

# Kentucky Department of Corrections

## 2016 PREA Annual Report



***The Kentucky Department of Corrections mandates zero tolerance toward all forms of sexual abuse and sexual harassment.***

The Prison Rape Elimination Act (PREA) of September 4, 2003 (Public Law 108-79) was enacted by the United States Congress to address the problem of sexual assault in all United States penal facilities.

PREA supports the elimination, reduction and prevention of sexual assault/rape within our prisons, community corrections centers and local jails.

PREA applies to Offender-on-Offender and Staff-on-Offender sexual misconduct.



**Matthew G. Bevin**

**Governor**

**John Tilley**

**Secretary**

**Justice & Public Safety Cabinet**

**James L. Erwin**

**Acting Commissioner**

**Department of Corrections**

## KDOC 2015 PREA Annual Report – June 1, 2016

(In accordance with 28 CFR § 115.88)

The Kentucky Department of Corrections (KDOC) has long embraced the principles associated with the Prison Rape Elimination Act of 2003 (PREA). Prior to the passage of PREA, the KDOC took active steps to train department staff to refrain from prohibited contact and inappropriate relationships with offenders while also working towards the prevention and elimination of sexual abuse within KDOC facilities. In 2010, the Commonwealth of Kentucky demonstrated its effort to ensure zero tolerance of sexual abuse in confinement facilities by taking legislative action that made it a felony to commit such an act.

At the close of calendar year 2016, the KDOC had twelve (12) designated adult institutions. In calendar year 2015 the KDOC had went from having twelve (12) to thirteen (13) adult institutions when the Western Kentucky Correctional Complex (WKCC) transitioned from a female facility to a male facility and the minimum security unit at WKCC was opened as a separate adult institution named the Ross-Cash Center. In April 2016, the Ross-Cash Center was reverted back to being a minimum security unit under the administration of WKCC. The unit continues to house female offenders with the primary objective of maintaining the farm operations located around WKCC.

At the beginning of calendar year 2016, the KDOC held contracts with thirty-seven (37) community confinement facilities to house KDOC offenders. On June 20, 2016 the Men's Addition Recovery Campus (MARC) opened in Bowling Green, Kentucky and began accepting KDOC offenders on July 8, 2016. A community confinement facility that had previously ceased housing KDOC offenders in 2015, WestCare Kentucky Hal Rogers Appalachian Center (WestCare) in Ashcamp, Kentucky, again began housing KDOC offenders starting on July 6, 2016.

Transitions – Two Rivers in Covington, Kentucky ceased operations on July 14, 2016 and on October 10, 2016 the Genesis Recovery Kentucky Center (Genesis) in Grayson, Kentucky opened to house KDOC offenders. The opening of the three (3) substance abuse treatment oriented community confinement facilities and the closing of the northern Kentucky half-way house resulted in the KDOC having

contracts with a total of thirty-nine (39) community confinement facilities at year's end.

While working through the 2016 strategic plan, the KDOC was able to identify problem areas, or areas lacking compliance, and addressed each area. This identification process allowed the KDOC to bring the identified non-compliant areas into compliance. The below corrective actions are the result of substantiated and unsubstantiated reports of sexual abuse in KDOC adult institutions.

The Kentucky Correctional Institution for Women (KCIW) had a recommendation on two (2) substantiated cases of staff on inmate sexual abuse. The first was reported on April 4, 2016. After the conclusion of the investigation, the Incident Review Team recommended that the camera system in the minimum security unit be reviewed to determine if it is possible to ensure that the power function to the system can be secured. The second incident was reported on July 25, 2016 and in this case the Incident Review Team recommended that cameras be placed in the restricted housing unit recreation area as well as in the area of the unit's ice machine. KCIW also had a recommendation from an unsubstantiated case of staff on inmate sexual abuse that was reported on June 28, 2016. The Incident Review Team recommended that a review be conducted to see if additional cameras were need in the area that the incident was alleged to have occurred. A September 7, 2016 unsubstantiated case of inmate on inmate sexual abuse prompted the Incident Review Team to recommend that the library area be reviewed to see if additional cameras were needed in the library.

The Kentucky State Penitentiary (KSP) had a recommendation as a result of a substantiated case of staff on inmate sexual abuse. The incident that was initially reported on March 17, 2016 and in this case the Incident Review Team recommended directing staff to only utilize assigned inmates to work on the housing walks. An unsubstantiated case of staff on inmate sexual abuse, that was initially reported on June 13, 2016, prompted the Incident Review Team to recommend that staff be directed to not reach into tray slots when removing handcuff restraints off inmates. An unsubstantiated case of inmate on inmate

sexual abuse, that was reported on December 12, 2016, prompted the Incident Review Team to recommend that staff look at possible remedies to address a blind spot in the restroom in the gymnasium.

The Kentucky State Reformatory (KSR) had a recommendation as a result of a substantiated case of inmate on inmate sexual abuse. The incident was initially reported on April 17, 2016 and in this case the Incident Review Team noted that inadequate staff may have been a factor in this case. KSR also had recommendations on four (4) unsubstantiated cases of inmate on inmate sexual abuse. The first two (2) cases were reported on July 28, 2016. After the conclusion of each investigation, the Incident Review Team acknowledged on each that staffing shortages were possible factors in these cases and each recommended adding more cameras to monitor doorways in the area where the two (2) incidents allegedly occurred. The third incident was reported on August 22, 2016 and in this case the Incident Review Team noted several indicators that could have been factors in this case and recommended that deviations in the staff levels be monitored and documented. The team also recommended that the institution look at technological upgrades during the upcoming reorganization of the institution. The fourth incident was reported on September 21, 2016 and in this case the Incident Review Team also recommended that deviations in the staff levels be monitored and documented as well as looking at technological upgrades during the upcoming reorganization of the institution.

The Northpoint Training Center (NTC) had a recommendation from a substantiated case of staff on inmate sexual abuse. It was from an incident that was reported on October 25, 2016 and in the Incident Review Team's report the team noted that additional cameras had already been added at the location of the incident. On an unsubstantiated case of staff on inmate sexual abuse that was initially reported on December 10, 2016, the Incident Review Team recommended that staff be reminded to ensure, when conducting strip searches, that staff covers the window in the door of the room used for strip searches. The team noted that this would ensure staff of the opposite gender did not accidentally view these searches when walking by the area of the strip searches. NTC also had four (4) unsubstantiated cases of staff on inmate sexual abuse. The

first two (2) were initially reported on December 5, 2016 and on each case the Incident Review Team believed that LGBTI identification may have been a possible motivating factor in these cases and recommended that this issue be addressed with the committee established to ensure the health and safety of transgendered inmates. The third and fourth cases were initially reported on December 21, 2016. On one case the Incident Review Team noted that they also believed that LGBTI identification may have been a possible motivating factor in the case and on the other case the Incident Review Team again noted the believe LGBTI identification may have been a possible motivating factor and recommended installing a gate to a side room inside a chemical closet.

The Roederer Correctional Complex (RCC) had recommendations from two (2) substantiated cases of staff on inmate sexual abuse. The first was initially reported on July 8, 2016. After the conclusion of the investigation, the Incident Review Team recommended placement of a camera in the staff break are in one of the institution's units. The second incident was initially reported on July 21, 2016 and after that investigation concluded the Incident Review Team recommended the placement of cameras in the inmate canteen area.

It is important to note that all wardens, at each facility mentioned above, approved of all recommendations submitted by their Incident Review Teams with the exception of one. In that case, KSP Warden Randy White stated that the recommendation to direct staff to not reach into tray slots when removing handcuff restraints off inmates was "impractical & unreasonable".

Some examples of the progress that the KDOC has made in addressing sexual abuse is the continued PREA training for all staff, contractors, and volunteers as well as the specialized PREA investigator training that the department provides to staff across the state that had been selected to conduct PREA investigations. The specialized PREA investigator training includes prison staff, directors at community confinement facilities, and assistant supervisors with the KDOC's Division of Probation and Parole. The KDOC also assist the local jails in the Commonwealth by providing the specialized training to designated PREA investigators in those jails.

Another example of the progress that is being made towards addressing sexual abuse is the process of completing PREA risk assessments and adding PREA investigations into the KDOC electronic offender management system. The system had been allowing staff in the adult institutions to complete PREA risk assessments in the system and in 2016 it was mandated to all community confinement facilities that they utilize this same system to complete risk assessments on all offenders that enter and reside in their facilities. This mandate ensured that all institutions and facilities are compliant with the PREA standards that address the identification of high risk victims and high risk perpetrators. Also in 2016, the KDOC began the process to add the function of completing PREA investigations in the electronic offender management system. This will increase the ability to monitor these investigations and will ensure important information is shared and documented that will help KDOC administrators to respond, reduce, and prevent sexual abuse in each adult institution and community confinement facility.

In 2016, PREA audits were conducted at three (3) KDOC institutions. The facilities were: Eastern Kentucky Correctional Complex (EKCC); Kentucky State Reformatory (KSR); and Northpoint Training Center (NTP). Each institution was found to be in 100% compliance of the PREA standards and each facility was audited by out-of-state auditors that had received specialized PREA auditor training via the United States Department of Justice. Also, in 2016 thirteen (13) of the community confinement facilities that has contracts with the KDOC underwent PREA audits. Each facility was found to be in 100% compliance of the PREA standards. All other community confinement facilities that did not undergo a PREA audit were visited by KDOC staff in 2016 to ensure continued compliance with the PREA standards.

An overall comparison of the incident based data that was collected for all facilities in 2013, 2014, 2015, and 2016 is as follows:

**ADULT INSTITUTIONS  
TOTAL ALLEGATIONS OF  
SEXUAL ABUSE**

	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Substantiated	14	33	25	26
Unsubstantiated	39	102	96	96
Unfounded	35	109	92	92
<b>TOTAL</b>	<b>88</b>	<b>244</b>	<b>213</b>	<b>214</b>

**ADULT INSTITUTIONS  
TOTAL ALLEGATIONS OF  
SEXUAL HARRASSMENT**

	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Substantiated	6	8	20	20
Unsubstantiated	8	55	166	166
Unfounded	1	9	64	64
<b>TOTAL</b>	<b>15</b>	<b>72</b>	<b>250</b>	<b>250</b>

**COMMUNITY CONFINEMENT  
FACILITIES TOTAL  
ALLEGATIONS OF SEXUAL  
ABUSE**

	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Substantiated	11	4	9	9
Unsubstantial	17	9	8	28
Unfounded	1	7	7	4
<b>TOTAL</b>	<b>29</b>	<b>20</b>	<b>24</b>	<b>41</b>

**COMMUNITY CONFINEMENT  
FACILITIES TOTAL  
ALLEGATIONS OF SEXUAL  
HARRASMENT**


	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Substantiated	0	4	6	7
Unsubstantial	3	5	8	4
Unfounded	1	2	2	2
<b>TOTAL</b>	<b>4</b>	<b>11</b>	<b>16</b>	<b>13</b>

When comparing the 2016 numbers to those from 2013, 2014 and 2015, it is evident that the KDOC continues to make progress toward the KDOC's PREA compliance. This is also evident in the 2016 PREA audit results at three (3) KDOC institutions.

The above statistical data reflects that all PREA allegations are taken seriously and are investigated thoroughly. It also reflects the progress that has been made in the areas of staff and inmate education, incident reviews, and in the reporting protocols for PREA allegations at KDOC institutions and the community confinement facilities. The above data indicates that a possible leveling off has been achieved in the number of allegations of sexual abuse and sexual harassment in KDOC institutions. The data also indicates that there has been an increase in the number of sexual abuse allegations at the contract facilities with a slight trending down in the number of sexual harassment allegation made at these same facilities.

To view the 2016 aggregated data broken down by facility, click [here](#).

Approved by:

  
James L. Erwin

Acting Commissioner, Kentucky Department of Corrections