	DEPARTMENT OF CORRECTIONS AND REHABILITATION CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: January 01, 2024	POLICY NO.: COR.10.F.06
		SUPERSEDES (Policy No. & Date): COR.10.1B.05 (10/03/14)	
	SUBJECT: RESPONSE TO SEXUAL ABUSE		Page 1 of 4

1.0 PURPOSE

The purpose of this policy is to ensure that victims of sexual abuse receive appropriate intervention.

2.0 SCOPE

This policy and procedure applies to all correctional facilities, their assigned personnel, and contract staff.

3.0 REFERENCES, DEFINITIONS & FORMS

.1 References

- a. Department of Corrections and Rehabilitation, Policy and Procedures, ADM.08.08, Prison Rape Elimination Act.
- b. Department of Corrections and Rehabilitation, Policy and Procedures, COR.08.03, Seizure of Evidence.
- c. Department of Corrections and Rehabilitation, Policy and Procedures, COR.10.1B.06, Contraception.
- d. Department of Corrections and Rehabilitation, Policy and Procedures, COR.10.1D.05, Hospital and Specialty Care.
- e. Department of Corrections and Rehabilitation, Policy and Procedures, COR.10.11.03, Therapeutic Relationship, Forensic Information, and Disciplinary Actions.
- f. Hawaii Revised Statutes, §353-39, Sexual assaults in prisons.
- g. Hawaii Revised Statutes, §353C-8, Sexual Assaults in Prisons.
- h. Inter-Office Memorandum, No. PSD #2020-1314, Incident Reporting and Notification, Nolan P. Espinda, Director, (4/15/2020).
- i. Prison Rape Elimination Act of 2003, Title 28 Code of Federal Regulation Part 115.

NOT-CONFIDENTIAL

COR P & P M	SUBJECT: RESPONSE TO SEXUAL ABUSE	POLICY NO.: COR.10.F.06
		EFFECTIVE DATE: January 01, 2024
		Page 2 of 4

- j. Standards for Health Services in Prisons. National Commission on Correctional Health Care, (2018).
- k. Standards for Health Services in Jails. National Commission on Correctional Health Care, (2018).
- l. Standards for Mental Health Services in Correctional Facilities. National Commission on Correctional Health Care, (2015).

.2 Definitions:

- a. Forensic Information: Physical or psychological data collected from an incarcerated individual that may be used against the incarcerated individual in disciplinary or legal proceedings.
- b. Preserving Physical Evidence: Physical evidence is not contaminated or destroyed. It does not mean collecting or handling physical evidence.
- c. Sexual Abuse: An unwanted sexual act that is coercive or assaultive in nature, and that occurs with or without the use of the threat of force.

.3 Forms

- a. Medical Injury Report template.
- b. PSD 0155, Major Incident (Priority I/II) Checklist for Notification and Reports.
- c. PSD 8214, Incident Report.

4.0 POLICY

- .1 Health care staff shall be trained, in accordance with COR.08.08, in how to:
 - a. Detect, assess, and respond to signs of sexual abuse and sexual harassment.
 - b. Preserve physical evidence of sexual abuse.
- .2 Emergency contraception shall be available to female victims of sexual assault in accordance with COR.10.1B.06 (Contraception).

NOT CONFIDENTIAL

COR P & P M	SUBJECT: RESPONSE TO SEXUAL ABUSE	POLICY NO.: COR.10.F.06
		EFFECTIVE DATE: January 01, 2024
		Page 3 of 4

- .3 Alleged incarcerated victims of sexual abuse shall receive appropriate medical and mental health intervention.
- .4 Facility health care staff are not involved in the collection of forensic information.

5.0 PROCEDURES

- .1 In the event of an alleged sexual assault of an incarcerated individual, a qualified health care professional shall immediately conduct a medical evaluation of the alleged incarcerated victim either at the health care unit or at the site where the alleged incarcerated victim is located. If a qualified health care professional is not on-site, facility staff shall immediately notify the on-call provider.
- .2 The alleged victim's complaint, history, and the results of the medical evaluation, including the extent of physical injury and photographs of the physical injury (visible or not) shall be documented by the qualified health care professional in the health record using the Medical Injury Report template.
- .3 In situations involving allegations of sexual abuse, the role of the qualified health care professional shall be to assess the need for treatment, provide treatment, and preserve, not collect, physical evidence.
 - a. If the alleged sexual assault occurred within the preceding one-hundred twenty (120) hours, the alleged incarcerated victim shall be transported to the local sexual abuse treatment center or emergency room for examination and collection of forensic evidence.
 - b. If the alleged sexual assault is reported after one-hundred twenty (120) hours of occurrence, a provider shall determine whether the alleged incarcerated victim shall be transported to the local sexual abuse treatment center or emergency room for examination and collection of forensic evidence.
- .4 In accordance with directive #2020-1314, the qualified health care professional shall provide immediate notification of an alleged sexual assault that occurred during an individual's incarceration to the watch commander in order to effect a separation of the alleged incarcerated victim from the alleged abuser in their housing assignments. The qualified health care professional shall complete and submit PSD 8214 (Incident Report) and PSD 0155 (Major Incident (Priority I/II) Checklist for Notification and Reports) to the facility Watch Commander and

NOT CONFIDENTIAL

COR P & P M	SUBJECT: RESPONSE TO SEXUAL ABUSE	POLICY NO.: COR.10.F.06
		EFFECTIVE DATE: January 01, 2024
		Page 4 of 4

copy their chain-of-command, the Responsible Health Authority, the Responsible Mental Health Authority, and the facility Safety Officer.

- .5 In all cases, whether the alleged incarcerated victim is treated in-house or referred to a sexual abuse treatment center, the following activities shall occur:
- a. Prophylactic treatment and follow-up care for sexually transmitted infections or other communicable diseases (e.g., HIV, hepatitis B), shall be offered to all alleged incarcerated victims, as appropriate.
 1. Incarcerated females who are alleged victims of sexual assault and at risk for pregnancy shall be offered pregnancy testing.
 2. Incarcerated females who are alleged victims of sexual assault within the last one-hundred twenty (120) hours shall be offered emergency contraception as medically indicated.
 - b. A qualified mental health professional shall conduct an evaluation, provide crisis intervention services as appropriate, and schedule follow-up mental health services either on-site with a qualified mental health professional, or off-site at the local sexual abuse treatment center in accordance with COR.10.1D.05 (Hospital and Specialty Care).

APPROVAL RECOMMENDED:




Deputy Director for Corrections

JAN 0 1 2024

Date

APPROVED:



DIRECTOR

JAN 0 1 2024

Date

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**STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY**

INCIDENT REPORT

Facility: _____
Prepared on: _____

TO: _____ THRU: _____
(Administrator/Section Supervisor) (Watch Supervisor)

DATE	TIME	NARRATIVE (Specify inmate name & ID and location if related to misconduct)

By: _____
Reporting Officer/Employee Title

ORIG - FACILITY ADMINISTRATOR
CANARY - CONTROL OFFICER
PINK - ATTACH TO MISCONDUCT REPORT