requests for sexual favors, 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.

B. Staff-on-Offender

In 2019, there were six (6) substantiated Staff-on-Offender sexual abuse allegations and zero (0) substantiated Staff-on-Offender sexual harassment allegations. The substantiated Staff-on-Offender Sexual Abuse allegations occurred at HCF, MCCC, OCCC, WCF and PSD Contracted Facility Saguario Correctional Facility. KCF, MCCC, OCCC and WCCC. There was a total of sixty-three staff on offender allegations for 2019. Fifty (50) Staff-on-Offender sexual abuse allegations, and thirteen (13) Staff-on-Offender sexual harassment allegations. The allegations occurred at HCCC, HCF, KCCC, KCF, MCCC, OCCC, WCCC, WCF and MBU-SCC. MCCC has an allegation that is currently pending investigation.

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

The first substantiated Staff-on-Offender sexual abuse incident occurred at HCF through telephone contact during multiple days and times. The victim was an Asian male, between the ages of 25-29 years old. The victim did not sustain any physical injury and was provided medical and mental health/counseling services and separated from the perpetrator. The incident was reported by correctional supervisors. The staff perpetrator was an Asian female, between the ages of 35-39 years old. The nature of the incident was inappropriate relationship that occurred over the phone that was sexual nature by staff and intentions of sexual acts. The staff perpetrator was a part-time contract employee of PSD and her primary position was a medical professional. The staff perpetrator was denied future entrance to HCF, contract terminated and resigned prior to completion of investigation. At the time of the incident, the staff perpetrator worked as a contract employee at PSD for approximately six (6) months.

The second substantiated Staff-on-Offender sexual abuse incident occurred at MCCC, and occurred through telephone communication. The victim was an Asian female, between the ages of 25-29 years old. The victim did not sustain any physical injury. The incidents were reported by a correctional supervisor. The victim was provided with mental health/counseling services and was separated from the perpetrator. The nature of the incident was a romantic relationship between the inmate and staff that appeared to be willing, offering special privileges and gifts to the inmate. The staff perpetrator was a Native Hawaiian or Pacific Islander male, between the ages of 25-29 years old. The staff perpetrator was a full-time paid employee, and his primary position was a correctional officer. The incident was referred to Law Enforcement and the completed administrative investigation referred for disciplinary hearing. At the time of the incident, the staff member worked at MCCC for one (1) to five (5) years.

The third substantiated Staff-on-Offender sexual abuse incident occurred at OCCC in offsite areas and through unauthorized mail, the specific times are unknown. The victim was an Asian and Pacific Islander female, between the ages of 18-24 years old. The victim did not sustain any physical injury. The incident was reported by the correctional supervisors and administrative staff. When the allegation was reported the victim was already separated from the perpetrator in a separate facility and was provided with counseling or mental health treatment. The nature of the incident included written letters, pictures of unauthorized romantic contact while offsite, offered gifts or special privileges to inmate, sexual relationship between inmate and staff appeared to be willing. The victim was provided medical and mental health/counseling services. The staff perpetrator was a Native Hawaiian or Other Pacific

Islander male, age is between 45-54 years old. The staff perpetrator was a full-time paid employee and primary position was a correctional supervisor. The sanction imposed is pending a disciplinary hearing for the staff perpetrator. This incident was referred to local law enforcement for prosecution. At the time of the incident, the staff perpetrator worked for PSD for more than 10 years.

The fourth substantiated Staff-on-Offender sexual abuse incident occurred at PSD's Contracted Facility, Saguaro Correctional Center. The incident occurred in the victim's cell; specific times are unknown. 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's attorney. 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 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 contracted correctional facility and her primary position was a correctional officer. The contracted employee was removed from the facility and this incident was referred to law enforcement. At the time of the incident, the staff perpetrator worked for PSD's contracted correctional facility for approximately one (1) to five (5) years.

The fifth substantiated Staff-on-Offender sexual abuse incident was reported at PSD's Contracted Facility, Saguaro Correctional Center and occurred in an instructional area multi-purpose room, the time of occurrences ranged between 6 a.m. to 10 p.m. The victim was an Asian male, between the ages of 30-34 years old. The victim did not sustain any major physical injury. The incident was reported by a correctional supervisor. The victim was offered was 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 White female, age is between 30-34 years old. The staff perpetrator was a full-time paid employee of PSD's contracted correctional facility and her primary position was a corrections officer. The staff perpetrator was removed from the facility and this incident was referred to law enforcement. At the time of the incident, the staff perpetrator had worked for PSD's contracted correctional facility for approximately one (1) to five (5) years.

The sixth substantiated Staff-on-Offender sexual abuse incident occurred at WCF in, time of incident is unknown. the kitchen area. The victim was a Black male, between the ages of 45-54 years old. The victim did not sustain any major physical injury and had no contact with the perpetrator. The incident was reported by the victim. The victim was offered medical, mental health treatment and counseling services. The nature of the incident was sexual relationship between the victim and perpetrator that appeared to be willing. The staff perpetrator was an Asian female, between the ages of 45-54 years old. The staff perpetrator was a full-time paid employee of PSD and her primary position was a food service supervisor. resigned from the facility prior to the victim reporting. At the time of the incident, the staff perpetrator had already resigned from the department.

PSD PREA Progress and Summary

The total number of combined reported allegations increased between 2018 from 133 to 140 allegations in 2019. The increase is 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 and receive additional emotional support services from the rape crisis center. This system has included a PREA Coordinator's hot line. This is believed to have led to the increase in allegations reported and it is a means for safe and anonymous reporting.

PSD has completed the first (August 2013 – August 2016) and second (August 2016 – August 2019) cycle of PREA audits conducting one third of its facilities in each of the three years of each cycle. 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 completed audit cycles.

PSD recently completed the first (August 2019 – August 2020) year of the third cycle with audits conducted at HCF, WCCC and WCF, 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 process and notifications, implementation of quarterly internal reviews of physical plant and administrative procedures to address the constant changes in population. These facilities received a final PREA audit report which deemed these facilities to be in full compliance with the National PREA Standards. Currently PSD is in the second (August 2020 – August 2021) year of the third audit cycle with KCCC and MCCC scheduled for DOJ PREA Audits. The initial audits were scheduled for November 2020, however the Auditor based on the Western State Consortium for circular auditing was required to postpone travel due to COVID-19. These audits are tentatively scheduled for February 2021.

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

In 2019, the Governor of the State of Hawaii submitted a certification to the DOJ/Bureau of Justice Assistance (BJA) that Hawaii is in full compliance with the National PREA Standards to prevent, detect, and respond to prison rape for Hawaii's adult and juvenile correctional facilities. . .

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>. Currently, PSD is updating this policy to include changes in gender identity and additional clarifications on several standards provided by the PREA Resource Center (PRC) and the PREA Management Office (PMO).

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. The training curriculum is now being reviewed to add current information and clarifications as the last update was in February 2017.

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, they are provided with updated information on current sexual abuse and sexual harassment policies and any relevant updates or changes through handouts, memoranda, and posters. The PREA posters on general assistance and reporting information for inmates, staff and the public has been updated to include a new medical and mental health informational poster. All informational posters and brochures have been distributed to all facilities and posted to include the departments website.

PSD volunteers and contractors, who have contact with offenders, are trained on PREA through the department's Volin-Cor program that is part of the Correctional Program Services Section. They are trained in PREA and PSD's Zero-Tolerance policy, and their responsibilities regarding prevention, detection, reporting, and how to respond to an offender victim of sexual abuse and sexual harassment. The training is conducted prior to having contact with the inmate population. Included in their PREA training is, Code of Ethics, Confidentiality and Mandatory Reporting requirements, safety, security procedures, protocols and dress code. The training is held every two (2) years to include background checks.

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 <https://dps.hawaii.gov/wp-content/uploads/2020/10/FINAL-PREA-Brochure-GTL-FINAL-BLACK-4-17-19-FINAL.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.