



**STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES**



**OFFICE OF YOUTH SERVICES  
HAWAII YOUTH CORRECTIONAL FACILITY  
PRISON RAPE ELIMINATION ACT  
2022 ANNUAL REPORT**

**Prepared by:**

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**Approved by:**

**Leanne Gillespie, Executive Director of the Office of Youth Services**

**INTRODUCTION**

The Office of Youth Services is committed to preventing, detecting, and responding to abuse/assault and sexual harassment in secured facilities. The Hawaii Youth Correctional Facility has a zero-tolerance policy for sexual abuse and sexual harassment in the facility. This report is an overview of the facility's aggregated data and correction action as it pertains to the Prison Rape Elimination Act.

**PURPOSE**

The Prison Rape Elimination Act of 2003 (PREA) requires the department to address sexual abuse/assault and sexual harassment of persons in federal, state, and local institutions. The goal of PREA is to prevent, detect, and respond to sexual abuse/assault and sexual harassment within secured settings by establishing a zero-tolerance policy for sexual abuse/assault and sexual harassment. PREA requires the department to collect and review data to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. The data collection to include:

1. Identifying problem areas and identifying corrective action taken by the department and the facility.
2. Compare the current year's data and corrective actions with previous years and
3. Assess the department's progress in addressing sexual abuse.

## **BACKGROUND**

The Prison Rape Elimination Act (PREA) was enacted in September 2003. The purpose of the Act was to "provide for the analysis of the incidence and effects of prison rape in Federal, State, and Local institutions and to provide information, resources, and recommendations to protect individuals from prison rape.

PREA mandated the publication of standards to ensure compliance and improve detection and response strategies in addressing sexual abuse and assault. The final rule for PREA was published in the Federal Register on June 20, 2012, and became effective on August 20, 2012. Facilities had one year to become compliant with PREA standards.

The PREA standards require annual audits of one-third of the facilities under an agency's jurisdiction, along with the Annual Governor's Certification of Compliance in all facilities under the operational control of the state's executive branch, including private facilities operated on behalf of the executive branch, to house inmates. A failure to comply with standards will result in a loss of 5 percent (5%) of identified Federal grant funding. Three options are provided to Governors:

- Certification that the state and all applicable facilities are in full compliance with the National Standards to Prevent, Detect, and Respond to Prison Rape, 28C.F.R. Part 115.
- Assurance that the state/jurisdiction will use not less than five percent of grant funds as identified by the Department of Justice to enable the state/jurisdiction to adopt and achieve full compliance with the National Standards to Prevent, Detect, and Respond to Prison Rape, 28 C.F.R Part 115.
- Decisions on the part of the Governor not to certify compliance or assure that the state/jurisdiction is moving toward compliance.

## **BUREAU OF JUSTICE STATISTICS (BJS) REPORTING DATA**

PREA requires data to be collected and aggregated on sexual abuse/assault and sexual harassment incidents for the Hawaii Youth Correctional Facility (HYCF). CFR§115.87. Aggregated data can be reviewed for calendar years 2017–2022 at <https://humanservices.hawaii.gov/oys/hawaii-youth-correctional-facility/hycf-reports/>.

PREA also requires HYCF to review data collected and produce an annual report of its findings from its data review and any corrective actions for the facility. CFR§115.88. The annual report compares the current year's data and assesses the corrective action from prior years. It provides an assessment of HYCF's progress in addressing sexual abuse. This report is HYCF's formal report related to this PREA standard. HYCF will make its report readily available to the public annually through its website at <https://humanservices.hawaii.gov/oys/hawaii-youth-correctional-facility/hycf-reports/>

Additionally, the U.S. Bureau of Justice Statistics (BJS) requires correctional agencies to collect and report detailed information regarding the sexual victimization of wards. This report includes a summary of the information that is to be submitted to BJS for the 2021 Survey of Sexual Violence, which was submitted in May of 2023.

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, 2022, to and including December 31, 2022.

## **DEFINITIONS**

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 Youth-on-Youth 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 juvenile, detainee, or resident directed toward another.

The PREA standard definition of Staff-on-Youth 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 juvenile, detainee, or resident:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section.
7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an offender, detainee, or resident, and
8. Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an offender, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an offender who is using a toilet in his or her cell to perform bodily functions; requiring an offender to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an offender's naked body or of an offender performing bodily functions.

The PREA standard definition of Staff-on-Offender Sexual Harassment (28 CFR §115.6) is defined as repeated verbal comments or gestures of a sexual nature to an offender, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing; or obscene language or gestures.

**Substantiated** – An allegation that was investigated and determined to have occurred.

**Unsubstantiated** – An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

**Unfounded** – An allegation that was investigated and determined not to have occurred.

## **AGGREGATED DATA**

### **Sexual Abuse and Sexual Harassment Data for 2022**

The Office of Youth Services has one secured facility, the Hawaii Youth Correctional Facility (HYCF). HYCF is Hawaii's sole juvenile-secured custody correctional facility. Juveniles from the four counties are committed to HYCF by the State Judicial Family Courts. The secured custody facility comprises three housing modules: ten cells, an activity room, a room, a laundry area, and a shower. The facility also has a school, a gymnasium, kitchen facilities, administrative and medical staff offices, and two isolation cells. Presently, two modules are assigned to youths identified as boys, and one is assigned to youths identified as girls. The average population ranges from 20-25 youths per year in secured custody, with an average range of 5-10 youths per year on parole.

HYCF began implementing PREA Standards in September 2013. The department established zero tolerance for any incidence of sexual activity with youth in our care and committed to full compliance with the PREA standards and all criminal laws.

### **2022 Sexual Abuse and Sexual Harassment**

In 2022, using the PREA definitions, Hawaii Youth Correction Facility reported no reports of Youth-on-Youth abuse or harassment allegations and one allegation of staff-on-youth harassment. The following tables present the type of allegations and the results.

#### **Type & Total Sexual Abuse and Sexual Harassment Allegations January 1, 2022, to December 31, 2022**

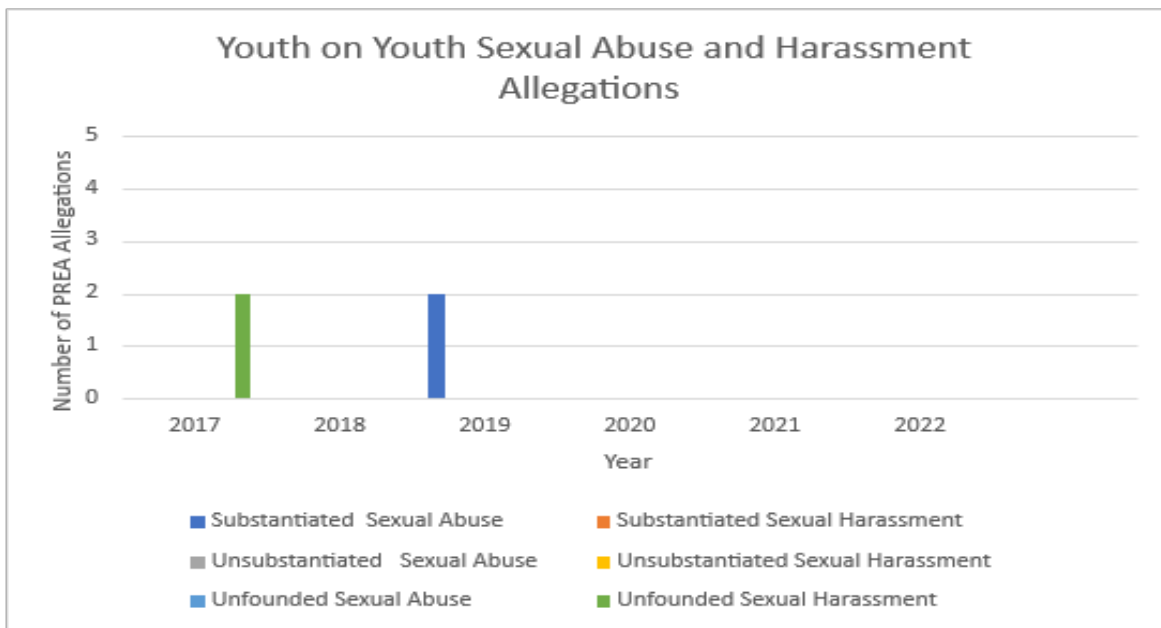
	<b>Youth on Youth Sexual Abuse</b>	<b>Youth on Youth Sexual Harassment</b>	<b>Staff on Youth Sexual Abuse</b>	<b>Staff on Youth Sexual Harassment</b>	<b>Total 2022</b>
<b>SUBSTANTIATED</b>	0	0	0	1	1
<b>UNSUBSTANTIATED</b>	0	0	0	0	0
<b>UNFOUNDED</b>	0	0	0	0	0
<b>TOTAL 2022</b>	0	0	0	1	0

## Sexual Abuse and Sexual Harassment Comparison

Using PREA definitions, youth-on-youth sexual abuse and harassment allegations have been zero in the last several years. As for staff-on-youth sexual abuse and harassment allegations, it declined in 2018, 2019, 2022, and increased in 2021 and 2022. More emphasis was placed on youth education and creating a safe space for youth to report. Youths are well versed in utilizing the grievance process to report allegations or share concerns with administrators, supervisors, psychologists/therapists, social workers, teachers, or third parties. More video surveillance cameras will be installed where the allegations incidents happened.

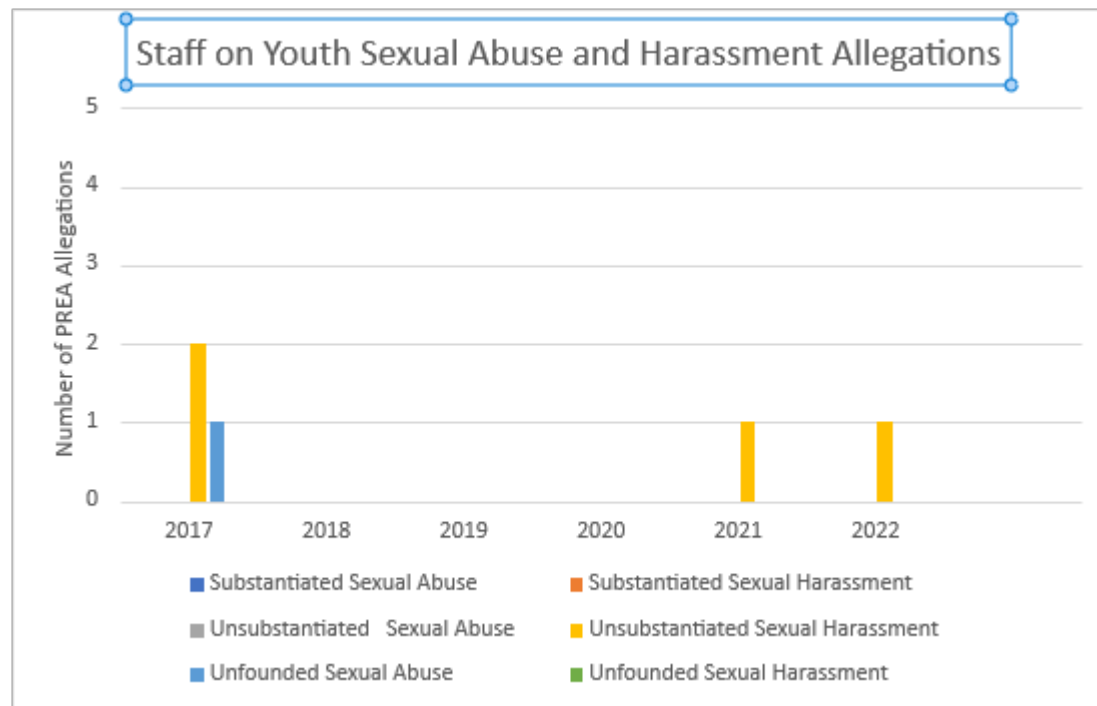
### Youth on Youth Sexual Abuse and Sexual Harassment Allegations

Year	Substantiated		Unsubstantiated		Unfounded	
	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment
2017	0	0	0	0	0	2
2018	0	0	0	0	0	0
2019	2	0	0	0	0	0
2020	0	0	0	0	0	0
2021	0	0	0	0	0	0
2022	0	0	0	0	0	0



## Staff on Youth Sexual Abuse and Sexual Harassment Allegations

Year	Substantiated		Unsubstantiated		Unfounded	
	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment	Sexual Abuse	Sexual Harassment
2017	0	0	0	2	1	0
2018	0	0	0	0	0	0
2019	0	0	0	0	0	0
2020	0	0	0	0	0	0
2021	0	0	0	1	0	0
2022	0	0	0	1	0	0



## FACILITY PREA SUMMARY, ACHIVEMENTS AND PROGRESS

HYCF continuously enforces the departments zero-tolerance PREA policy, adapt and strengthen practices to remain compliant with the National PREA Standards. The combined reported allegations between 2021 and 2022, was one each year. The facility completes PREA training every two years for staff and education to promote a safe environment and support for alleged victims, reporters, and witnesses. 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 facility monitors for retaliation and refer to the department to review and investigate reported allegations. Alleged victims are provided and offered additional support services from the Sex Abuse Treatment Center.

The youths committed to the Office of Youth Service are assessed to determine the youth's risk of being victims of sexual abuse victimization or having the propensity to be sexually abusive towards other youths—the classification assessment assists in housing and work assignment, programming, education, etc. The youths receive PREA orientation upon intake. PREA education is again provided within ten days of intake to ensure youth:

- Understand the agency's zero tolerance policy regarding sexual abuse and sexual harassment,
- Understand how to report incidents or suspicions of sexual abuse and sexual harassment,
- Understand their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents.

The contractors, interns, and volunteers are trained in PREA and HYCF 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 youth population. Included in their PREA training is, Code of Ethics, Confidentiality and Mandatory Reporting requirements, safety, security procedures, protocols, and dress code. The training for the volunteer program is held annually to include background checks.

PREA sexual abuse or sexual harassment incidences, including retaliation against individuals for reporting, if substantiated, are subject to the administrative disciplinary process. The PREA incident shall be referred for criminal investigation unless the allegation does not involve potentially criminal behavior. Anyone may make a report of sexual abuse and sexual harassment and may do so by contacting any of the following sources:

### **Office of Youth Services**

Executive Director, Leanne Gillespie

Princess Victoria Kamamalu Bldg., 1010 Richards Street, Suite 314,

Honolulu, Hawaii 96813

Phone: (808) 587-5700

Email: [lgillespie@dhs.hawaii.gov](mailto:lgillespie@dhs.hawaii.gov)



The OYS/HYCF Investigator  
Princess Victoria Kamamalu Bldg.  
1010 Richards Street, Suite 314, Honolulu, Hawaii 96813  
Phone: (808) 587-5700

### **Hawaii Youth Correctional Facility**

Youth Facility Administrator, Mark Patterson  
42-470 Kalaniana'ole Hwy.  
Kailua, Hawaii 96734  
Phone: (808) 266-9500  
Cell: (808) 228-8295  
Email: [mpatterson@dhs.hawaii.gov](mailto:mpatterson@dhs.hawaii.gov)

Deputy Youth Facility Administrator, Matelina Aulava  
42-470 Kalaniana'ole Hwy.  
Kailua, Hawaii 96734  
Phone: 808-266-9529  
Email: [maulava@dhs.hawaii.gov](mailto:maulava@dhs.hawaii.gov)

### **Attorney General's Office**

Department of the Attorney General  
425 Queen Street  
Honolulu, HI 96813  
Telephone: (808) 586-1500  
Fax: (808) 586-1239  
Email: <http://ag.hawaii.gov/contact-us/email-the-department-of-ag/>

### **The Ombudsman**

Office of the Ombudsman  
465 South King Street, 4th Floor Honolulu, Hawaii 96813  
Telephone: (808) 587-0770  
Facsimile: (808) 587-0773 ext: 7-0774  
TTY: (808) 587-0774  
e-mail: [complaints@ombudsman.hawaii.gov](mailto:complaints@ombudsman.hawaii.gov)

Neighbor island residents may call us using the following toll- free numbers:

Hawaii: 974-4000 ext: 7-0770  
Maui: 984-2400 ext: 7-0770  
Kauai: 274-3141 ext: 7-0770  
Molokai/Lanai: 1-800-468-4644 ext: 7-0770

**Honolulu Police Department**, call 911

**Sex Abuse Hotline:** (808) 524-7273

**Hawaii State Coalition Against Domestic Violence**

810 Richards St., Suite 960

Honolulu, HI 96813

Phone: 808-832-9316

Fax: 808-841-6028

**Hawaii Coalition Against Sexual Assault**

PO Box 10596

Honolulu, HI 96816

Phone: 808-533-1637

Fax: 808-733-9032

**The Sex Abuse Treatment Center**

Kapi'olani Medical Center for Women & Children

55 Merchant Street, 22nd Fl.

Honolulu, Hawai'i 96813

Phone: (808) 524-7273 (RAPE) 24-hr hotline

Website: [www.SATCHawaii.org](http://www.SATCHawaii.org)

Prevent Child Abuse Hawaii

P.O. Box 147

Honolulu, Hawaii 96810

Phone: (808) 951-0200

Fax: (808) 235-3881

[www.preventchildabusehawaii.org](http://www.preventchildabusehawaii.org)

The Hawaii Youth Correctional Facility continuously assesses the physical environment, investigates, and completes after-action reviews to eliminate sexual abuse and harassment within its facility monthly. Video surveillance systems have been upgraded, and additional cameras are being installed in other areas of the property to enhance surveillance and eliminate blind spots. Video surveillance has been an invaluable tool to assist with investigations.

The Office of Youth Services is committed to working with our federal, state and local partners to reduce and eliminate sexual abuse and sexual harassment in our juvenile secure facility and community residential programs. The agency works diligently to engage federal and private experts and to obtain technical assistance and resources.

The Office of Youth Services will continue to pursue all efforts to develop and implement "Best Practices" in our processes and systems to improve the level of sexual safety for Hawaii's youth in confinement and to enhance services for the youth in our care.

All final PREA audit reports can be accessed at the following link:

<https://humanservices.hawaii.gov/oys/hawaii-youth-correctional-facility/hycf-reports/>