



DEPARTMENT OF CORRECTIONS

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MEMORANDUM

TO: CA Wilkerson, Assistant Director
PREA Coordinator

FROM: Harley Allen, P&P Officer IV 
PREA Compliance Monitor

DATE: September 14, 2016

RE: PREA Compliance Visit Report – CTS-Russell

INTRODUCTION

On Thursday, July 28, 2016, a PREA Compliance Visit was conducted at CTS-Russell. The facility is located at 1407 West Jefferson Street, Louisville, KY 40203. Barbara Strahm is the facility's Director and Julie Simms is the Assistant Director. Assistant Director Simms was present to assist and answer questions during the site visit.

The compliance visit consisted of a tour of the facility and a review of the documentation provided by Assistant Director Simms and facility staff. The visit also allowed for the opportunity to ask specific questions to ensure that the facility was compliant via policy, documentation, and operations.

Specific PREA standards and specific sections of PREA standards were utilized in the review. These standards are those that were decided earlier in the year by the Kentucky Department of Corrections (KDOC) PREA Executive Team to be utilized in 2016 to measure PREA compliance at our contract community confinement facilities per PREA standard § 115.12. This also allows the visiting compliance monitor the freedom to explore compliance into additional PREA standard as deemed necessary at the time of the site visit.

PREVENTION PLANNING

115.211 a. – Compliant

It was noted that CTS-Russell has a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and the policy outlines the agency's/facility's approach to preventing, detecting, and responding to such conduct.

115.213 a. – Compliant

CTS-Russell provided a written staffing plan for inspection for this standard. It was noted on the plan that it was reviewed and revised in April 2016. Assistant Director Simms reported during our meeting that, in the past year, there have been no deviations to the plan explaining that this was due to having staff that are always willing to work extra shifts.

115.215 a.c.d.e.f. – Compliant

Per Assistant Director Simms, in the past twelve (12) months CTS-Russell has not conducted any cross-gender strip or visual body cavity searches of residents. She added that there has been no search of any resident to determine the resident's gender status. It was further reported that there has been no transgendered residents housed at the facility in the past year. The facility does have a policy that requires staff of the opposite gender to announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing. During the tour of the facility it was noted that this practice was being followed by staff. This directive is communicated to facility staff via their PREA training. Based on recent discussions between the KDOC PREA Executive Team on this specific standard, CTS-Russell will also need to ensure that these announcements are documented as a way to show compliance.

115.216 – Compliant

During the site visit it was determined that CTS-Russell does have access to non-resident interpreters. These interpreters are employed via Catholic Charities. Assistant Director Simms also reported that as a back-up they can utilize the same interpreters that are utilized by Jefferson District Court.

115.217 c. – Compliant

During the site visit it was determined that CTS-Russell contracts with a company named Sentry Link to conduct national criminal background checks on new employees and current employees at least every five (5) years. The only contractor at CTS-Russell, Trinity Food Services, also utilizes Sentry Link to conduct the same criminal background checks on staff they have working in the dining room/kitchen of CTS-Russell. A review of other documentation indicated that CTS-Russell does require applicants to report previous misconduct.

115.218 a. – Non-Applicable

CTS-Russell has not been involved in the design or acquisition of any new facility nor has it been involved in the planning of any substantial expansion or modification of existing facilities in the past 12 months.

RESPONSIVE PLANNING

115.221 a.c.d. – Compliant

CTS-Russell now has a copy of the Kentucky State Police uniform evidence protocol. If a PREA incident occurs at CTS-Russell that is criminal in nature, then the case would be referred to the Louisville Metro Police Department Sex Crimes Unit. This unit utilizes said evidence collection protocol due to the Kentucky State Police central laboratory being the location that LMPD send it's evidence out for examination.

Assistant Director Simms reported that the facility does offer to any resident victim of sexual abuse access to a forensic medical exam at no cost to the victim. When needed, the examinations would be conducted at University of Louisville Hospital.

CTS-Russell does provide resident victims of sexual abuse access to victim advocate services. Victim advocate services are provided by the Center for Women and Families.

115.222 b. – Compliant

A review of the facility policies indicated that CTS-Russell does have a policy that directs staff to refer all allegations of sexual abuse and sexual harassment for an investigation. The policy can be found on their website. All referral to other agencies to investigate PREA cases are documented.

TRAINING AND EDUCATION

115.231 – Compliant

The employee training material utilized by CTS-Russell addresses each item outlined in this standard. A review of the employee records shows that all employees hired in the past year has received this training and current employees received this same training annually. Based on CTS-Russell's used of 'annual' training CTS-Russell exceeds in regards to this standard.

115.232 – Complaint

The PREA training for volunteers and contractors at CTS-Russell informs volunteers and contractors of the facilities zero-tolerance policy regarding sexual abuse and sexual harassment and instructs volunteers and contactors on how to report sexual abuse and sexual harassment.

115.233 a.d. – Compliant

A review of the documentation/material that was provided during the site visit indicates that CTS-Russell does ensure all residents receive, at the time of intake, information explaining the (1) facility's zero-tolerance policy regarding sexual abuse and sexual harassment, (2) how to report incidents or suspicions of sexual abuse or sexual harassment, (3) residents right to be free from sexual abuse and sexual harassment, and (4) residents right to be free from retaliation for reporting such incidents.

115.234 a.b.c. – Compliant

The individuals designated as facility PREA investigators has attended and completed the PREA investigator training provided by the KDOC. Facility staff was able to present training applications that documents the training. This training covers all laundry list items noted as required by 115.234b. The facility PREA investigators are: Barbara Strahm, Julie Simms, and Tiffany Thomas.

115.235 a.c. – Non-Applicable

Assistant Director Simms reported that CTS-Russell has no medical or mental health staff working at the facility therefore this standard is non-applicable.

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

115.241 a.b. – Non-compliant

At the time of the site visit, the records of three (3) CTS-Russell residents were reviewed to determine if they had their initial risk assessment and to determine the timeliness of the assessment. This standard requires that the "screening shall ordinarily take place with 72 hours of arrival at the facility." Two (2) of the three (3) residents were assessed on the same day of their arrival at the facility but it was found that the third resident was assessed seven (7) days after being received at the facility. The facility will need to ensure that all incoming residents are assessed per this standard to be considered complaint with the standard.

During the site visit the topic of (1) 30 days reviews/reassessments and the (2) reassessments of victims and abusers after an incident of sexual abuse that has occurred was discussed.

115.242 a.e. – Compliant

Assistant Director Simms was able to articulate how CTS-Russell utilizes information from the risk screening tool to make (1) housing, (2) bed, (3) work, (4) education, and (4) program assignments with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive. This is also written into the facility policy. Assistant Director Simms reported that the facility was not housing any high risk offenders at the time of the site visit.

When questioned about providing transgendered and intersex residents the opportunity to shower separately from other residents, Assistant Director Simms reported that they would allow the

resident to utilize the shower/restroom facilities in one of the dorms/wings that is rarely used to house residents. During the tour it was noted that only two (2) residents were residing in that specific wing. Based on the discussion regarding this standard and the observations made during the tour it appears that this arrangement would provide for the privacy needs of transgendered and intersex residents.

REPORTING

115.251 – Compliant

CTS-Russell utilizes numerous methods for residents to report a PREA: (1) verbally from the resident; (2) in writing from the resident or other sources; (3) anonymous reports; and from (4) third parties. The external method is via the Kentucky Justice Cabinet's Internal Investigations Branch and it has been noted that CTS-Russell has received allegations of sexual abuse and sexual harassment via the Internal Investigations Branch which has resulted in PREA investigations being conducted.

115.253 a.c. – Compliant

CTS -Russell does provide residents with access to outside victim advocates for emotional support services related to sexual abuse by providing access to the Center for Women and Families in Louisville. CTS-Russell utilizes the MOU between the KDOC and KASAP for compliance with this standard. The 2016 update of this MOU was emailed to Assistant Director Simms after the site visit.

115.254 – Compliant

CTS-Russell has an established a method to receive third-party reports of sexual abuse and sexual harassment and this information is posted on the facility website.

OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT

115.261 a.e. – Compliant

CTS-Russell has a policy, reinforced via staff training, that requires all staff to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency. Documentation of the PREA cases from the past twelve (12) months does not indicate any non-compliance of this standard.

115.262 – Compliant

Per Assistant Director Simms, in the past twelve (12) months there has been no time when staff at CTS-Russell has determined that a resident was subject to substantial risk of sexual abuse therefore there is no average response time to note for this standard. When questioned as to how long it would take for the facility to respond if this was to occur, Assistant Director Simms stated the facility would respond immediately when made aware of any substantial risk of sexual abuse.

She added that the first response would be to immediately separate the resident from the risk to ensure the resident's safety.

115.263 – Compliant

When questioned, Assistant Director Simms articulated the steps CTS-Russell would take in the event a resident reports a prior incident of being sexually abused while confined at another facility. The steps are compliant with the requirements of this standard. Of note, there was no occurrence in the past twelve (12) months to review.

115.264 – Compliant

The staff members at CTS-Russell are directed, via policy and PREA training, to address PREA incidents per this standard. This includes: the separation of the victim and abuser; preservation and protection of any crime scene; and ensuring that both the victim and the abuser does nothing that may destroy any physical evidence. Since all staff also act in the role of security staff then this information and requirement covers all CTS-Russell staff.

115.265 – Compliant

During the site visit, Assistant Director Simms presented the CTS-Russell written institutional plan to coordinate actions taken in response to an incident of sexual abuse. The plan is written into the facility's PREA policy. It was emphasized that it would be better to have a written plan that can be placed at various work stations in the facility for staff to utilize as a quick reference when dealing with a PREA event. After the site visit Assistant Director Simms was emailed an example institutional plan utilized by one of the KDOC facilities.

INVESTIGATIONS

115.271 a.e.h. – Compliant

Investigations done by facility staff are completed promptly, thoroughly, and objectively. Creditability is not based on the person's status but assessed on an individual basis.

115.273 a.b.c. – Compliant

During the site visit it was determined that CTS-Russell has a practice to notify residents that have been alleged to have been abused when the allegation has been substantiated, unsubstantiated, or unfounded.

DISCIPLINE

115.276 a.b.d. – Compliant

In the past twelve (12) months, a CTS-Russell staff member has faced disciplinary/termination for violating the facility's sexual abuse or sexual harassment policies. Termination is the presumptive disciplinary sanction for staff that have been found to have engaged in sexual abuse.

115.277 a. – Compliant

In the past twelve (12) months, no contractor or volunteer at CTS-Russell has been reported to law enforcement for engaging in sexual abuse of residents since there has been no incident of this type of occurrence. Assistant Director Simms was provided a scenario which involved a contractor found to have engaged in sexual abuse with a resident and she correctly reported that the case would be reported to the LMPD Sex Crimes Unit.

MEDICAL AND MENTAL HEALTH CARE

115.282 – Compliant

All residents at CTS-Russell have timely and unimpeded access to (1) emergency medical treatment and (2) crisis intervention services via the Center for Women and Families and University of Louisville Hospital. Facility first responders are directed to take the necessary steps to protect the victim and to make immediate notification for appropriate medical care. CTS-Russell provides these services, as well as access to sexually transmitted infections prophylaxis, without any financial cost to resident victim.

AUDITS (115.401-115.405)

Between August 20, 2013 and August 19, 2016, all community confinement facilities are required to undergo a PREA Audit. CTS-Russell had a PREA Audit in 2015 with the site visit on June 30, 2015. This was conducted by Tina Sallee. Ms. Sallee is the United States Department of Justice Certified PREA Auditor. The next PREA Audit is anticipated to occur in June 2018.

Please advise if you have any questions in regards to this report.

cc: Lise Vannostrand, P&P Officer IV – Senior PREA Investigator
Barbara Strahn, Director – CTS Russell
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