

Prison

Rape

Elimination 2019

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.

**Mario Salinas**  
**Sedgwick County Department of Corrections (SCDOC)**  
**Administrative Manager & PREA Coordinator**

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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 or sexual misconduct in any of its facilities. The Department provides a comprehensive sexual assault 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.

## Policy Development

SCDOC has enacted several new policies, specifically related to PREA, over the last six 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.

- ✓ Partnered with a PREA Resource Center subject matter expert to revise the Adult Residential and Work Release Housing Classification Tool (ARES Screening for Victimization and Abusiveness tool 1.301.9b).
- ✓ Partnered with a PREA Resource Center subject matter expert to address corrective action from the 2018 JDF Mock PREA Audit. The following policies were reviewed and revised:
  - 1.300 – Internal Investigations
  - 1.300.2 – PREA Investigations Summary
  - 1.301 – PREA – Sexual Assault Prevention and Intervention
  - 1.301.2 – PREA Acknowledgement Form
  - 1.301.3 – PREA Protocol Form
  - 1.301.5 – PREA Processing Map
  - 1.301.6 – Disclosure of PREA Employment Standards Violation
  - 1.301.8 – PREA Quiz
  - 1.301.9a – JS Screening for Victimization and Abusiveness
  - 1.301.10 – SARB Incident Form
  - 1.301.11 – Institutional Reference Form (*NEW*)

## 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 2019 revisions to the Internal Investigations policy, 1.300, 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.

SCDOC Mental Health Professionals are also now required to complete the *NIC: PREA Medical Health Care for Sexual Assault Victims in a Confinement Setting*. The contracted healthcare provider for the Juvenile Residential Facility (JRF) and Juvenile Detention Facility (JDF) will be required to complete this training in 2020.

In 2019, PREA Refresher training handouts were developed for JRF, JDF and the Adult Residential and Work Release (ARES/WR) program. 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	2019 Actual
Number / percentage of clients that received PREA training	1,409 / 97%
Number / percentage of staff that received PREA training	305 / 100%
Number / percentage of volunteers and contractors that received PREA training	120 / 100%
Number / percentage of licensed facilities with a PREA audit and full compliance with standards	0 / 3
Number of allegations reported and reviewed	*23
Number of substantiated violations	5

*\* There is one ongoing JDF PREA investigation at the time this report was completed.*

## **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 2019, the SARB committee reviewed 23 allegations of which 5 were substantiated, 4 were unfounded and 14 were unsubstantiated. There is one ongoing law enforcement investigation from 2019. All 23 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:

- ✓ Rules and expectations regarding inappropriate sexual behaviors;
- ✓ Education and awareness on PREA;
- ✓ How to report incidents of sexual abuse/assault and their responsibility.

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 SCDOC has adopted the federal standard 115.341 and 115.342 to screening clients upon admission for risk of sexual abuse victimization or sexual abusiveness toward other clients. The use of the screening tool is used to help housing, bed assignment, victimization level, education, and programming with the goal of keeping all clients safe and free from sexual abuse.

- ✓ JDF / JRF facilities use the SCDOC Juvenile Services Screening for Victimization and Abusiveness, 1.301.9a.
- ✓ The Adult Residential and Work Release program use the ARES Screening for Victimization and Abusiveness, 1.301.9b.

### **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) in October 2018 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.

An agreement with the Sedgwick County Sheriff's Office was approved by SCDOC and the Sheriff's Office. It is currently pending the County approval process that should be complete in January 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 facility, which are the following:

- ✓ Juvenile Detention Facility at 700 South Hydraulic in Wichita, KS. The detention houses any youth age 10 to 18 with a bed capacity of 108.
- ✓ Juvenile Residential Facility at 881 South Minnesota in Wichita, KS. The program is for 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	2015	2016	2017	2018	2019
Substantiated	2	0	0	0	1
Unsubstantiated	0	0	0	8	1
Unfounded	0	0	1	1	0
Investigation Ongoing	0	0	0	0	0
<b>Total</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>9</b>	<b>2</b>

PREA Allegations of Client-on-Client	2015	2016	2017	2018	2019
Substantiated	0	0	0	3	3
Unsubstantiated	0	0	0	3	0
Unfounded	0	0	0	0	1
Investigation Ongoing	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>4</b>

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**Juvenile Detention Facility**

<b>PREA Allegations of Staff-on-Client</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Substantiated</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Unsubstantiated</b>	<b>1</b>	<b>4</b>	<b>10</b>	<b>6</b>	<b>1</b>
<b>Unfounded</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>
<b>Investigation Ongoing</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>Total</b>	<b>1</b>	<b>4</b>	<b>11</b>	<b>8</b>	<b>2</b>

<b>PREA Allegations of Client-on-Client</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Substantiated</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Unsubstantiated</b>	<b>1</b>	<b>5</b>	<b>3</b>	<b>4</b>	<b>4</b>
<b>Unfounded</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Investigation Ongoing</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>1</b>	<b>7</b>	<b>3</b>	<b>4</b>	<b>6</b>

**Juvenile Residential Facility**

<b>PREA Allegations of Staff-on-Client</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Substantiated</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Unsubstantiated</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>Unfounded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Investigation Ongoing</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>

<b>PREA Allegations of Client-on-Client</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Substantiated</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>
<b>Unsubstantiated</b>	<b>7</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>7</b>
<b>Unfounded</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Investigation Ongoing</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>9</b>	<b>6</b>	<b>4</b>	<b>1</b>	<b>9</b>

### **Staffing Plan**

All juvenile SCDOC facilities comply with 115.313 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 2019.

### **Monitoring Technology**

All SCDOC facilities have camera video and recording capabilities in their facilities; however no audio.

Juvenile Detention Facility (JDF) continues to upgrade Com-tec equipment and updates / adjusts cameras to reduce blind spots as they are identified.

Adult Residential and Work Release installed a new camera system, which includes new monitoring features and audio in select locations.

Juvenile Residential Facility (JRF) camera system was installed in March 2007.

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 was approved to upgrade the facilities Com-tec camera system in 2019, but was delayed and will be installed in 2020. JDF plans to submit a CIP proposal to add audio to the new system in 2020.

JRF is submitting a Capital Improvement Project in 2019 to replace their camera system in 2020.

Complete the memorandum of understanding approval process with WASAC, Ascension Via Christi at St. Joseph Hospital and SCDOC in 2020.

## Summary

Sedgwick County Department of Corrections has been proactive in the development of policies for detection, prevention, reduction and punishment of sexual abuse and sexual harassment in all of its facilities (juvenile and adult). 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.

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.

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 to implement continued PREA training throughout the year. These templates are reviewed on a monthly basis with direct care staff and their supervisors. All supervisors are now required to complete the department's *Internal Investigations* training and the *NIC: PREA – Investigating Sexual Abuse in a Confinement Setting*. Mental Health Professionals at JDF/JRF are now required to attend *NIC: PREA Medical Health Care for Sexual Assault Victims in a Confinement Setting*.

Two UbiDuo devices were purchased in 2018 and are available for use at any SCDOC location for clients that are deaf or hard of hearing. The UbiDuo meets federal regulations and requirements, including the Americans with Disabilities Act (ADA), that ensure no individual with a disability shall be treated differently due to the absence of auxiliary aids and services.

In October 2018, the Sedgwick County Juvenile Detention Facility (JDF) participated in the PREA Resource Field Training Program Audit. The PREA Gap Analysis was submitted to SCDOC on December 21, 2018. The Department of Corrections worked with two PREA Resource subject matter experts in 2019 to review current practices and policies to address any identified corrective action from the Gap Analysis. All PREA policies were reviewed / revised and two MOU's were developed. All objectives in the 2019 PREA Plan were addressed and/or completed.

There were a total of 24 reported allegations and administrative investigations in 2019; 14 incidents were unsubstantiated, 4 were unfounded, 5 were substantiated, and 1 investigation is ongoing.