

2022 ANNUAL PREA REPORT

SEXUAL SAFETY IS FACILITY SAFETY



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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 written 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.

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 committed to achieving full PREA compliance within the areas of prevention, detection and response to incidents of sexual abuse and sexual harassment in the ten correctional facilities across the State of Kansas.

To attain full PREA compliance, the KDOC prioritizes the following key components:

- consistent and continual PREA education for Residents in the care of KDOC,
- consistent and continual PREA education and training for Corrections Officers and Facility Staff,
- intentional application of the KDOC policies, which mirror the Federal PREA Standards, in daily practice and procedure,
- collaborative relationships with community advocacy agencies and area hospitals.

EXECUTIVE AGENCY SUMMARY

2022 provided opportunity for the Kansas Department of Corrections (KDOC) to showcase the agency's resiliency. The events of 2021, Covid-19, Covid-19 variants and a vast employment crisis, and their aftermath lingered, and the agency pushed forward toward moderate recovery.

The KDOC continued to implement multiple strategies developed in 2021 to increase the number of job applications and to decrease the impact of any Covid related quarantines. The agency continued to focus on addressing staff shortages to ensure appropriate facility staffing levels and balancing the number of residents needing housing despite several buildings, dorms or units being closed due to the impact of Covid-19. This, on top of all that is encompassed in the typical day-to-day facility operations.

In December of 2022 the number of uniformed staff vacancies was 437 as opposed to 463 in December of 2021. In addition to the dorms and units that were closed last year, Norton Correctional Facility B Dorm, Ellsworth Correctional Facility Minimum and Dorm 3 and one dorm at Topeka Correctional Facility were closed due to staffing shortages. Employment remains of great concern for the agency.

Even so, the KDOC continues to move forward. Larned Correctional Mental Health Facility (LCMHF) West moved into what was the old Larned Juvenile Correctional Facility, now named LCMHF South. Reception and Diagnostic Unit (RDU) at El Dorado Correctional Facility was reoccupied and E and F Dorms, which will house geriatric and medical residents at Winfield Correctional Facility has a projected occupancy date of February of 2023.

PREA Compliance Managers and PREA Compliance Manager Alternates met each quarter this year to continue their efforts in syncing up practices and procedures statewide. And 22-PREA-01 provided the funds to computerize the risk screening tool utilized by the Kansas Juvenile Correctional Complex.

PREA IN KANSAS

PREA STRUCTURE

In accordance with **§115.11(b) and §115.311(b) Zero Tolerance of Sexual Abuse and Sexual Harassment: PREA Coordinator** the Kansas Department of Corrections (KDOC) has appointed a Statewide PREA Coordinator who reports directly to the Deputy Secretary of Corrections.

The Statewide PREA Coordinator is responsible, in part, to:

- Provide oversight and technical assistance to the one juvenile and nine adult correctional facilities in Kansas,
- Ensure best practices of the Federal PREA Standards are achieved at each facility,
- Monitor PREA related program services, educational materials and training to ensure that they effectively support departmental goals,
- Develop and access resources to ensure that the Departments' response to sexual violence is appropriate and adequate,
- Monitor the quality of investigations by establishing a communication flow with division liaisons and by proposing training enhancements to aid the investigators,
- Consult with Department management, such as the Secretary, Deputy Secretary, Wardens and Division Directors to establish overall goals and objectives for the Office, set priorities and deadlines, and determine personnel roles in program implementation,
- Coordinate the design and implementation of new program initiatives for PREA for the Department,
- Provide expertise for current or new programs, policy and procedures which affect the Department's PREA compliance efforts,
- Directs the efforts of promoting PREA statewide by arranging, coordinating and facilitating meetings.

Likewise, each KDOC facility has designated a PREA Compliance Manager (PCM) as stated in **§115.11(c) and §115.311(c) Zero Tolerance of Sexual Abuse and Sexual Harassment**. To ensure complex coverage for each facility, a PREA Compliance Manager Alternate (PCMA) has also been named at each KDOC facility.

The PCM and PCMA are responsible, in part, to:

- Coordinate the facilities efforts to comply with the PREA Standards,
- Ensure the Screening for Victimization and Abusiveness (SVA) risk screening tools are given to facility residents within 72 hrs of arrival, 30 days of arrival and annually,
- Conduct the SVA for residents who identify as transgender, bi-annually, in January and July,
- Decide, in collaboration with Enforcement, Apprehensions and Investigations (EAI) Agents, if a reported incident determines the initiation of the PREA Checklist,
- Monitor #50 hotline calls and coordinate appropriate responses with EAI Agents,
- Maintain documentation of PREA compliance efforts in the KDOC PREA Shared Drive folder
- Monitor compliance measures to ensure they are in line with policy
- Organize and conduct monthly Sexual Assault Incident Review (SAIR) Boards
- Lead facility specific PREA Audit efforts

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) David Lewis (RDU Administrator) Aaron Rion (Corrections Manager I) – Oswego Kristi Miller (Deputy Warden) – Oswego
3) Hutchison Correctional Facility	Mark Mora (Policy & Compliance Manager) Robert Vieyra (Deputy Warden)
4) Kansas Juvenile Correctional Complex	Jenny White (Public Service Executive) Candice Byrd (Deputy Superintendent)
5) Lansing Correctional Facility	Shannon Patrick (PREA Compliance Manager) Ryan Reece (Deputy Warden)
6) Larned Correctional Mental Health Facility	Kent Schmidt (Staff Development Manager) Penny Riedel (Policy & Information Officer)
7) Norton Correctional Facility	Anthony Kuhlman (Policy & Compliance Manager) Luke Pfannenstiel (Classification Administrator)
8) Topeka Correctional Facility	Greg Perez (Human Resources Manager) David McCabe (Human Resource Manager)
9) Winfield Correctional Facility	Breayle Shelton (Unit Team Manager – Special Projects)
10) Wichita Work Release Facility	Calvin Reams (Deputy Warden - WWRF)
Statewide PREA Coordinator Allison Basinger	

KDOC PREA AUDIT SCHEDULE

2022 marked the third year of the third audit cycle. Between August 20, 2019 and August 19, 2022, the third audit cycle, all KDOC facilities were audited. The Kansas Department of Corrections (KDOC) is fully compliant with **§115.401 Frequency and Scope of Audits(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 SCHEDULE AND FREQUENCY

	Recipients	Responsible	Frequency
Internal Audits	KDOC Facilities and Contracted Jails	PREA Coordinator	Every year, on a three-year cycle, one third of 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
WCF/WWRF	January 13-16, 2020	1	No Corrective Action Noted – Final Report received February 14, 2020
TCF	March 3-5, 2020	1	No Corrective Action Noted – Final Report received April 10, 2020
HCF	August 24-27, 2020	1	No Corrective Action Noted – Final Report received October 13, 2020
LCMHF	April 28-30, 2021	2	Corrective Action Noted and Completed by December 21, 2021 – Final Report received December 21, 2021
EDCF	June 30 – July 2, 2021	2	No Corrective Action Noted – Final Report received September 16, 2021
ECF	July 19-21, 2021	2	Corrective Action Noted and Completed by December 12, 2021 – Final Report received December 17, 2021
KJCC	October 21-22, 2021	3	No Corrective Action Noted – Final Report received May 20, 2022
LCF	May 15-18, 2022	3	No Corrective Action Noted – Final Report received June 24, 2022
NCF	July 6-8, 2022	3	No Corrective Action Noted – Final Report received August 18, 2022

GOVERNOR'S CERTIFICATION AND FULL COMPLIANCE

For the first time in PREA History, the Kansas Department of Corrections was able to file Full PREA Compliance in *all ten facilities* allowing the Governor to file a Certification of Full Compliance.

Each year between 2014 – 2022, the Governor of Kansas filed an assurance regarding the status of PREA compliance for the State of Kansas. The documentation filed with an assurance demonstrates the clear direction of immediate interventions to ensure full PREA compliance in the future.

The filing of the Certification of Full Compliance by the Governor for the first time in Kansas throughout the history of the Federal PREA Standards is a notable achievement celebrated by the Secretary of Corrections and the Deputy Secretary of Corrections.

Therefore, the KDOC is in full compliance with **§115.501(a) and (b) 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.

PREA FUNDING

The Kansas Department of Corrections (KDOC) was a recipient, again in 2022, of funding from 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
- FY 21 Extension - \$45,449 to continue the creation, coding and technical design of the juvenile and adult risk screening tool from the PREA Portal to Athena

STAFF PREA TRAINING

In accordance with **§115.31 and §115.331 Employee Training**, the ten specifically required training topics are covered in the Kansas Department of Corrections (KDOC) PREA training. All staff, contractors and volunteers receive PREA training before interacting with any KDOC residents to ensure they can prevent, detect, and respond to sexual abuse and sexual harassment appropriately and according to policy.

In 2022, the Statewide PREA Coordinator and a team of facility PREA Compliance Managers worked to develop, revise and update the current PREA Basic/Orientation training for staff, contractors and volunteers. This PREA Training Team worked to create an outline for a new training with a proposed implementation date of July 2023.

	Number of KDOC Staff Trained	Number of Contractors and Volunteers Trained
Basic PREA Training	638	560
Annual PREA Training	2,170	468

To note: To ensure more accurate data, the numbers in the chart above were separated into KDOC Staff Trained and Contractors and Volunteers Trained. These numbers were not specifically detailed in last year's report, meaning, some facilities reported numbers last year that included KDOC Staff, Contractors and Volunteers, other facilities reported numbers that only included KDOC Staff. For this reason, numbers from the 2021 PREA Annual Report cannot be compared to the numbers detailed in the chart above.

For the purposes of the 2022 Annual PREA Report, separate data was requested and collected from facilities. On a moving forward basis, numbers will be reported detailing KDOC Staff Trained separate from Contractors and Volunteers Trained.

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 and § 115.386 Data Collection and Review and §115.87 and §115.87 Data Collection**, it also improves the effectiveness of sexual abuse prevention, detection, and response to policies, practices, and training within the KDOC facilities.

INVESTIGATIONS

The reports of sexual abuse and sexual harassment that are referred for investigation, for both Resident-to-Resident and Staff-to-Resident incidents, are investigated by EAI. There are five incident outcomes, defined by the Bureau of Justice Survey of Sexual Victimization (SSV), in which the investigation findings are categorized. All EAI investigations are entered and tracked through a secure, electronic database known as EAI Case Log.

SURVEY OF SEXUAL VICTIMIZATION DEFINITIONS

<p>NONCONSENSUAL SEXUAL ACTS</p>	<p>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.</p>
<p>ABUSIVE SEXUAL CONTACT</p>	<p>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.</p>
<p>SEXUAL HARASSMENT</p>	<p>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.</p>
<p>STAFF SEXUAL MISCONDUCT</p>	<p>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.</p>
<p>STAFF SEXUAL HARASSMENT</p>	<p>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.</p>

All reports of sexual abuse and/or sexual harassment are investigated thoroughly by EAI Agents who, in accordance with **§115.34 and §115.334 Specialized Training: Investigations**, 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.

PREA INCIDENT AGGREGATED DATA

The data listed in the following two charts reflects the dispositions of incident reports that were categorized by the incident outcomes and therefore investigated. The aggregated data for 2022 was obtained from all ten facilities across Kansas for the period of January 1, 2022 – December 31, 2022.

The following ongoing investigations are not reflected in the data below:

- El Dorado Correctional Facility – 4 ongoing cases open
- Lansing Correctional Facility – 3 ongoing cases open
- Larned Correctional Mental Health Facility – 1 ongoing case open
- Norton Correctional Facility – 4 ongoing cases open

AGGREGATED DATA – ADULT

Adult Data		Resident-to-Resident Sexual Harassment	Abusive Sexual Contact	Nonconsensual Sexual Act	Staff-to-Resident Sexual Harassment	Staff Sexual Misconduct
2017	Substantiated	12	0	2	5	3
	Unsubstantiated	21	9	16	5	11
	Unfounded	41	13	22	31	48
2018	Substantiated	5	4	2	1	7
	Unsubstantiated	22	22	10	7	7
	Unfounded	21	15	3	12	11
2019	Substantiated	1	5	2	5	4
	Unsubstantiated	14	23	9	9	2
	Unfounded	6	8	2	21	8
2020	Substantiated	0	2	1	6	3
	Unsubstantiated	18	26	22	11	5
	Unfounded	13	11	4	21	12
2021	Substantiated	8	1	1	1	3
	Unsubstantiated	23	20	17	7	4
	Unfounded	12	15	5	11	9
2022	Substantiated	2	3	2	0	1
	Unsubstantiated	40	22	18	12	5
	Unfounded	13	7	7	5	13

AGGREGATED DATA – JUVENILE

Juvenile Data		Resident-to-Resident Sexual Harassment	Abusive Sexual Contact	Nonconsensual Sexual Act	Staff-to-Resident Sexual Harassment	Staff Sexual Misconduct
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	1	2
	Unfounded	1	1	0	1	1
2019	Substantiated	1	2	0	0	0
	Unsubstantiated	0	3	0	0	0
	Unfounded	1	1	0	0	1
2020	Substantiated	1	0	2	0	0
	Unsubstantiated	1	0	2	0	0
	Unfounded	1	0	1	0	1
2021	Substantiated	2	1	0	0	0
	Unsubstantiated	1	0	0	0	0
	Unfounded	0	1	0	0	0
2022	Substantiated	3	3	0	0	4
	Unsubstantiated	3	2	0	4	0
	Unfounded	0	0	0	0	0

SURVEY OF SEXUAL VICTIMIZATION

Each year the Bureau of Justice Statistics requires the aggregated data from the previous calendar year be submitted to their research. The data is purposely collected one year behind the current date in order to allow for investigations to be thoroughly completed prior to the reporting period.

In accordance with **§115.387(c) and §115.387(c) Data Collection**, the aggregated data from CY2021 for both the Adult and Juvenile facilities was provided to the to the Bureau of Justice Statistics on October 20, 2022. 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>.

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Report Approved by 
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