

Kentucky Department of Corrections

2015 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

Rodney Ballard

Commissioner

Department of Corrections

KDOC 2015 PREA Annual Report – June 6, 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 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 2015, the KDOC had 13 designated prisons. Prior to October 2015, the KDOC had 12 prisons. On October 20, 2015 the Western Kentucky Correctional Complex (WKCC) officially transitioned from a female facility to a male facility and on October 27, 2015, the minimum security unit at WKCC was officially opened as a separate prison named the Ross-Cash Center. The Ross-Cash Center continued to operate as a separate facility that housed female offenders with the objective of maintaining the farm operations around WKCC.

At the beginning of calendar year 2015, the KDOC had 36 contracted community confinement facilities under its direct control. On February 25, 2015, the KDOC began utilizing a new recovery Kentucky center, Hickory Hill, via contract therefore the number of contract facilities at that time rose to 37. Around the beginning of May 2015, the contract between the KDOC and the half-way house, WestCare, ended therefore the number of contract facilities at the beginning of 2015 remained the same at the end of 2015.

While working through the 2015 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-complaint areas into compliance. The below corrective actions are the result of substantiated and unsubstantiated reports of sexual abuse.

The Green River Correctional Complex (GRCC) had a recommendation from a substantiated case of staff on inmate sexual abuse that was initially reported on February 2, 2015. After the conclusion of the investigation, the Incident Review Team recommended a change of policy to eliminate allowing cooler doors to be shut whenever a staff member enters the cooler with an inmate.

The Kentucky State Penitentiary (KSP) had two recommendations as a result of two substantiated cases of staff on inmate sexual abuse. The first was from an incident that was initially reported on April 4, 2015 and in this case the Incident Review Team recommended adding another computer server to prevent the facilities video monitoring system from having delays in the recording of video footage. The second recommendation was from an incident that was initially reported on August 26, 2015 and in this case the Incident Review Team recommended that field training officers reiterate to new officers the policies in place to prevent manipulation of staff by inmates and to reiterate to the new officers the need to reference the training material each had received that addressed the methods inmates use to manipulate staff.

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 May 13, 2015 and the Incident Review Team recommended installing automatic lights in the medical area that cannot be manually turned off.

The Western Kentucky Correctional Complex (WKCC) had recommendations as a result of three staff on inmate sexual abuse cases. The first set of recommendations was from an incident that was initially reported on January 16, 2015. The Incident Review Team recommended that all male staff members should be instructed to have another staff member present when escorting a female inmate to a secluded area. The second recommendation from this review team was for the facility to consider installing a window in a door that was in the area where the incident occurred. The third recommendation was for the installation of additional cameras when the funds to purchase and install the cameras became available. The recommendations from the second Incident Review Team involved an incident that was initially reported on March 25, 2015

but involve the same victim from the incident first reported on January 16, 2015 and that had occurred in approximately the same time frame as the earlier reported incident. In this case, the Incident Review Team also recommended, as a way to address the issues noted in the review, that all male staff members should be instructed to have another staff member present when escorting a female inmate to a secluded area and the team noted on their review that this recommendation had already been completed per the earlier recommendation. This team also recommended, as the first team had, that additional cameras needed to be installed when funding was available to accomplish this recommendation. The third Incident Review Team recommendations were a result of an incident that was first reported on July 16, 2015. In this case the team recommended that additional cameras to be installed at the front area of Delta Dorm.

It is important to note that all wardens, at each facility mentioned above, approved of all recommendations submitted by their Incident Review Teams.

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 our local jails by providing the specialized training to designated PREA investigators in the local jails.

In 2015, PREA audits were conducted at six KDOC institutions. The facilities were: Blackburn Correctional Complex (BCC); Green River Correctional Complex (GRCC); Kentucky State Penitentiary (KSP); Little Sandy Correctional Complex (LSCC); Luther Lockett Correctional Complex (LLCC); and Roederer Correctional Complex (RCC). Each facility was found to be in 100% compliant 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.

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

ADULT INSTITUTIONS

**TOTAL ALLEGATIONS OF
SEXUAL ABUSE**

	2013	2014	2015
Substantiated	14	33	25
Unsubstantiated	39	102	96
Unfounded	35	109	92
TOTAL	88	244	214*

* One case remains open at the time of calculation and has been included in this number although the finding is still pending.

ADULT INSTITUTIONS

**TOTAL ALLEGATIONS OF
SEXUAL HARRASSMENT**

	2013	2014	2015
Substantiated	6	8	20
Unsubstantiated	8	55	166
Unfounded	1	9	64
TOTAL	15	72	250

COMMUNITY CONFINEMENT FACILITIES

**TOTAL ALLEGATIONS OF
SEXUAL ABUSE**

	2013	2014	2015
Substantiated	11	4	9
Unsubstantial	17	9	8
Unfounded	1	7	7
TOTAL	29	20	24

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

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

When comparing the 2015 numbers to those from 2013 and 2014, it is evident that there has been a significant amount of growth in the progress made toward the KDOC's PREA compliance which is evident in the 2015 PREA audit results at six 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 and in the reporting protocols for PREA allegations.

The above data indicates that the number of allegations of sexual abuse in KDOC facilities peaked in 2014 and decreased in 2015. It also indicates that the number of sexual harassment allegations in adult institutions for 2015 rose to approximately three times the number of allegations that were made in 2014. When looking at the adult institution sexual harassment allegation data, one must take into consideration the fact that inmates have been found to utilize PREA allegations as a means to retaliate against staff and fellow inmates for non-PREA related reasons. This is reflected in the fact that when these allegations are investigated a majority of the numbers that caused an increase in the number of alleged case are found to be allegations that are unsubstantiated or unfounded.

To view the 2015 aggregated data broken down by facility, click [here](#).

Approved by:

Rodney Ballard

Commissioner, Kentucky Department of Corrections