

PREA AUDIT: AUDITOR'S SUMMARY REPORT

ADULT PRISONS & JAILS



Interim Final

ADULT PRISONS & JAILS

Date of report: **March 28, 2016**

Auditor Information			
Auditor name: Levi E. Bennett			
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Telephone number: 402-479-6340			
Date of facility visit: March 1-3, 2016			
Facility Information			
Facility name: Eastern Kentucky Correctional Complex			
Facility physical address: 200 Road to Justice, West Liberty, KY 41472			
Facility mailing address: (if different from above) N/A			
Facility telephone number: (606) 743-2800			
The facility is:	<input type="checkbox"/> Federal	<input checked="" type="checkbox"/> State	<input type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
Facility type:	<input checked="" type="checkbox"/> Prison	<input type="checkbox"/> Jail	
Name of facility's Chief Executive Officer: Warden Kathy Litteral			
Number of staff assigned to the facility in the last 12 months: 543			
Designed facility capacity: 1722			
Current population of facility: 1701			
Facility security levels/inmate custody levels: Minimum, Medium, Close, and Maximum			
Age range of the population: 20-74			
Name of PREA Compliance Manager: Donald Lewis		Title: Lieutenant, Fulltime PREA Compliance Manager	
Email address: DonaldR.Lewis@ky.gov		Telephone number: (606) 743-2800 – ext. 415	
Agency Information			
Name of agency: Kentucky Department of Corrections			
Governing authority or parent agency: (if applicable) Justice and Public Safety Cabinet			
Physical address: 275 East Main Street – Health Services Building, Frankfort, KY 40602			
Mailing address: (if different from above) PO Box 2400, Frankfort, KY 40602			
Telephone number: 502-564-2200			
Agency Chief Executive Officer			
Name: LaDonna Thompson		Title: Commissioner	
Email address: ladonna.thompson@ky.gov		Telephone number: 502-564-4726	
Agency-Wide PREA Coordinator			
Name: Charles A. Wilkerson		Title: PREA Coordinator	
Email address: charlesa.wilkerson@ky.gov		Telephone number: 502-382-7245	

AUDIT FINDINGS

NARRATIVE:

A PREA Audit was conducted at the Eastern Kentucky Correctional Complex (EKCC) March 1-3, 2016. The audit team consisted of three employees from the Nebraska Department of Correctional Services (NDCS), Aaron Rule (NDCS Acting PREA Coordinator), Richard Brittenham (Nebraska State Penitentiary PREA Compliance Manager) and Levi E. Bennett (Diagnostic and Evaluation Center Assistant Warden, Certified PREA Audit). Levi E. Bennett served as the chairperson for the audit team. This audit was conducted as part of the Midwest PREA Audit Consortium.

On Tuesday, February 9, 2016, the audit team received the electronic documentation from EKCC, including the Pre-Audit Questionnaire and proof of standards compliance documentation. This information was well organized and easy to access. EKCC's Assistant PREA Compliance Manager Sarah Potter provided immediate assistance to questions and requests during the pre-audit review.

Prior to the physical on-site audit of the EKCC facility, telephone and email communication were used between the chairperson and the Charles Wilkerson (KY-PREA Coordinator), Donald Lewis (EKCC- PREA Compliance Manager), and Sarah Potter (Assistant PREA Compliance Manager) to receive information while reviewing Agency and Facility policy and procedures.

On March 1, 2016, the audit team arrived at EKCC and met with Warden Kathy Litteral, Deputy Warden of Security Keith Helton, Deputy Warden of Programs John Holloway, Deputy Warden of Operations Michael Sparks, KY PREA Coordinator Charles Wilkerson, PREA Compliance Manager Donald Lewis, and Assistant PREA Compliance Manager Sarah Potter. The group toured the entire facility to include four housing units with each containing eight individual dorms, the kitchen, canteen, medical department, correctional industries (furniture refinishing/customized wood building and coupon sorting), receiving and discharge area, laundry, maintenance, school, library, gym, chapel, the security control center and the "outside" minimum security dorm. Following the tour, the audit team reviewed the staff rosters for each shift and selected individuals to participate in the specialized and random staff interviews. Inmate alpha rosters by unit were also provided and the audit team selected random inmates with at least two being selected from each unit as well as all categories of inmates as required.

Staff interviews began the afternoon of March 1, 2016, and included staff from first shift (8AM-4PM) and second shift (4PM – 12AM), medical and mental health, intake staff, investigators, incident review team, retaliation monitoring staff, and supervisory staff. The audit team came in early on March 2, 2016, to interview the staff assigned to the overnight shift (12AM to 8AM). Interviews continued throughout day two, including the Warden, PREA Coordinator, PREA Compliance Manager, and human resource manager, mental health, program, and intake staff. EKCC provide the audit team with three (3) private locations to conduct interviews with both staff and inmates.

Inmate interviews began the morning of March 2, 2016. A total of 37 inmates participated in the random sampling interviews. Random interviews of staff continued with a total of 23 staff being interviewed over the three days. Beginning the morning of March 3, 2016, the audit team began revisiting some areas of the institution and reviewed additional documentation prior to the close-out.

The audit team was impressed with responses of the correctional officers and other staff interviewed. The impression given was one of a clear understanding of the training they had received regarding PREA and the importance of their interactions with the inmate population. The team believes the responses received from staff during interviews is in direct correlation to EKCC having a Lieutenant position identified as a fulltime PREA Compliance Manager and an Assistant PREA Compliance Manager with ACA accreditation experience. Every staff member interviewed knew who the facility PREA Compliance Manager was and could identify several of the facility PREA investigators.

Telephone interviews were conducted with the Kentucky Association of Sexual Assault Programming (KASAP) the KDOC contract administrator and eight (8) volunteers prior to the on-site audit.

The close-out meeting included the EKCC administrative staff from day one (introductions) and approximately 30 other employees from various disciplines. The facility was well prepared for the audit all employees encountered were courteous and helpful throughout the entire process. The audit team captured an assessment of EKCC's compliance with PREA standards. The audit team explained their overall impression of the facility, the total standards audited being 43 and findings which were 39 standards met, 2 standards found to be non-applicable (115.14 and 115.66), and 2 standards exceeded (115.17 and 115.18). The audit team also took the opportunity to acknowledge specific staff that demonstrated exemplary knowledge of PREA and displayed genuine concern for those entrusted in their care.

DESCRIPTION OF FACILITY CHARACTERISTICS:

The Eastern Kentucky Correctional Complex (EKCC) was constructed in two (2) phases and houses minimum, medium, close and maximum custody inmates. The contract for construction was awarded in August of 1985 and Phase II construction was completed in December of 1991.

The facility originally contained a forty-eight (48) bed restricted housing unit, four (4) housing units containing eight (8) separate dorms, and a Minimum Security Unit outside the main perimeter fence. In July 1997, Dormitory #5 was converted to a restricted housing unit with one hundred twenty-eight (128) beds.

The Administrative Building has two levels. The upper level contains Administrative offices, Program/Operations offices, Inmate visiting, and Academic and Chapel areas. The lower level contains two (2) gyms, four (4) dining rooms and kitchen, Vocational School wing, Medical Department, Receiving and Discharge, Inmate Canteen, Captain's Office, Sally-port, Institutional Laundry, Maintenance, and Kentucky Correctional Industries. The Institutional Warehouse, Power Plant and Armory are located outside the main perimeter adjacent to the Minimum Security Unit.

EKCC houses two Kentucky Correctional Industry divisions: Furniture Refinishing/Customized Wood Building and Coupon Sorting. These divisions employ a total of 86 inmates (as of 6/2/15) who are paid hourly wages with the potential for pay increases. The structured work environment allows inmates to experience the competitive atmosphere very similar to working for a business in the private sector.

Medical services are located on-site with Correct Care Solutions Staff providing contracted health services. Two hundred sixty-one (261) cameras are located throughout the facility. Technical programs include HVAC, carpentry, and masonry. Additional programming includes Inside Out Dads, Moral Reconciliation Therapy, New Direction, Pathfinders and Anger Management.

SUMMARY OF AUDIT FINDINGS:

All staff interviewed had a clear understanding of the reporting requirements and the immediate action needed to ensure inmate safety.

It was apparent that supervisory staff have made PREA a priority and have passed this information on to those they supervise. Staff assigned to complete PREA investigations have a clear understanding of their responsibilities and in most cases investigations are initiated the same day the allegation is/was reported. The audit team reviewed approximately 15% of the investigations and found them to be clear and complete. Investigative staff conducting investigations are doing a good job of utilizing their resources and completing fair and thorough investigations.

Inmates were respectful and familiar with PREA. All the inmates interviewed knew about the reporting hotline and how to access it. Overall the inmates felt safe and protected due to EKCC's efforts in implementing the PREA standards.

Policies governing PREA standards for EKCC are covered under Kentucky Corrections Policies and Procedures, 14.7, Sexual Abuse Prevention and Intervention Programs and 3.22, Staff Sexual Offenses. These policies capture all the requirements mandated by PREA and are accessible to all facility staff, inmates, and the public (KDOC Website).

During the tour of the facility the audit team did notice one of the units did not have the "Notice of upcoming PREA Audit" posters indicating where to mail concerns or when the audit was to occur. All other units did have the posters in view for all inmates. After interviews were conducted it was apparent that the posters had been up and had been either removed by staff or inmates. Each inmate housed on the unit was given a memorandum with the auditors' contact information and asked if they wanted to speak with an auditor. No inmates requested to speak with auditors and inmates interviewed on this unit did inform auditors they received the memorandum with the audit team's contact information. Also noticed during the tour was the outstanding sanitation of EKCC, demonstrating staff and inmates taking pride in their institution.

The audit team was extremely impressed by the responses at all levels regarding the knowledge and importance of their actions with regard to PREA. It was clear PREA is a priority and staff are dedicated to the safety of inmates, staff, visitors and the public.

The Audit Team commends Warden Kathy Litteral, Lt. Donald Lewis, Sarah Potter, and the entire EKCC staff on their knowledge and work ethic of meeting or exceeding all required PREA standards. The team effort at EKCC is truly an example of excellence in corrections.

Number of standards exceeded: 2

Number of standards met: 39

Number of standards not met: 0

Number of standards not applicable: 2

Standard 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Kentucky Department of Corrections (KDOC) has clear policy (CPP 14.7) outlining their zero tolerance standard, outlines the agency's approach to preventing, detecting, and responding to any and all forms of sexual abuse or sexual harassment. CPP 14.7 provides definitions for terms regarding sexual assault and sexual abuse. The Agency has establishment of an agency-wide PREA Coordinator (Charles A. Wilkerson) and PREA Compliance Managers for each facility it operates. PREA Compliance Manager Donald Lewis is assigned to EKCC. Both individuals holding these positions are knowledgeable in the PREA standards and proved to have sufficient time and authority to coordinate EKCC's efforts to comply with the PREA standards. Lt. Lewis's primary duty is as the EKCC PREA Compliance Manager and is assisted by an Assistant PREA Compliance Manager (Sarah Potter).

Standard 115.12 Contracting with other entities for the confinement of inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The agency contract administrator conducts PREA compliance reviews to each contracted facility at least once per year. During the PREA compliance reviews, the agency contract administrator reviews required documentation and uses the KDOC PREA Contract Monitoring Tool (Community Confinement Facility PREA Compliance Inspection 2015/16).

Standard 115.13 Supervision and monitoring

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The EKCC complies with a staffing plan that ensures safety and security, are maintained. EKCC uses generally accepted correctional practices in identifying and designating mandatory posts. Mandatory

posts are listed on the shift rosters and are reviewed daily to ensure no deviations from the staffing of the facility. Posts which are established as mandatory are evaluated each year, sometimes sooner if necessary. EKCC does not deviate from minimum staffing. Overtime will always occur if a mandatory posts needs staffed. There have been no findings of inadequacy from federal investigative agencies, nor from any internal or external oversight bodies. EKCC is an ACA accredited facility. EKCC has installed several cameras and lighting updates. EKCC considers the facility's physical plant and is considering adding cameras to increase inmate and staff safety. The number of supervisors, Captains and Lieutenants as well as the locations of the unit staff officers are also considered into the staffing plan. EKCC uses an incident review team to provide information as to the prevalence of substantiated and unsubstantiated incidents of sexual abuse along with recommendations to assignments in living and work areas. Shift rosters are reviewed daily by the EKCC Warden and/or one of the three Deputy Wardens. Supervisors conduct unannounced rounds on all shifts throughout the facility and a review of post logbooks and interviews with staff indicated compliance. Staff have received instructions and have signed off on policy and procedures acknowledging it is against policy to alert other staff of intermediate or mid-level employees conducting unannounced rounds.

Standard 115.14 Youthful inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)
- Not Applicable

EKCC does not house youthful inmates. KDOC Policy 18.3, Confinement of Youthful Offenders, indicates all male youthful inmates are to be housed at the Kentucky State Reformatory. All inmates housed at EKCC during this audit were 20 years of age or older.

Standard 115.15 Limits to cross-gender viewing and searches

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EKCC employees do not conduct cross gender strip or body cavity searches. EKCC is an all-male facility and does not house female inmates. All female staff at EKCC announce their presence on the housing units except during emergency responses. Not only is an announcement made, there is also a sign and blue light turned on in every housing unit dorm indicating when female staff are on duty. This allows additional female staff to know whether or not to make an announcement and also informs the inmates returning to the housing unit of female staff presence. It was evident from the initial tour and also from staff and inmate interviews these announcements and use of the signs are routinely made.

Such announcements are logged in the post logbooks on the housing units. All staff interviewed were aware of the policy prohibiting staff from searching and physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. All staff interviewed was aware the department had a policy regarding cross-gender pat searches and searches of transgender and intersex inmates. Staff did not recall all the training; however, were able to express they should remain professional and respectful during the searches.

Standard 115.16 Inmates with disabilities and inmates who are limited English proficient

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EKCC has policy in place to ensure inmates with disabilities have equal access to PREA information. All staff interviewed from the Deputy Warden to Officers claim there are no current inmates assigned to EKCC who have disabilities or are limited English that result in the necessity of an interpreter. Staff interviewed were aware of KDOC has a policy prohibiting the use of inmate interpreters, inmate readers or other types of inmate assistants. PREA information is available in large print in English and Spanish as well as in braille and video with audio. The Audit team did not come in contact with any inmates who demonstrated difficulty in communicating with the audit team or EKCC staff.

Standard 115.17 Hiring and promotion decisions

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

KDOC has clear policy (CCP 3.6 Background Investigations of Employees and Applicants for Promotion and Employment) outlining the agency's hiring and promotion practices. Thorough background checks are conducted on all potential applicants, as well as contractors who may have contact with inmates. EKCC exceeds this standard as they conduct annual NCIC and Operator (Driver) License checks annually, auditors were provided the opportunity to review annual checks to include a log verifying who conducts these checks. The agency provides two opportunities for applicants/employees to describe any misconduct as described in 115.17 (a); first at the time of application for promotion or hiring and then at the time of the interview through means written self-evaluations. Internally all information is shared and externally information will be shared once the contacting agency's identification is verified.

Standard 115.18 Upgrades to facilities and technologies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The KDOC exceeds this standard as the agency has policy (CCP 7.1 Construction, Renovation & Expansion Guidelines) requiring the agency/facility to consider the effect of design, modifications, or expansion on the agency's ability to protect inmates from sexual abuse. This standard does not require an agency to have policy. The EKCC has not acquired or substantially modified any existing facilities/buildings since August 20, 2012. EKCC is continuously assessing areas that have a need for enhancement in order to reduce blind areas that have limited supervision in order to reduce the opportunities for occurrences of inmate sexual abuse and increase staff and inmate safety.

Standard 115.21 Evidence protocol and forensic medical examinations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EKCC has a policy and procedures outlining evidence protocols and requirements for forensic exams by medical professionals. EKCC does not have any on-site SANE or SAFE staff. These examinations are provided by SANE and SAFE nurses at an outside medical facility in Ashland, KY. During this audit, there were no inmates who had reported sexual abuse resulting in a forensic medical exam. The Kentucky Association of Sexual Assault Programs (KASAP) Center is established to provide support and follow-up as needed to victims of sexual abuse and procedures are outlined in an MOU. Pathways, Inc., Morehead, KY is identified as the regional Rape Crisis Center for EKCC. KDOC/EKCC refers all allegations of sexual abuse at a/the institution to the Kentucky State Police (KSP) for investigation (CPP 14.7). EKCC has requested KSP follow protocol as defined by the standards. Information regarding victim services are posted on the housing units and provided to inmates during orientation.

Standard 115.22 Policies to ensure referrals of allegations for investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

KDOC policy (CPP 14.7) dictates all allegations of sexual abuse and sexual harassment shall be promptly, thoroughly and objectively investigated. EKCC has thirteen (13) trained PREA investigators on-site who conduct administrative investigations. Allegations of sexual abuse which involve potential criminal behavior are referred to the Kentucky State Police (KSP) for investigation. Information regarding their policy can be found on their website (<http://corrections.ky.gov/communityinfo/Pages/PREA.aspx>).

Standard 115.31 Employee training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EKCC trains 100% of their staff in all PREA required elements. A review of the KDOC Division of Training Lesson Plan and Power Point presentation along with a review of training transcripts for EKCC staff demonstrate training is provided for pre-service and in-service. Review of KDOC Division of Corrections Training Lesson Plan and Power Point presentation along with review of training transcripts for EKCC staff demonstrates EKCC employees have received an initial 3 hour course of training in all required elements regarding PREA. Annually each KDOC/EKCC employee receives .5 hours of computer based training regarding PREA and 1.5 hours of face-to-face training regarding PREA for a total of 2 training hours each year. A random review of training records demonstrated employees have attended PREA training. Interviews with staff demonstrated all were aware and understood the zero tolerance policy. Training is tailored to the gender of the inmates and additional training is provided if an employee is reassigned to a female facility. 100% of EKCC staff received PREA training within the last year either through Pre-Service or In-Service. Pre-service staff sign an acknowledgement indicating they have received training on PREA and understand the zero-tolerance policy. In addition to annual formal training, informal education/information is received by EKCC employees on each shift from Lt. Lewis and through "The Guardian" (Institutional Monthly Newsletter).

Standard 115.32 Volunteer and contractor training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

All volunteers and contractors entering EKCC receive appropriate training. Interviews with EKCC eight different volunteers demonstrated their awareness of the zero tolerance policy and how to report incidents of sexual abuse and sexual harassment. Volunteers and contractors who have contact with inmates have received training on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures. Review of the contractor and volunteer training records demonstrates documentation of such training is maintained and each

have to sign a PREA Training Acknowledgement form. Note: the auditors were extremely impressed with the state of the training records and acknowledgement forms for contractors and volunteers.

Standard 115.33 Inmate education

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EKCC has a process in place to provide all incoming inmates with information explaining the zero-tolerance policy regarding sexual abuse and sexual harassment and how to report such incidents. Inmates are provided with a handbook upon intake that covers PREA topics. Each inmate must sign, initial and date that they have received and reviewed the inmate handbook. An inmate orientation is conducted within 30 days of intake and includes a comprehensive education both through a PREA video and in person to give inmates an opportunity to ask questions. Inmates are provided this education in formats accessible to all inmates. During the past 12 months, 1060 inmates received the comprehensive education. A roster containing the inmate's names and date is maintained to track this training. Flyers are posted throughout the facility and housing units informing inmates of their right to be safe from sexual abuse. These flyers include reporting mechanisms available. It was clear from the interviews conducted with inmates they definitely knew the KDOC has a zero tolerance policy regarding sexual abuse/harassment. The inmates knew they had a right to be free from sexual harassment; however, all were not clear as to how much confidentiality would be provided to them. The inmates interviewed were aware of the availability of a free phone number to call and report anonymously; however were concerned they may still be listened to if they were to use the phone. During the tour of the EKCC and subsequent walks through areas auditors saw PREA information in the housing units in both English and Spanish, posters located throughout the facility in general areas were also in both English and Spanish.

Standard 115.34 Specialized training: Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

All KDOC PREA investigators are required specialized PREA training and documentation is maintained demonstrating they have received this training. All thirteen (13) EKCC personnel assigned to conduct PREA investigations have attended this specialized PREA investigator training and documentation is maintained demonstrating such adherence to policy. The training received by EKCC investigators is titled: SPECIALIZED TRAINING: INVESTIGATING SEXUAL ABUSE IN CORRECTIONAL SETTINGS. This training includes techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings and criteria required to substantiate an administrative case. The Kentucky State Police (KSP) require all KSP sworn personnel

to attend PREA training to include investigations of criminal sexual abuse in confinement settings.

Standard 115.35 Specialized training: Medical and mental health care

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

In addition to the regular PREA training, all full and part time medical and mental health care practitioners receive training in how to detect and assess the signs of sexual abuse/harassment, how to preserve evidence of sexual abuse, how to respond professionally and respectfully, and how to report incidents/suspicions. EKCC contracts medical services through Correct Care Solutions (CCS) which also requires independent PREA training twice per year. All training documentation is maintained electronically. KDOC/EKCC medical staff do not conduct forensic medical examinations. Inmates are transported to the Our Lady of Bellefonte Hospital in Ashland, Kentucky for forensic medical examinations.

Standard 115.41 Screening for risk of victimization and abusiveness

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Inmates are assessed upon intake for their risk of being sexually abusive or abused within 24 hours of their arrival at EKCC. The PREA risk assessment used by EKCC is objective and takes into consideration all required criteria to assess inmates for risk. Auditors reviewed documentation of the screenings and the instrument used. All questions required on the screening instrument are utilized, with the exception of whether an offender is housed solely for civil immigration purposes, as EKCC does not house this type of offender. These risk assessments are maintained and tracked in the KOMS system. A review of the KOMS system to include the intake screening and 30 day reassessment was completed on a random sampling of 11 inmates, all of the sample inmates KOMS reports reviewed indicated assessments were completed within the appropriate timeframes. EKCC policy prohibits inmates from being disciplined for refusing to answer any questions during the screening process.

Standard 115.42 Use of screening information

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with

the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

EKCC uses the screening information to determine housing, bed, work, education and program assignment with the goal of keeping inmates at high risk of being sexually victimized separate from those at high risks of being sexually abusive. The KOMS system has an auto feature to alert staff in charge of these assignments of possible PREA conflicts. During this reporting period EKCC had an inmate who identified as being transgender, this individual holds an institutional job in the food services department and resides in general population. EKCC does have the ability to provide transgender and intersex inmates single rooms if deemed necessary.

Standard 115.43 Protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

KDOC/EKCC has policy (10.2 II. E.) in place ensuring inmates would only be placed in a segregation unit if no other safe options were available and would be assessed within 24 hours of placement. In the last 12 months, there were no inmates at EKCC placed in involuntary segregated housing as an alternative means of separation from possible abusers.

Standard 115.51 Inmate reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Inmates being housed at EKCC have multiple methods to report allegations, including verbally to staff, in writing through formal inmate correspondence or grievances or by calling one or both anonymous reporting hotlines (one for internal KDOC and one external); staff and third parties may also utilize a hotline to report an allegation privately. Interviews with staff indicate they are well aware to accept all reports and they are responsible for reporting them promptly. Staff was also aware they could call a reporting hotline in order to report an allegation privately. During interviews, all inmates were aware of how they could report an incident. Inmates were aware there are an outside reporting mechanism and an anonymous hotline available to them. The PREA Compliance manager may also receive reports via the inmate email system to his department email account. Staff is required to accept all reports, and expressed understanding of this policy during interviews.

Standard 115.52 Exhaustion of administrative remedies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The KDOC/EKCC does not impose time limits on when an offender may file a grievance regarding an allegation of sexual abuse (CPP 14.6), nor does it dictate they have to give the grievance to the staff member they are making the allegation against. All aspects of this standard in regards to timelines, who can file and proper procedures are met. Interviews with inmates indicated most were aware they could grieve sexual abuse and others were unclear, but thought they may be able to do so. Auditors reviewed grievance documentation dealing with staff conflict, religion, and allegations of inappropriate frisks – grievance was investigated by a trained PREA investigator and the allegations were found to be unsubstantiated. Note: Commissioner’s Review of PREA Grievance was reviewed by auditors.

Standard 115.53 Inmate access to outside confidential support services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Inmates have access to outside victim support services. KDOC and the Kentucky Association of Sexual Assault Programs (KASAP) have developed an MOU to assure a unified effort to provide inmates with confidential emotional support service related to sexual violence. A 24 hour confidential crisis line and mailing address to “Pathways, Inc.” is posted throughout the facility and included in the inmate handbooks. This information indicates communication is confidential pursuant to KRS 211.608. Interviews with inmates indicated most were aware there were outside support services; however, could not identify them by name, most said they would find it in the handbook or see if the address/number was listed on one of the PREA posters.

Standard 115.54 Third-party reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

KDOC provides a PREA Hotline toll free at 1-855-700-PREA (7732) for third parties to report allegations of sexual abuse and harassment, which is available on the KDOC website (<http://corrections.ky.gov/communityinfo/Pages/PREA.aspx>). Reporting options are included on the posters located throughout the facility encouraging not only the inmate to report sexual abuse but also that of using a third party to report "Have a family/friend report on your behalf." Posters are posted throughout the facility to include the visiting areas where family and friends may view the signs. This information is also disseminated to the staff and inmates by means of pamphlets and handbooks.

Standard 115.61 Staff and agency reporting duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

KDOC policy (CPP 14.7) requires all staff to report immediately all knowledge, suspicion or information of an incident of a sexual offense within the KDOC or other correctional facility. All EKCC Staff from the Warden down are issued a plastic "First Responder's Role: Interacting with the Victim" card identify initial steps and contact staff including the PREA Compliance Manager, Assistant PREA Compliance Manager PREA, 13 trained PREA Investigators. All custody and non-custody staff interviewed proved to have extensive knowledge of the need to immediately report to the Shift Supervisor any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment. In addition, staff understood the importance of maintaining confidentiality other than the extent necessary to make treatment, investigation, and other security and management decisions

Medical and mental health staff stated all inmates are provided and sign that they understand the limitations of confidentiality during the intake process at EKCC and health staff's duty to report any knowledge, suspicion, or information regarding incidents of sexual abuse or sexual harassment.

EKCC does not house inmates under the age of 18.

Standard 115.62 Agency protection duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

KDOC policy (CPP 14.7) requires all staff to take immediate action to protect any inmate(s) which they learn is a subject to or is at substantial risk of imminent sexual abuse. Interviews with employees (custody and non-custody) demonstrated they are familiar with their required actions and obligation to keep inmates safe, all interviewed understood the importance of immediate action to include

protection of the victim by separation and notification to the Shift Supervisor. Investigations are typically initiated the same day the allegation is made and separation is maintained until the completion of the interview and sustained if act is determined to be substantiated.

Standard 115.63 Reporting to other confinement facilities

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EKCC had one example of an inmate who reported sexual abuse while at EKCC to his parole officer. The EKCC investigated the complaint; however, due to the report being vague with no inmate(s) identified by name and the timeframe (10 months previous) there were no security video available for the location of the alleged assault. A Sexual Offense Allegation Reporting form indicated the inmate's/parolee's mother reported the incident via telephone to his parole officer. EKCC has received no reports from inmates alleging sexual abuse/harassment after transferring to EKCC. Both interviews with the KDOC Commissioner and EKCC Warden demonstrated a clear understanding of the importance of initiating an investigation immediately upon report of an allegation received from another facility/entity that occurred to an inmate while housed at EKCC or any facility under department control.

Standard 115.64 Staff first responder duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Interviews were conducted on 33 security and non-security staff. All staff were able to confidently state the responsibilities of the first responders to include the separation of the alleged victim and abuser, the need to immediately notify the Shift Supervisor, the preservation of evidence to include physical evidence that could be compromised by washing, brushing teeth, changing clothes, drinking or eating and the need to notify medical staff. All staff understood the importance of providing a written report and the need to maintain confidentiality. All staff including non-security staff up to and including the Warden, carry a pocket-size laminated "First Responder's Role: Interacting with the Victim" on their person at all times while on duty. The card identifies the initial steps as required by this standard. Although staff have this card available to reference, few interviewed needed to refer to the card to be able to state the first responder responsibilities. This is a credit to the facilities culture regarding PREA.

Standard 115.65 Coordinated response

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EKCC has operating procedures (Written Protocol Plan/PREA Reporting Protocol) which identifies the requirements and response for each position to include first responders, shift supervisor, mental health, medical and investigators. First responders/all staff are issued a “First Responder’s Role: Interacting with the Victim” card indicating the actions taken in response to incidents of sexual abuse. The EKCC PREA Reporting Protocol is available throughout the facility to include the offices accessible by supervisory and line staff.

Standard 115.66 Preservation of ability to protect inmates from contact with abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)
- Not Applicable

A memo from the PREA Compliance Manager indicating neither the EKCC nor the KDO has any collective bargaining power.

Standard 115.67 Agency protection against retaliation

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The agency has policy (CPP 3.22) requiring each facility it operates to designate a staff member or department be charged with monitoring retaliation. Memorandum from facility Warden designates the EKCC PREA Compliance Manager as the party responsible for monitoring possible acts of retaliation. KDOC policy (CPP 14.7) prohibits retaliation, defines retaliation as grounds for disciplinary action, and establishes monitoring shall occur for at least 90 days following an incident of sexual abuse. Documentation was provided showing monitoring had occurred during the previous 12 months for all substantiated and unsubstantiated allegations, the PREA Compliance manager also monitors disciplinary reports for those who have reported sexual abuse/harassment or been interviewed during PREA investigations. A “Protection Against Retaliation – Inmate/Staff” form is

completed on each inmate and staff member and includes a check list of all standard language. Contact is made at least monthly and includes a review of disciplinary reports, housing, or program changes on inmates. I

Standard 115.68 Post-allegation protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

EKCC procedure is to always consider alternative housing and must provide documentation to support any housing of individuals reporting allegations of sexual abuse prior to assigning an inmate to restrictive housing. Inmates normally remain in general population if it is determined safe for the inmate; if it were not deemed safe for the inmate victim to remain in general population, EKCC considers using the medical unit when necessary to provide a safe environment for the victim.

Standard 115.71 Criminal and administrative agency investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditors reviewed policy CPP 14.7, investigation records, training records and a letter of compliance from the Kentucky State Police. The KDOC policy CPP 14.7 outlines both administrative and criminal investigations. Training records indicate all thirteen employees who investigate sexual abuse/harassment have completed the required specialized training. The PREA Compliance Manager explained how EKCC follows up with the KSP to ensure the facility remains informed of criminal investigations. The retention schedule showed investigations are kept as long as the abuser is incarcerated or employed, plus five years. A review of six (6) investigations conducted showed all elements required by the standard were present.

Standard 115.72 Evidentiary standard for administrative investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

KDOC policy 14.7 dictates no standard higher than a preponderance of the evidence as the standard of proof in determining whether allegations of abuse or harassment are substantiated. Interviews with the investigative staff and reviews of PREA investigations indicate this policy is being followed.

Standard 115.73 Reporting to inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditors reviewed KDOC Policy (14.7), KDOC Offender Notification – PREA Alleged Sexual Abuse forms indicating inmates are notified of the results of the investigation into their allegations. In the past 12 months, 44 administrative investigations were completed by the facility. Forty-four (44) inmates were notified of the outcome. EKCC had no examples of investigations of alleged inmate sexual abuse completed by an outside agency. Inmates will be notified per policy of the status of inmate or staff perpetrators, including whether or not there is an indictment or conviction as a result of the investigation; all notifications are documented.

Standard 115.76 Disciplinary sanctions for staff

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

KDCO Policy (CPP 3.22) is in place regarding staff disciplinary sanctions. In the past 12 months no EKCC employee was found to have violated the KDOC sexual abuse/harassment policy. No employees were terminated or resigned prior to termination as a result of an investigation. Policy (3.22) is in place to ensure actions that may be criminal are reported to Kentucky State Police (KSP) and relevant licensing bodies. No instances have occurred in the past 12 months resulting in contacting KSP or a licensing body.

Standard 115.77 Corrective action for contractors and volunteers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

KDOC Policy (CPP 3.22 & 14.7) includes procedures for reporting contractors and volunteers and is

consistent with the requirements of this standard. There was one (1) instance resulting in a contractor being reported to law enforcement for engaging in sexual abuse in 2014. However during the 2015 audit period there were no instances of sexual abuse/harassment allegations or investigations concerning contract staff or volunteers during this audit period. The response received during the auditor's interview with the EKCC Warden indicates compliance with this standard, she made a statement to the effect; any contractor being reported to law enforcement would also be banned from entering the facility.

Standard 115.78 Disciplinary sanctions for inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy (15.2) demonstrates policy confirming compliance with this standard. The policy lists Sexual Assault as a category VII (Major Violation) which subjects an inmate to possible sanctions of 4 years loss of good time (non-restorable) &/ 365 days disciplinary segregation. Sanctions are to be commensurate with past history, the nature of the offense and comparable sanctions given to other inmates for the same type of misconduct, along with consideration to an inmate's mental health status. The EKCC has had no allegations of an inmate engaging in inmate-on-inmate sexual abuse. Documentation indicates there have been no substantiated findings for inmate-on-inmate incidents of sexual abuse during this audit period. No inmates at EKCC received disciplinary action for falsely reporting an incident or lying during this audit period/2015.

Standard 115.81 Medical and mental health screenings; history of sexual abuse

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

KDOC Policy (14.7) indicates inmates are offered a follow-up meeting with medical or mental health staff within 14 days if they disclose prior sexual victimization or perpetration during risk screening. No inmate(s) reported victimization outside of the institutional setting which would require an informed consent "release of information" form being signed by an inmate(s) at EKCC. Information is kept as confidential as possible, with information shared for the purpose of housing/living, programming and work assignments.

Standard 115.82 Access to emergency medical and mental health services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

KDOC Policy (14.7) dictates that inmate victims of sexual shall receive medical and mental health services related to the sexual abuse at no cost to the inmate(s). Number/item eight (8) of the EKCC PREA Protocol Plan identifies the immediate contacts which should occur: "If a sexual assault has occurred, contact Pathways Rape Crisis Center by calling 1-800-562-8909. Identify that you are with Eastern KY Correctional Complex and advise them of the situation so that they can ensure a SANE/SAFE member of their staff is available to examine the inmate at the hospital. The victim shall be transported to Our Lady of Bellefonte Hospital in Ashland, KY. Be sure to take an extra orange jumpsuit for the inmate to wear, as his clothing could contain evidence and will need to be processed by the SANE/SAFE staff. A medical release form shall also be completed by the inmate before leaving the institution." During interviews with inmates two inmates stated to two different auditors that they were charged a \$ 3.00 co-pay for being tested for sexually transmitted diseases. To verify the accuracy of these statements auditors requested to see inmate accounts and were able to determine for the dates in question there were no \$3.00 co-pays relating to blood tests or PREA allegations.

Standard 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

KDOC/EKCC policy and procedures are compliant with this standard. Documentation provided to auditors indicates no incidents of sexual abuse have occurred at the EKCC in the past 12 months which require any test(s) for sexually transmitted infections. KDOC has a Memorandum of Understanding (MOU) with the Kentucky Association of Sexual Assault Programs (KASAP) to provide offenders with confidential emotional support services related to sexual violence. Items "d. & e." of PREA standard 115.83 do not apply to the EKCC as only male inmates are housed at the EKCC. KDOC policy dictates all medical and mental health services related to sexual abuse will be provided to the inmate(s) at no cost to the inmate. No documented known inmate-on-inmate abuses occurred at the EKCC during this audit period.

Standard 115.86 Sexual abuse incident reviews

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

KDOC policy (14.7) provides that all sexual abuse incident reviews are conducted by the appropriate staff within 30 days upon the closing of an investigation for all allegations determined to be substantiated or unsubstantiated. The review team at EKCC includes upper management staff with input from line staff, investigators and medical and medical health staff. The documentation reviewed by auditors demonstrated the reviewing committee for sexual abuse incident reviews consisted of the EKCC Warden, PREA Compliance Manager, PREA Investigator, Medical Staff, Deputy Warden(s) and Mental Health personnel. Per KDOC policy (14.7) all required elements are taken into consideration by review committee. The audit team suggests that review team staff sign legibly (or add printed name) and include their title to allow for easier identification of who/make-up of the review team.

Standard 115.87 Data collection

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

KDOC policy (14.7) requires for the collection of accurate uniform data for every allegation of sexual abuse at all facilities to include facilities which have contracts for the confinement of KDOC offenders. The EKCC provided auditors with documentation demonstrating all appropriate data is being collected; specifically, PREA Grant Statistics reporting form for EKCC showing all substantiated, unsubstantiated and unfounded incidents for the month. EKCC uses information on the Sexual Offense Allegation Reporting form to maintain, review and collect data. EKCC aggregated data was consistent with KDOC data. The KDOC PREA Coordinator works closely with the EKCC PREA Compliance Manager to maintain, review, and collect all necessary data; this data is stored electronically by the KDOC PREA Coordinator. Responses during interviews with PREA Coordinator and PREA Compliance Manager are consistent with standard.

Standard 115.88 Data review for corrective action

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The KDOC/EKCC reviews the data collected to assess the effectiveness of its sexual abuse prevention, detection, and response policies. Any areas identified as deficiencies or areas which will improve the effectiveness are addressed. The KDOC publishes an annual report in which compares data from the previous year in order to assess progress and address concerns. These reports are reviewed and approved by the KDOC Commissioner and are available on the KDOC website (<http://corrections.ky.gov/communityinfo/Documents/PREA/PREA%20Annual%20Report%202014%20-%20FINAL%20DRAFT.pdf>). There are no personal identifiers contained in the annual report available on the website.

Standard 115.89 Data storage, publication, and destruction

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Standard requirements are included in KDOC policy 14.7. All PREA data is kept a minimum of 10 years, or “as long as the alleged abuser is incarcerated or employed by the agency, plus five (5) years.” Annual reports pertaining to this data are available on the KDOC website (<http://corrections.ky.gov/communityinfo/Pages/PREA.aspx>). All identifying information is removed prior to publication.

AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.



Auditor Signature
Levi E. Bennett
Certified PREA Auditor

March 28, 2016

Date