

Prison

Rape

Elimination

2021

Act

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, 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 member and a client which is unnecessary, not a part of the staff member’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 eight 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 2021:
 - 1.300 – Internal Investigations
 - 1.300.1 – Investigation Summary
 - 1.300.2 – PREA Investigations Summary
 - 1.301 – PREA – Sexual Abuse Prevention and Intervention
 - 1.301.1a – PREA Client Acknowledgement Form
 - 1.301.1b – PREA Client Acknowledgement Form (Spanish)
 - 1.301.1c – PREA Client Acknowledgement Form (Field Services) (NEW FORM)
 - 1.301.2 – PREA Acknowledgement Form
 - 1.301.3a – PREA Protocol Form
 - 1.301.3b – PREA Investigator Checklist (NEW FORM)
 - 1.301.4 – PREA Retaliation Monitoring
 - 1.301.5a – PREA Investigations Flowchart (NEW FORM)
 - 1.301.5b – 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 (NEW 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;

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- ✓ LGBTQI (Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex) and victimization;
- ✓ Recognizing the physical, behavioral and emotional signs of sexual assault.

The Internal Investigations policy, 1.300, 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 / 2021 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 2021. All staff were able to complete the NIC training through online training. The department held one, in-person, *Conducting Internal Investigations* training on April 14, 2021 and two *Conducting Internal Investigations Refresher* trainings on January 6, 2021 and June 17, 2021, which were both via ZOOM.

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 2021.

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	2021 Actual
Number / percentage of clients that received PREA training	717* / 97%
Number / percentage of staff that received PREA training	317 / 100%
Number / percentage of volunteers and contractors that received PREA training	89** / 100%
Number / percentage of licensed facilities with a PREA audit and full compliance with standards	0 / 3
Number of allegations reported and reviewed	4***
Number of substantiated violations	1

*** The number of clients served was significantly reduced at JRF, JDF and ARES/WR due to COVID-19 and staffing shortages.**

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

***** One (1) allegations is still ongoing and pending SARB review from 2021.**

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 1st and ends June 30th 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 2021, the SARB committee reviewed 4 allegations of which 1 was substantiated, 3 were unsubstantiated and none were unfounded. All 4 allegations were reviewed by the SARB committee and feedback was provided to the PREA Compliance Managers (PCM) and/or the Primary PREA Investigator. All PCMs and/or Primary Investigators responded to the feedback within 5 business days and provided satisfactory corrective action. There is currently one on-going PREA investigation with the Sedgwick County Sheriff's Office from 2021. The SARB committee will review this investigation once law enforcement has closed the case.

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 an American Disability Act (ADA) approved 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.

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 (VV) and/or sexually aggressive (SA). These categories help ensure clients are not housed together and that staff are more vigilant in their daily observations of clients. The PREA Compliance Manager shall determine housing and programming assignments on a case-by-case basis for all transgender and intersex clients. All transgender / intersex housing assignments must be documented on the screening tool to show if the client was housed by their gender identity or if the client presented safety and security concerns that prevented the assignment from being approved.

- ✓ 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

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A new memorandum of agreement between the Wichita Area Sexual Assault Center (WASAC), Ascension Via Christi at St. Joseph Hospital and SCDOC was signed in 2021. 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 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 June 4, 2021.

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.

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Adult Residential and Work Release

PREA Allegations of Staff-on-Client	2018	2019	2020	2021
Substantiated	0	1	1	0
Unsubstantiated	8	1	1	2
Unfounded	1	0	0	0
Investigation Ongoing	0	0	0	0
Total	9	2	2	2

PREA Allegations of Client-on-Client	2018	2019	2020	2021
Substantiated	3	3	0	0
Unsubstantiated	3	0	0	1
Unfounded	0	1	0	0
Investigation Ongoing	0	0	0	1
Total	6	4	0	2

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Juvenile Detention Facility

PREA Allegations of Staff-on-Client	2018	2019	2020	2021
Substantiated	0	0	0	0
Unsubstantiated	6	1	2	0
Unfounded	1	0	0	0
Investigation Ongoing	1	1	0	0
Total	8	2	2	0

PREA Allegations of Client-on-Client	2018	2019	2020	2021
Substantiated	0	1	0	0
Unsubstantiated	4	4	0	0
Unfounded	0	1	0	0
Investigation Ongoing	0	0	0	0
Total	4	6	0	0

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Juvenile Residential Facility

PREA Allegations of Staff-on-Client	2018	2019	2020	2021
Substantiated	0	0	0	1
Unsubstantiated	1	1	1	0
Unfounded	0	0	1	0
Investigation Ongoing	0	0	0	0
Total	1	1	2	1

PREA Allegations of Client-on-Client	2018	2019	2020	2021
Substantiated	0	0	1	0
Unsubstantiated	0	7	1	0
Unfounded	1	2	0	0
Investigation Ongoing	0	0	0	0
Total	1	9	2	0

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 2021.

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. In 2021, a camera was installed in a newly constructed client lobby. Two additional cameras were installed in the East emergency exit hall to increase client supervision. Additionally, five cameras were upgraded in the North Lobby, North Control Check-In, Kitchen, Janitor's Room and Medication/Property Room. The camera system has 51 cameras to monitor the interior and exterior of the facility and administrative offices.

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 will be working towards adding audio for the entire facility.

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Summary

The 2020/2021 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 and 2021. 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 740 in 2021. The reduction in the population likely resulted in five PREA investigations being completed in 2021, compared to 29 in 2018 and 24 in 2019. There were a total of 5 reported allegations / investigations in 2021; 3 incidents were unsubstantiated, 0 were unfounded, 1 was substantiated, and 1 is ongoing.

SCDOC reviewed/revised all PREA policies in 2021. 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. Audio upgrades will be a top priority for all DOC facilities in the coming years.

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 misconduct 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 / Primary Investigators provided satisfactory corrective action in 2021.

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 / 2021 coronavirus pandemic had a significant impact on all facilities and limited the ability to conduct in-person trainings. The *Conducting Internal Investigations Refresher* course was offered twice, virtually, and *Conducting Internal Investigations* course was offered once in-person 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 2021.