

Prison

Rape

Elimination 2020

Act

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This report has been prepared in accordance with 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies and training.

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The Prison Rape Elimination Act (PREA) is a federal law that prohibits sexual misconduct in correctional settings such as prisons, jails, lockups, community confinements, and juvenile facilities. Sexual misconduct under the law includes:

- Client-on-Client sexual abuse and sexual harassment
- Staff-on-Client sexual abuse, sexual harassment and any sexual misconduct (undue familiarity)

Sedgwick County Department of Corrections (SCDOC) is committed to providing a safe and healthy environment for staff and clients. The department shall promptly investigate and enforce laws and policies of “zero tolerance” relating to illegal sexual acts, sexual harassment, sexual abuse or misconduct in all of its facilities. The department provides a comprehensive Prison Rape Elimination Act (PREA) prevention and intervention program which includes: education, prevention, prompt intervention and discipline/prosecution of assailants and appropriate treatment for victims. The department refers all allegations of a criminal nature to the Sedgwick County Sheriff’s Office.

This report will summarize the efforts by the Sedgwick County Department of Corrections to achieve compliance with the federal standards of the Prison Rape Elimination Act (PREA).

## **Definitions:**

**Substantiated** – An allegation was investigated and determined to have occurred.

**Undue Familiarity** – Conversations, personal or business dealings between a staff and a client which is unnecessary, not a part of the staff’s duties and related to a personal relationship or purpose rather than a legitimate correctional purpose. Undue familiarity includes horseplay, betting, trading, dealing, socializing, family contact unrelated to the staff’s duties, sharing or giving food, delivering or intending to deliver contraband, personal conversation, exchanging correspondence, including social networking via the internet. It also includes conversation or correspondence that demonstrates or suggests a romantic or intimate relationship between a client and the staff, sexual misconduct, or in any other manner developing a relationship with a client.

**Unsubstantiated** – An allegation was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

**Unfounded** – An allegation was investigated and determined not to have occurred.

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## Policy Development

SCDOC has enacted several new policies, specifically related to PREA, over the last seven years. In addition to the new policies; several existing policies have been updated to enhance, prevent and eliminate sexual misconduct. The PREA policies are located on the Department of Corrections intranet site under SCDOC Administrative policies; however specific program policies are available upon request.

✓ The following policies were reviewed and/or revised in 2020:

- 1.300 – Internal Investigations
- 1.300.1 – Investigation Summary
- 1.300.2 – PREA Investigations Summary
- 1.301 – PREA – Sexual Assault Prevention and Intervention
- 1.301.1a – PREA Client Acknowledgement Form
- 1.301.1b – PREA Client Acknowledgement Form (Spanish)
- 1.301.2 – PREA Acknowledgement Form
- 1.301.3 – PREA Protocol Form
- 1.301.4 – PREA Retaliation Monitoring
- 1.301.5 – PREA Processing Map
- 1.301.6 – Disclosure of PREA Employment Standards Violation
- 1.301.7 – PREA Unannounced Rounds
- 1.301.8 – PREA Quiz for SCDOC
- 1.301.9a – JS Screening for Victimization and Abusiveness
- 1.301.9b – ARES Screening for Victimization and Abusiveness
- 1.301.10 – Sexual Abuse Review Board (SARB) Incident Review Form
- 1.301.11 – PREA Institutional Reference Form

## Training

All Sedgwick County Department of Corrections employees, contractors and volunteers received annual PREA training and policy review. The training includes:

- ✓ PREA standards and zero tolerance for sexual abuse and harassment;
- ✓ Understanding and addressing Undue Familiarity;
- ✓ First responder (secure and non-secure) expectations;
- ✓ LGBTQI (Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex) and victimization;
- ✓ Recognizing the physical, behavioral and emotional signs of sexual assault.

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The Internal Investigations policy, 1.300, was revised at year-end 2019 and now requires all supervisors to complete the *National Institute of Corrections (NIC): PREA Investigating Sexual Abuse in a Confinement Setting* and the department's *Conducting Internal Investigations* training within one year of being hired or promoted. Both requirements must be fulfilled before a supervisor can be assigned to conduct an internal or PREA investigation. Due to the 2020 coronavirus pandemic, in-person trainings were limited to emergency essential trainings. Therefore, supervisors were limited on their ability to complete the *Conducting Internal Investigations* trainings in 2020. All staff were able to complete the NIC training, as it is an online training.

All SCDOC Mental Health Professionals and the contracted healthcare provider for the Juvenile Residential Facility (JRF) and Juvenile Detention Facility (JDF) completed the *NIC: PREA Medical Health Care for Sexual Assault Victims in a Confinement Setting* training in 2020.

PREA Refresher training handouts were developed for JRF, JDF and the Adult Residential and Work Release (ARES/WR) program in 2019 and continue to be an educational resource for staff. These handouts are aimed at building staff capacity to fulfill their duties under the PREA standards. Each handout covers a specific topic related to prevention, intervention and response. There are 13 PREA Refresher handouts that are reviewed at all facilities on a monthly basis with direct care staff and their supervisors.

Performance Measures	2020 Actual
Number / percentage of clients that received PREA training	690* / 90%
Number / percentage of staff that received PREA training	310 / 100%
Number / percentage of volunteers and contractors that received PREA training	85**/ 100%
Number / percentage of licensed facilities with a PREA audit and full compliance with standards	0 / 3
Number of allegations reported and reviewed	8
Number of substantiated violations	2

*\* Due to COVID-19 the number of clients served was significantly reduced at JRF, JDF and ARES/WR.*

*\*\*Volunteer services were suspended or limited due to COVID-19.*

## **Sexual Abuse Review Board (SARB)**

The director established and selected the SARB on July 24, 2015 in accordance with the PREA standard 115.386 and SCDOC PREA policy 1.301. The board consists of three members, serving a one-year term, which may be reappointed by the director. The board appointment begins July 1<sup>st</sup> and ends June 30<sup>th</sup> of the next year.

The SARB reviews all PREA allegations within 30 days of the conclusion of the investigation. The board considers whether allegations or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse. There are several areas of consideration for the board to review which include motivators for the allegation, physical barriers, staffing levels and technology.

In 2020, the SARB committee reviewed 8 allegations of which 2 were substantiated, 1 was unfounded and 5 were unsubstantiated. All 8 allegations were reviewed by the SARB committee and feedback was provided to the PREA Compliance Managers (PCM). All PCMs responded to the feedback within 5 business days and provided satisfactory corrective action.

## **Client Education**

In all the SCDOC facilities, all clients are educated by staff within 10 days of intake on their rights to be free from sexual abuse, sexual harassment and to be free from retaliation for reporting such incidents.

The training includes:

- ✓ PREA standards and zero tolerance for sexual abuse and harassment;
- ✓ Education and awareness on PREA;
- ✓ Recognizing the physical, behavioral and emotional signs of sexual assault;
- ✓ Rules and expectations regarding inappropriate sexual behaviors;
- ✓ How to report incidents of sexual abuse/harassment and their responsibility.

The language line and UBI-DUO are available to assist clients with PREA education. The UBI-DUO is a communication device for the hearing impaired, that removes communication barriers and allows clients to hold a conversation in real-time. All clients have access to PREA information pamphlets (English and Spanish), posters (English and Spanish), videos, handbooks, Kansas Protection Report Center (hotline), website, management and the PREA Coordinator telephone number for contact and assistance.

SCDOC collaborated with Communications and created a client training video to ensure all clients receive the same level of PREA training.

## Screening Tool

The department has adopted two objective screening instruments (adult & juvenile) that are completed within 72 hours of the client's arrival at the facility and periodically throughout a client's confinement. The screening instruments are used to measure the client's risk of sexual abuse victimization and/or sexual abusiveness toward other clients. The results of the screening tool are used to make housing, bed, program, education, and level assignments; with the ultimate goal of keeping all clients safe and free from sexual abuse and sexual harassment. The department uses the instrument to identify clients as having a vulnerability of victimization and/or sexually aggressive. These categories help ensure clients are not housed together and that staff are more vigilant in their daily observations of clients.

- ✓ JDF / JRF facilities use the SCDOC Juvenile Services Screening for Victimization and Abusiveness, 1.301.9a. (Adapted from the "Prison Youth Vulnerability Scale", New Zealand Department of Corrections 2003 and the Florida Department of Juvenile Justice Form RC 8050-2)
- ✓ The Adult Residential and Work Release program use the ARES Screening for Victimization and Abusiveness, 1.301.9b. (Developed in partnership with a PREA Resource Center subject matter expert in 2019)

## Cooperative Agreements and Contracts

SCDOC has entered into several agreements / contracts with other agencies in order to provide the best services to our clients.

- ✓ Wichita Area Sexual Assault Center
- ✓ COMCARE
- ✓ Sedgwick County Sheriff's Department
- ✓ Ascension Via Christi at St. Joseph Hospital (SANE/SAFE exams)
- ✓ Wellpath (formerly CCS)

An agreement was signed with the Wichita Area Sexual Assault Center (WASAC) that will provide advocacy services to accompany and support the victim through the forensic medical examination process and investigatory interviews at no cost to either the victim or the Department of Corrections.

A new memorandum of agreement between WASAC, Ascension Via Christi at St. Joseph Hospital and SCDOC is currently pending final review from all stakeholders. The new agreement outlines the methodical process and services offered to clients that have been sexually abused; to include advocacy services, forensic medical examination, tests for sexually transmitted infections, timely access to emergency contraception, and follow-up services at no cost to the victim.

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An agreement with the Sedgwick County Sheriff's Office and the Department of Corrections was signed in February 2020. The purpose of the agreement is to collaborate with the Sheriff to provide investigative services in the event that an allegation of sexual abuse occurs at any SCDOC facility. The agreement outlines the rights of the victim to have an advocate present during the forensic medical examination process and investigatory interviews. It also states that communication between SCDOC and the Sheriff's Office shall occur monthly regarding updates in order to create an SCDOC case record retention file.

COMCARE signed a Letter of Support that shows their support for the department so that they may improve the quality of life for those affected by trauma and to show their support to being a PREA resource for the clients we serve. The letter of support was signed by COMCARE on August 25, 2017.

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### Statistics

SCDOC has 2 licensed juvenile facilities and 1 adult community confinement facility, which are the following:

- ✓ Juvenile Detention Facility at 700 South Hydraulic in Wichita, KS. The detention facility houses any youth age 10 to 17 with a bed capacity of 108.
- ✓ Juvenile Residential Facility at 881 South Minnesota in Wichita, KS. The non-secure residential facility houses any youth age 10 to 18 with a bed capacity of 24.
- ✓ Adult Residential and Work Release at 623 East Elm in Wichita, KS. The Adult Residential and Work Release program has a total capacity of 165 beds.

### Adult Residential and Work Release

PREA Allegations of Staff-on-Client	2018	2019	2020
Substantiated	0	1	1
Unsubstantiated	8	1	1
Unfounded	1	0	0
Investigation Ongoing	0	0	0
<b>Total</b>	<b>9</b>	<b>2</b>	<b>2</b>

PREA Allegations of Client-on-Client	2018	2019	2020
Substantiated	3	3	0
Unsubstantiated	3	0	0
Unfounded	0	1	0
Investigation Ongoing	0	0	0
<b>Total</b>	<b>6</b>	<b>4</b>	<b>0</b>



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## Juvenile Detention Facility

<b>PREA Allegations of Staff-on-Client</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Substantiated	0	0	0
Unsubstantiated	6	1	2
Unfounded	1	0	0
Investigation Ongoing	1	1	0
<b>Total</b>	<b>8</b>	<b>2</b>	<b>2</b>

<b>PREA Allegations of Client-on-Client</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Substantiated	0	1	0
Unsubstantiated	4	4	0
Unfounded	0	1	0
Investigation Ongoing	0	0	0
<b>Total</b>	<b>4</b>	<b>6</b>	<b>0</b>

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### Juvenile Residential Facility

PREA Allegations of Staff-on-Client	2018	2019	2020
Substantiated	0	0	0
Unsubstantiated	1	1	1
Unfounded	0	0	1
Investigation Ongoing	0	0	0
<b>Total</b>	<b>1</b>	<b>1</b>	<b>2</b>

PREA Allegations of Client-on-Client	2018	2019	2020
Substantiated	0	0	1
Unsubstantiated	0	7	1
Unfounded	1	2	0
Investigation Ongoing	0	0	0
<b>Total</b>	<b>1</b>	<b>9</b>	<b>2</b>

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## **Staffing Plan**

All juvenile SCDOC facilities comply with 15.313 the federal and state licensing requirements for staffing ratios of a minimum of 1:8 during client waking hours and 1:14 during client sleeping hours. SCDOC facilities complete Annual Staffing Plan reviews to ensure PREA and staffing concerns are addressed and any deviations from the staffing plans are documented. All SCDOC facilities updated their staffing plans in 2020.

## **Monitoring Technology**

All SCDOC facilities have camera video and recording capabilities. Some audio capabilities are available at various locations.

Juvenile Detention Facility (JDF) upgraded the Com-tec equipment and cameras in December 2020, which included adding cameras with audio capabilities. The audio feature is not functional at this time and has been submitted as a Capital Improvement Project (CIP) for 2024.

Adult Residential and Work Release (ARES/WR) installed a new camera system in 2019, which includes new monitoring features and audio in select locations.

Juvenile Residential Facility (JRF) camera system was upgraded in October 2018. The new system has audio and video capabilities for 13 facility cameras and two cameras in the gym. Overall, the new system has 31 cameras to monitor the interior and exterior of the facility and is a significant improvement over the old analog camera system.

All SCDOC facilities utilize the Department of Children and Families Kansas Protection Report Center abuse hotline for clients to make private and anonymous reports of sexual abuse and sexual misconduct.

## **Next Steps**

JDF has submitted a CIP proposal to add audio to the new system in 2024.

Complete the memorandum of understanding approval process with WASAC, Ascension Via Christi at St. Joseph Hospital and SCDOC in 2021.

Renew the Letter of Support with COMCARE in 2021.

Hire and train the new ISO II position, housed at Criminal Justice Alternatives – Pre-Trial Services. Twenty-five (25%) of this ISO's responsibilities will be to serve as the Primary PREA Investigator for the department.

Pilot the new PREA Investigations Process in 2021. This process will utilize trained supervisory staff to serve as Secondary PREA Investigators to assist and complete PREA investigations at all SCDOC facilities. The previous process utilized facility staff to conduct PREA investigations.

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## Summary

The 2020 coronavirus pandemic has significantly impacted the number of clients served, intake processes and daily programming at all SCDOC facilities. The Sedgwick County Department of Corrections has been proactive in obtaining PPE, set up COVID screening procedures at all locations and partnered with external stakeholders to ensure clients continue to be served at all SCDOC locations.

Volunteer services have been significantly reduced and/or suspended during this pandemic. This can be seen in the reduced numbers of volunteers receiving PREA training in 2020. The number of clients served was also significantly reduced in SCDOC facilities. There were 1,409 clients that received PREA training in 2019, compared to 690 in 2020. The reduction in the population likely resulted in eight PREA investigations being completed in 2020, compared to 29 in 2018 and 24 in 2019. There were a total of 8 reported allegations and administrative investigations in 2020; 5 incidents were unsubstantiated, 1 was unfounded, 2 were substantiated, and 0 ongoing investigations.

SCDOC reviewed/revised all PREA policies in 2020. Policy and practices are reviewed at a minimum of once annually, as well as continuous updates to monitoring technology and staff / client education to focus on the reduction of sexual abuse in SCDOC facilities. Monitoring technology at all locations has been significantly improved and allows for audio in select locations. JDF has submitted their CIP proposal to have the audio feature installed in 2024.

The PREA Sexual Abuse Review Board (SARB) was established in 2015 and appointments serve for one year terms. The review board conducts a review of every sexual abuse investigation. The board meets within 30 days of the conclusion of every internal investigation and makes recommendations within the guidelines of the PREA standard 115.386. Any staff involved in sexual misconduct with substantiated findings may be terminated from employment and are not eligible for rehire in our department. All PREA investigations were reviewed within 30 days by the SARB and PCMs provided satisfactory corrective action in 2020.

Informational brochures and posters ([English](#) and [Spanish](#)) continue to be distributed to all the SCDOC facilities for clients, families, volunteers and contractors on reporting sexual abuse and sexual misconduct. The Sedgwick County Department of Corrections [website](#) contains PREA Annual Reports, PREA resources and the [Online PREA Training for Volunteers and Contractors](#). PREA Refresher templates were developed for all SCDOC facilities in 2019 and continue to be an educational resource for staff.

The 2020 coronavirus pandemic had a significant impact on all facilities and limited the ability to conduct in-person trainings. Most SCDOC trainings in 2020 were restricted to emergency essential trainings. This limited the ability for supervisors to complete the SCDOC *Internal Investigations* in 2020. Virtual training for the *Internal Investigations Refresher* was presented in January 2021. The full *Internal Investigations* training will be held virtually, if in-person training is still restricted in 2021. Mental Health Professionals and Wellpath at JDF/JRF completed the required *NIC: PREA Medical Health Care for Sexual Assault Victims in a Confinement Setting* in 2020.