

January 15, 2010

Secretary Roger Werholtz  
Department of Corrections  
Landon State Office Building  
900 S.W. Jackson Street, Suite 404-N  
Topeka, Kansas 66612

Re: National Institute of Corrections (“NIC”) report dated December 7-9, 2009

Dear Secretary Werholtz:

Pursuant to my request, NIC has completed its review of the policies and training procedures related to staff sexual misconduct and cross gender supervision at the Topeka Correctional Facility (“TCF”). While the report identifies a number of best practices currently in use by TCF and concluded that “...there is no evidence to suggest that either investigators or the administration have ignored allegations brought forward to them”, I think it also provides the state with opportunities to improve the management and operations at the facility. Several recommendations in the report require additional funding for staffing and equipment, but many can be implemented without additional funding. I direct the Department of Corrections to proceed immediately with the following:

A. Implement the following NIC report recommendations:

1. Sexual assault hotline, pg. 7.
2. Review cross gender pat search training content and implementation, including a recommendation within 6 months regarding the adoption of a policy for no cross gender pat searches, except in cases of emergency, pg. 9.
3. Review policy change notification procedures, pg. 9.
4. Room restrictions policy, pg. 9.
5. Clarify definitions of undue familiarity and review related training and orientation for staff and inmates, pg. 11.
6. Evaluate the effectiveness of the 120 day review process for inmate reporting of sexual misconduct, pg. 12.
7. Conduct a more extensive review of the effectiveness of staff and inmate reporting mechanisms for sexual misconduct, pg. 12.
8. Investigation, pg. 13-16.
  - a. Camera and data storage systems.
  - b. Process orientation.
  - c. Timeline and Notice.
  - d. Review investigation completion process and post resignation.
  - e. Complete installation and provide periodic updates on the investigative software.
  - f. Inmate orientation.

9. Maintenance for surveillance systems - key control, pg. 16, 20 and 22.
10. Review post orders, pg. 23.

B. Re-structure the TCF leadership.

C. As resources are available, the Department of Corrections should proceed with the following:

1. Additional staff training.
  - a. Annual, pg. 10.
  - b. Gender Responsive, pg. 10.
  - c. Volunteer, pg. 11.
2. Monitoring systems, pg. 16-17, 2-22.
  - a. Maintenance.
  - b. Officer station.
    - a. Enclosed areas.
    - b. Additional cameras.
3. Fill vacant or unfunded staffing positions, pg. 22-23.
4. Review staffing plan and seek NIC assistance, pg. 22-23.

D. In accordance with the report, I also direct you to conduct a system-wide review of all state correctional facilities to ensure that none of the issues identified at the Topeka facility are present in other facilities.

I appreciate that in this time of limited resources some of the suggestions will prove to be challenging or will have to be made at a later date. However, I am sure you will agree the TCF staff and inmates will benefit as soon as the above items are implemented. As you move forward to implement these recommendations please keep me updated on your progress.

Sincerely,

//s//

Mark Parkinson  
Governor