

Kentucky Department of Corrections

2017 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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Department of Corrections

KDOC 2016 PREA Annual Report – July 1, 2017

(In accordance with 28 CFR § 115.88)

The Kentucky Department of Corrections (KDOC) has long embraced the principles associated with the Prison Rape Elimination Act of 2003 (PREA). Prior to the passage of PREA, the KDOC took active steps to train department staff to refrain from prohibited contact and inappropriate relationships with offenders while also working towards the prevention and elimination of sexual abuse within KDOC facilities. In 2010, the Commonwealth of Kentucky demonstrated its 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 2017, the KDOC had twelve (12) designated adult institutions. At the beginning of calendar year 2017, the KDOC held contracts with thirty-nine (39) community confinement facilities to house KDOC offenders. With the closing of Transitions-York Street female half-way house in December, this resulted in the KDOC having contracts with a total of thirty-eight (38) community confinement facilities at year's end.

While working through the 2017 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) substantiated case of staff on inmate sexual abuse from August 2017. Since the incident occurred off-site at a work detail location, the incident review team recommended a sign in sheet for all visitors who arrive at that location as well as surveillance cameras to be installed to identify all who enter that location.

The Blackburn Correctional Complex had a recommendation from the incident review team on one (1) substantiated case of staff on inmate sexual abuse from July 2017 to remind all staff during annual training of CPP 14.6 of the Department's zero tolerance of sexual abuse or sexual harassment.

The Eastern Kentucky Correctional Complex had a recommendation from the incident review team on two (2) substantiated cases of staff on inmate sexual abuse from August and December 2017 to augment surveillance cameras in the location of the incidents.

The Kentucky State Penitentiary had a recommendation on two (2) substantiated cases of staff on inmate sexual abuse from February and March 2017. The incident review team recommended that due to the relationship of KDOC staff to KDOC correctional officers, the PREA information within the Kentucky Offender Management System be limited to facility only viewing until completion of the investigations and once completed; only Administrators and above have access to viewing information from those investigations.

The Kentucky State Reformatory had a recommendation as a result of four (4) substantiated inmate on inmate sexual abuse cases from March, April and July 2017. The incident review team noted in each case that inadequate staffing was a factor and a recommendation was made to augment surveillance cameras to monitor the areas where the incidents occurred.

The Little Sandy Correctional Complex had a recommendation on one (1) substantiated staff on inmate sexual abuse case from July 2017. The incident review team recommended an additional camera to be placed in the area where the incident occurred to augment surveillance efforts.

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 were 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 the specialized training to designated PREA investigators in those jails.

Another example of the progress made toward addressing sexual abuse is the continued progress of adding PREA information into the KDOC electronic offender management system. This will increase the ability to monitor and manage PREA allegations throughout the entirety of the investigations and will ensure important information is shared and documented that will help KDOC administrators to respond, reduce, and prevent sexual abuse in each adult institution and community confinement facility.

There was a departmental need to achieve a specific facility method to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, while being consistent with security needs of the institutions. A new training video was produced to address this need and was deployed in all training facilities and institutions.

There was a departmental need to better educate KDOC staff who conduct PREA risk assessments on PREA definitions, specifically gender nonconforming and to make their own perception of the inmate and learn to properly annotate if the screener identifies the inmate as gender nonconforming. Furthermore, KDOC staff members who conduct PREA risk assessments were trained to offer referrals to medical and mental health; those inmates having experienced prior sexual victimization or previously perpetuated sexual abuse.

There was a departmental need to better train pertinent KDOC staff members of the procedures used to protect the inmate and/or staff against retaliation for reporting a PREA allegation for a time period of at least 90 days following the allegation. These staff members were trained in these procedures and are being monitored on a continuous basis to remain compliant.

In 2017, PREA audits were conducted at four (4) KDOC institutions. The facilities were: Kentucky Correctional Institution for Women, Luther Lockett Correctional Complex, Western Kentucky Correctional Complex and Green River Correctional Complex. Each institution was found to be in 100% compliance of the PREA standards and 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 2017, seven (7) of the community confinement facilities that have contracts with the KDOC underwent PREA audits. Each facility was found to be in 100% compliance of the PREA standards. All other community confinement facilities that did not undergo a PREA audit were visited by KDOC staff in 2017 to ensure continued compliance with the PREA standards.

An overall comparison of the incident based data that was collected for all facilities in 2013, 2014, 2015, 2016, and 2017 is as follows:

ADULT INSTITUTIONS TOTAL ALLEGATIONS OF SEXUAL ABUSE					
	2013	2014	2015	2016	2017
Substantiated	14	33	26	30	40
Unsubstantiated	40	102	96	122	141
Unfounded	35	109	92	179	237
TOTAL	89	244	214	331	418

ADULT INSTITUTIONS TOTAL ALLEGATIONS OF SEXUAL HARRASSMENT					
	2013	2014	2015	2016	2017
Substantiated	7	8	20	16	27
Unsubstantiated	0	55	165	119	181
Unfounded	0	9	64	54	57
TOTAL	7	72	249	189	265

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

	2013	2014	2015	2016	2017
Substantiated	10	4	9	9	25
Unsubstantial	16	9	8	28	27
Unfounded	1	7	7	5	8
TOTAL	27	20	24	42	60

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


	2013	2014	2015	2016	2017
Substantiated	1	4	6	7	8
Unsubstantial	4	5	9	4	12
Unfounded	2	2	2	2	5
TOTAL	7	11	17	13	25

While the above data does indicate an increase in the reporting of PREA incidents from 2016 to 2017, the increase in substantiated cases was much less than the increase in the cases that were ultimately determined to be unsubstantiated or unfounded. Although there is no concise explanation as to the reason for this increase; one can speculate as to several possible explanations for the increase.

As the Department continues to train staff and educate inmates in regards to PREA, especially in regards to staff and inmate's right to be free of retaliation for reporting PREA incidents, then the culture allows both staff and inmates to feel more secure in reporting an incident. In such a more positive culture, staff and inmates will understand that their complaint will be taken seriously, investigated thoroughly, and that they will not have to face retaliation for reporting the incident. Another possible explanation for the increase may center upon the grim reality that many institutions and facilities currently face: staff shortages. Where staff presence is a deterrent, staff shortages may lead to an increase in the occurrence of PREA incidents. The Department has been actively working to address this reality by utilizing and increasing the use of surveillance monitoring technology and by having staff in other Divisions within the Department, and staff

from other facilities, provide coverage during those times that staff coverage is required within a specific institution.

Approved by:



James L. Erwin

Commissioner, Kentucky Department of Corrections
