

Kentucky Department of Corrections

2020 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.



Andy Beshear

Governor

Justice Mary C. Noble, Ret.

Secretary

Justice & Public Safety Cabinet

Cookie Crews

Commissioner

Department of Corrections

KDOC 2020 PREA Annual Report

(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 toward 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 2020, the KDOC operated thirteen (13) designated adult institutions and contracted with one (1) privately-operated institution to house KDOC inmates. This facility, the Lee Adjustment Center, is operated by CoreCivic and began housing KDOC inmates in March 2018. The KDOC contract with CoreCivic mandates that the facility be compliant with all PREA standards and is subject to monitoring by the KDOC to ensure its compliance.

Also at the close of calendar year 2020, the KDOC held contracts with thirty-six (36) community confinement facilities to house KDOC offenders. These facilities include twenty-two (22) Re-entry Service Centers (halfway houses) and fourteen (14) Recovery Kentucky Centers. All community confinement facilities are compliant with PREA standards and undergo inspection visits from KDOC PREA staff to ensure their compliance.

At the conclusion of each sexual abuse investigation that was found to be either substantiated or unsubstantiated, a sexual abuse incident review was conducted at the facility in accordance with PREA standard 115.86. Through these reviews, facilities would identify problem areas or areas lacking compliance and address each area. This identification process allowed the KDOC to bring the identified problem areas or areas of non-compliance into compliance and to enhance the safety of its inmate population. The below corrective actions are the result of these reviews.

The Kentucky Correctional Institution for Women had recommendations from two (2) substantiated staff to offender sexual abuse from November 2020 and December 2020. These recommendations include placing a camera in a blind spot identified in a laundry area and placing a camera in a staff office in the Special Living Unit (SLU).

The Luther Lockett Correctional Complex had recommendations from six (6) unsubstantiated cases of offender to offender sexual abuse and one (1) substantiated case of offender to offender sexual

abuse from September 2020 and October 2020 to continue active recruitment and hiring of additional staff.

The Roederer Correctional Complex had recommendations from five (5) unsubstantiated cases of staff to offender sexual abuse from February, March, April & September 2020, one (1) unsubstantiated case of offender to offender sexual abuse from August 2020 and one (1) substantiated case of staff to offender sexual abuse from September 2020. These recommendations included adding body cameras for transport officers when funding allows, additional training with staff to not be in secluded areas with inmates, add signage to instruct staff and inmates to allow one person in freezer areas at a time, add cameras to refrigerator and staff office areas in the kitchen when funding allows, additional training with staff on ensuring two employees are present during medical appointments, and adding cameras facing out of wings when funding allows.

The Kentucky State Penitentiary had recommendations from one (1) unsubstantiated case of offender to offender sexual abuse from November 2020 to continue active recruitment and hiring of additional staff and one (1) substantiated case of staff to offender sexual abuse from December 2020 to add cameras to a laundry area and a search area.

The Western Kentucky Correctional Complex had a recommendation from one (1) unsubstantiated case of staff to offender sexual abuse from September 2020 to place a camera in the kitchen laundry room.

It is important to note that all recommendations were approved by the wardens or their designee at each aforementioned facility as submitted by their incident review teams with the exception of additional cameras at the Kentucky State Penitentiary which was not approved through the incident review recommendation process due to already being a part of their camera expansion plan.

There are several examples of the progress made by the KDOC during 2020 in addressing sexual abuse. First, the continued use and updating of specialized PREA training. In March of 2020 KDOC, in consultation with The Moss Group, a national criminal justice consulting firm, hosted the first PREA Compliance Manager training in Kentucky. This included staff participation from all adult facilities, the Division of Probation & Parole and the Department of Juvenile Justice. In July of 2020 The Moss Group also conducted a training for trainers class on updated PREA Investigator training curriculum. Also, in response to restrictions put into place due to COVID-19, the PREA Division converted PREA Risk Assessment training and the updated PREA Investigator training mentioned above into virtual

formats. This enabled much needed training to be presented safely, without in person, large group sessions.

The Moss Group assisted KDOC with standardizing processes for each area of PREA compliance to include data tracking, offender education, staff training and sexual abuse incident reviews.

Additionally, in order to standardize audit file documentation throughout all adult facilities, the PREA Division developed agency documentation files and a file compilation tool for use by PREA Compliance Managers across the state. This along with the implementation of an annual review schedule will ensure that documentation is monitored and maintained during non-audit years.

The PREA Division also continued to enhance its collaboration with the Kentucky Association of Sexual Assault Programs (KASAP) by collaborating with a PREA Work Group and Sexual Abuse Response Teams Advisory Committee throughout 2020. Due to cancellation of the 2020 Conference for Ending Sexual Assault & Domestic Violence, where required training for advocates is normally presented, the PREA Division collaborated with the Division of Corrections Training, Curriculum Branch to convert Certified Volunteer training into an online training module for local advocates. This ensured that training advocates continued to be available to provide services as necessary. Additionally, KASAP and the PREA Division worked together to develop guidelines that allow incarcerated survivors virtual one on one sessions with victim advocates beginning in 2021. This collaboration was in response to the suspension of in person visitation due to COVID-19 restrictions.

In 2020, PREA audits were conducted at one (1) KDOC institution, Green River Correctional Complex and at the Lee Adjustment Center, operated by CoreCivic. Both institutions were found to be in 100% compliance with the PREA standards. Each facility was audited by out-of-state auditors who had received specialized PREA auditor training via the United States Department of Justice (DOJ).

Currently, twelve (12) KDOC adult correctional facilities are PREA compliant as affirmed by DOJ-certified PREA auditors and are now in a cycle of re-compliance audits. The Southeast State Correctional Complex (SSCC) was opened in September of 2020 and is scheduled to go through its initial PREA Audit in late 2021.

Also in 2020, two (2) of the community confinement facilities that have contracts with the KDOC underwent PREA audits by DOJ-certified PREA auditors. Five (5) community confinement facilities that did not undergo a PREA audit were visited by KDOC staff to ensure continued compliance with the PREA standards. Visits to facilities were halted beginning in March 2020 due to the COVID-19 pandemic.

An overall comparison of incident-based data that was collected for all state-operated facilities in 2016, 2017, 2018, 2019 and 2020 is as follows:

ADULT INSTITUTIONS

TOTAL ALLEGATIONS OF SEXUAL ABUSE

	2016	2017	2018	2019	2020
Substantiated	30	40	24	20	15
Unsubstantiated	122	141	108	103	86
Unfounded	179	237	163	127	46
Total	331	418	295	250	147

ADULT INSTITUTIONS

TOTAL ALLEGATIONS OF SEXUAL HARASSMENT

	2016	2017	2018	2019	2020
Substantiated	16	27	17	10	7
Unsubstantiated	119	181	121	98	44
Unfounded	54	57	47	20	12
Total	189	265	185	128	63

COMMUNITY CONFINEMENT FACILITIES

TOTAL ALLEGATIONS OF SEXUAL ABUSE

	2016	2017	2018	2019	2020
Substantiated	9	25	19	4	5
Unsubstantiated	28	27	21	8	16
Unfounded	5	8	1	3	2
Total	42	60	41	15	23

COMMUNITY CONFINEMENT FACILITIES

TOTAL ALLEGATIONS OF SEXUAL HARASSMENT

	2016	2017	2018	2019	2020
Substantiated	7	8	5	5	4
Unsubstantiated	4	12	11	4	5
Unfounded	2	5	1	0	0
Total	13	25	17	9	9

Not included in this data are allegations stemming from the Lee Adjustment Center, as this data is reported separately from that of state-operated facilities to the United States Department of Justice. The Department plans to monitor incident-based data for this facility separately and will include additional comparison data in future reports. For calendar years 2018, 2019 and 2020, the Lee Adjustment Center had the following data:

**LEE ADJUSTMENT CENTER
TOTAL ALLEGATIONS OF SEXUAL ABUSE**

	2018	2019	2020
Substantiated	0	2	2
Unsubstantiated	7	5	1
Unfounded	6	6	4
Total	13	13	7

**LEE ADJUSTMENT CENTER
TOTAL ALLEGATIONS OF SEXUAL HARASSMENT**

	2018	2019	2020
Substantiated	0	0	0
Unsubstantiated	0	0	0
Unfounded	1	2	0
Total	1	2	0

The Department continues to evaluate this data and to ensure that accurate information is reported to the Department of Justice on a yearly basis. An external review of prior-year cases in 2019 indicated problems with reporting and investigation practices, resulting in inflated numbers of sexual abuse and sexual harassment cases. Specifically, the reporting of sexual abuse and sexual harassment was too inclusive, and often included allegations which should have only been classified as staff or inmate misconduct as opposed to PREA-related allegations. By and large, this error featured the reporting of non-repeated sexual harassment as PREA allegations, which were then unfounded based on the fact that the allegations did not meet the PREA standard definition of sexual harassment, which requires the actions, comments, or gestures reported be repeated. Following this review, corrected numbers for prior-year cases (2014-2017) were submitted to the Department of Justice by the agency that conducted the review. However, the numbers reported in the tables above for 2016-2017 include the

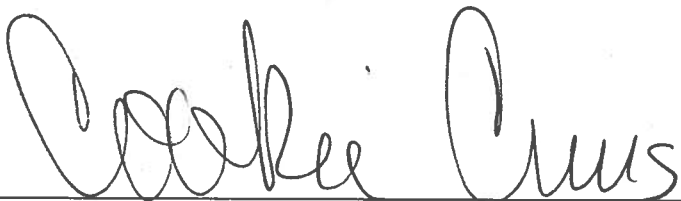
original, raw data from the relevant investigations and not the corrected data that resulted from this review.

As a result of this external review, the Department conducted its own review of all 2018 and 2019 PREA cases, which sought to ensure proper categorization of each case and appropriate data reporting to the Department of Justice. The Department anticipates that allegations of both sexual abuse and sexual harassment will decline as it focuses on the specificity of the standard definitions. The Department continues to investigate all allegations of staff and inmate misconduct, including allegations of non-repeated sexual harassment and other non-sexual allegations of misconduct, in accordance with Departmental policy regarding investigations.

Comparing the 2020 data to that of previous years, it was noted that the total allegations of both sexual abuse and sexual harassment declined across all facilities. This decline could be attributed to a number of factors: first, the continued and ongoing commitment of KDOC facilities to the prevention of sexual abuse and sexual harassment; second, the COVID-19 pandemic led to a decrease in intake and transfers of inmates into and out of facilities. In addition, due to social distancing and lockdowns as a result of the COVID-19 pandemic, inmate movement and mingling within institutions was significantly decreased, resulting in fewer interactions among inmates and among inmates and staff, leading to fewer opportunities for sexual abuse and sexual harassment to occur.

The KDOC continues to employ a zero-tolerance policy for all forms of sexual abuse and sexual harassment, and strives to maintain a culture of secure reporting for both staff and inmates. While not all investigations fall within PREA standard definitions of sexual abuse or sexual harassment, all complaints are taken seriously and investigated thoroughly. The Department continues to make every effort to reduce and eliminate instances of sexual abuse and sexual harassment within its facilities.

Approved by:

A handwritten signature in black ink that reads "Cookie Crews". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Cookie Crews

Commissioner, Kentucky Department of Corrections