

Kentucky Department of Corrections

2019 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 2019 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 2019, 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 2019, 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.

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 addressed 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 Blackburn Correctional Complex had a recommendation from one (1) substantiated case of staff to offender sexual abuse from January 2019 to add additional cameras in janitor closet areas and landscaping areas.

The Kentucky State Penitentiary had a recommendation from one (1) unsubstantiated case of staff to offender sexual abuse from July 2019 for increased security rounds in the kitchen area.

The Kentucky State Reformatory had recommendations from one (1) unsubstantiated case of offender to offender sexual abuse from February 2019, and two (2) substantiated cases of staff to offender sexual abuse from April and September 2019. These recommendations included reorganization of housing units for offenders with mobility issues, additional cameras added to office areas, and after-hours meetings with offenders to include two (2) or more staff members present.

The Lee Adjustment Center had recommendations from one (1) unsubstantiated case of offender to offender sexual abuse from August 2019, and one (1) case of substantiated staff to offender sexual abuse from October 2019. These recommendations included prohibiting window coverings on cell windows that would obstruct officer view, more direct security supervision in medical department, and no doors to be wedged that would obstruct camera view.

The Luther Lockett Correctional Complex has a recommendation from one (1) substantiated case of staff to offender sexual abuse from April 2019 to review the contract agreement for contract staff on training changes.

The Roederer Correctional Complex had recommendations from two (2) unsubstantiated cases of offender to offender sexual abuse from May 2019 and October 2019. These recommendations included adding additional cameras to canteen areas, and changing the direction of camera facing in a housing unit for better coverage of area.

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.

Some examples of the progress made by the KDOC during 2019 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 and other investigators at community confinement facilities, and assistant supervisors with the KDOC's Division of Probation and Parole. The KDOC also assists local jails throughout the Commonwealth by providing this specialized training to designated PREA investigators in those jails.

There was also a departmental need for the development of training relating to transgender issues and supervision of transgender offenders. This training focuses on the specialized needs of the transgender population and discusses appropriate communication with transgender offenders and staff. During 2019 this training was conducted at all pre-service trainings for institutional and Probation and Parole staff. Plans were also finalized during 2019 to add this training to in-service

trainings for the 2020 training year. With increased awareness and treatment options, the Department has seen a strong increase in the number of incarcerated offenders who identify as transgender and has worked diligently to provide appropriate and individualized treatment plans for those who require it.

In 2019, PREA audits were conducted at four (4) KDOC institutions: Bell County Forestry Camp, Kentucky State Penitentiary, Kentucky State Reformatory, and Roederer Correctional Complex. Each institution was 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 all 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 CoreCivic-operated Lee Adjustment Center is scheduled to undergo an initial PREA Compliance Audit during 2020.

Also in 2019, twelve (12) of the community confinement facilities that have contracts with the KDOC underwent PREA audits by DOJ-certified PREA auditors. All other community confinement facilities that did not undergo a PREA audit were visited by KDOC staff to ensure continued compliance with the PREA standards.

An overall comparison of incident-based data that was collected for all state-operated facilities in 2015, 2016, 2017, 2018, and 2019 is as follows:

**ADULT INSTITUTIONS
TOTAL ALLEGATIONS OF
SEXUAL ABUSE**

	2015	2016	2017	2018	2019
Substantiated	26	30	40	24	20
Unsubstantiated	96	122	141	108	103
Unfounded	92	179	237	163	127
Total	214	331	418	295	250

**ADULT INSTITUTIONS
TOTAL ALLEGATIONS OF
SEXUAL HARASSMENT**

	2015	2016	2017	2018	2019
Substantiated	20	16	27	17	10
Unsubstantiated	165	119	181	121	98
Unfounded	64	54	57	47	20
Total	249	189	265	185	128

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

	2015	2016	2017	2018	2019
Substantiated	9	9	25	19	4
Unsubstantiated	8	28	27	21	8
Unfounded	7	5	8	1	3
Total	24	42	60	41	15

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

	2015	2016	2017	2018	2019
Substantiated	6	7	8	5	5
Unsubstantiated	9	4	12	11	4
Unfounded	2	2	5	1	0
Total	17	13	25	17	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 and 2019, the Lee Adjustment Center had the following data:

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

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

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

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

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 2015-2017 include the original, raw data from the relevant investigations and not the corrected data that resulted from this review.

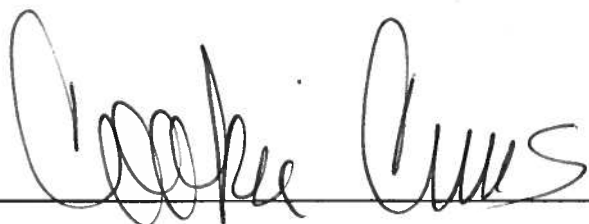
As a result of this external review, the Department conducted its own review of all 2018 and 2019 PREA cases, which sought to ensure proper categorization of each case and appropriate data

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.

During 2019 the Department, along with consultation from The Moss Group, did a complete overhaul of its data tracking and reporting processes, implementing new methods at the beginning of 2020. The Department plans to continue additional training for investigative and compliance staff to ensure appropriate reporting and investigation practices are maintained.

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, appearing to read "Cookie Crews", written over a horizontal line.

Cookie Crews

Commissioner, Kentucky Department of Corrections