

Revised
SCOPE STATEMENT

Department of Corrections: Determining Whether the Department Has Adequate Policies and Procedures in Place to Deal with Misconduct by Staff at Correctional Facilities

The Department of Corrections is a cabinet-level agency managed by the Secretary of Corrections. The Department is responsible for inmate programs and operates eight correctional facilities across the State.

Recently, a Topeka newspaper did an extensive story about corrections officers exchanging cash and contraband – such as tobacco, pharmaceuticals, and illegal drugs – for sexual favors at the Topeka Correctional Facility. That facility houses more than 500 female inmates committed to the custody of the Secretary of Corrections. The story centered around a female inmate who became pregnant after a sexual encounter with a former vocational plumbing instructor who had agreed to deposit money into that inmate’s prison bank account in return for sex. That employee originally was charged with rape, but the rape charge later was dropped. In 2008, the employee entered guilty pleas to unlawful sexual conduct and trafficking. He was sentenced to 18 months for taking banned items to prisoners and 6 months for having sex with an inmate. Both sentences were converted to probation for two years by a Shawnee County District Court judge.

The same article quoted one former inmate as saying, “I managed to get pretty much anything into that facility that you could think of through guards or drop-offs along the fence.” The article also said that, according to inmates and employees of the Topeka Correctional Facility, as many as one-third of the facility’s employees have been involved in contraband activities with prisoners. Department officials think that number is closer to 2%.

The Governor has announced he would order a policy and legal review in response to documented cases of sexual misconduct among State employees and female inmates at the Topeka Correctional Facility. He indicated he would ask the Secretary of Corrections to analyze Department policy to make sure “that we are doing everything that we can to reduce the incidence of exploitation in the future.”

Additional instances of employee misconduct have occurred in recent years at other Kansas correctional institutions. In October 2007, a former female prison guard at the El Dorado Correctional Facility assisted in the escape of two inmates, one of whom she was reported to be romantically involved with. In 2006, a woman who ran a dog rehabilitation program working with inmates at the Lansing Correctional Facility also used her access to help an inmate she was romantically involved with to escape.

These incidents have raised questions in legislators’ minds about whether the State is doing enough to prevent such misconduct by employees. In particular, they want to know whether Kansas has adequate policies, procedures, and legal sanctions to prevent trafficking in contraband and sexual misconduct at correctional institutions and whether existing policies and procedures were being followed at the Topeka Correctional Facility.

A performance audit of this topic would answer the following question:

1. **Does Kansas have adequate policies, procedures, and sanctions in place to prevent correctional employees from trafficking in contraband and having sexual misconduct with inmates?** To answer this question, we would compare Kansas' policies and procedures for controlling contraband and preventing inappropriate relationships with inmates with those of other states and with any adopted by the American Correctional Association or other national organizations. We would make the same types of comparisons for penalties and legal sanctions Kansas has in place for handling violations of policies or procedures or convictions of crimes in these areas. We would review readily available information maintained by the Department of Corrections regarding the number and nature of incidents involving contraband and inappropriate sexual relationships with inmates at all correctional facilities in Kansas. In addition, we would review relevant records and interview staff and inmates as needed to assess whether incidents leading up to the three situations mentioned in this scope statement were handled in accordance with existing policies and procedures, and if not, why not. We would look at what corrective actions the Department of Corrections took regarding any of those incidents, and whether those actions appeared to be sufficient. We would perform other test work as needed.

Estimated time to complete: 8-10 weeks