

Kentucky Department of Corrections

2018 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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Commissioner

Department of Corrections

KDOC 2018 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 2018, the KDOC operated thirteen (13) designated adult institutions. Twelve (12) of these facilities are state-operated institutions, while one (1) is a privately-operated institution which contracts with the KDOC 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 2018, the KDOC held contracts with thirty-four (34) community confinement facilities to house KDOC offenders. These facilities include twenty (20) 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.

While working through the 2018 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 Bell County Forestry Camp had a recommendation on one (1) unsubstantiated case of staff on inmate sexual abuse from January 2018. As a result of that incident, the incident review team noted several areas of the institution which were lacking available video surveillance. The incident review team recommended additional cameras for those areas as funding for them becomes available.

The Green River Correctional Complex had a recommendation on one (1) substantiated case of staff on inmate sexual abuse from June 2018. As a result of that incident, the incident review team

recommended that inmate workers be restricted from specific areas that do not have appropriate video monitoring.

The Kentucky Correctional Institution for Women had a recommendation from one (1) substantiated case of inmate on inmate sexual abuse from August 2018 to add an additional camera to the area where the incident occurred.

The Kentucky State Penitentiary had a recommendation from one (1) unsubstantiated case of staff on inmate sexual abuse from February 2018 regarding the use of privacy screens during strip searches and placement of restraints.

The Kentucky State Reformatory had recommendations from one (1) unsubstantiated case of inmate on inmate sexual abuse from January 2018, one (1) substantiated case of staff on inmate sexual abuse from January 2018, and one (1) substantiated case of inmate on inmate sexual abuse from October 2018. These recommendations included continued education for inmates on reporting procedures and the addition of cameras in designated areas.

The Luther Lockett Correctional Complex had a recommendation from one (1) substantiated case of staff on inmate sexual abuse from November 2018 to add additional cameras in kitchen areas.

The Little Sandy Correctional Complex had a recommendation from one (1) case of inmate on inmate sexual abuse from September 2018 to provide enhanced screening for certain inmate workers prior to hiring them.

It is important to note that all wardens or their designee at each facility aforementioned 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 who are 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 assists the local jails throughout the Commonwealth by providing this specialized training to designated PREA investigators in those jails.

In 2018, PREA audits were conducted at four (4) KDOC institutions: Eastern Kentucky Correctional Complex, Little Sandy Correctional Complex, Blackburn Correctional Complex, and Northpoint Training Center. 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. Also in 2018, fifteen (15) of the community confinement

facilities that have contracts with the KDOC underwent PREA audits. Each facility was found to be in 100% compliance with the PREA standards. All other community confinement facilities that did not undergo a PREA audit were visited by KDOC staff in 2018 to ensure continued compliance with the PREA standards.

Currently twelve all (12) KDOC adult correctional facilities are PREA compliant as affirmed via the audit process mentioned above and now in a cycle of re-compliance audits. The CoreCivic operated Lee Adjustment Center will undergo an initial PREA Compliance Audit tentatively scheduled for May of 2020 because of their becoming operational recently.

An overall comparison of the incident-based data that was collected for all state-operated facilities in 2014, 2015, 2016, 2017, and 2018 is as follows:

**ADULT INSTITUTIONS
TOTAL ALLEGATIONS OF
SEXUAL ABUSE**

	2014	2015	2016	2017	2018
Substantiated	33	26	30	40	24
Unsubstantiated	102	96	122	141	108
Unfounded	109	92	179	237	163
Total	244	214	331	418	295

**ADULT INSTITUTIONS
TOTAL ALLEGATIONS OF
SEXUAL HARASSMENT**

	2014	2015	2016	2017	2018
Substantiated	8	20	16	27	17
Unsubstantiated	55	165	119	181	121
Unfounded	9	64	54	57	47
Total	72	249	189	265	185

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

	2014	2015	2016	2017	2018
Substantiated	4	9	9	25	19
Unsubstantiated	9	8	28	27	21
Unfounded	7	7	5	8	1
Total	20	24	42	60	41

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

	2014	2015	2016	2017	2018
Substantiated	4	6	7	8	5
Unsubstantiated	5	9	4	12	11
Unfounded	2	2	2	5	1
Total	11	17	13	25	17

Not included in this data are allegations stemming from the CoreCivic-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 plans to monitor incident-based data for this facility separately and will include comparison data in future reports. For calendar year 2018, the Lee Adjustment Center had the following data:

LEE ADJUSTMENT CENTER

TOTAL ALLEGATIONS OF

SEXUAL ABUSE

	2018
Substantiated	0
Unsubstantiated	7
Unfounded	6
Total	13

LEE ADJUSTMENT CENTER

TOTAL ALLEGATIONS OF

SEXUAL HARASSMENT

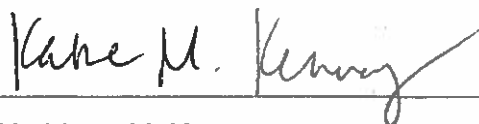
	2018
Substantiated	0
Unsubstantiated	0
Unfounded	1
Total	1

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 indicated problems with reporting and investigation practices, resulting in inflated numbers of 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 an additional review of all 2018 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. However, 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. The Department plans to conduct additional training for investigative and compliance staff to ensure appropriate reporting and investigation practices are followed.

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:



Kathleen M. Kenney

Commissioner, Kentucky Department of Corrections