

Kentucky Department of Corrections

2023 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

Keith Jackson

Secretary

Justice & Public Safety Cabinet

Cookie Crews

Commissioner

Department of Corrections

KDOC 2023 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 2023, 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 2023, 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 would address each. 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) unsubstantiated case of inmate-to-inmate sexual abuse from March 2023 to add additional cameras.

The Kentucky Correctional Institution for Women had recommendations from one (1) substantiated case of staff-to-inmate sexual abuse from May 2023 and one (1) unsubstantiated case of inmate-to-inmate sexual abuse from July 2023. Recommendations included additional cameras, adjusting staff positions, and adjusting phone access.

The Kentucky State Penitentiary had a recommendation from one (1) substantiated case of staff-to-inmate sexual abuse from October 2023 to add additional cameras.

The Luther Lockett Correctional Complex had recommendations from two (2) unsubstantiated cases of inmate-to-inmate sexual abuse from April 2023, two (2) unsubstantiated cases of inmate-to-inmate sexual abuse from June 2023, and three (3) unsubstantiated cases of inmate-to-inmate sexual abuse from July, September, and December 2023. Recommendations include to continue active recruitment and hiring of additional staff, along with adding additional cameras and adjusting current camera angles.

The Western Kentucky Correctional Complex had a recommendation from one (1) unsubstantiated case of staff-to-inmate sexual abuse from September 2023 to change the procedure for body scanning inmates.

It is important to note that all wardens or their designee at each facility approved of all recommendations submitted by their incident review teams. Recruitment and retention of new staff remains a high priority for both departmental and facility leadership. As a result, most facilities across the KDOC have seen improvements in staffing numbers.

Continued Progress

There are several examples of the progress that the KDOC made during 2023 in addressing sexual abuse. First is the continued use of specialized training for PREA investigators created in 2020 during a partnership between the KDOC and the Moss Group, a national criminal justice consulting firm. This training is available in both a virtual and an in-person format. In 2023, a total of four (4) training courses were conducted 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 was used to develop a finalized curriculum, with the intent of providing this refresher training to KDOC investigators on a statewide basis in 2024. A training-for-trainers course was held in November 2023 to provide each institution

with specially trained staff who will provide instruction to current PREA investigators at their facilities. All current investigators who received initial training prior to 2022 will be expected to receive this refresher training by June 2024. 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, continues to ensure that documentation is monitored and maintained during non-audit years. Documentation reviews were conducted for nine (9) KDOC 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 2023. In November 2023, 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 to meet with victim advocates when needed. As of the close of calendar year 2023, victim advocates were able to meet with incarcerated survivors either in-person or virtually based on availability and needs.

PREA Audits

In 2023, PREA audits were conducted at four (4) KDOC institutions: Luther Lockett Correctional Complex, Western Kentucky Correctional Complex, Northpoint Training Center, and Blackburn Correctional Complex. Additionally, a PREA audit was conducted at the Lee Adjustment Center, coordinated by the facility's parent agency, CoreCivic. 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.

All community confinement facilities contracted by the KDOC are required to receive either an audit by a DOJ-certified PREA auditor or a compliance review by the PREA Branch during each year of the audit cycle, which runs from August 20 through August 19 in accordance with the federal PREA Management Office. During the audit year running August 20, 2022 through August 19, 2023, fifteen (15) facilities underwent a DOJ PREA audit and nineteen (19) facilities received compliance reviews by KDOC PREA Branch staff. For the current audit year through December 31, 2023, one (1) facility has undergone a PREA audit by a DOJ-certified PREA auditor and nine (9) facilities have received a compliance review by the KDOC PREA Branch. The remaining twenty-three (23) facilities are scheduled for review during the second half of the audit year in 2024. The reviews by the KDOC PREA Branch were conducted either onsite or in a virtual format depending on the proximity of the next projected DOJ PREA audit for each facility. This hybrid schedule was implemented in the second half of 2023 and continues to ensure the health and safety of KDOC staff, facility staff, and residents while also adjusting back into the traditional practice of visiting onsite for review of compliance, as was the practice prior to the onset of the COVID-19 pandemic.

Data Review

An overall comparison of incident-based data that was collected for all state-operated facilities from 2019 through 2023 is as follows:

ADULT INSTITUTIONS TOTAL ALLEGATIONS OF SEXUAL ABUSE

	2019	2020	2021	2022	2023
Substantiated	20	15	11	20	15
Unsubstantiated	103	86	54	59	68
Unfounded	127	46	49	45	38
Total	250	147	114	124	121

**ADULT INSTITUTIONS
TOTAL ALLEGATIONS OF SEXUAL HARASSMENT**

	2019	2020	2021	2022	2023
Substantiated	10	7	6	3	8
Unsubstantiated	98	44	44	43	34
Unfounded	20	12	14	8	6
Total	128	63	64	54	48

The Department continues to evaluate this data and to ensure that accurate information is reported to the Department of Justice annually. The PREA Branch continues to utilize 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 definitions outlined in C.F.R. 115.6 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.

Compared to 2019, total allegations of both sexual abuse and sexual harassment have declined across all facilities. In 2020 and 2021, the COVID-19 pandemic resulted in decreases in intake and transfers of inmates into and out of facilities. In addition, due to 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. Facilities began to resume normal operations in 2022. Even so, the total number of allegations of sexual abuse and sexual harassment remain low when compared with pre-pandemic data. This highlights the continued and ongoing commitment of KDOC facilities to the prevention of sexual abuse and sexual harassment.

The declining number of allegations of sexual abuse and sexual harassment indicates that prevention efforts continue to be successful. That the total number of allegations across all facilities has declined from 2019 to now 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. Facility leadership teams continue to focus on recruitment of new staff as well as 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 2019 through 2023, these facilities had the following data:

LEE ADJUSTMENT CENTER

TOTAL ALLEGATIONS OF SEXUAL ABUSE

	2019	2020	2021	2022	2023
Substantiated	2	2	0	2	3
Unsubstantiated	5	1	1	7	5
Unfounded	6	4	3	3	3
Total	13	7	4	12	11

LEE ADJUSTMENT CENTER

TOTAL ALLEGATIONS OF SEXUAL HARASSMENT

	2019	2020	2021	2022	2023
Substantiated	0	0	0	0	1
Unsubstantiated	0	0	0	2	3
Unfounded	2	0	0	1	0
Total	2	0	0	3	4

COMMUNITY CONFINEMENT FACILITIES

TOTAL ALLEGATIONS OF SEXUAL ABUSE

	2019	2020	2021	2022	2023
Substantiated	4	5	2	3	1
Unsubstantiated	8	16	7	17	12
Unfounded	3	2	1	2	2
Total	15	23	10	22	15

COMMUNITY CONFINEMENT FACILITIES

TOTAL ALLEGATIONS OF SEXUAL HARASSMENT

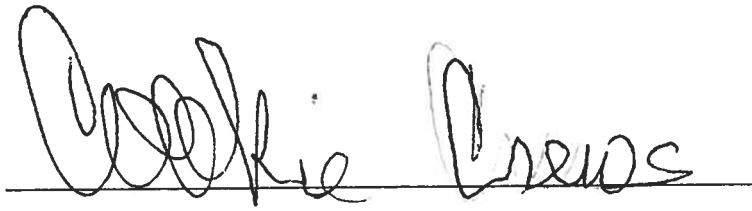
	2019	2020	2021	2022	2023
Substantiated	5	4	2	2	1
Unsubstantiated	4	5	7	8	8
Unfounded	0	0	1	0	0
Total	9	9	10	10	9

Analysis of data from these facilities indicates an increase in the prevalence of sexual abuse allegations from 2021 to 2022, perhaps due to facilities resuming normal operations following the COVID-19 pandemic. An overall 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 black ink, reading "Cookie Crews", written over a horizontal line. The signature is cursive and somewhat stylized.

Cookie Crews

Commissioner, Kentucky Department of Corrections