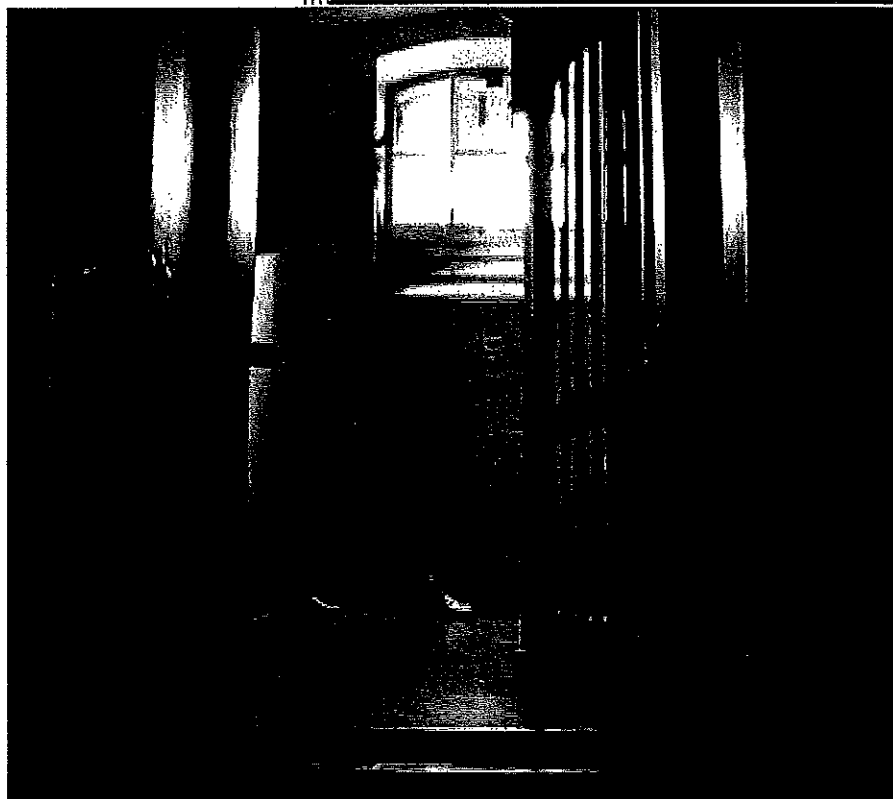




Maintaining Zero-tolerance in Kansas



**2017
Annual
Report**

Executive Summary

The Kansas Department of Corrections (KDOC) is making significant progress toward full PREA compliance in the areas of prevention, detection and response to incidents of sexual abuse and harassment. The Prison Rape Elimination Act (PREA) Federal Standard 115.88 requires that each facility collect and review data "...in order to assess and improve the effectiveness of sexual abuse prevention, detection, and response policies, practices and training." This report works to meet this standard as well as:

- Identify action taken to address problem areas in the past year;
- Compare PREA related data to previous year's data;
- Share positive steps the KDOC has taken to implement PREA in collaboration with other agencies;
- Identify problem areas to be addressed in the future; and,
- Set goals for PREA and KDOC.

KDOC has interpreted the federal PREA standards as a foundation rather than best practices. The goal is to develop strategies and practices that build on that foundation, continuously improving prevention, detection, response, investigation across the agency, not just in the facilities as specifically addressed by the standards. Any level of sexual abuse anywhere within the agency is not acceptable.

KDOC continues to work diligently to incorporate PREA into the culture of the department and will continue this important work. KDOC will endeavor to keep people safe – our staff, the offender population, and those who live in Kansas communities.

KDOC is proud of these accomplishments and is confident that established strategies coupled with staff dedication will continue to enhance these efforts.

Our History

In October 2011, the Kansas Department of Corrections (KDOC) was awarded a Prison Rape Elimination Act: Demonstration Projects to Establish “Zero Tolerance” Cultures for Sexual Assault Programs. With this funding, the KDOC implemented an internal classification instrument/system and created a full-time PREA coordinator position, hired a Corrections Counselor II for the Reception & Diagnostic Unit (RDU) at El Dorado Correctional Facility (EDCF), and hired a Corrections Counselor II position for the Enhanced Management Unit (EMU) at Hutchinson Correctional Facility (HCF).

In 2009, KDOC received technical assistance from the National Institute of Corrections (NIC) to review KDOC’s policies and training procedures related to staff sexual misconduct and cross gender supervision. In the resulting report, the NIC commended the KDOC for its commitment to addressing the issue of sexual abuse and acknowledged that the KDOC has undertaken a number of progressive strategies. These strategies include training investigations staff in proper investigatory techniques and processes, changing the investigative processes and response timetables, developing an inmate orientation DVD, implementing a new Prison Rape Elimination Act (PREA) policy, developing training for volunteers, working with community organizations, implementing a sexual abuse hotline, instituting a critical incident review process, implementing a medical protocol that includes a sexual assault nurse examiner, working to develop gender responsive training materials and exploring the creation of a risk-needs assessment to identify vulnerable and aggressive offenders.

The NIC criminal justice consultants wrote, “All of these efforts demonstrate the Department’s awareness of this important issue, and their attention to continual improvement.” NIC recommended KDOC focus time and resources to improve the sexual safety of its offenders by:

- Reviewing the amount of time and delivery strategy for PREA related training; and ensure that all staff participates in annual refresher training, including the prevention and detection of staff sexual misconduct;
- Developing a gender responsive training curriculum;
- Clearly defining for staff, behaviors that would constitute undue familiarity, as well as those behaviors that would not;
- Reviewing offender perceptions and behavior regarding reporting staff sexual misconduct, as well as any barriers to reporting incidents when they occur;
- Reviewing staff perceptions regarding reporting incidents of staff sexual misconduct;
- Reviewing the grievance process to determine whether changes may be necessary to promote greater offender confidence in the process, including additional means of providing assurances that there will be no retaliation for the filing of grievances;
- Building upon the KDOC’s process for reviewing sexual abuse incidents and emphasize the importance of the strategy; and,
- Ensure long-term offenders have the opportunity to receive PREA orientation training.

The KDOC continually strives to improve the areas noted on the NIC recommendations while also examining the KDOC’s compliance with PREA standards.

Additional System Implementation



Contract Monitoring

PREA standards require that language is included in each contract about the contracted entity's requirement to comply with the PREA standards. Standards also require that any new contracts or contract renewals include provision for KDOC to monitor the contracted entity to ensure they are complying with the standards. During Calendar Year 2017, the KDOC had contracts to house offenders in four (4) county jails: Cherokee County Jail, Cloud County Jail, Jackson County Jail, and Montgomery County Jail; and six (6) Youth Residential Center II placements: New Directions, O'Connell Youth Ranch, Pratt County Achievement Place, Riverside Academy, Sedgwick County Youth Program, and The Villages. KDOC has implemented a system of self-assessments, site visits, and DOJ certified audit reviews to ensure these facilities achieve and maintain compliance with PREA standards to ensure the safe housing of its offenders.

Education

The KDOC continues work to enhance education for staff and offenders. PREA orientation is provided to offenders who enter KDOC Reception and Diagnostic Unit (RDU) and includes a video as well as specific written information related to victim advocacy services and the reporting processes. There is also a Spanish version for offenders with limited English proficiency. The video is closed captioned for deaf or hard-of-hearing offenders. Interpretive services are available on an as needed basis. Offenders are also provided a summarized PREA orientation when they transfer between KDOC facilities and must always sign an acknowledgement of understanding. Recently the offender education brochures were revised and made facility specific.

All newly hired KDOC staff, contractors and volunteers are required to attend the Basic PREA training that is commensurate with the level of contact they will have with the offender population. Annual PREA training is also required and is left to the individual facility whether it is offered on line or in a classroom setting. Basic PREA training curriculum was revised for FY 17 and Basic and annual were both revised for FY 19. PREA handbooks for staff were also developed and given to all staff during Basic training.

KDOC has worked hard to increase knowledge and professionalism in relation to the Lesbian, Gay, Bi-sexual, Transgender and Intersex (LGBTI) population. PREA training starts the conversation for staff and works to increase understanding the needs of these offenders. Training was created to include the proper way to conduct a pat search of transgender and intersex offenders.

Work will continue in 2018 to create policies and procedures that meet federal standards with regards to LGBTI offenders in correctional settings. When an offender identifies as transgender or intersex, a multidisciplinary team consisting of medical and behavior health staff meet to review

the needs of the offender and determine housing commensurate with the safety and security of the offender and facility.

Incident Reviews

During the formal review of all substantiated and unsubstantiated offender-on-offender sexual abuse and staff-on-offender sexual misconduct investigations, the location of the incident is evaluated with regard to staffing plans, procedures and policy. Also reviewed is whether or not the PREA protocol process was initiated and followed as outlined in policy and according to the criteria set out in the PREA standards.

In 2018, more attention will be given to the timeliness and accuracy of these reviews. Identifying vulnerable locations within the facilities will also be assessed.

Reporting

The KDOC has developed a PREA reporting system for staff and offenders to make sure all allegations of sexual misconduct and retaliation are reported.

When a staff member receives information (verbally, in writing or third party) about an allegation or incident of sexual abuse or sexual harassment, they are required to immediately report the information. Failure to report suspected sexual abuse or sexual harassment may result in disciplinary action.

Offenders are provided with multiple venues through which they can report an allegation of sexual abuse or sexual harassment. These include:

- Verbal reports, Request to Staff (Form 9) and written statements to staff
- Confidential PREA Hotline (#50)
- Grievances
- Legal mail addressed to the Secretary of Corrections, KDOC PREA Coordinator or Legal Services for Prisoners
- Third party reports through family, friends, or community members

In 2018, the effectiveness of the PREA Hotline (#50) will be assessed as there have been multiple times the voicemail becomes full and no more messages can be left on it until old messages are deleted.

Risk Assessment

Upon arrival to the RDU and subsequent transfers between facilities, each offender is assessed within the first 72-hours for their risk of victimization or predation. The assessment includes current and past crime(s), age, stature, behavior characteristics, past discipline and the offender's

perception of his/her vulnerability, to include how they identify themselves (LGBTI). Each offender is reassessed within 30 days to ensure that have been no changes. The assessment is then administered annually, unless new information is made available to warrant a new assessment or if they identify as transgender or intersex, then the assessment is administered bi-annually. The results of these assessments are used to determine housing, job and program assignments.

In 2018, work will be done to the assessment tool to ensure it is compliant with every component of the PREA standards and is being administered as outlined in agency policy. Reporting piece of the PREA web-based application will also be reviewed and assessed for effectiveness.

Victim Advocacy

Partnerships were established between Community Rape Crisis Centers and KDOC facilities to provide support services to incarcerated victims of sexual abuse. In an effort to gain better understanding of the dynamics of sexual victimization in a correctional setting, strengthen protocols regarding forensic medical examinations, and streamline offender access to available services, collaboration between KDOC, the facilities and the community partners has been occurring over the past several months. Victim advocates from the community partners have schedules tours of the facilities and Memorandum of Understandings have been reviewed and revised as needed. This work will continue into 2018.

KDOC's PREA Coordinator continues to collaborate with the Kansas Coalition Against Sexual and Domestic Violence (KCSDV) PREA Coordinator to reinforce and expand services available to offenders. In July 2018, a three-day Qualified Staff as Emotional Support training will be held for selected KDOC facility staff to enhance this initiative.

Governor Certification

Each year, the governor has to certify compliance for all applicable agencies within his/her operational control and any private facility/agency contracted to house offenders. The governor has three options: certify compliance; don't certify but commit to continuing moving toward compliance; or, don't certify and don't commit to compliance. The Governor of Kansas has not been able to certify compliance but indicates we will continue to work towards compliance.

Evaluating our Journey



PURPOSE

This section serves as a review to assess and improve the effectiveness of sexual abuse prevention, detection, and response to policies, practices, and training in the KDOC, pursuant to §115.88, §115.388, §115.89 and §115.389 of the national PREA standards. Therein the Department is required to:

1. Review and aggregate incident-based sexual abuse data annually in order to improve the effectiveness of sexual abuse prevention, detection, and response policies, practices, and training to include:
 - a. Identify problem areas;
 - b. Taking corrective action on an on-going basis; and,
 - c. Preparing an annual report of its findings.
2. Compare the current year's data and corrective actions with those from prior year's providing an assessment of the agency's progress in addressing sexual abuse.
3. Publish an annual report on the KDOC website of its findings and corrective actions for each facility as well as for the agency as a whole.

AGGREGATED DATA

The KDOC collects data from the referrals for investigation of sexual abuse and sexual harassment: offender on offender, and staff on offender. The data in this section is based on calendar years 2014 – 2017 and includes nonconsensual touching and sexual harassment. The Kansas Department of Corrections has eight adult facilities (seven male and one female) and one juvenile facilities (male/female facility). The Larned Juvenile Correctional Facility closed on March 3, 2017.

All allegations are entered and tracked through a secure electronic database; the EAI (Enforcement, Apprehension, and Investigation Division) Case Log.

STATEWIDE TOTALS – Adult Facilities

2014 Agency Totals	Substantiated	Unsubstantiated	Unfounded	Ongoing Investigation	Total
Inmate Sexual Harassment	9	28	55	0	92
Abusive Sexual Contact	3	17	25	0	45
Nonconsensual Sexual Act	3	16	31	0	50
Staff Sexual Harassment	2	6	194	0	202
Staff Sexual Misconduct	7	8	54	0	69
Totals	24	75	359	0	458

2015 Agency Totals	Substantiated	Unsubstantiated	Unfounded	Ongoing Investigation	Total
Inmate Sexual Harassment	11	41	52	0	104
Abusive Sexual Contact	5	13	16	0	34
Nonconsensual Sexual Act	2	17	24	0	43
Staff Sexual Harassment	4	17	246	0	267
Staff Sexual Misconduct	5	6	40	0	51
Totals	27	94	378	0	499

2016 Agency Totals	Substantiated	Unsubstantiated	Unfounded	Ongoing Investigation	Total
Inmate Sexual Harassment	17	39	66	0	122
Abusive Sexual Contact	7	20	16	2	45
Nonconsensual Sexual Act	1	17	13	0	31
Staff Sexual Harassment	4	19	124	0	147
Staff Sexual Misconduct	3	21	26	1	51
Totals	32	116	245	3	396

2017 Agency Totals	Substantiated	Unsubstantiated	Unfounded	Ongoing Investigation	Total
Inmate Sexual Harassment	11	19	45	1	76
Abusive Sexual Contact	1	11	18	2	32
Nonconsensual Sexual Act	1	17	22	3	43
Staff Sexual Harassment	6	2	34	0	42
Staff Sexual Misconduct	3	9	46	3	61
Totals	22	58	165	9	254

STATEWIDE TOTALS – Juvenile Facilities

2014 Agency Totals	Substantiated	Unsubstantiated	Unfounded	Ongoing Investigation	Total
Inmate Sexual Harassment	14	9	8	0	31
Abusive Sexual Contact	0	1	0	7	8
Nonconsensual Sexual Act	0	3	2	0	5
Staff Sexual Harassment	2	3	6	0	11
Staff Sexual Misconduct	1	3	11	0	15
Totals	17	19	27	7	70

2015 Agency Totals	Substantiated	Unsubstantiated	Unfounded	Ongoing Investigation	Total
Inmate Sexual Harassment	14	19	9	0	42
Abusive Sexual Contact	5	5	5	0	15
Nonconsensual Sexual Act	2	0	4	0	6
Staff Sexual Harassment	1	8	8	0	17
Staff Sexual Misconduct	1	6	12	0	19
Totals	23	38	38	0	99

2016 Agency Totals	Substantiated	Unsubstantiated	Unfounded	Ongoing Investigation	Total
Inmate Sexual Harassment	8	8	1	0	17
Abusive Sexual Contact	2	2	0	0	4
Nonconsensual Sexual Act	1	0	0	0	1
Staff Sexual Harassment	0	1	0	0	1
Staff Sexual Misconduct	0	5	3	0	8
Totals	11	16	4	0	31

2017 Agency Totals	Substantiated	Unsubstantiated	Unfounded	Ongoing Investigation	Total
Inmate Sexual Harassment	1	2	2	0	5
Abusive Sexual Contact	0	2	4	0	6
Nonconsensual Sexual Act	0	0	0	0	0
Staff Sexual Harassment	1	0	0	0	1
Staff Sexual Misconduct	0	4	0	0	4
Totals	2	8	6	0	16

COMPLIANCE

The second PREA audit cycle began August 20, 2016 and will end August 19, 2019. KDOC conducted internal audits of the El Dorado Correctional Facility, Ellsworth Correctional Facility, Hutchinson Correctional Facility, Larned Correctional Mental Health Facility, Topeka Correctional Facility and Winfield Correctional Facility/Wichita Work Release Facility, prior to their DOJ certified audits in 2017 and 2018.

KDOC continues our membership in the Midwest Consortium; however, the states of Louisiana and Missouri opted out January 2018, leaving only California, Indiana, and Kansas. Indiana will be auditing the remaining five (5) Kansas facilities and Kansas will conduct five (5) California audits during the remainder of this audit cycle.

Topeka Correctional Facility was the first facility audited during the second audit cycle. The audit was conducted by certified auditors from Louisiana on July 24 & 25, 2017 and resulted in full compliance with four (4) standards marked as exceeded.

Winfield Correctional Facility / Wichita Work Release Facility was audited October 23 – 26, 2017 by certified auditors from Louisiana, also resulting in full compliance with three (3) standards marked as exceeded.

Hutchinson Correctional Facility was audited December 12 -14, 2017 by certified auditors from Louisiana. The interim report was completed January 5, 2018 noting two (2) standards not being met:

- 1) 115.41 (b and f): KDOC has established internal classification procedures for screening offenders for risk of sexual victimization and/or sexual aggression. HCF staff complete the Sexual Victimization and Abusiveness Assessment form at initial screening of intake, and a follow-up assessment to ensure the offender feels safe in his assigned housing unit. During interviews with the intake supervisor he provided a spreadsheet to track all incoming offenders initial and follow-up assessment. It was evident that all offenders are receiving a screening; however, the 72-hour and 30-day follow-ups are not in compliance. This was discussed with facility staff and will increase tracking to gain compliance in this area.
- 2) HCF mandates that if Sexual Victimization and Abusiveness Assessment indicates that an offender has experienced prior sexual victimization or previously perpetrated sexual abuse, whether in an institution or in the community, the facility offers the offender follow-up with a medical or mental health practitioner within 14 days of the screening. Through interviews with mental health staff it was discovered that medical or mental health staff is not following up with the offender after a report of prior sexual victimization or prior sexual abuse on the SVAA. This was discussed with the PCM and PREA Coordinator and they will implement using a form WCF utilizes for notification.

HCF immediately went into Corrective Action and addressed the areas noted and supplied the requested/required documentation to the auditor. The final report was received June 4, 2018 noting all standards were met.

Larned Correctional Mental Health Facility underwent a DOJ certified audit conducted by the state of Indiana on May 22 – 24, 2018. During the debriefing, the auditors noted some areas that might not meet standards compliance, but an Interim Report has not been received.

El Dorado Correctional Facility, to include the Reception and Diagnostic Unit and the Oswego Correctional Facility (South East Unit) will be audited June 26 – 29, 2018.

Ellsworth Correctional Facility's DOC certified audit will take place July 10 – 13, 2018.

Lansing Correctional Facility is tentatively scheduled for March 2019 and the Norton Correctional Facility will be the last adult facility to be audited and is tentatively scheduled for July 2019.

The Kansas Juvenile Correctional Facility

Summary:

The agency continues to identify compliance issues through internal audits and DOJ certified audits. Non-compliance issues will be reviewed and assessed, and corrective action plans developed as needed to ensure full compliance with the PREA standards. The number of PREA reports continues to decrease.

In addition to PREA audits, the PREA Coordinator will begin observing PREA basic training at the facilities to ensure fidelity of information being shared with staff. The PREA Coordinator has and will continue to provide training and technical assistance to the facilities on the PREA web-based system.

The juvenile facility was not able to meet the staffing ratio required in standard 115.313 by October 1, 2017 but have discussed creative ways to better utilize staff to provide offender supervision, provide direct supervision training to include non-security staff, and enhance the recruitment efforts.

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Date: June 8, 2018

Approved by: Joe Norwood
Joe Norwood, Secretary of Corrections

Date: 6/12/18