



Prison Rape Elimination Act: 2014 Annual Report

Kansas Department of Corrections

Talia Labouchardiere, PREA Coordinator

The Kansas Department of Corrections is committed to meeting the requirements of the Prison Rape Elimination Act of 2003 and enhancing the safety and security for KDOC offenders as a result thereof. This report is a summary of the agency's efforts in PREA compliance. By examining the collection and aggregation of agency data the KDOC is dedicated to improving the effectiveness of sexual abuse detection, prevention, and response.

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Purpose

This document serves as an annual review to assess and improve the effectiveness of sexual abuse prevention, detection, and response policies, practices, and training in the Kansas Department of Corrections, pursuant to §115.88 and §115.89 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 action 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 and provide an assessment of the agency's progress in addressing sexual abuse.
3. Publish the annual report on the KDOC website of its findings and corrective actions for each facility, as well as for the agency as a whole.

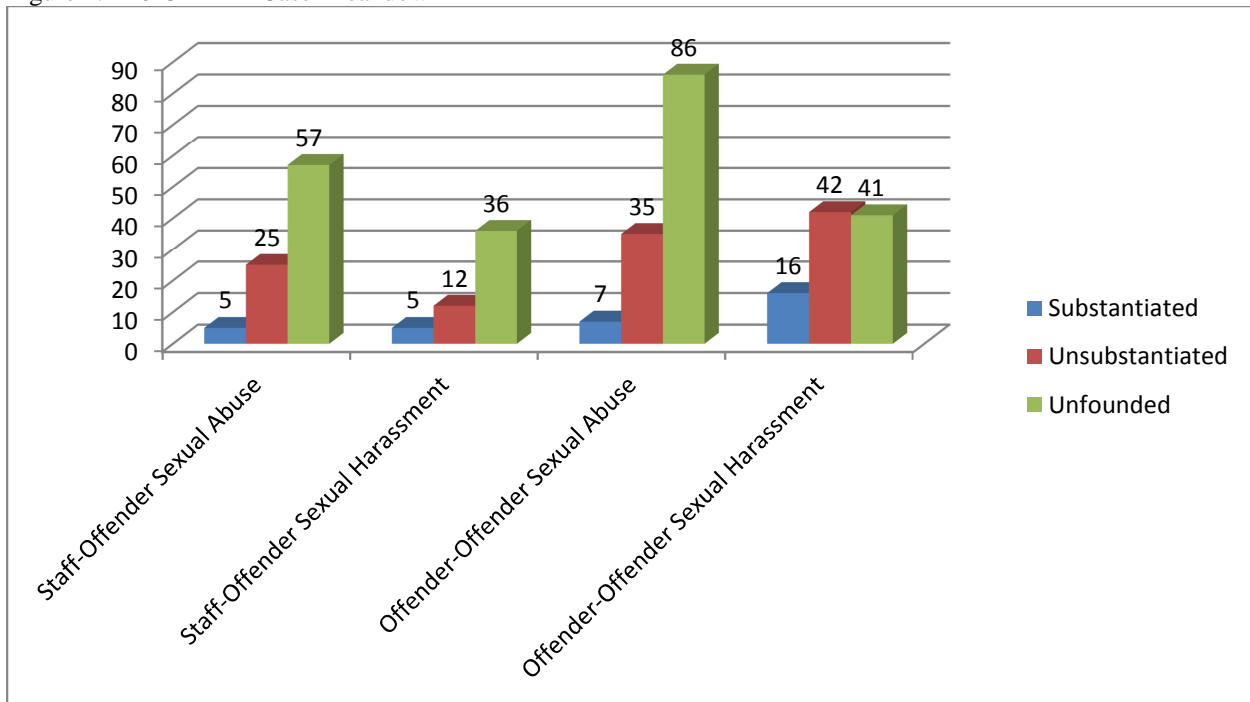
Aggregated Data

The KDOC collects data from the referrals for investigation of sexual abuse and sexual harassment; both offender-on-offender and staff-on-offender. The data in this section contains aggregated data as well as a comparison between CY2012 and CY2013.

All allegations are entered and tracked through a secure electronic database; the EAI (Enforcement, Apprehensions, and Investigations Division) Case Log. The following graph depicts a breakdown of 2013 sexual abuse and sexual harassment data; staff-on-offender and offender-on-offender. Data from all KDOC facilities comprises this data, which includes the 8 adult correctional facilities and 2 juvenile correctional facilities:

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Figure 1.1-2013 PREA Case Breakdown



Comparative Data Analysis

The two following graphs (Figure 2.1 & Figure 2.2) represent a comparison between CY 2012 and CY 2013 agency reports of sexual abuse and sexual harassment. These totals are all reports received, irrespective of their case dispositions. In CY 2012, the agency-wide total was 191 while the agency-wide total in CY 2013 was 290. The increase in the total reports is attributed to enhancing the KDOC's data collection process. Historically, the KDOC has collected and reported sexual abuse and sexual harassment data pursuant to the definitions and solicitation of the Bureau of Justice Statistics (BJS) Survey of Sexual Violence, which accounts for the following 4 categories: nonconsensual sexual acts, abusive sexual contacts, staff sexual misconduct, and staff sexual harassment. It is widely known that these categories fail to account for offender-on-offender sexual *harassment*. As a result and in an effort to implement best practice, in 2013 the KDOC began compiling offender-on-offender sexual harassment data in addition to the 4 BJS categories. In doing so, the KDOC comprehensively covers the definitions of sexual abuse and sexual harassment as outlined in the final PREA Standards.

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Figure 2.1-2012 Total PREA Reports (191)

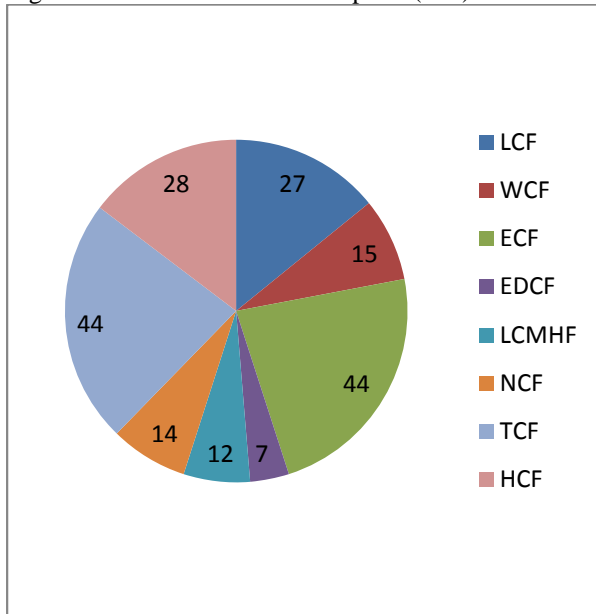
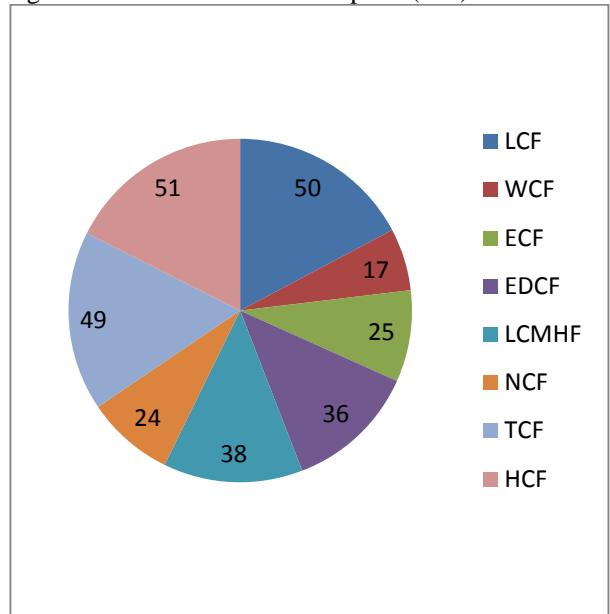


Figure 2.2-2013 Total PREA Reports (290)



*The above graphs represent only the adult correctional facilities, as prior to 2013 the KDOC had not yet merged with the Juvenile Justice Authority. Therefore, comparable data prior to 2013, from KDOC Juvenile Services, is not available.

Further analysis indicates that there was an increase of 99 total reports in 2013 among the adult correctional facilities; a majority of which (69) were offender-on-offender sexual harassment reports.

Notably, as cited in the “Department of Justice National Standards to Prevent, Detect, and Respond to Prison Rape Executive Summary”:

“An increase in incidents reported to facility administrators might reflect increased abuse, or it might just reflect inmates’ increased willingness to report abuse, due to the facility’s success at assuring inmates that reporting will yield positive outcomes and not result in retaliation. Likewise, an increase in substantiated incidents could mean either that a facility is failing to protect inmates, or else simply that it has improved its effectiveness at investigating allegations. For these reasons, the standards generally aim to inculcate policies and procedures that will reduce and ameliorate bad outcomes, recognizing that one possible consequence of improved performance is that evidence of more incidents will come to light.”

Problem Areas

Upon aggregating the data of 2012, a disproportionate breakdown of reports between facilities was noted. Specifically, there seemed to be a disproportionately large number of reports generated from Ellsworth Correctional Facility (ECF) and

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a disproportionately small number of reports generated from the El Dorado Correctional Facility (EDCF), as illustrated in Figure 2.1.

Consequently, a focus on case entry practices and PREA classifications successfully yielded a more proportionate breakdown between facilities in 2013, as illustrated in Figure 2.2.

Corrective Actions

The KDOC continues to implement best practice and the requirements of the PREA standards in order to address allegations of sexual abuse and sexual harassment of offenders. Leadership of the KDOC is dedicated to on-going monitoring and corrective action in order to reach full PREA compliance and most importantly to maximize the sexual safety of Kansas correctional facilities. Creating culture change is a long and arduous process. As an agency, the KDOC is steadily and continually making progress toward systemic change that fully integrates the intent of the PREA standards and the highest level of sexual safety.

The following are corrective actions completed at the agency level:

- Revised many policies to enhance PREA policy and practice
- Enhanced education for staff and offenders
- Implemented specialized training required of investigating agents
- Developed and implemented an objective screening tool
- Drafted a new K.A.R. (Kansas Administrative Regulation) 44-15-204 to govern sexual abuse grievances
- Enhanced data collection and aggregation
- Implemented Sexual Abuse Incident Reviews

The following are corrective actions completed by each KDOC correctional facility:

ECF (Ellsworth Correctional Facility)

- Evaluation of case data entry and PREA classification
- Upgraded surveillance and added additional cameras

EDCF (El Dorado Correctional Facility)

- Evaluation of case data entry and PREA classification
- Ensure PREA Compliance Manager has sufficient time and authority to most effectively carry out required duties

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HCF (Hutchinson Correctional Facility)

- Implement announcements of cross-gender staff in the living units
- Implement recommendations from Sexual Abuse Incident Reviews

KJCC (Kansas Juvenile Correctional Complex)

- Review of staffing levels and ratios in anticipation of upcoming mandates in the PREA Standards
- Implement consolidated KDOC PREA policy, case data entry and PREA classification

LCF (Lansing Correctional Facility)

- Ensure PREA Compliance Manager has sufficient time and authority to most effectively carry out required duties
- Install shower curtains to limit staff viewing of offenders in a state of undress

LCMHF (Larned Correctional Mental Health Facility)

- Meet the provisions of 115.13 Supervision and Monitoring
- Devise housing plan that allows for the upmost consideration of the PREA Screening (ICC) information as well as mental health classifications

LJCF (Larned Juvenile Correctional Facility)

- Review of staffing levels and ratios in anticipation of upcoming mandates in the PREA Standards
- Implement consolidated KDOC PREA policy, case data entry and PREA classification

NCF (Norton Correctional Facility)

- Ensure PREA Compliance Manager has sufficient time and authority to most effectively carry out required duties
- Implement announcements of cross-gender staff in the living units

TCF (Topeka Correctional Facility)

- Enhance facility General Orders to more comprehensively address prevention, detection, and response to offender sexual abuse and sexual harassment
- Deploy additional video surveillance

WCF (Winfield Correctional Facility/Wichita Work Release Facility)

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- Assess need for deployment of additional video surveillance and applied for grant funding
- Improve collaboration between the PREA Compliance Manager and the EAI (Investigative) division

The KDOC is committed to continual and progressive culture change and continues to implement the requirements of the PREA standards and make adjustments on an on-going basis. In doing so, the KDOC is eager to raise the bar in the confidence and integrity of our system statewide.



Ray Roberts, Secretary of Corrections

7/11/14

Date