

# KANSAS DEPARTMENT OF CORRECTIONS

	<b>I</b> NTERNAL <b>M</b> ANAGEMENT <b>P</b> OLICY AND <b>P</b> ROCEDURE	SECTION NUMBER	PAGE NUMBER
		10-140J	1 of 6
		SUBJECT:	
		PROGRAMS AND SERVICES: Reporting Abuse and/or Neglect of an Offender	
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## POLICY STATEMENT

The Kansas Department of Corrections (KDOC) has zero tolerance for any type of abuse and/or neglect of an offender while confined at a juvenile correctional facility. To insure offenders are provided a safe and secure environment that is free of abuse and/or neglect, KDOC shall establish procedures for reporting to and cooperating with the appropriate unit of the Attorney General's Office or to local law enforcement concerning suspected physical, mental, or emotional abuse and/or neglect.

## DEFINITIONS

Abuse: Any act or failure to act which results in death, physical harm, emotional harm, or presents imminent risk of harm to an offender.

Contract Staff: Any person employed by an entity and under contract to provide services to KDOC central office or juvenile correctional facility.

Employee: Any person employed full time, part time, or on a temporary appointing to KDOC.

Physical Abuse: Non-accidental or intentional action which results in bodily harm or which presents an imminent risk of death or bodily injury.

Mental/Emotional Abuse: Impairment of an offender's social, emotional, or intellectual functioning to the extent the offender's health or emotional well-being is endangered.

Neglect: Acts or omissions on the part of a person responsible for the care of the offender that results in harm to the offender or presents an imminent risk of harm and includes the failure of the person responsible for the offender to protect from the types of abuse listed above.

Physical Abuse: Non-accidental or intentional action that results in bodily injury or presents an imminent risk of death or bodily injury.

Suspected Child Abuse or Neglect in State Institutions (SISI) Report: A report of suspected child abuse or neglect occurring in a facility operated by the Secretary.

Volunteer: Any person who works, volunteers, or interns without pay at KDOC central office or juvenile correctional facility.

## **PROCEDURES**

### **I. Offender Orientation, Facility Transfer, and Education**

- A. During orientation, each offender shall be provided information on abuse and neglect both orally and in writing and in a manner that is clearly understood by the offender.
  - 1. Information provided during the orientation process shall include, but not be limited to:
    - a. KDOC's zero tolerance policy toward abuse and/or neglect;
    - b. How offenders can protect themselves from becoming victims and/or avoid risk situations related to abuse and/or neglect while housed at a correctional facility;
    - c. Available for offenders who have a history of abuse and/or neglect or who are victims of abuse and/or neglect;
    - d. How to safely report incidents of abuse and/or neglect including the options to report the incident to a designated staff member other than an immediate point-of-contact line staff member or reporting confidentially through the use of the Kansas Protection Report Center at 1-800-922-5330.
    - e. How to obtain medical assistance, counseling services, and/or treatment if victimized;
    - f. Protection against retaliation; and
    - g. The risk and potential disciplinary actions, including criminal prosecution, for engaging in any type of abuse and/or neglect, or making false allegations while placed at a correctional facility.
- B. At least twice a year, each facility shall provide information to offenders concerning the facility's efforts to eliminate abuse and/or neglect, with emphasis on encouraging offenders to report incidents of abuse and/or neglect.

### **II. Reporting Procedures**

- A. All employees, contract staff, volunteers, and offenders shall be responsible for being alert to signs of potential situations in which abuse and/or neglect might occur and report any abusive and/or negligent behavior.
- B. Anyone who witnesses, suspects, or has knowledge that an offender is being abused and/or neglected shall immediately notify any staff member, and confidentially report through the use of the Kansas Protection Report Center at 1-800-922-5330.
  - 1. If the offender is 17 years of age or younger and the victim of abuse and/or neglect, employees, contract staff, and volunteers shall immediately complete the Suspected Child Abuse & Neglect in State Institutions ([SISI](#)) form in accordance with Juvenile Justice Authority (JJA) IMPP 12-120.
  - 2. If the offender is 18 years of age or older, a report shall immediately be made to the Kansas Protection Report Center at 1-800-922-5330 in accordance with JJA IMPP 12-120.
- C. Any employee, contract staff, or volunteer having reason to suspect an offender was the victim of abuse and/or neglect in his/her home or while in the community shall make a report to the superintendent/designee, who shall refer the necessary information to the appropriate local community officials.

### III. Actions Following Reports of Abuse and/or Neglect

- A. Any employee, contract staff, or volunteer who suspects, witnesses, or receives an allegation of abuse and/or neglect shall:
  - 1. Immediately call the shift manager for assistance.
    - a. The first responding officer arriving on the scene shall secure the area to include, but not be limited to ensuring that no one enters, removes any items, and/or puts any items in the area being secured; securing the victim's clothing; and not allowing the victim to shower, etc.
      - (1) The officer securing the area shall remain on the scene until relieved by his/her shift manager.
    - b. Until official notice is received from an agency investigator, the area shall remain secured.
- B. Upon receiving a report that an offender has been the victim of abuse and/or neglect, the superintendent/designee shall immediately act to protect the welfare of the offender victim and others who may be at risk.
  - 1. The offender victim shall be interviewed and examined by medical personnel using established medical protocols.
  - 2. Pending an internal investigation into a report of abuse and/or neglect, the facility may reassign any employee, contract staff, or volunteer alleged to have engaged in such conduct so that there is no contact between the offender victim and the alleged perpetrator.
    - (a) Alternatively, the facility may place any employee on administrative leave or issue a gate stop on any contract staff or volunteer pending an internal investigation.
- C. The superintendent/designee shall ensure the Suspected Child Abuse & Neglect in State Institutions (SIS) form is completed and faxed to the Office of the Attorney General with a copy sent to the facility's investigation unit.
  - 1. The facility's investigation unit shall be responsible for ensuring that the incident is promptly referred to the applicable investigative agency.
- D. An internal investigation shall be conducted immediately upon the report of abuse and/or neglect.
  - 1. Information regarding the identity of the offender victim and the facts of the incident shall be limited to those individuals on a need to know basis consistent with federal and state laws, statutes, regulations, professional licensure and ethical standards.
  - 2. The department shall not terminate an investigation solely because the source of the allegations recants the allegation.
- E. All employees, contract staff, or volunteers with information and/or material pertaining to the incident shall cooperate with any internal and/or external investigation.
  - 1. Any employee who fails or refuses to cooperate or otherwise takes action to obstruct an investigation including providing false or misleading information shall result in disciplinary action, up to and including dismissal, and/or referral for criminal prosecution.

2. Any contract staff or volunteer who fails or refuses to cooperate or who otherwise takes action to obstruct an investigation including providing false or misleading information, may be denied access to the facility and/or subject to referral for criminal prosecution.
  3. Any offender who fails or refuses to cooperate or otherwise takes action to obstruct an investigation including providing false or misleading information may be subject to disciplinary action, up to and including referral for criminal prosecution.
- F. The superintendent/designee shall notify the offender's parent(s)/guardians(s) by letter (Attachment A) that an alleged incident of abuse or neglect involving his/her son/daughter is under investigation.
1. A copy of the letter shall be sent to the facility case manager and community supervision officer; and,
  2. A copy shall be placed in the offender's master file.

#### **IV. Actions Following the Investigation**

- A. If an internal and/or external investigation discloses an offender has been a victim of abuse and/or neglected, prompt corrective action shall be taken by the superintendent.
- B. The superintendent/designee shall notify the offender's parent(s)/guardian(s) by letter (Attachment B) as to the results of the investigation.
1. A copy of the letter shall be sent to the facility case manager and community supervision officer; and
  2. A copy of the letter shall be placed in the offender's master file.

#### **V. Training**

- A. All employees that have direct contact with offenders shall receive training during orientation or Basic Training and annual refresher training thereafter.
1. Training shall include, but not limited to:
    - a. KDOC's zero-tolerance policy for abuse and/or neglect;
    - b. How to fulfill their responsibilities under agency abuse and/or neglect detection, reporting and response policies and procedures;
    - c. Offenders' rights to be free from abuse and/or neglect;
    - d. The right of offenders and employees to be free from retaliation for reporting abuse and/or neglect;
    - e. The dynamics of abuse and/or neglect in correctional facilities;
    - f. The common reactions of offender victims of abuse and/or neglect;
    - g. How to detect and respond to signs of threatened and actual abuse and/or neglect;
    - h. How to communicate effectively and professionally with offenders including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming offenders; and

- i. How to comply with relevant laws related to mandatory reporting of abuse and/or neglect.
  2. Training shall be tailored to:
    - a. The unique needs and attributes of offenders in the correctional facilities; and
    - b. The gender of offenders in the correctional facility.
  3. All current employees who have not received abuse and neglect training shall be required to receive training as soon as possible.
    - a. Employees shall receive refresher training annually to ensure that all employees know the department's current abuse and neglect policies and procedures.
  4. All abuse and neglect training shall be documented through the employee's signature or electronic verification that he/she understands the training received.
- B. All contract staff and volunteers that have direct contact with offenders shall receive training during orientation and annual refresher training thereafter.
  1. Training shall include, but not be limited to:
    - a. Their responsibilities under KDOC's abuse and neglect detection and response policies and procedures;
    - b. KDOC's zero-tolerance policy for abuse and neglect; and
    - c. How to report incidents of abuse and/or neglect.
  2. All abuse and neglect training shall be documented through the contract staff and volunteer's signature or electronic verification that he/she understands the training received.
- C. All training shall be documented in the training system/database used by central office or the facilities.

## **VI. Recordkeeping of Reports of Suspected Abuse and/or Neglect**

- A. Each facility superintendent/designee shall keep a chronological log of all incidents of suspected abuse and/or neglect of an offender that is covered by this policy including the charge, investigative body, findings, and actions taken. In addition to the log, a permanent file containing letters, memorandums, and other pertinent information relating to each reported incident shall be maintained and secured in a designated location.

## **VII. This IMPP shall serve as final policy for KDOC and no General Orders shall be allowed on this subject.**

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

**REPORTS REQUIRED**

None.

**REFERENCES**

K.S.A. 38-2223  
K.A.R. 30-46-10  
JJA IMPP 01-181; 12-120  
ACA: 2-CO-3C-01  
JCF: 4-JCF-3D-01; 3D-05

**ATTACHMENTS**

<b>Attachments</b>	<b>Title of Attachment</b>	<b>Page Total</b>
A	Notification Letter	1 page
B	Notification Letter	1 page

(JUVENILE CORRECTIONAL FACILITY LETTERHEAD)

MONTH, DAY, YEAR

PARENT/GUARDIAN'S NAME  
ADDRESS  
CITY, STATE, ZIP CODE

RE: OFFENDER'S NAME

Dear PARENT/GUARDIAN'S NAME:

This letter is to advise you that an incident of alleged abuse and/or neglect against OFFENDER'S FIRST NAME has recently been reported. The incident has been reported to the Office of the Attorney General and an investigation is currently being conducted.

Once the investigation(s) has/have been completed and the facts and evidence have been reviewed, I will take prompt, remedial action should the facts and circumstances of the investigation warrant such action.

If you should have any questions concerning any of the above, please do not hesitate to contact your child's facility case manager/social worker at FACILITY PHONE NUMBER.

Sincerely,

SUPERINTENDENT'S NAME  
Superintendent

cc: Community Supervision Officer's Name/Title  
Case Manager/Social Worker's Name/Title  
Offender's Master File

(JUVENILE CORRECTIONAL FACILITY LETTERHEAD)

MONTH, DAY, YEAR

PARENT/GUARDIAN'S NAME  
ADDRESS  
CITY, STATE, ZIP CODE

RE: OFFENDER'S NAME

Dear PARENT/GUARDIAN'S NAME:

The investigation(s) conducted by the Office of the Attorney General into the alleged staff's abuse and/or neglect against OFFENDER'S FIRST NAME has been completed.

Their investigation concluded that TYPE OF ABUSE/NEGLECT was unsubstantiated/substantiated.

If you have any questions, please feel free to contact me.

Sincerely,

SUPERINTENDENT'S NAME  
Superintendent

cc: Community Supervision Officer's Name/Title  
Facility Group Leader's Name  
Social Worker's Name  
Offender's Master File