



KANSAS DEPARTMENT OF CORRECTIONS
2020 ANNUAL PREA REPORT
MAINTAINING ZERO TOLERANCE IN KANSAS

| | |
|--|---|
| EXECUTIVE SUMMARY | 2 |
| Current Status of PREA in Kansas | 3 |
| PREA Structure | 3 |
| PREA Vision | 3 |
| PREA Mission | 3 |
| PREA Values | 3 |
| Compliance (Audits and Governor’s Certification) | 4 |
| Deadlines and Frequency | 4 |
| Maintaining Compliance in Kansas | 4 |
| Monitoring the Plan | 4 |
| PREA Grants | 5 |
| Staff PREA Training Data | 5 |
| Aggregate Investigations Data | 5 |
| Audit Schedule for Third Audit Cycle | 8 |

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.

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, residents/offenders, and those who live in Kansas communities.

KDOC and the Kansas Coalition against Sexual and Domestic Violence (KCSDV) is continuing collaboration through quarterly multi-disciplinary meetings. KDOC and KCSDV is working closely with Just Detention International (JDI) to develop trainings for online learning. Support is also given throughout the year to develop memorandums of understanding between the correctional facilities and community advocacy providers. The continuing goal through this collaboration is providing trauma informed care to incarcerated survivors, connections to outside community advocates, and safety in Kansas correctional facilities.

The agency will continue work to enhance the prevention and intervention foundations to ensure resident/offender, as well as staff safety. An evaluation of the existing camera equipment at all facilities will be conducted to ensure that identified areas of concerns are addressed through either additional security measures, updated camera technology, mirrors or enforcement of boundary rules.

KDOC is confident that established strategies coupled with staff dedication will continue to enhance these efforts. Some of those strategies include the following:

- Identify action taken to address problem areas and assess any barriers
- Compare PREA related data from year to year
- Share positive steps KDOC has taken to implement PREA with other agencies/jurisdictions

CURRENT STATUS OF PREA IN KANSAS

PREA STRUCTURE

The KDOC PREA Coordinator reports directly to the Deputy Secretary of Facilities Management and provides oversight and technical assistance to the eight adult and one juvenile correctional facility in Kansas and collaborates with the facility PREA Compliance Managers (PCM). PCMs are staff members, assigned by the warden/superintendent, who have the overall responsibility of coordinating all elements of the KDOC’s Coordinated Response at the facility level. Alternate PCMs are also designated at each facility.

Facility PREA Compliance Managers

| Facility | Staff Designated as PCM (Primary* & Alternate) |
|---|---|
| 1) Ellsworth Correctional Facility | Carolyn Graves* (Corrections Manager I) Doug Lawson (Deputy Warden) |
| 2) El Dorado Correctional Facility | Matthew Moore* (Deputy Warden) Brandon Walmsley (RDU Administrator) Aaron Rion (Corrections Manager I) |
| 3) Hutchison Correctional Facility | Mark Mora* (Corrections Manager I) Robert Vieyra (Deputy Warden) |
| 4) Kansas Juvenile Correctional Complex | Carolyn Coyne* (Systems Management Analyst I) Dustin Karr (Deputy Superintendent) |
| 5) Lansing Correctional Facility | Michael Thompson* (Corrections Manager I) Ryan Reece (Deputy Warden) |
| 6) Larned Correctional Mental Health Facility | Kent Schmidt* (Staff Development Manager) Miranda Schmidt (Public Service Administrator II) |
| 7) Norton Correctional Facility | Anthony Kuhlman* (Corrections Manager I) Luke Pfannenstiel (Corrections Manager II) |
| 8) Topeka Correctional Facility | Greg Perez* (Staff Development Manager), Kevin Keith (Deputy Warden) |
| 9) Winfield Correctional Facility/ Wichita Work Release Facility | Paige Coleman* (Unit Team Manager) Jesse Howes (Deputy Warden - WWRF) |

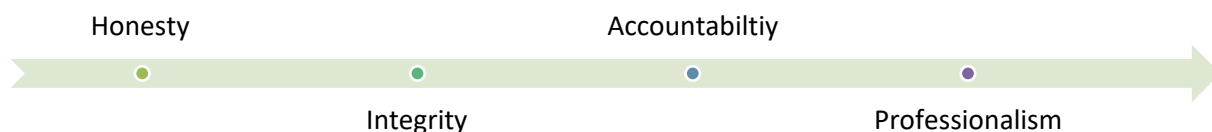
PREA VISION

“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 entered its third audit cycle beginning August 20, 2019, and all the agency’s facilities will be audited by August 19, 2022 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.

The 2020 Governor’s Certification was due to the PREA Management Office by October 15, 2020 and covered the period of August 20, 2019 through August 19, 2020. The KDOC report was provided for Governor Kelly’s signature on September 17, 2020 and received by the Department of Justice September 22, 2020.

DEADLINES AND FREQUENCY

| Document | Recipients | Responsible | Deadline/Frequency |
|--------------------------|--------------------------------------|---|---------------------|
| Internal Audits | KDOC Facilities and Contracted Jails | 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 |

MAINTAINING COMPLIANCE IN KANSAS

MONITORING THE PLAN

This section serves as a review to assess and improve the effectiveness of sexual abuse prevention, detection, and response to polices, 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. Identifying problem areas;
 - b. Taking corrective actions 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 any corrective actions taken.

The response to the annual Survey of Sexual Victimization was provided to the Bureau of Justice Statistics October 21, 2020. This data covered the 2019 calendar year. Copies of the facilities' PREA audit reports, annual PREA Report and the annual Survey of Sexual Victimization are available on the KDOC Public Website: <https://www.doc.ks.gov/facilities/prea>.

PREA GRANTS

The KDOC has been the recipient of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program through the Kansas Governor's Grants Program (KGGP) and with these awards we have moved our state closer to full PREA compliance.

- FY 19 from the Governor's Grants Office expired September 30, 2020. This grant was used to fund camera equipment for WCF and OCF; PREA shower curtains (which have been disseminated to the facilities that required them) and translation communicators. The grant also provided the funds necessary to complete the 3 initial PREA Audits of WCF, TCF and HCF.
- FY 20 has been awarded and will pay for the audits and travel expenses for the internal reviews at ECF; EDCF; and LCMHF. There was also money set aside for bulletin boards for LCMHF and metal signage for all facilities from KCI.
- FY 21 was submitted but will be used to redesign the juvenile risk assessment at a cost of \$39,839.

STAFF PREA TRAINING DATA

To ensure that staff can prevent, detect, and respond to sexual abuse and sexual harassment and to create a culture of sexual safety in the facility, all staff receive training prior to having contact with offenders and annually thereafter. There are ten (10) specific topics detailed in the standard that must be covered in the training. Annual training plans are developed during each fiscal year (July 1st – June 30th) and PREA Basic and annual are incorporated into these plans. Training curriculum is updated periodically to keep it fresh and consistent with current best practices, the annual online curriculum was updated for FY 21 and incorporated into the LMS platform. Effective training for staff is not simply repeating the same training over and over.

The FY 2020 training numbers for the correctional facilities within the KDOC include 2,387 staff (to include contractors) were provided refresher training and 964 staff (to include contractors) were provided orientation training.

AGGREGATE INVESTIGATIONS DATA

The KDOC collects data from the referrals for investigation of sexual abuse and sexual harassment: resident/offender on resident/offender and staff on resident/offender. All allegations are entered and tracked through a secure electronic database known as EAI (Enforcement, Apprehension, and Investigation) Case Log.

The types of allegations are divided into 5 categories and are recorded using the following definitions as outlined in the annual Survey of Sexual Victimization:

NONCONSENSUAL SEXUAL ACTS

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; **AND** Contact between the penis and the vulva or the penis and the anus including penetration, however slight; **OR** Contact between the mouth and the penis, vulva, or anus; **OR** Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

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 |
|-------------------|-----------------|--------------------------|-------------------------------|---------------------------------|--------------------------------|--------------------------------|
| 2017 | Substantiated | 12 | 0 | 2 | 3 | 5 |
| | Unsubstantiated | 21 | 9 | 16 | 11 | 5 |
| | Unfounded | 41 | 13 | 22 | 48 | 31 |
| 2018 | Substantiated | 5 | 4 | 2 | 7 | 1 |
| | Unsubstantiated | 22 | 22 | 10 | 7 | 7 |
| | Unfounded | 21 | 15 | 3 | 11 | 12 |
| 2019 | Substantiated | 1 | 5 | 2 | 4 | 5 |
| | Unsubstantiated | 14 | 23 | 9 | 2 | 9 |
| | Unfounded | 6 | 8 | 2 | 8 | 21 |
| 2020 | Substantiated | 0 | 2 | 1 | 3 | 6 |
| | Unsubstantiated | 18 | 26 | 22 | 5 | 11 |
| | Unfounded | 13 | 11 | 4 | 12 | 21 |

| Juvenile Data | | Sexual Harassment | Abusive Sexual Contact | Nonconsensual Sexual Act | Staff Sexual Misconduct | Staff Sexual harassment |
|----------------------|-----------------|--------------------------|-------------------------------|---------------------------------|--------------------------------|--------------------------------|
| 2017 | Substantiated | 1 | 0 | 0 | 0 | 0 |
| | Unsubstantiated | 2 | 2 | 0 | 0 | 0 |
| | Unfounded | 2 | 3 | 1 | 0 | 0 |
| 2018 | Substantiated | 4 | 1 | 0 | 0 | 0 |
| | Unsubstantiated | 0 | 2 | 0 | 2 | 1 |
| | Unfounded | 1 | 1 | 0 | 1 | 1 |
| 2019 | Substantiated | 1 | 2 | 0 | 0 | 0 |
| | Unsubstantiated | 0 | 3 | 0 | 0 | 0 |
| | Unfounded | 1 | 1 | 0 | 1 | 0 |
| 2020 | Substantiated | 1 | 0 | 2 | 0 | 0 |
| | Unsubstantiated | 1 | 0 | 2 | 0 | 0 |
| | Unfounded | 1 | 0 | 1 | 1 | 0 |

AUDIT SCHEDULE FOR THIRD AUDIT CYCLE

State Operated Facilities

| Facility | PREA Audit | Year | Comments |
|----------|------------------------|------|--|
| ECF | July 19-21, 2021 | 2 | Contracted through Correctional Management & Communications Group |
| EDCF | June 30 – July 2, 2021 | 2 | Contracted through Correctional Management & Communications Group |
| HCF | August 24-27, 2020 | 2 | No Corrective Action Noted – Final Report received October 13, 2020 |
| LCF | TBD | 3 | Contracted through PREA Auditors of America, Inc. |
| LCMHF | April 28-30, 2021 | 2 | Contracted through Correctional Management & Communications Group |
| NCF | TBD | 3 | Contracted through Correctional Management & Communications Group |
| TCF | March 3-5, 2020 | 1 | No Corrective Action Noted – Final Report received April 10, 2020 |
| WCF/WWRF | January 13-16, 2020 | 1 | No Corrective Action Noted – Final Report received February 14, 2020 |
| KJCC | TBD | 3 | Has been put out for bid |

Contracted Placements – County Jails

| Facility | PREA Audit | Year | Comments |
|------------|-----------------------|------|---|
| Cherokee | November 12-13, 2019 | 3 | Compliant - Report received December 30, 2019 |
| Cloud | September 25-27, 2019 | 3 | Compliant - Report received November 27, 2019 |
| Jackson | June 24-25, 2020 | 3 | Compliant - Report received July 28, 2020 |
| Washington | August 26, 2019 | 3 | Compliant - Report received October 5, 2019 |
| Wilson | December 2-3, 2019 | 3 | Compliant - Report received August 5, 2020 |

Prepared by: Peggy Steimel
 Peggy Steimel, PREA Coordinator

Date: 12.18.2020

Approved by: Jeff Zmuda
 Jeff Zmuda, Secretary of Corrections

Date: 12/18/2020