

2021 ANNUAL PREA REPORT

ACHIEVING ZERO TOLERANCE IN KANSAS



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– In August 2012, the United States Department of Justice (DOJ) published the National Prison Rape Elimination Act (PREA) Standards. This annual report is compiled in accordance with PREA Standards §115.87 and §115.387, which require the collection and annual aggregation of data and PREA Standards §115.88 and §115.388, which require the review and assessment of that collected data to improve the effectiveness of sexual abuse and sexual harassment prevention, detection and response policies, practices and training. This Annual Report is written in compliance with the above-mentioned Standards.

The Kansas Department of Corrections is committed to providing a safe and secure environment for all facility residents and therefore, has zero tolerance for sexual abuse and sexual harassment.

The Kansas Department of Corrections (KDOC) is dedicated to achieving full PREA compliance in the ten correctional facilities across the State of Kansas within the areas of prevention, detection and response to incidents of sexual abuse and sexual harassment. To attain the goal of full PREA compliance, the KDOC prioritizes the following key components:

- consistent and continual education of the Residents in the care of KDOC,
- consistent and continual education and training of Corrections Officers and Facility Staff,
- intentionally applying KDOC policies, written to directly reflect the PREA Standards, to daily practices,
- collaborative relationships with community advocacy agencies and other community partners.

EXECUTIVE SUMMARY

Covid-19 and Covid-19 variants continued to impact the daily facility operations. Breakouts and quarantined areas of the facilities remained a norm through the year. KDOC employees and residents alike became quite familiar with Covid-19 response protocols. Additionally, 2021 brought about one of the greatest employment crises to impact the KDOC over the last decade. The number of uniformed staff vacancies in Kansas totaled 463 in December 2021, a 25% deficiency.

This severe employment crisis, particularly with uniformed staff, created the need to close multiple units at multiple facilities: L Unit at El Dorado Correctional Facility (EDCF), the entire East Unit at Ellsworth Correctional Facility (ECF), two entire pods at Lansing Correctional Facility (LCF), B Unit at Norton Correctional Facility (NCF), D,E and G Units at Topeka Correctional Facility (TCF), the entire Minimum Unit at Oswego Correctional Facility (OCF, an extension of El Dorado Correctional Facility), and A Unit at Winfield Correctional Facility (WCF).

In response, the KDOC implemented multiple strategies including innovative marketing strategies to decrease the impacts of intense staffing shortages. Despite their best efforts, recruitment proved to be a challenge.

Staffing challenges did not only impact KDOC but most other agencies, organizations and industries as well, to include the Kansas Coalition against Sexual and Domestic Violence (KCSDV). While communication remained intact between KDOC and KCSDV, the ability to organize multi-disciplinary meetings halted due to the impacts of Covid-19 and severe staffing shortages. However, support for incarcerated survivors of sexual abuse remained active throughout the year as memorandums of understanding between the correctional facilities and community advocacy providers were kept current.

Regardless of the challenges presented in 2021, the KDOC moved forward with making improvements to multiple facilities. HCF saw the renovation of their clinic completed and began building a new industrial building for Private Industry workers. WCF finished the project design of the new medium custody housing unit and the scope of this design also included building a new dining hall on facility grounds which will eliminate the need for Residents to be transported off grounds to prepare meals.

PREA IN KANSAS

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 STRUCTURE

The KDOC Statewide PREA Coordinator reports directly to the Deputy Secretary of Facilities Management and provides oversight and technical assistance to the one juvenile and nine adult correctional facilities in Kansas. It is the responsibility of the PREA Coordinator to ensure best practices of the PREA Standards are being achieved at each facility.

One PREA Compliance Manager (PCM) and one PREA Compliance Manager Alternate (PCMA) are assigned by the facility specific Superintendent/Warden for duties at that facility. Both PCM and PCMA are facility staff who have the responsibility of ensuring PREA compliance for their specific facility which includes the implementation of KDOC’s facility level Coordinated Response to sexual abuse.

FACILITY PREA COMPLIANCE MANAGERS

Facility	PCM & PCMA
1) Ellsworth Correctional Facility	Carolyn Graves (Policy & Compliance Manager) Doug Lawson (Deputy Warden)
2) El Dorado Correctional Facility and Oswego Correctional Facility	Matthew Moore (Deputy Warden) Brandon Walmsley (RDU Administrator) Aaron Rion (Corrections Manager I) – OCF Kristi Miller (Deputy Warden) – OCF
3) Hutchison Correctional Facility	Mark Mora (Policy & Compliance Manager) Robert Vieyra (Deputy Warden)
4) Kansas Juvenile Correctional Complex	Carolyn Coyne (Systems Management Analyst) Dustin Karr (Deputy Superintendent)
5) Lansing Correctional Facility	Michael Thompson (Staff Development Manager) Ryan Reece (Deputy Warden)
6) Larned Correctional Mental Health Facility	Kent Schmidt (Staff Development Manager) Miranda Schmidt (Policy & Compliance Manager)
7) Norton Correctional Facility	Anthony Kuhlman (Policy & Compliance Manager) Luke Pfannenstiel (Classification Administrator)
8) Topeka Correctional Facility	Greg Perez (Staff Development Manager) David McCabe (Human Resource Manager)
9) Winfield Correctional Facility	Paige Coleman (Policy & Compliance Manager)
10) Wichita Work Release Facility	Jesse Howes (Deputy Warden - WWRF)
Statewide PREA Coordinator	Peggy Steimel

PREA AUDIT AND GOVERNOR'S CERTIFICATION COMPLIANCE

The KDOC entered the Third Audit Cycle beginning August 20, 2019, which will result in all ten KDOC facilities completing a PREA Audit by August 19, 2022. Therefore, the KDOC PREA Audit schedule is fully compliant with § 115.401 Frequency and Scope of Audits as outlined in sections (a) and (b):

- (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.
- (b) During each one-year period starting on August 20, 2013, the agency shall ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited.

KDOC AUDIT ROLES AND FREQUENCY

	Recipients	Responsible	Frequency
Internal Audits	KDOC Facilities and Contracted Jails	PREA Coordinator	Every year, on a three-year cycle, one third of KDOC facilities will be audited
PREA Audits		PREA Coordinator, PCM and DOJ Certified Auditor	
Governor's Certification	KDOC Legal and Governor's Office	PREA Coordinator	Every October

SCHEDULE FOR THIRD PREA AUDIT CYCLE

Facility	Date of PREA Audit	Year	Status
ECF	July 19-21, 2021	2	Corrective Action Noted and Completed by December 12, 2021 – Final Report received December 17, 2021
EDCF	June 30 – July 2, 2021	2	No Corrective Action Noted – Final Report received September 16, 2021
HCF	August 24-27, 2020	2	No Corrective Action Noted – Final Report received October 13, 2020
LCF	May 15-18, 2022	3	Contracted through PREA Auditors of America, Inc.
LCMHF	April 28-30, 2021	2	Corrective Action Noted and Completed by December 21, 2021 – Final Report received December 21, 2021
NCF	July 6-8, 2022	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	October 21-22, 2021	3	Contracted through PREA Auditors of America, Inc.

The departure of the current KDOC PREA Coordinator in 2021 will permit the incoming KDOC PREA Coordinator to schedule the Fourth PREA Audit Cycle required for statewide compliance as outlined in **§ 115.501 State Determination and Certification of Full Compliance** sections (a) and (b):

- (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.

PREA FUNDING

The KDOC has been the recipient of funding through the Kansas Governor’s Grants Program (KGGP). These funds continue to move the KDOC toward full PREA compliance.

- FY 19 – camera equipment installed at WCF and OCF, PREA shower curtains and translator devices disseminated to facilities, funded PREA Audits for the First Audit Cycle (WCF, TCF and HCF)
- FY 20 – bulletin boards for LCMHF, KCI metal PREA signage (English and Spanish) for all KDOC facilities, funded external and internal PREA Audits for the Second Audit Cycle (ECF, EDCF, LCMHF)
- FY 21 - \$39,839 approved to redesign the juvenile risk assessment and integrate both adult and juvenile SVAs into the Athena system

STAFF PREA TRAINING

To ensure that facility 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 interacting with residents and annually thereafter. In accordance with **§ 115.31 Employee Training**, the required 10 specified topics are covered in the KDOC PREA training.

KDOC develops annual training plans during each fiscal year (July 1st – June 30th). The PREA Basic and PREA Annual training information are incorporated into these trainings. The Annual PREA Online curriculum was updated for FY 21 and incorporated into the LMS platform. Training curriculum is updated periodically to keep it fresh and consistent with current best practice as the KDOC recognizes that effective staff training is not simply repeating the same training over and over.

	Number of Staff Trained
Basic PREA Training	662
Annual PREA Training	2,043

AGGREGATED DATA COMPLIANCE

Reviewing the aggregated data of the facility investigations by KDOC Enforcement, Apprehension, and Investigation (EAI) not only ensures all KDOC facilities are in compliance with **§ 115.86/§ 115.386 Data Collection and Review** and **§ 115.87/§ 115.87 Data Collection**, but also improves the effectiveness of sexual abuse prevention, detection, and response to policies, practices, and training within the KDOC.

INVESTIGATIONS

EAI collects data from the reports of sexual abuse and sexual harassment that are referred for investigation for both Resident to Resident and Staff to Resident incidents. The reports are investigated, and the findings are divided into five categories defined by the Survey of Sexual Victimization (SSV). All EAI investigations are entered and tracked through a secure, electronic database known as EAI Case Log.

SURVEY OF SEXUAL VICTIMIZATION DEFINITIONS

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 reports of sexual abuse and/or sexual harassment are investigated thoroughly by EAI Agents who have received specialized training in investigating sexual abuse/sexual harassment in a confinement setting. The conclusion of every investigation brings about one of the following dispositions:

- **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.

The data listed in the following two charts reflects incident-based reports that fall into one of the five categories defined by the SSV. The aggregated data for 2021 was obtained from all ten facilities across Kansas for the time period of January 1, 2021 – December 31, 2021.

AGGREGATED DATA – ADULT


Adult Data		Nonconsensual Sexual Act	Abusive Sexual Contact	Sexual Harassment	Staff Sexual Misconduct	Staff Sexual Harassment
2017	Substantiated	2	0	12	3	5
	Unsubstantiated	16	9	21	11	5
	Unfounded	22	13	41	48	31
2018	Substantiated	2	4	5	7	1
	Unsubstantiated	10	22	22	7	7
	Unfounded	3	15	21	11	12
2019	Substantiated	2	5	1	4	5
	Unsubstantiated	9	23	14	2	9
	Unfounded	2	8	6	8	21
2020	Substantiated	1	2	0	3	6
	Unsubstantiated	22	26	18	5	11
	Unfounded	4	11	13	12	21
2021	Substantiated	1	1	8	3	1
	Unsubstantiated	17	20	23	4	7
	Unfounded	5	15	12	9	11

AGGREGATED DATA - JUVENILE

Juvenile Data		Nonconsensual Sexual Act	Abusive Sexual Contact	Sexual Harassment	Staff Sexual Misconduct	Staff Sexual Harassment
2017	Substantiated	0	0	1	0	0
	Unsubstantiated	0	2	2	0	0
	Unfounded	1	3	2	0	0
2018	Substantiated	0	1	4	0	0
	Unsubstantiated	0	2	0	2	1
	Unfounded	0	1	1	1	1
2019	Substantiated	0	2	1	0	0
	Unsubstantiated	0	3	0	0	0
	Unfounded	0	1	1	1	0
2020	Substantiated	2	0	1	0	0
	Unsubstantiated	2	0	1	0	0
	Unfounded	1	0	1	1	0
2021	Substantiated	0	1	2	0	0
	Unsubstantiated	0	0	1	0	0
	Unfounded	0	1	0	0	0

SURVEY OF SEXUAL VICTIMIZATION

The aggregated data for 2021 from both the Adult and Juvenile charts above was provided to the to the Bureau of Justice Statistics on March 2, 2022. This data covered the 2021 calendar year. Copies of each of the KDOC 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>.

Report Prepared by  Allison Basinger, PREA Coordinator 6.17.2022 Date

Report Approved by  Jeff Zmuda, Kansas Secretary of Corrections 06/07/2022 Date

