

HOW TO AVOID SEXUAL ABUSE

- ✓ **Do not** accept store order items, gifts, loans, or favors from anyone. Placing yourself in debt to another offender can lead to the belief or expectation that you will repay the debt with sexual favors.
- ✓ **Do not** accept an offer from another offender for protection. Avoid becoming involved in gang activity.
- ✓ Carry yourself in a confident manner. Many perpetrators (abusers) choose victims, who look like they won't stand up or defend themselves.
- ✓ **Avoid** casual nudity and talking about sex. The perpetrator (abuser) may use this as an excuse to commit an act of sexual abuse or sexual harassment.
- ✓ **Be alert** and trust your instincts. **Don't be afraid to say, "NO!"** Be aware of your physical surroundings and avoid secluded areas. Position yourself in plain view of staff.
- ✓ **Avoid** engaging in overly familiar relationships, personal relationships, or intimate relationships with staff.
- ✓ **Be aware** of situations with offenders and staff that cause you to feel uncomfortable. Trust your instincts: "If it feels wrong, then it usually is wrong."

SEXUAL ABUSERS BEWARE

- ✓ Sexual abuse does not have to be a violent act.
- ✓ If the victim is threatened, coerced, has a disability, or feels they will be harmed, if they refuse = IT IS SEXUAL ABUSE.
- ✓ DCR will investigate. The incident will be referred to County Police for criminal prosecution, a facility adjustment hearing, and a facility program hearing.
- ✓ If you are found guilty of a sexual offense in criminal court, you face life-long reporting requirements to register as a Sex Offender.
- ✓ If you are found guilty of a sexual offense in an adjustment hearing, your classification, housing, and programming will be significantly affected.

AFTER A REPORT OF SEXUAL ABUSE OR SEXUAL HARASSMENT

Staff will immediately separate the offender-victim from the alleged abuser. Facility Health Care Professionals will be notified, and the offender-victim will receive initial health care treatment.

If transported to the Sex Abuse Treatment Center or ER, the offender-victim will be assessed for injuries, exposure to sexually transmitted diseases (STDS), emergency contraceptives, pregnancy testing and alternatives, and the collection of forensic evidence. Otherwise, the Facility Health Care Unit will conduct the required assessments and schedule referrals for internal or external counseling services inclusive of an assessment, development of a treatment plan, and continued care at no cost to the victim.

DCR will contact the County Police Department to report an allegation of sexual abuse/assault or criminal sexual harassment. The County Police Department is responsible for the criminal investigation of a PREA incident at a DCR Facility.

DCR will:

- 1) Conduct the administrative investigation related to sexual abuse/assault or sexual harassment as defined by PREA;
- 2) Manage the abuser administratively and criminally based on the findings of the investigation;
- 3) Notify the victim about the status of the investigation with a summary of the action taken; and;
- 4) Monitor any offender or staff member who reports a PREA incident for retaliation.

The offender-victim and witnesses can assist by cooperating with the County Police and DCR Investigators.



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STATE OF HAWAII Department of Corrections & Rehabilitation

INFORMATIONAL GUIDE FOR OFFENDERS

END THE SILENCE

Zero Tolerance for Sexual Abuse
and Sexual Harassment: Prison
Rape Elimination Act (PREA)

OFFENDER SEXUAL ABUSE AND SEXUAL HARASSMENT BY OFFENDERS STAFF VOLUNTEERS AND CONTRACTORS



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IF A VICTIM OF SEXUAL ABUSE YOU CAN HELP TO PRESERVE THE EVIDENCE, DO NOT:

- * Shower, eat, drink, or brush your teeth,
- * Use the restroom or change/wash your clothes.

The Department of Corrections and Rehabilitation (DCR) is committed to ensuring a secure, safe, and humane environment. The Prison Rape Elimination Act of 2003 (PREA), a federal law, was passed to address sexual abuse and sexual harassment in correctional facilities. In support of PREA, DCR has a "Zero Tolerance" policy against any form of sexual abuse and sexual harassment towards an offender by another offender or by a staff member at a DCR Prison, Jail, Contracted Facility, Lock Up or Community Center. All references to staff members also include volunteers and contractors.

A "Zero Tolerance" policy means that sexual abuse and sexual harassment in any form is strictly prohibited, and all allegations of such conduct will be investigated. Any retaliation against individuals for reporting an incident is also prohibited. Although not a PREA incident, it is prohibited and a misconduct, for offenders to engage in consensual sexual acts with another offender.

SEXUAL ABUSE OR HARASSMENT BY AN OFFENDER

Sexual abuse by an offender includes the following acts, if the offender-victim does not consent, is coerced by overt or implied threats of violence or is unable to consent (disability) or refuses:

- ✓ Contact or penetration with the penis, anus or vulva. Contact between the mouth and the penis, vulva, or anus. Penetration of the anal or genital opening by a hand, finger, object, or other instrument.
- ✓ Any unwanted intentional touching, directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks.
- ✓ When sexual contact is accomplished through fear, threat of bodily harm or implied threat it is SEXUAL ABUSE.
- ✓ Sexual Harassment involves repeated and unwanted sexual advances, requests for sexual favors, verbal comments, gestures, or actions of a demeaning, derogatory or offensive sexual nature, including

references to gender and sexually suggestive or derogatory comments about the body or clothing.

SEXUAL ABUSE OR HARASSMENT BY A STAFF MEMBER

It is against the law in Hawaii for any person working in a correctional setting or in law enforcement to engage in any sexual act with an offender. A staff member is in a position of power and authority over an offender; therefore, consent is irrelevant.

Sexual abuse by a staff member towards an offender includes the following acts or attempts to facilitate the following acts that are unrelated to their official duties, with or without consent:

- ✓ Contact or penetration with the penis, anus, or vulva. Contact between the mouth and the penis, vulva, or anus. Penetration of the anal or genital opening by a hand, finger, object, or other instrument, or is intended to abuse, arouse, or gratify sexual desire.
- ✓ Any intentional touching, directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks or when the staff member has the intent to abuse, arouse, or gratify sexual desire.
- ✓ Any display by a staff member of his/her uncovered genitalia, buttocks, or breast in the presence of an offender. Voyeurism or "peeping" by a staff member.
- ✓ Sexual Harassment involves the repeated verbal comments and gestures of a sexual nature by a staff member, demeaning references to gender, sexually suggestive or derogatory comments about the body, clothing, and obscene language or gestures.

WHAT TO DO IF YOU ARE SEXUALLY ABUSED, HARASSED, OR RETALIATED AGAINST FOR REPORTING

If you have been abused, get to a safe place. You may have been threatened and you may be scared, but you must report the sexual abuse IMMEDIATELY. DCR provides several ways to report sexual abuse whether you are the victim, a witness, staff member, or a concerned individual:

- ✓ You may report the sexual abuse verbally or in writing to a staff member or supervisor that you trust, such as

your Case Manager, an Adult Corrections Officer, Chaplain, Medical, or Mental Health Professionals.

- ✓ You may report the sexual abuse verbally or in writing to Internal Affairs, the Warden, the Sheriff, the Institutions Division Administrator, the PREA Coordinator, or other Administrators.
- ✓ You may file an inmate grievance. You may also submit information anonymously (kite).
- ✓ A family member, friend, or other 3rd Party may file a report on your behalf to the administrators and staff identified above.

EXTERNAL/CONFIDENTIAL/ANONYMOUS REPORTING OPTIONS ARE SEXUAL ABUSE TREATMENT CENTER (SATC) AND THE OMBUDSMAN. YOU MAY ALSO CONTACT SATC FOR ADDITIONAL EMOTIONAL SUPPORT COUNSELING SERVICES.

- ✓ The designated **EXTERNAL & CONFIDENTIAL** agencies above are SATC @ 808-524-7273 or State Ombudsman @ 808-587-0770 via the HI DCR Speed Dial List, or you may write to report any sexual abuse or sexual harassment by an inmate or staff member.
- ✓ Your contact with SATC can be by writing or the Hotline at (808-524-7273) by utilizing the HI DCR Speed Dial List, to CONFIDENTIALLY report any sexual abuse or harassment incident and/or to obtain Emotional Support Counseling Services.
- ✓ These calls are free and for SATC a pin is not required. You may elect to remain anonymous and be CONFIDENTIAL, which means that your identity and report will not be disclosed to DCR, unless authorized the release or your statement indicates that you will harm yourself or others.
- ✓ You may also file a criminal complaint with the appropriate County Police Department as another EXTERNAL reporting option.

FALSE REPORTING (NOT IN GOOD FAITH) IMPACTS TRUE VICTIMS. A FALSE REPORT WILL RESULT IN A MISCONDUCT AND POSSIBLE CRIMINAL CHARGES.