



KANSAS DEPARTMENT OF CORRECTIONS
2019 ANNUAL PREA REPORT
MAINTAINING ZERO TOLERANCE IN KANSAS

EXECUTIVE SUMMARY

This report is compiled in accordance with the United States Department of Justice (DOJ) Prison Rape Elimination Act (PREA) National Standards published in August 2012. DOJ Standards 115.87 and 115.387 provide direction for the collection of data. DOJ Standards 115.88 and 115.388 outline the responsibility for the review and assessment of collected data to improve the effectiveness of policies, practices and training for sexual abuse and sexual harassment prevention, detection, and response.

This report provides a review of the incident-based and aggregated data for calendar year 2019 and a comparison of aggregated data for calendar years 2014 – 2018. In addition, this report provides corrective actions developed to further reduce sexual abuse and sexual harassment with Kansas Department of Corrections (KDOC) facilities and contracted entities.

EXECUTIVE SUMMARY

The KDOC has made significant progress toward full PREA compliance in the areas of prevention, detection and response to incidents of sexual abuse and sexual harassment. KDOC has adopted the federal PREA standards as a foundation rather than as just best practices. The goal is to develop strategies and practices that build on that foundation, continuously improving the prevention, detection, response, and investigation practices 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, offenders, and those who live in Kansas communities.

KDOC has worked hard to increase knowledge and professionalism in relation to the increasing Lesbian, Gay, Bi-sexual Transgender, Intersex (LGBTI) and Gender Non-conforming population. PREA training starts the conversation for staff and works to increase understanding the needs of these offenders. Searches of offenders training was also revised to include the proper way to conduct pat searches of transgender and intersex offenders in a professional and respectful manner. An Internal Management Policy and Procedure (IMPP) was developed and placed in effect July of this year that outlines the process for safe placement and housing of the transgender and intersex population.

The agency continues work to enhance education of the offender population during orientation at the Reception and Diagnostic Units (RDU) at El Dorado Correctional Facility (EDCF) for males and the Topeka Correctional Facility (TCF) for females. PREA orientation includes a video and specific written information related to victim advocacy services and how to report sexual abuse and sexual harassment as well as retaliation against offenders for reporting such incidents. The PREA Coordinator is working with the Executive Director of Public Affairs to update the current

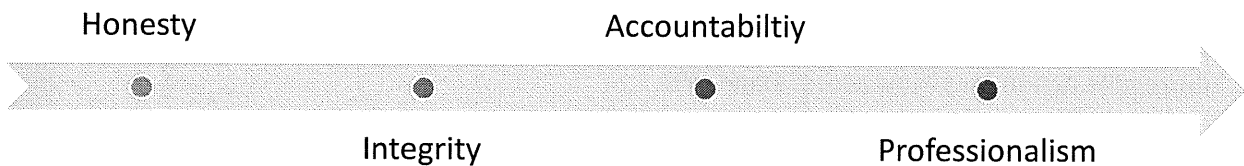
PREA VISION

“Supporting a safer Kansas through a reporting culture of sexual abuse and sexual harassment of incarcerated individuals.”

PREA MISSION

“Supporting a zero-tolerance culture against sexual abuse and sexual harassment of incarcerated individuals through the development of community partnerships and strengthening the organizational culture of prevention, detection and response to prison rape.”

PREA VALUES



COMPLIANCE (AUDITS AND GOVERNOR’S CERTIFICATION)

KDOC is entering its third audit cycle. Beginning August 20, 2019, one-third of the agency’s facilities will be audited as outlined in the standard below:

- **§ 115.401 Frequency and scope of audits.** (a) During the three-year period starting on August 20, 2013, and during each three-year period thereafter, the agency shall ensure that each facility operated by the agency, or by a private organization on behalf of the agency, is audited at least once.

A new audit cycle also brings new certification requirements for statewide compliance per the standard listed below:

- **§ 115.501 State determination and certification of full compliance.** (a) In determining pursuant to 42 U.S.C. 15607(c)(2) whether the State is in full compliance with the PREA standards, the Governor shall consider the results of the most recent agency audits. (b) The Governor’s certification shall apply to all facilities in the State under the operational control of the State’s executive branch, including facilities operated by private entities on behalf of the State’s executive branch.

DEADLINES AND FREQUENCY

Document	Recipients	Responsible	Deadline/Frequency
Internal Audits	KDOC Facilities and Contracted Jails & Placements	PREA Coordinator	Every three years
PREA Audits		PREA Coordinator, PCM and DOJ Certified Auditor	1/3 facilities/year
Governor’s Certification	KDOC Legal and Governor’s Office	Statewide PREA Coordinator	Every October

QUICK REFERENCE OF PREA COMPLIANCE FINDINGS									
Adult Correctional Facilities									
STANDARD	ECF	EDCF	HCF	LCF	LCMHF	NCF	TCF	WCF/ WWRR	
Prevention Planning	115.11	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.12	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.13	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.14	NA	Yes	NA	NA	NA	NA	NA	NA
	115.15	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.16	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.17	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.18	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Response Planning	115.21	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.22	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Training and Education	115.31	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.32	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.33	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.34	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.35	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Risk Screening	115.41	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.42	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.43	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Reporting	115.51	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.52	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.53	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.54	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Official Response Following an Inmate Report	115.61	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.62	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.63	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.64	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.65	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.66	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.67	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
115.68	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Invest.	115.71	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.72	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.73	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Discipline	115.76	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.77	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.78	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Medical and MH	115.81	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.82	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.83	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Data Collection	115.86	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.87	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.88	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	115.89	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes

QUICK REFERENCE OF PREA COMPLIANCE FINDINGS						
Contracted County Jails						
STANDARD		Cherokee	Cloud	Jackson	Washington	Wilson
Prevention Planning	115.11		Yes	CAP	Yes	
	115.12		Yes	NA	NA	
	115.13		Yes	CAP	Yes	
	115.14		NA	NA	NA	
	115.15		Yes	CAP	Yes	
	115.16		Yes	CAP	Yes	
	115.17		Yes	CAP	Yes	
	115.18		Yes	Yes	Yes	
Response Planning	115.21		Yes	Yes	Yes	
	115.22		Yes	CAP	Yes	
Training and Education	115.31		Yes	Yes	Yes	
	115.32		Yes	CAP	Yes	
	115.33		Yes	CAP	Yes	
	115.34		Yes	CAP	Yes	
	115.35		Yes	CAP	Yes	
Risk Screening	115.41		Yes	CAP	Yes	
	115.42		Yes	CAP	Yes	
	115.43		Yes	Yes	Yes	
Reporting	115.51		Yes	Yes	Yes	
	115.52		Yes	Yes	Yes	
	115.53		Yes	CAP	Yes	
	115.54		Yes	Yes	Yes	
Official Response Following an Inmate Report	115.61		Yes	Yes	Yes	
	115.62		Yes	Yes	Yes	
	115.63		Yes	Yes	Yes	
	115.64		Yes	Yes	Yes	
	115.65		Yes	Yes	Yes	
	115.66		Yes	Yes	Yes	
	115.67		Yes	CAP	Yes	
115.68		Yes	Yes	Yes		
Invest.	115.71		Yes	CAP	Yes	
	115.72		Yes	Yes	Yes	
	115.73		Yes	CAP	Yes	
Discipline	115.76		Yes	Yes	Yes	
	115.77		Yes	Yes	Yes	
	115.78		Yes	Yes	Yes	
Medical and MH	115.81		Yes	CAP	Yes	
	115.82		Yes	Yes	Yes	
	115.83		Yes	Yes	Yes	
Data Collection	115.86		Yes	Yes	Yes	
	115.87		Yes	CAP	Yes	
	115.88		Yes	CAP	Yes	
	115.89		Yes	CAP	Yes	

**REPORTS HAVE NOT BEEN RECEIVED FROM CHEROKEE AND WILSON COUNTY YET.

ABUSIVE SEXUAL CONTACT

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; **AND** Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. **EXCLUDES** incidents in which the contact was incidental to a physical altercation.

SEXUAL HARASSMENT

Repeated and unwanted sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

STAFF SEXUAL MISCONDUCT

Any behavior or act of sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors). Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts include: Intentional touching, either directly or through the clothing of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; **OR** Completed, attempted, threatened, or requested sexual acts; **OR** Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

STAFF SEXUAL HARASSMENT

Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). Include: Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; **OR** Repeated profane or obscene language or gestures. All allegations of sexual abuse and/or sexual harassment are investigated thoroughly by KDOC staff who have received specialized training in investigating sexual abuse/sexual harassment in a confinement setting. Completed investigations are disposed of in one of the ways outlined below.

SUBSTANTIATED: The event was investigated and determined to have occurred based on a preponderance of the evidence.

UNSUBSTANTIATED: The allegation was investigated and there was insufficient evidence to make a final determination as to whether the event occurred.

UNFOUNDED: The allegation was investigated and determined not to have occurred.

Adult Data		Sexual Harassment	Abusive Sexual Contact	Nonconsensual Sexual Act	Staff Sexual Misconduct	Staff Sexual harassment
2014	Substantiated	9	3	3	7	2
	Unsubstantiated	28	17	16	8	6
	Unfounded	55	25	31	54	194
2015	Substantiated	11	5	1	5	4
	Unsubstantiated	41	13	17	6	17
	Unfounded	52	16	24	40	249

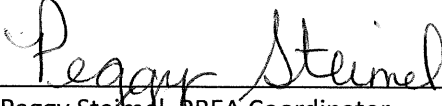
AUDIT SCHEDULE FOR THIRD AUDIT CYCLE

State Operated Facilities

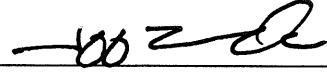
Facility	Internal Audit	PREA Audit	Year	Comments
ECF	TBD	TBD	2	
EDCF	TBD	TBD	2	
HCF	12.04-12.06.2019	06.16-19.2020	1	
LCF	TBD	TBD	3	
LCMHF	TBD	TBD	2	
NCF	TBD	TBD	3	
TCF	11.04-11.06.2019	03.03-05.2020	1	
WCF/WWRF	10.09-10.11.2019	01.13-16.2020	1	

Contracted Placements – County Jails

Facility	Internal Audit	PREA Audit	Year	Comments
Cherokee	TBD	11.12-11.13.2019	1	
Cloud	TBD	09.25-09.26.2019	1	Final Report received 11.27.2019
Jackson	TBD	07.18-07.19.2019	3	Under Correction Action Period
Washington	TND	08.25-08.26.2019	1	Final Report received 10.05.2019
Wilson	TBD	12.09-12.10.2019	1	

Prepared by: 
 Peggy Steimel, PREA Coordinator

Date: 02/05/2020

Approved by: 
 Jeff Zmuda, Secretary of Corrections

Date: 02/04/2020