

Kentucky Department of Corrections

2021 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.



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KDOC 2021 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 2021, 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 2021, the KDOC held contracts with thirty-five (35) community confinement facilities to house KDOC offenders. These facilities include twenty-one (21) 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 continued 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 areas into compliance and to enhance the safety of its inmate population. The below corrective actions are the result of these reviews.

The Blackburn Correctional Complex had recommendations from one (1) substantiated case of staff-to-inmate sexual abuse from March 2021. Recommendations included adding a camera to the janitor closet, implementing more staff rounds in areas without security staff assigned, and adding a staff entry checkpoint for the search of staff and property.

The Kentucky Correctional Institution for Women (KCIW) had recommendations from two (2) unsubstantiated cases of inmate-to-inmate sexual abuse from February and March 2021 and from two (2) substantiated cases of staff-to-inmate sexual abuse from October 2021. Recommendations

included adding cameras to make housing cubicles more visible, adding cameras to staff areas, additional specific training for KCIW staff, and continuous active recruitment and hiring of new staff.

The Kentucky State Penitentiary had recommendations from two (2) unsubstantiated cases of inmate-to-inmate sexual abuse from April and May 2021 and from two (2) unsubstantiated cases of staff-to-inmate sexual abuse from June and July 2021. Recommendations included active recruitment and hiring of additional staff and adding cameras to the shower house and toilet areas. These cameras would not provide live footage and would be utilized for investigative purposes only with limited access.

The Kentucky State Reformatory had recommendations from one (1) substantiated case of staff-to-inmate sexual abuse from September 2021 to add a lock to the inmate canteen freezer that requires two staff to access as well as to require two staff to accompany an inmate in the freezer.

The Luther Lockett Correctional Complex had recommendations from two (2) substantiated cases of inmate-to-inmate sexual abuse from August 2021 to continue active recruitment and hiring of additional staff.

The Roederer Correctional Complex had recommendations from one (1) unsubstantiated case of inmate-to-inmate sexual abuse from July 2021 to add cameras in the chemical and sanitation closets.

It is important to note that all wardens or their designee at each aforementioned facility approved of all recommendations submitted by their incident review teams.

There are several examples of the progress that the KDOC has made during 2021 in addressing sexual abuse. First, the continued use and updating of specialized PREA training. In July of 2020, the KDOC partnered with The Moss Group, a national criminal justice consulting firm, to update its PREA investigator training curriculum. In response to the continuing COVID-19 pandemic, the PREA Branch converted this updated training into a virtual format. This enabled the training to be presented safely, without in-person, large-group sessions. A total of seven (7) training courses were conducted throughout the year and included participants from local jail facilities, Adult Institutions, Probation and Parole, and community confinement facilities. In addition, other PREA-related training courses were made available for new PREA Compliance Managers as well as for staff charged with conducting PREA Risk Assessments.

The PREA Branch continued to utilize its agency documentation files and file compilation tool, which had been developed in 2020 for use by PREA Compliance Managers across the state. This, along

with implementation of an annual review schedule, will ensure that documentation is monitored and maintained during non-audit years.

The PREA Branch also continued 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 2021. Due to the ongoing COVID-19 pandemic, the PREA Branch continued to offer its Certified Volunteer training in an online module for local advocates. This ensured that trained advocates continued to be available to provide services as necessary. Additionally, KASAP and the PREA Branch continued to work together to allow incarcerated survivors virtual one-on-one sessions with victim advocates. This collaboration was in response to the suspension of in-person visitation due to COVID-19 restrictions.

In 2021, PREA audits were conducted at eight (8) KDOC institutions: Blackburn Correctional Complex, Eastern Kentucky Correctional Complex, Kentucky Correctional Institution for Women, Little Sandy Correctional Complex, Luther Luckett Correctional Complex, Northpoint Training Center, Roederer Correctional Complex, and Western Kentucky Correctional Complex. Each institution was found to be in 100% compliance of 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 all thirteen (13) KDOC adult correctional facilities as well as the privately-operated Lee Adjustment Center 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 was opened in September 2020 and underwent its initial PREA audit in January 2022.

Also in 2021, twenty-two (22) of the community confinement facilities that have contracts with the KDOC underwent PREA audits by DOJ-certified PREA auditors. In addition, the KDOC PREA Branch staff conducted reviews of twenty-two (22) of the community confinement facilities, including each of the thirteen (13) facilities that did not undergo a PREA audit, in order to ensure continued compliance with the PREA standards. Due to the continuing COVID-19 pandemic, the reviews by the KDOC PREA Branch – normally conducted in-person and onsite – were conducted in a virtual format in order to ensure the health and safety of KDOC staff, facility staff, and residents and included both a virtual tour of the facility as well as a review of documentation files verifying PREA compliance.

An overall comparison of incident-based data that was collected for all state-operated facilities in 2017, 2018, 2019, 2020, and 2021 is as follows:

ADULT INSTITUTIONS

TOTAL ALLEGATIONS OF SEXUAL ABUSE

	2017	2018	2019	2020	2021
Substantiated	40	24	20	15	11
Unsubstantiated	141	108	103	86	54
Unfounded	237	163	127	46	49
Total	418	295	250	147	114

ADULT INSTITUTIONS

TOTAL ALLEGATIONS OF SEXUAL HARASSMENT

	2017	2018	2019	2020	2021
Substantiated	27	17	10	7	6
Unsubstantiated	181	121	98	44	44
Unfounded	57	47	20	12	14
Total	265	185	128	63	64

COMMUNITY CONFINEMENT FACILITIES

TOTAL ALLEGATIONS OF SEXUAL ABUSE

	2017	2018	2019	2020	2021
Substantiated	25	19	4	5	2
Unsubstantiated	27	21	8	16	7
Unfounded	8	1	3	2	1
Total	60	41	15	23	10

COMMUNITY CONFINEMENT FACILITIES

TOTAL ALLEGATIONS OF SEXUAL HARASSMENT

	2017	2018	2019	2020	2021
Substantiated	8	5	5	4	2
Unsubstantiated	12	11	4	5	7
Unfounded	5	1	0	0	1
Total	25	17	9	9	10

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, 2020, and 2021 the Lee Adjustment Center had the following data:

LEE ADJUSTMENT CENTER

TOTAL ALLEGATIONS OF SEXUAL ABUSE

	2018	2019	2020	2021
Substantiated	0	2	2	0
Unsubstantiated	7	5	1	1
Unfounded	6	6	4	3
Total	13	13	7	4

LEE ADJUSTMENT CENTER

TOTAL ALLEGATIONS OF SEXUAL HARASSMENT

	2018	2019	2020	2021
Substantiated	0	0	0	0
Unsubstantiated	0	0	0	0
Unfounded	1	2	0	0
Total	1	2	0	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 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.

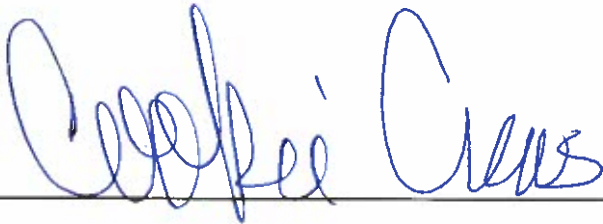
Comparing the 2020 data to that of previous years, it was noted that the total allegations of both sexual abuse and sexual harassment declined across all facilities. A review of the 2021 data shows that total allegations of sexual harassment remained consistent with 2020 data, while total allegations of sexual abuse continued to decline. The overall decline in total allegations for both 2020 and 2021 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 continued COVID-19 pandemic resulted in decreases in intake and transfers of inmates into and out of facilities. In addition, due to continued social distancing requirements, inmate movement and mingling was significantly decreased, resulting fewer interactions among inmates and among inmates and staff, leading to fewer opportunities for sexual abuse and sexual harassment to occur.

When analyzing the data of the past several years, it should be noted that consistent and sometimes declining numbers of allegations of sexual abuse and sexual harassment have come during a period when the KDOC's adult facilities face severe staffing shortages. Such shortages can sometimes

create significant opportunities for sexual abuse or sexual harassment to occur due to the lower level of supervision in areas where fewer staff are present. Given that the KDOC's data across all facilities has remained consistent and even decreased speaks to the high level of professionalism of the staff who are present and their continuous efforts to prevent, detect, and respond to sexual abuse and sexual harassment, even in times of staff shortage.

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:



Cookie Crews

Commissioner, Kentucky Department of Corrections