

Kentucky Department of Corrections

2022 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

Kerry Harvey

Secretary

Justice & Public Safety Cabinet

Cookie Crews

Commissioner

Department of Corrections

KDOC 2022 PREA Annual Report

(In accordance with 28 CFR § 115.88)

Introduction

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 2022, 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 2022, the KDOC held contracts with thirty-three (33) community confinement facilities to house KDOC offenders. These facilities include twenty (20) Re-entry Service Centers (halfway houses) and thirteen (13) Recovery Kentucky Centers. All community confinement facilities are required to be compliant with PREA standards and undergo inspection visits from KDOC PREA staff to ensure their compliance.

Sexual Abuse Incident Review Recommendations

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 one (1) unsubstantiated case of inmate-to-inmate sexual abuse, one (1) substantiated case of staff-to-inmate sexual abuse,

and one (1) unsubstantiated case of staff-to-inmate sexual abuse, all from February 2022.

Recommendations included adding cameras to identified blind spots and staff areas.

The Kentucky State Penitentiary had recommendations from three (3) substantiated cases of staff-to-inmate sexual abuse from February, September, and November 2022 and two (2) unsubstantiated cases of staff-to-inmate sexual abuse from March 2022. Recommendations included active recruitment and hiring of additional staff, adding cameras to the staff areas and a chemical closet and additional staff training.

The Kentucky State Reformatory had recommendations from one (1) unsubstantiated case of staff-to-inmate sexual abuse from January 2022 to add a camera to a hallway to show an officer's station.

The Luther Luckett Correctional Complex had recommendations from one (1) substantiated case of inmate-to-inmate sexual abuse from August 2022 and three (3) unsubstantiated cases of inmate-to-inmate sexual abuse from August and September 2022 to continue active recruitment and hiring of additional staff.

The Roederer Correctional Complex had recommendations from two (2) substantiated cases of staff-to-inmate sexual abuse from March and May 2022 and one (1) unsubstantiated case of staff-to-inmate sexual abuse from July 2022. Recommendations included adding cameras to storage rooms, limiting key access to storage rooms, additional staff training, and to continue active recruitment and hiring of additional staff.

The Western Kentucky Correctional Complex had recommendations from one (1) substantiated case of staff-to-inmate sexual abuse from June 2022, one (1) unsubstantiated case of staff-to-inmate sexual abuse from July 2022, and three (3) unsubstantiated inmate-to-inmate sexual abuse from July and August 2022. Recommendations include adding cameras to entry and exit points of bathrooms as well as adding cameras to bathrooms and shower areas. In order to protect inmate privacy, these cameras would be appropriately placed to restrict viewing inside shower and toilet stalls, and access would be limited to select staff for investigative purposes only.

It is important to note that all wardens or their designee at each facility approved of all recommendations submitted by their incident review teams. Facilities across the KDOC continue to face severe staffing shortages. Recruitment and retention of new staff remains a high priority for both departmental and facility leadership.

Continued Progress

There are several examples of the progress that the KDOC has made during 2022 in addressing sexual abuse. First is the continued use of updated specialized PREA training. In July 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 four (4) 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, the PREA Branch worked to develop a PREA investigator refresher course, designed to provide updated information to those staff already trained and designated as PREA investigators. Three (3) pilot classes were held during the second half of 2022 and feedback received from training participants will be used to develop a finalized curriculum, with the intent of providing this refresher training to KDOC investigators on a statewide basis in 2023. 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. Documentation reviews were conducted for six (6) facilities who did not have a PREA audit scheduled during the year.

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 Team Advisory Committee throughout 2022. For the first time since the onset of the COVID-19 pandemic, the PREA Branch was able to offer its Certified Volunteer training for local advocates in-person during KASAP's annual training conference. However, it also continued to offer this training in an online module in order to provide easier access to training for new advocates as well as for those who were not able to attend the conference. This process ensures that training is available on a continuous basis and that advocates can continue 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.

PREA Audits

In 2022, PREA audits were conducted at six (6) KDOC institutions: Bell County Forestry Camp, Green River Correctional Complex, Kentucky Correctional Institution for Women, Kentucky State Penitentiary, Kentucky State Reformatory, and Southeast State Correctional Complex. Each institution was found to be in full compliance with the PREA standards. Each facility was audited by an out-of-state auditor 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 2022, eight (8) 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-six (26) of the community confinement facilities that did not undergo a PREA audit, to ensure continued compliance with the PREA standards. One facility did not receive either a compliance visit or PREA audit during the 2022 calendar year due to the fact that their audit scheduled for December 2022 was rescheduled for January 2023. 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 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.

Data Review

An overall comparison of incident-based data that was collected for all state-operated facilities in 2018, 2019, 2020, 2021, and 2022 is as follows:

ADULT INSTITUTIONS TOTAL ALLEGATIONS OF SEXUAL ABUSE

	2018	2019	2020	2021	2022
Substantiated	24	20	15	11	20
Unsubstantiated	108	103	86	54	59
Unfounded	163	127	46	49	45
Total	295	250	147	114	124

ADULT INSTITUTIONS TOTAL ALLEGATIONS OF SEXUAL HARASSMENT

	2018	2019	2020	2021	2022
Substantiated	17	10	7	6	3
Unsubstantiated	121	98	44	44	43
Unfounded	47	20	12	14	8
Total	185	128	63	64	54

The Department continues to evaluate this data and to ensure that accurate information is reported to the Department of Justice annually. 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.

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. In 2020, the PREA Branch implemented a monthly tracking system for allegations of sexual abuse and sexual harassment. All investigations of sexual abuse and sexual harassment are reviewed by the PREA Branch to ensure that the allegations fall within the PREA standard definitions and that investigation outcomes are appropriate given the evidence collected. This monthly tracking allows data to be reviewed on an ongoing basis for accuracy. 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 inmate into and out of facilities. In addition, due to continued social distancing requirements, inmate movement and mingling 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.

A review of the 2022 data for adult institutions indicates that the occurrence rate of sexual abuse and sexual harassment allegations continues to remain steady overall, even as facilities have resumed normal operations, highlighting the efforts of KDOC staff to remain vigilant to signs of sexual abuse and sexual harassment and to take action when necessary to prevent, detect, and respond to such. 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 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. Facility leadership teams continue to monitor for blind spot areas and enhance video monitoring with additional camera surveillance whenever possible.

Not included in the above data are allegations stemming from those facilities with which the Department contracts for the confinement of offenders, including community confinement facilities and the privately-operated Lee Adjustment Center, as this data is reported separately from that of state-operated facilities to the United States Department of Justice. The Department continues to monitor incident-based data for these facilities separately. For calendar years 2018, 2019, 2020, 2021, and 2022 these facilities had the following data:

LEE ADJUSTMENT CENTER

TOTAL ALLEGATIONS OF SEXUAL ABUSE

	2018	2019	2020	2021	2022
Substantiated	0	2	2	0	2
Unsubstantiated	7	5	1	1	7
Unfounded	6	6	4	3	3
Total	13	13	7	4	12

LEE ADJUSTMENT CENTER

TOTAL ALLEGATIONS OF SEXUAL HARASSMENT

	2018	2019	2020	2021	2022
Substantiated	0	0	0	0	0
Unsubstantiated	0	0	0	0	2
Unfounded	1	2	0	0	1
Total	1	2	0	0	3

COMMUNITY CONFINEMENT FACILITIES

TOTAL ALLEGATIONS OF SEXUAL ABUSE

	2018	2019	2020	2021	2022
Substantiated	19	4	5	2	3
Unsubstantiated	21	8	16	7	17
Unfounded	1	3	2	1	2
Total	41	15	23	10	22

COMMUNITY CONFINEMENT FACILITIES

TOTAL ALLEGATIONS OF SEXUAL HARASSMENT

	2018	2019	2020	2021	2022
Substantiated	5	5	4	2	2
Unsubstantiated	11	4	5	7	8
Unfounded	1	0	0	1	0
Total	17	9	9	10	10

Analysis of data from these facilities indicates an uptick in the prevalence of sexual abuse allegations. However, a review of these allegations over the past five years indicates that the rate of such allegations has fluctuated. While these are not state-operated facilities, the Department continues to monitor allegations and investigations stemming from these facilities and offers resources, such as informational posters and staff training, as needed to assist in the prevention and detection of sexual abuse and sexual harassment.

Conclusion

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 blue ink that reads "Cookie Crews". The signature is written in a cursive style with large, rounded letters. It is positioned above a solid horizontal line.

Cookie Crews

Commissioner, Kentucky Department of Corrections