



PERFORMANCE AUDIT REPORT

**Department of Corrections:
Evaluating Safety Issues at the
Kansas Juvenile Correctional
Complex**

**A Report to the Legislative Post Audit Committee
By the Legislative Division of Post Audit
State of Kansas
September 2015**

Legislative Division of Post Audit

The **Legislative Division of Post Audit** is the audit arm of the Kansas Legislature. Created in 1971, the division's mission is to conduct audits that provide the Legislature with accurate, unbiased information on the performance of state and local government. The division's audits typically examine whether agencies and programs are effective in carrying out their duties, efficient with their resources, or in compliance with relevant laws, regulations and other requirements.

The division's audits are performed at the direction of the **Legislative Post Audit Committee**, a bipartisan committee comprising five senators and five representatives. By law, individual legislators, legislative committees, or the Governor may request a performance audit, but the Legislative Post Audit Committee determines which audits will be conducted.

Although the Legislative Post Audit Committee determines the areas of government that will be audited, the audits themselves are conducted independently by the division's professional staff. The division's reports are issued without any input from the committee or other legislators. As a result, the findings, conclusions, and recommendations included in the division's audits do not necessarily reflect the views of the Legislative Post Audit Committee or any of its members.

The division conducts its audit work in accordance with applicable government auditing standards set forth by the U.S. Government Accountability Office. These standards pertain to the auditor's

professional qualifications, the quality of the audit, and the characteristics of professional and meaningful reports. The standards also have been endorsed by the American Institute of Certified Public Accountants (AICPA) and adopted by the Legislative Post Audit Committee.

LEGISLATIVE POST AUDIT COMMITTEE

Representative John Barker, Chair
Representative Tom Burroughs
Representative Peggy Mast
Representative Virgil Peck, Jr.
Representative Ed Trimmer

Senator Michael O'Donnell, Vice-Chair
Senator Anthony Hensley
Senator Laura Kelly
Senator Jeff Longbine
Senator Julia Lynn

LEGISLATIVE DIVISION OF POST AUDIT

800 SW Jackson
Suite 1200
Topeka, Kansas 66612-2212
Telephone: (785) 296-3792
Fax: (785) 296-4482
Website: <http://www.kslpa.org>

Scott Frank, Legislative Post Auditor

HOW DO I REQUEST AN AUDIT?

By law, individual legislators, legislative committees, or the Governor may request an audit, but any audit work conducted by the division must be directed by the Legislative Post Audit Committee. Any legislator who would like to request an audit should contact the division directly at (785) 296-3792.

The Legislative Division of Post Audit supports full access to the services of state government for all citizens. Upon request, the division can provide its audit reports in an appropriate alternative format to accommodate persons with visual impairments. Persons with hearing or speech disabilities may reach the division through the Kansas Relay Center at 1-800-766-3777. The division's office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.



LEGISLATURE OF KANSAS
LEGISLATIVE DIVISION OF POST AUDIT

800 SOUTHWEST JACKSON STREET, SUITE 1200
TOPEKA, KANSAS 66612-2212
TELEPHONE (785) 296-3792
FAX (785) 296-4482
WWW.KSLPA.ORG

September 4, 2015

To: Members, Legislative Post Audit Committee

Representative John Barker, Chair
Representative Tom Burroughs
Representative Peggy Mast
Representative Virgil Peck, Jr.
Representative Ed Trimmer

Senator Michael O'Donnell, Vice-Chair
Senator Anthony Hensley
Senator Laura Kelly
Senator Jeff Longbine
Senator Julia Lynn

This report contains the findings, conclusions, and recommendations from our completed performance audit, *Department of Corrections: Evaluating Safety Issues at the Kansas Juvenile Correctional Complex*. We also identified certain minor issues that were communicated separately to agency management. Those issues are not included in this audit report. We would be happy to discuss the findings, recommendations, or any other items presented in this report with any legislative committees, individual legislators, or other state officials.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Frank', written in a cursive style.

Scott Frank
Legislative Post Auditor

This audit was conducted by Matt Etzel, Lynn Retz, and Kristen Rottinghaus. Chris Clarke was the audit manager. If you need any additional information about the audit's findings, please contact Matt Etzel at the Division's offices.

Legislative Division of Post Audit
800 SW Jackson Street, Suite 1200
Topeka, Kansas 66612

(785) 296-3792
Website: www.kslpa.org

Table of Contents

Introduction	1
Overview of the Kansas Juvenile Correctional Complex	
<i>KJCC Is One of Two Juvenile Correctional Facilities in Kansas</i>	<i>3</i>
<i>KJCC's Expenditures, Staffing Levels, and Juvenile Offender Population Have Decreased in Recent Years</i>	<i>3</i>
<i>Our 2012 Audit of KJCC Identified Numerous Safety and Security Problems.....</i>	<i>3</i>
Question 1: Has the Kansas Juvenile Correctional Complex Taken Adequate Action to Correct Problems Identified in Our 2012 Audit?	
<i>KJCC Has Made Progress Since Our 2012 Audit, But Some Safety and Security Problems Remain.....</i>	<i>5</i>
<i>KJCC Implemented a New Process to Track Investigations of Abuse, Neglect, and Sexual Assault of Juvenile Offenders</i>	<i>9</i>
<i>KJCC Now Has a Process to Internally Review Critical Incidents</i>	<i>10</i>
<i>KJCC Has Improved Personnel Practices Related to Background Checks, Staff Training, and Staffing Analyses</i>	<i>11</i>
<i>KJCC Has Greatly Improved its Processes to Inventory, Track, and Secure Keys and Tools</i>	<i>13</i>
<i>KJCC's Process Ensures Searches are Generally Frequent and Documented</i>	<i>15</i>
<i>KJCC Implemented a New Process to Address Prohibited Items, Although Some Items Did Not Make it Into That Process as They Should</i>	<i>16</i>
<i>Medical Staff Generally Were Notified When Juvenile Offenders Were Found with Alcohol or Drugs, but We Could Not Verify if Other Staff Were Also Notified.....</i>	<i>17</i>
<i>As Was the Case in 2012, KJCC Staff Did Not Adequately Supervise Juvenile Offenders</i>	<i>18</i>
<i>Not All KJCC Policies Have Been Updated as Needed Since Our 2012 Audit</i>	<i>21</i>
<i>We Could Not Fully Evaluate Staff Discipline, But Had Some Concerns About the Process Officials Use to Ensure Discipline is Consistent and Increasingly Severe.....</i>	<i>21</i>
Conclusion	25
Recommendations	25

List of Figures

Figure OV-1: Summary of Kansas Juvenile Correctional Complex Expenditures, Staffing, and Offender Population Trends (FY 2013 – FY 2015).....	4
Figure 1-1: Summary of KJCC's Progress to Correct Problems Identified in Our 2012 Audit.....	6
Figure 1-2: Summary of KJCC Staff Opinions of Safety and Security Issues (2012 and 2015).....	8

List of Appendices

Appendix A: Scope Statement.....	27
Appendix B: Detailed Comparison of Responses to Similar Questions Asked on Both the 2012 and 2015 Employee Survey	29
Appendix C: Agency Response	31

Department of Corrections: Evaluating Safety Issues at the Kansas Juvenile Correctional Complex

The Kansas Juvenile Correctional Complex (KJCC) is one of two juvenile corrections facilities in Kansas. KJCC's primary responsibility is the daily care, custody, management, and treatment of juvenile offenders. As of May 2015, KJCC provided maximum and medium-security beds for 128 male and 15 female juvenile offenders. Male and female offenders are housed in separate buildings.

Our July 2012 audit of KJCC identified numerous problems that compromised the safety and security of offenders and staff, including a poor security environment and poor personnel practices. For example, we found that staff had not adequately supervised offenders, had routinely allowed secured doors to be propped open or unlocked, and had done a poor job of keeping prohibited items out of the facility. Moreover, we identified a variety of poor personnel practices including an inadequate background check process, insufficient staff training, and a lack of appropriate disciplinary actions for policy violations.

Because of the extensive number of problems we identified, the Legislative Post Audit Committee authorized this follow-up audit of safety and security issues at KJCC.

This performance audit answers the following question:

1. Has the Kansas Juvenile Correctional Complex taken adequate action to correct problems identified in our 2012 audit?

A copy of the scope statement for this audit approved by the Legislative Post Audit Committee is included in **Appendix A**.

Our work included a variety of steps to evaluate the facility's internal controls and answer the audit question. We reviewed KJCC's monthly written updates to the Legislative Post Audit Committee and subsequently interviewed agency officials about actions they took to address our 2012 audit recommendations. We also performed test work to verify and evaluate the policies and processes that officials had described. In many cases, this involved drawing a small random sample of files or incidents and comparing what we saw to the process as it had been described. These samples were not selected in a way that they could be projected to a whole population. Finally, to assess changes in KJCC's safety and security environment, we surveyed KJCC staff.

There are a few important limitations to the work we conducted. In most cases, our work was limited to determining whether the agency sufficiently addressed the specific recommendations made in the 2012 audit. The work provides only limited insight as to whether the agency has successfully resolved the underlying problems that prompted those recommendations. Further, we were not always able to address all components of a 2012 audit recommendation.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We also identified certain minor issues that were communicated separately to agency management. Those issues are not included in this audit report.

Our findings begin on page 5, following a brief overview of KJCC and our 2012 audit of safety and security issues at that facility.

Overview of the Kansas Juvenile Correctional Complex

KJCC Is One of Two Juvenile Correctional Facilities in Kansas

The Kansas Juvenile Correctional Complex (KJCC) is a medium and maximum-security facility in Topeka that houses both male and female juvenile offenders. Various facility staff are involved with the daily care, custody, management and treatment of juvenile offenders. As of May 2015, KJCC provided maximum and medium security beds for 128 male and 15 female juvenile offenders. In addition to being a correctional facility, KJCC provides a variety of other services and programs, including educational, psychological health, chaplaincy, activity therapy, and substance abuse programs.

The Larned Juvenile Correctional Facility (LJCF) is the state's other juvenile correctional facility. Unlike KJCC, the Larned Juvenile Correctional Facility only houses male offenders. As of May 2015, LJCF had a population of 116 juvenile offenders. However, this audit focuses solely on the safety and security issues previously identified at KJCC. As such, LJCF was not evaluated as part of this audit.

Oversight of all state juvenile correctional programs, including KJCC and LJCF, was transferred to the Department of Corrections in July 2013. In 2013, Governor Brownback issued Executive Reorganization Order No. 42. This order abolished the Juvenile Justice Authority and transferred all its functions to the Department of Corrections. It further transferred all employees, legal custody of records, balance of all funds and supervision and control of KJCC and LJCF to the Secretary of Corrections.

KJCC's Expenditures, Staffing Levels, and Juvenile Offender Population Have Decreased in Recent Years

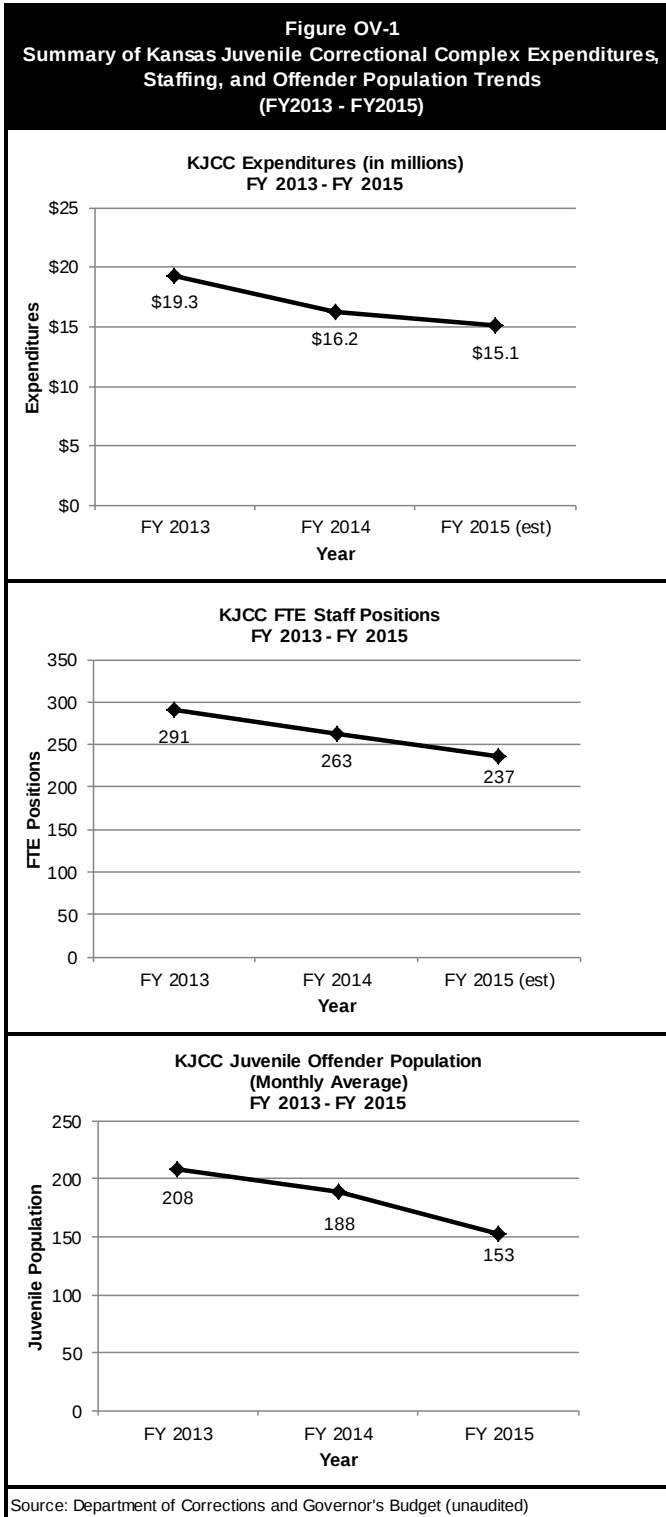
Figure OV-1 on next page summarizes KJCC's expenditures, staffing levels, and juvenile offender population from fiscal year 2013 to 2015. As the figure shows, in fiscal year 2015 KJCC had expenditures of \$15.1 million, employed 237 full time equivalent employees, and had an average population of 153 juvenile offenders. As the figure also shows, KJCC has seen reductions in all three areas over the last three years.

Our 2012 Audit of KJCC Identified Numerous Safety and Security Problems

In 2012, we completed a two-part audit of KJCC. Part 1 focused on safety and security issues and was released in July 2012.

Our 2012 audit identified problems related to safety and security, personnel management, and KJCC's overall security environment. Specifically, we found that staff had not adequately supervised offenders, routinely allowed doors to be propped open or unlocked, and did a poor job of keeping prohibited items outside

of the facility. Moreover, we identified a variety of poor personnel practices including an inadequate background check process, insufficient staff training, and a lack of appropriate disciplinary actions. As a result, we made a number of recommendations to resolve these deficiencies.



The Legislative Post Audit Committee monitored the facility's response to the audit findings through monthly status reports submitted by KJCC officials. From August 2012 through August 2013, KJCC officials submitted written status reports to the Legislative Post Audit Committee which detailed the progress agency officials had made in response to each of our recommendations. Among other things, officials reported taking actions to address issues with juvenile supervision, facility searches, investigations, and several others problem areas. These reports served as a starting point for our evaluation of agency officials' progress in addressing the recommendations from the 2012 audit.

Question 1: Has the Kansas Juvenile Correctional Complex Taken Adequate Action to Correct Problems Identified in Our 2012 Audit?

KJCC has made progress since our 2012 audit, but some safety and security problems remain (p. 5). KJCC has taken many actions that substantially addressed the 2012 audit recommendations. Specifically, it implemented a new process to track investigations of abuse, neglect, and sexual assault of juvenile offenders (p. 9). KJCC now has a process to internally review critical incidents (p. 10). Officials have also improved personnel practices related to background checks, staff training, and staffing analyses (p. 11). Further, KJCC has greatly improved its processes to inventory, track, and secure keys and tools (p. 13). Additionally, KJCC's process ensures searches are generally frequent and documented (p. 15). KJCC implemented a new process to address prohibited items, although some items did not make it into that process as they should (p. 16). Finally, medical staff generally were notified when juvenile offenders were found with alcohol or drugs, but we could not verify if other staff were also notified (p. 17).

In some other areas, KJCC's actions have failed to adequately address the 2012 audit recommendations. As was the case in 2012, KJCC staff did not adequately supervise juvenile offenders (p. 18). Finally, not all KJCC policies have been updated as needed since our 2012 audit (p. 21).

We could not fully evaluate whether officials' actions addressed the 2012 audit recommendation on staff discipline. However, we had several concerns regarding officials' process in this area (p. 21).

KJCC Has Made Progress Since Our 2012 Audit, But Some Safety and Security Problems Remain

As mentioned in the Overview, agency officials reported taking a number of corrective actions to address the recommendations made in our 2012 audit. In this audit, we interviewed officials and performed work to verify those actions. In general, we selected small random samples from personnel and juvenile offender files, video surveillance, and various KJCC databases to review. These samples were not selected in a way that they could be projected to a whole population. However, it did provide additional evidence in several cases that KJCC officials had implemented the corrective actions they reported.

Additionally, in May 2015 we surveyed 215 KJCC staff members about the current safety and security environment at the facility. Of the 215 surveys sent, 55 were returned for a response rate of about 26%. We compared the results to a similar survey administered as part of our 2012 audit.

Finally, we divided our findings into three sections: agency actions that substantially addressed the 2012 audit recommendations, agency actions that failed to adequately address the 2012 audit recommendations, and agency actions that we could not fully evaluate.

Agency actions and survey responses indicated that improvements have been made at KJCC since 2012. Figure 1-1 below lists the 12 topic areas we reviewed by category. As the figure shows, agency officials substantially addressed most of our 2012 audit recommendations.

Figure 1-1 Summary of KJCC's Progress to Correct Problems Identified in Our 2012 Audit		
Topic Area	Agency Actions Have...	
	Substantially Addressed the 2012 Recommendations	Failed to Adequately Address the 2012 Recommendations
Tracking Investigations into Abuse, Neglect, and Sexual Assault of Juvenile Offenders (page 9)	✓	
Internal Reviews of Critical Incidents (page 10)	✓	
Background Checks of New and Existing Staff (page 11)	✓	
Staff Training (page 11)	✓	
Facility Staffing (page 12)	✓	
Inventorying, Tracking, and Securing Keys and Tools (page 13)	✓	
Facility-Wide, Living Unit, and Canine Searches (page 15)	✓	
Tracking, Investigating, and Disposing of Prohibited Items (page 16)	✓	
Notifying Clinical and Counseling Staff about Offenders with Drugs or Alcohol (page 17)	✓	
Juvenile Supervision (page 18)		✓
Policies and Procedures (page 21)		✓
Staff Discipline (page 21)	We Could Not Fully Evaluate This Topic Area	
Source: LPA summary of audit work.		

- **Officials' actions substantially addressed nine of the 12 recommendations we evaluated.** We were able perform some work, which although not projectable, helped to show that KJCC officials implemented the corrective actions they reported to address these recommendations. However, there are additional improvements that could be made to some of these processes, which are discussed later in this report.

- **Staff survey responses were generally more positive now than they were in 2012.** *Figure 1-2* on the next page shows the results of our recent survey as compared to the results of a similar survey we administered as part of our 2012 audit. As the figure shows, responses to 12 of 16 questions were more favorable in 2015 than they were in 2012, and the remaining question responses remained about the same. The areas that saw more positive responses included policies and procedures, staffing, training, prohibited items, and security incidents at the facility. A more detailed breakdown of the survey results is included in **Appendix B**.

However, we also identified some ongoing problems with the safety and security environment at KJCC. As *Figure 1-1* also shows, KJCC officials failed to address two of the 12 audit recommendations we reviewed. Additionally, we identified several areas where improvements could be made based on our recent survey.

- **Officials' actions failed to adequately address two recommendations related to safety and security.** As *Figure 1-1* shows, officials failed to address our recommendations involving juvenile supervision and policies and procedures. Both of these issues will be discussed in more detail in subsequent sections of the report.
- **Staff survey responses revealed further improvement could be made regarding staff following policies and employee morale.** As mentioned above, the overall results of the 2015 survey were better than those in 2012. However, we still identified a few areas where further improvements could be made. Specifically, 36% of survey respondents disagreed that employee morale at the facility is high. Although responses for this question were more positive in 2015 than in 2012 (65% disagreed in 2012), 36% is still an indication that further improvement could be made.

Additionally, 25% of respondents disagreed that policies related to safety and security are consistently followed by staff. Although an improvement from 2012 (43% disagreed), this is still a potential problem area. Finally, 27% of respondents also disagreed that appropriate actions were taken when staff violate policies, representing another area for improvement.

Because of time constraints, we were unable to verify whether KJCC officials addressed our 2012 recommendation regarding staff turnover and overtime. However, officials told us that staff turnover and overtime have both been reduced. Although we did not have time to verify the information agency officials provided, the results of our survey and information reported by officials showed general improvement in these two areas. Specifically,

- In the 2015 survey, 29% of respondents agreed that staff turnover had a negative impact on safety and security at the facility within the last year. This is a significant improvement compared to the 2012 survey in which 70% of survey respondents agreed with the same

question. We believe these survey results indicate significant improvement in this area. However, we also believe that 29% of respondents agreeing that turnover is an issue implies further improvement could still be made.

- In the 2012 audit we found that overtime had been used more frequently by KJCC than the state's other facilities. Although we did not verify the data, agency officials reported an 87% reduction in their average overtime hours per pay period since fiscal year 2012. Additionally, in the 2015 survey, only 9% of survey respondents agreed that overtime had a negative impact on safety and security at the facility within the last year. When taken together this information suggests overtime is not as prevalent an issue as it was in 2012.

Figure 1-2 Summary of KJCC Staff Opinions of Safety and Security Issues 2012 and 2015 (a)		
Survey Question	Survey Responses Indicate These Issues Have...	
	Improved	Stayed the Same
POLICIES AND PROCEDURES		
Policies related to safety and security are <u>clearly communicated</u> to staff.	✓	
Policies related to safety and security are <u>consistently enforced</u> by management.	✓	
Policies related to safety and security are <u>consistently followed</u> by staff.	✓	
Appropriate actions are taken when staff violate policies.		✓
STAFFING		
There consistently are <u>enough</u> staff on duty during my shift to ensure that juvenile offenders and staff are safe.	✓	
TRAINING		
The overall training I have received from KJCC has provided me with the skills I need to do my job.	✓	
I have received adequate training from KJCC on how to deal with violent or angry juvenile offenders.		✓
CURRENT WORK ENVIRONMENT		
Employee morale at KJCC is high.	✓	
The safety and security of juvenile offenders and staff are important concerns of KJCC management.	✓	
I feel safe working at the correctional complex.	✓	
PERSONNEL		
Employee turnover has had a negative impact on the safety and security at KJCC.	✓	
Are you aware of any employees working at the correctional complex who should not be working there?	✓	
Within the last year, have you been attacked/assaulted by a <u>juvenile offender</u> ?		✓
Within the last year, have you been attacked/assaulted by <u>staff</u> ?		✓
PHYSICAL SECURITY		
Are you aware of any incidents in which staff have brought contraband into the correctional complex?	✓	
JUVENILE OFFENDERS		
Are you aware of any incidents in which staff have placed a juvenile offender's health or safety at risk?	✓	
(a) Questions in the 2015 survey were focused on the current status of the facility, or events that have taken place within the last year. In general, we did not ask respondents to limit their responses to a specific timeframe in the 2012 audit. Source: 2012 and 2015 LPA surveys of KJCC staff.		

Finally, we could not fully evaluate whether officials' actions addressed the 2012 audit recommendation on staff discipline. However, we had several concerns regarding officials' process in this area. This is discussed in detail on page 21 of the report.

**FINDINGS RELATED TO AGENCY ACTIONS THAT SUBSTANTIALLY
ADDRESSED THE 2012 AUDIT RECOMMENDATIONS**

***KJCC Implemented a
New Process to Track
Investigations of Abuse,
Neglect, and Sexual
Assault of Juvenile
Offenders***

Our 2012 audit found that KJCC officials did not have a process in place to track allegations of abuse, neglect, or sexual assault of juvenile offenders. To address this issue, we recommended officials follow their policies and track incidents to ensure all allegations are properly and consistently reported and investigated.

We interviewed officials from the Attorney General's Office and KJCC to better understand their process. We also performed limited test work to verify that allegations we were aware of had been reported, tracked, and investigated. However, our sample is not projectable.

Since our 2012 audit, KJCC implemented a process to track incidents involving allegations of abuse, neglect, or sexual assault of juvenile offenders. This process helps to ensure allegations are reported and investigated. Specifically, we found that:

- **By policy, allegations of abuse, neglect, and sexual assault are to be reported through the Department for Children and Families (DCF) hotline.** KJCC officials told us that anyone (staff, juvenile offenders, offenders' family, etc.) can report an allegation of abuse, neglect, or sexual assault to a DCF hotline. DCF officials then report all allegations to officials at the Attorney General's Office. At this point the Attorney General's Office coordinates with KJCC to investigate whether the allegation is substantiated, unsubstantiated, or unfounded.
- **KJCC officials use a Department of Corrections investigative database, CaseLog, to ensure allegations are investigated.** This database allows KJCC officials to monitor and track active and completed investigations to ensure all allegations are properly investigated. We performed test work on the database to verify that a sample of allegations we knew of through other work were reported, tracked, and investigated. Our review generally showed that they were.

Although we could not verify that all allegations were reported or investigated, our review and testing of KJCC's process confirmed that officials had developed and implemented a reasonable process to address our recommendation.

***KJCC Now Has a
Process to Internally
Review Critical
Incidents***

A critical incident is any event inside or outside a juvenile correctional facility that threatens staff or juvenile offenders. Examples include the death, serious injury, or serious illness of staff or juvenile offenders, an escape or attempted escape, riot, a natural disaster, or an incident that would likely result in negative news publicity. When critical incidents happen, management and staff should conduct an internal review to learn from mistakes that may have been made and to devise corrective actions to prevent similar incidents in the future.

In our 2012 audit, we found that internal reviews of critical incidents had not been conducted in years. At that time, KJCC officials told us no critical incident reviews had been conducted since 2005 despite numerous incidents that occurred during that time. For example, officials did not review riots that happened in the dining and school areas, a turbulent Martin Luther King holiday assembly, or an attempted escape. As a result of these findings, we recommended KJCC officials develop a process to ensure critical incident reviews are conducted, documented, and corrective actions are taken.

Officials have started to conduct and document internal reviews of critical incidents. KJCC has a policy that requires that critical incident reviews occur. The policy requires officials examine the following items during these reviews:

- staff and juvenile offenders' actions
- the incident's impact on staff and juvenile offenders
- corrective actions taken and still needed
- plans for improvement to avoid similar incidents

We selected a random sample of six critical incidents reviews from fiscal year 2015 to evaluate the facility's review process. Although not projectable, our testing showed that KJCC officials are doing a better job of conducting and documenting internal reviews of critical incidents. Specifically, all six reviews that we evaluated appeared to be tailored to each incident and addressed areas that went well, areas that needed improvement, and follow-up actions taken and still needed. Additionally, KJCC officials told us they completed 38 critical incident reviews in calendar year 2014 and six reviews in calendar year 2015 (as of mid-June 2015)—a notable increase from previous years.

Due to time constraints, we did not verify whether internal reviews were conducted for all critical incidents that met policy requirements or whether the corrective actions the review team suggested were later implemented.

***KJCC Has Improved
Personnel Practices
Related to Background
Checks, Staff Training,
and Staffing Analyses***

KJCC had made significant progress in conducting background checks for new and existing staff. In 2012, we found that KJCC had an inadequate background check process that led to officials employing staff with felony or drug convictions. As a result, we recommended that KJCC officials revise their process to ensure background checks have been conducted and properly documented for new hires and existing employees.

Our review showed that KJCC officials updated policies regarding employee background checks and implemented a new checklist for background checks. We evaluated records for 10 employees hired in 2014 and 2015 and evaluated annual background checks for 10 current employees. Although our sample is not projectable, our findings showed that KJCC's background check process had improved since 2012. Specifically:

- **Initial background checks were completed for all 10 employees sampled prior to their start date at the facility.** This included criminal history (NCIC) checks, fingerprints, drug tests and child abuse and neglect checks.
- **Annual background checks had been completed for all 10 existing staff in our sample.** These checks included NCIC criminal history checks for the past year. Additionally, KJCC staff told us they are in the process of expanding the annual background check to include obtaining an annual child abuse and neglect check.

Further, in 2012, personnel files at KJCC were in complete disarray and not secured. We saw that personnel records were secured in locked file cabinets in the human resource office during our on-site review for this audit.

In fiscal year 2015, new and existing staff received statutorily required training. In 2012, we found that new and existing juvenile corrections officers had not received statutorily mandated training. Additionally, the facility had not targeted its training to areas of major concern, as required by policy. As a result, we recommended that KJCC officials should develop and implement a process to ensure new and existing corrections officers receive the required number of training hours. We also recommended officials conduct an annual needs-based assessment as required by policy.

We evaluated training information provided by facility training staff for fiscal year 2015 for all facility employees. Our testing of those records found that most of the new hires had obtained the required 160 hours of training before achieving permanent status. Additionally, 102 of the 105 existing juvenile corrections officers we evaluated had obtained their 40 hours of required annual training as of early June 2015. Although we did not verify it, officials told us that medical leave and other issues prevented the three remaining officers from completing their required training at the time of our review.

We did not verify that the facility's training plan reflected areas of concern. Training staff told us the policy no longer requires an annual needs assessment. Staff told us that a training committee comprised of staff from various positions constructs the annual training schedule to include areas of concern at the facility.

KJCC officials appear to have made progress regarding our recommendation to appropriately staff the facility. In 2012, we found evidence that shifts at KJCC had not been staffed and supervised properly to ensure safety and security at the facility. As a result, we recommended that KJCC officials complete a staffing analysis, fill authorized positions as needed, and reallocate staff to appropriate shifts and posts. We did not evaluate specific changes to staffing levels or assignments due to time limitations. However, facility officials produced a 2015 staffing analysis report and told us they had made various staffing changes based on the result of the analysis. Officials said this included modifying visitation hours, reallocating post positions, and increasing coverage in certain areas.

Additionally, results of our survey of facility staff suggest staffing issues have improved. Specifically,

- In 2015, only 18% of survey respondents disagreed that there are consistently enough staff on duty to ensure juvenile offenders and staff are safe. This is a significant improvement from 2012 when 53% of staff disagreed this was the case.
- As described on page 8, overtime was a significant issue at KJCC in 2012. Although we did not verify the data, officials reported an 87% reduction in their average overtime hours per pay period since fiscal year 2012. Further, in 2015 only 9% of survey respondents agreed that overtime had a negative impact on safety and security at the facility within the last year.

When taken together, this information indicates that staffing appears to be less of an issue at the facility than it was in 2012.

KJCC Has Greatly Improved its Processes to Inventory, Track, and Secure Keys and Tools

KJCC had taken numerous steps to better manage its keys including limiting who has access to keys. In 2012, we found that KJCC had several issues with key control. Specifically, KJCC lacked an adequate process to recover missing keys, had too many keys authorized to leave the facility, and issued keys without completing the proper documentation. To address these issues, we recommended KJCC implement the recommendations contained in a Department of Corrections report on security operations and those previously identified in an internal agency review. This included limiting the number of keys issued and authorized to leave the facility.

Our test work clearly showed an improvement in the facility's key control. We compared the number of KJCC keys around the time of our 2012 audit to the number of keys in 2015. Our work showed officials had drastically reduced the total number of facility keys as well as those permitted to leave facility grounds. We found that:

- The total number of keys had been reduced by 22%—from 5,624 keys at the end of 2011 to 4,359 keys currently. Additionally, our review showed officials had a process to help ensure unnecessary keys were properly destroyed.
- Our review showed only 29 keys on seven key rings were permitted to leave the facility, compared to 1,341 keys on 42 key rings at the end of 2011.

Additionally, KJCC officials have a system to secure and monitor facility keys. This system allows staff to check keys in and out from a central and secure unit. The system also monitors the keys checked out to each officer and notifies officials when keys have not been returned when required. This system appears to be operational and in use by KJCC staff.

Finally, facility staff told us that individuals are required to obtain the Superintendent's approval before being assigned a key. We did not perform work to verify this claim.

KJCC officials have implemented a process to inventory, track, and secure tools. Staff use a number of different tools throughout the facility. These include maintenance tools (saws, hammers, and pliers) as well as vocational program tools (drills and screwdrivers) and eating utensils. In 2012, KJCC had unsecured tools and an inadequate tool inventory. As a result, we recommended that KJCC officials should implement the recommendations contained in a Department of Corrections report on security operations, and those previously identified in an internal agency review. This included improving their process to inventory, track, and secure tools.

Our review and test work showed that KJCC's tool inventories were generally complete and that tools were tracked and secured properly. As part of our work we reviewed a tool inventory and evaluated a sample of sign-out sheets and tool cribs. Although our sample was not projectable, our work showed that inventories appeared complete and that sign-out sheets were generally used to track the status of facility tools while in use. Additionally, tools were assigned to and secured in the individual tool cribs in our sample when not in use. Our review also showed that shadow boards were utilized in the cribs, making it easy to identify which tools were out of the crib.

However, officials did not appear to follow a consistent process regarding damaged tools. Policies require broken or unserviceable tools and materials to be destroyed within one month of being turned into the tool specialist. However, our review showed this was not always the case.

- **Damaged tools had not been destroyed since August 2014.** At the time of our review (June 2015), the last tool destruction log had been completed in August 2014. However, based on documents we reviewed, tools had been turned in for destruction in October and November 2014. Although the policy requires monthly destruction, staff told us they typically would destroy the tools once the bin was full, but did not provide a specific time frame for destruction. Additionally, staff told us they are working on updating the policy on tool control to address several issues and changes in processes.
- **We discovered four tools that had been turned in that were not in the destruction bin and could not be accounted for.** Staff told us some tools had been salvaged and repurposed. For example, staff ground down and repurposed two screwdrivers turned in for having "broken tips." However, those tools could not be accounted for within the current tracking system. As such, staff could not determine the final status of the tools in their inventory. If items are not in the master inventory there is no way to know if a tool is missing, increasing the risk a tool could be improperly acquired and used by a juvenile offender.

Finally, in 2012 specific concerns were raised regarding staff not adequately accounting for or disposing of eating utensils and razors. Because of time constraints, we did not do work to verify that either of these issues had been addressed by KJCC. Officials told us utensils are accounted for at the beginning and end of each meal. Additionally, they told us there is a process for second-shift staff to dispose of razors and other sharp instruments, although this is not memorialized in policy.

***KJCC's Process
Ensures Searches are
Generally Frequent and
Documented***

Some items cannot be brought into KJCC because of the safety and security risks they create. Obvious items include guns, knives, and narcotics, but other seemingly ordinary items such as cell phones, tobacco products, and food are also prohibited. Staff must recover, store, and dispose of prohibited items that make it into the facility. This is primarily accomplished through routine searches of the facility, juvenile offenders, staff, and visitors.

In 2012, we found that KJCC had done a poor job of keeping prohibited items out of the facility and had not regularly searched for them. For example, officials did not complete a facility-wide search in 2011, did not conduct living unit or canine searches as often as required, and their pat-down searches were inadequate. We also found that security at KJCC's visitors' entrance and employee-only entrance was inadequate to keep prohibited items from entering the facility. As a result of these findings, we recommended that KJCC update its policies on searches and develop a process to ensure all types of searches (e.g. canine, living unit, and facility-wide searches) are frequent, thorough, unannounced, and well documented. We followed up on several of these issues, but due to time constraints, we did not verify if the facility made improvements to entrance security or pat-down searches.

Officials updated their search policies and implemented a process to ensure searches are performed frequently and are documented. KJCC officials provided us their search policy, which was amended in January 2013 and included guidance on how often the various types of searches were to be conducted and documented. By policy, officers are supposed to complete a search report for all types of searches that are conducted. The format of the search reports varies based on the type of search, but each includes information such as the date of the search, the name of the officer(s) conducting the search, and the search results. Policy also requires that facility-wide searches are conducted annually, living units are searched at least monthly, and canine searches are conducted at least every six months. Staff documented the facility-wide, living unit, and canine search results on the appropriate forms for the sample we evaluated in 2014 and 2015. The forms also showed that searches were generally completed as frequently as policy required.

KJCC officials also told us searches are thorough and unannounced. Although we were unable to confirm this through test work, only 16% of KJCC staff who responded to our survey disagreed that facility searches had been thorough within the last

year. Additionally, only 11% of respondents disagreed that facility searches were unannounced within the last year. Both responses generally support officials' claim that searches are thorough and unannounced.

KJCC Implemented a New Process to Address Prohibited Items, Although Some Items Did Not Make it Into That Process as They Should

In 2012, KJCC did not have clear policies for tracking, investigating, or disposing of prohibited items once they were found. Staff did not always have a clear understanding of what to do with the items they found, and officials could not account for all items found or determine whether they had been disposed. At that time, we recommended that KJCC officials develop and implement policies and a process to track, investigate, and dispose of prohibited items. We suggested those policies clarify how items should be inventoried and preserved, who has access to them, and the process for final disposal. Lastly, we recommended that KJCC develop a process to ensure investigations of prohibited items are conducted and the results are referred to law enforcement or prosecutors as appropriate.

KJCC officials have implemented a process to track, investigate, and dispose of prohibited items. KJCC officials provided us their contraband and evidence-preservation policy, which was issued in August 2012. The policy includes guidance on the process for identifying, storing, and disposing of prohibited items. Under this process, officers who find prohibited items are supposed to complete a collection form and deposit the item in a designated, secure location. The items are then retrieved by the special investigator, logged into a database, and moved to a second secure location for long-term storage. A separate database is used to track the investigations of prohibited items when warranted. Once all administrative or legal proceedings have been completed, the item may be destroyed. Two staff must be present for the final disposal.

We randomly selected seven prohibited items from KJCC's search reports and evidence collection forms to determine if officials had followed the previously described process. In cases where it was appropriate, we found that collection forms had been filled out, the prohibited items had been logged in the appropriate database, and two people were present when items were destroyed. Further, in addition to the sample above, we also saw evidence of some prohibited items logged in the agency's investigative database.

Finally, KJCC officials told us the facility's special investigators are licensed law enforcement officers, which satisfies our recommendation that the results of these investigations are referred to law enforcement or prosecutors.

However, we found that officers did not always submit all prohibited items to the special investigator. When an officer becomes aware of a prohibited item, the item should be reported and turned in to the investigator as soon as possible. Prohibited items can range in severity, from guns and narcotics to notes, food, and pencils. Although the latter items may appear harmless, juvenile offenders could use them in inappropriate ways. For example, gang writing could be communications between members of the same gang. If their intent is unclear, staff should err on the side of reporting the items to one of the special investigators and allow them to decide how to proceed.

We reviewed a sample of facility-wide, living unit, and canine search reports for 2014 and 2015. Our review identified several prohibited items that perhaps should have been submitted to the investigator, but were not. For example, several search reports identified notes containing gang symbols, juvenile correspondence, and the contact information of other juvenile offenders. Failure to submit these items to a special investigator increases the risk that the investigator is not aware of potentially important events like possible relationships between juvenile offenders or gang affiliations.

Medical Staff Generally Were Notified When Juvenile Offenders Were Found with Alcohol or Drugs, but We Could Not Verify if Other Staff Were Also Notified

In 2012, we found that KJCC did not have a process to ensure clinical or counseling staff were notified when a juvenile offender was identified in possession of drugs or alcohol. There are a variety of ways drugs and alcohol can make it into a juvenile correctional facility. For example, an offender could have drugs smuggled into the facility, or an offender who is prescribed medication could pass it to another offender. If a juvenile offender is found with drugs or alcohol, it is important that clinical and social work staff are notified so they can monitor the juvenile's health and ensure they receive adequate substance abuse and mental health treatment. Therefore, we recommended KJCC officials develop a process for notifying those staff.

With one exception, medical staff were appropriately notified about the juveniles in our sample who were found with or allegedly ingested drugs or alcohol. KJCC's search policy requires staff to immediately escort juvenile offenders who are found with drugs or alcohol to the medical department for an examination. At that point, staff told us the medical department notifies other clinical staff, such as mental health and substance abuse, as appropriate.

We randomly selected five incidents from calendar year 2014 and 2015 that involved 15 juvenile offenders who were found with or allegedly ingested drugs or alcohol. Of the 15 offenders in our sample, one did not receive a medical examination, but perhaps should have. Our findings are summarized below:

- **One offender was found in possession of prescription pills but did not receive a medical evaluation.** The pills were not prescribed to this offender. KJCC officials told us they would not have expected this offender to have received a medical exam because he was not suspected of being under the influence. However, KJCC's policy does not require a juvenile offender be suspected of being under the influence in order for them to receive a medical exam.
- **Eight offenders received a medical evaluation after consuming, or allegedly consuming, alcohol or drugs.** These eight offenders were involved in four separate incidents. In all four incidents the juvenile offenders consumed, or allegedly consumed, alcohol or drugs. Our review showed all eight offenders were evaluated by medical staff.
- **The six remaining juveniles in our sample were involved in incidents involving drugs, but staff were able to explain why these juveniles did not get a medical evaluation.** One juvenile was accused of giving his prescription to another juvenile. Because this juvenile was prescribed the pills, he was not taken to medical for an evaluation. The other five juveniles in our sample were not taken to medical because they were not identified until several days after the incident occurred. They were identified when facility officials were conducting an inquiry into the incident. Officials told us that they did not believe a medical evaluation was necessary for these five juvenile offenders given the number of days that had passed since the incident occurred.

We could not verify if other staff were also notified of these incidents. KJCC officials described a variety of reporting mechanisms and regularly-scheduled team meetings that would help ensure mental health, substance abuse, and social work staff were notified about these incidents. However, officials did not document that the notification happened. Due to this and time constraints, we could not verify whether officials were actually notified when these incidents occurred.

FINDINGS RELATED TO AGENCY ACTIONS THAT FAILED TO ADEQUATELY ADDRESS THE 2012 AUDIT RECOMMENDATIONS

As Was the Case in 2012, KJCC Staff Did Not Adequately Supervise Juvenile Offenders

In 2012, officers had failed to adequately control and monitor offender's movement, conduct visual checks of juveniles, and secure doors according to KJCC policy. Corrections officers need to constantly observe juveniles and be aware of their activities to minimize the risk of offenders harming themselves or others. One way to do this is through frequent visual checks of

juvenile offenders. This process involves officers visually confirming that juvenile offenders are safe and secure in their living units. Facility policies had generally established basic requirements related to regular checks and securing the facility with locked doors at all times. However, our 2012 audit found that these policies were not being followed in actual practice.

Our 2012 audit recommended officials should ensure existing policies on supervision of juvenile offenders are followed and enforced with consistent and increasingly severe discipline. In this audit, we focused our work on whether visual checks were completed as required by policy. We did not evaluate whether doors were locked or propped open, or whether movement was controlled, supervised, and monitored.

During this audit, we found that officers still failed to perform their required checks on juvenile offenders in both the general population and in the segregation units. Juvenile offenders stay in general population units unless there is a behavioral, medical, or administrative reason to move them into a segregation unit. By policy, KJCC officers must conduct visual checks on juvenile offenders in general population units at least every 30 minutes. Additionally, juvenile offenders on segregation must be checked at intervals of no more than 15 minutes.

We selected a random, non-projectable sample of three general population rooms and five segregation rooms to determine whether checks were conducted with the frequency required by policy. Based on that work, we found:

- **Officers either missed or were late in conducting visual checks on general population units in two of the three cases we tested.** Some checks ranged from being one minute late to being about 40 minutes late.
- **Officers either missed or were late in conducting visual checks on segregation units in three of the five cases we tested.** Specifically, we saw instances of some checks being a few minutes late and an instance where checks did not occur for several hours.

We also saw examples of officers who did not check on juvenile offenders on suicide precaution as required. Juvenile offenders are assigned to suicide precaution when there is a determined risk for self-harming behavior. Based on this risk, officers are required to perform more frequent checks on these juvenile offenders. Officers are required to document the juvenile offender's well-being and the time of their check on a suicide precaution log. We tested a random sample of 11 of these logs and were further able to review video surveillance footage for three of them. The results of our test work are described on the next page.

- **In one case, a juvenile offender who was supposed to be checked 12 times was only checked three times during a three-hour period.** In this case the juvenile offender was required to be checked on at random intervals not to exceed 15 minutes. We watched three hours of video surveillance and saw an officer check on the juvenile offender just three times instead of 12.
- **Video footage for two other cases included long “blacked-out” periods due to inactivity on the unit, indicating the officers did not conduct the required checks.** The facility’s surveillance cameras stop recording during prolonged periods of inactivity in an effort to conserve memory. In one case, our test work revealed a “blacked-out” period of about two hours on a unit with a juvenile offender on 15-minute checks. In the other case our test work revealed a “blacked-out” period of about 45 minutes, then later another of about 15 minutes, on a unit containing a juvenile offender on 10-minute checks. The lack of activity in the unit indicates that officers did not perform their required checks during these times.
- **In all three cases, staff documented that they completed the checks even though video showed they had not.** As previously mentioned, officers are required to document suicide precaution checks on a paper log. Among other things, officers use the log to document the status of the juvenile offender and the exact time the officer conducted the check. In all three cases described above, officers had documented that checks were completed during the periods where we saw no evidence of checks on surveillance footage. This issue is more significant than staff incorrectly documenting checks. Documenting that checks were completed when they were not undermines KJCC’s control structure to ensure suicide precaution checks occur as required.

Our test work also revealed several examples of officers who did not stagger the timing of their checks of juvenile offenders on suicide precaution. By policy, visual checks must also be staggered for certain levels of suicide precaution. This prevents juvenile offenders from predicting when they will be observed. We found problems with checks not being staggered in 10 of the 11 cases we reviewed. In several cases, checks were documented at exact intervals (i.e. every 15 minutes) for an entire shift.

KJCC officials do not have an adequate process to ensure visual checks of juvenile offenders occurred as required.

According to KJCC officials, a verbal directive was issued after our 2012 audit requiring supervisors to review their officers’ logs weekly to ensure visual checks occurred as required. However, these reviews were not documented, which prevented us from verifying they occurred. Our random sample of visual checks showed multiple instances of late or missed checks. Although not projectable, we believe this is an indication that these reviews may not occur regularly, or may not be effective.

***Not All KJCC
Policies Have Been
Updated as Needed
Since Our 2012
Audit***

In 2012, we found that KJCC management had done a poor job of establishing and communicating clear, concise, and easy-to-follow safety and security policies. Specifically, many of the policies and procedures were outdated, cumbersome, or inconsistent. To address this issue we recommended that officials review and amend policies that were ambiguous, cumbersome, or outdated, establish and implement a systematic process for communicating policy changes to staff, and establish and implement a process to regularly review policies and procedures.

As of July 2015, KJCC officials were still in the process of updating and aligning the facility’s policies with those of the Department of Corrections. As mentioned in the Overview, oversight of KJCC was transferred to the Department of Corrections in July 2013. Officials explained this transition required them to consolidate, revise, and rescind policies and procedures to align KJCC policy with current Department of Corrections’ policy. According to agency officials, this is still an ongoing process. Therefore, as of July 2015, not all KJCC policies and procedures had been updated or reviewed. Officials told us once this transition is complete they will begin reviewing KJCC policies and procedures annually to ensure they remain current.

FINDINGS RELATED TO AGENCY ACTIONS THAT WE COULD NOT FULLY EVALUATE

***We Could Not Fully
Evaluate Staff
Discipline, But Had
Some Concerns About
the Process Officials
Use to Ensure
Discipline is Consistent
and Increasingly Severe***

During the 2012 audit we found that staff discipline was not consistent and that disciplinary actions were not increasingly severe. Further, we found that KJCC officials did not maintain accurate or complete data on disciplinary actions, which contributed to a lack of consistent and increasingly severe discipline. To address these issues, we recommended KJCC officials develop policies and implement a new process to assign discipline. We also recommended they track disciplinary actions over time and use the data when making disciplinary decisions.

We interviewed agency officials and staff, reviewed the agency’s human resource database, and reviewed personnel files to determine whether officials had tracked disciplinary actions over time, and whether they used that data when making disciplinary decisions. We also used the same data to try and determine if officials’ process led to consistent and increasingly severe discipline. However, as is discussed on the next page, issues with the database limited our review of the agency’s disciplinary process.

By 2015, KJCC officials had updated their policy on staff discipline and reported using a database to help manage disciplinary actions. The current policy on employee disciplinary procedures was updated in May 2015. The policy establishes a process for officials to assign discipline and identifies several different disciplinary tools for officials to use. These include (in order of severity) coaching feedback, letters of counseling or reprimand, suspension, or ultimately dismissal. Finally, since 2012, officials reported having implemented an online human resource database to ensure discipline is consistent and increasingly severe.

However, the disciplinary database was not maintained or updated in a way that officials could use it to ensure discipline was consistent and increasingly severe. We evaluated the disciplinary actions taken against a sample of 16 officers to ensure officials were using the database as reported. Although our sample was not projectable, our review found that the database was not maintained in a way for officials, or us, to determine if appropriate discipline had been taken. Specifically, our review showed the following:

- **The disciplinary database was missing at least one disciplinary action for seven of the 16 officers in our sample.** For example, we discovered a three-day suspension in the personnel file of an officer for failure to complete required visual checks of juvenile offenders. However, this disciplinary action was not included in the agency's database. Similarly, we discovered seven disciplinary actions in the personnel file of a different officer, of which just one was included in the database.
- **The final disciplinary action documented in the database was not always correct.** For example, the database showed a letter of reprimand was the final disciplinary action taken against an officer from our sample. However, the officer's personnel file showed the final disciplinary action was actually a one-day suspension. Additionally, the database showed another officer had been dismissed for an infraction when a review of the file showed the officer actually received only a one-day suspension.
- **Data in some fields were too generic to be useful in determining further disciplinary actions.** Staff include a brief description of the officer's infraction that resulted in disciplinary action when updating the database. This description, in combination with the type of discipline assigned, would help officials assign consistent discipline in future, similar cases. However, many of the explanations we reviewed were too brief or generic for officials to use in their decision making process. Specifically, we saw several entries that only included "failure to follow policies and procedures" with no additional information.

We have concerns regarding the additional methods officials described taking to ensure discipline is consistent and increasingly severe. Officials told us that the disciplinary database is only one of several methods they use to help ensure appropriate disciplinary action is taken. Officials told us they also review paper records of employee's past discipline. Further, they may discuss the case with KJCC and Department of Corrections staff to determine appropriate discipline. However, we identified potential risks associated with relying on these methods. Specifically, we found that:

- relying on paper records of past employee discipline could help officials assign increasingly severe discipline for that employee, but it does not ensure discipline is applied consistently across employees.
- relying on other people's memories and opinions introduces a risk for inconsistent discipline. Specifically, staff turnover could leave officials without a resource to ensure discipline is consistent. Additionally, relying on staff to remember past disciplinary actions introduces more risk for error than relying on a well-maintained database.

Due to the condition of the database we could not evaluate whether these additional methods resulted in consistent or increasingly severe discipline. However, given the risks described directly above we believe relying on a well-maintained database would greatly reduce the risk of officials assigning inappropriate discipline to KJCC staff.

It is also worth noting that officials reported to the Legislative Post Audit Committee that they audit the database quarterly for accuracy. During this audit officials reported the database is not audited as previously disclosed.

Conclusion and Recommendations

Conclusion

Our 2012 audit of the Kansas Juvenile Correctional Complex found numerous safety and security issues, many of which had persisted for decades. To address many of these issues, we made a series of recommendations to help improve the safety and security of the facility.

The results of this audit suggest that KJCC officials have made progress in addressing many of the concerns identified in the 2012 audit. However, these results also suggest that some problem areas still remain. Of greatest concern are the ongoing issues with consistently providing adequate supervision of the juvenile offenders, which puts the offenders at risk of harm and neglect. Officials should continue their efforts to address these safety and security concerns to reduce the risk of incident and harm to juvenile offenders and officers at KJCC.

Recommendations for Executive Action

1. To address issues related to supervision of juvenile offenders, KJCC officials should develop and implement a formal and documented process to verify that officers perform visual checks on juvenile offenders as required (pages 18 through 20).
2. To address the issues related to some prohibited items not being submitted to the investigator, KJCC officials should consider establishing clear guidance on officials' expectations for how officers should report and document questionable items (pages 16 through 17).
3. To address inadequate tool destruction and inventory of repurposed tools, KJCC officials should develop and implement a process to ensure the master inventory is updated to reflect any final action taken on repurposed tools (page 14).
4. To address the issues concerning an inadequate process to track disciplinary actions over time, KJCC officials should (pages 21 through 23):
 - a. Continue to develop and implement a disciplinary database that is complete, accurate, and provides sufficient detail on violations.
 - b. Develop a process for periodically reviewing the information in that database.

5. To address the issues with policies and procedures, KJCC officials should continue to review and amend policies that are ambiguous, cumbersome or outdated and need to be properly aligned with Department of Corrections' practices (page 21).

APPENDIX A

Scope Statement

This appendix contains the scope statement approved by the Legislative Post Audit Committee for this audit in April 29, 2014.

Department of Corrections: Evaluating Safety Issues at the Kansas Juvenile Correctional Complex

The Kansas Juvenile Correctional Complex (KJCC) is one of two juvenile corrections facilities in Kansas. KJCC provides maximum and medium security beds for about 170 male and 11 female juvenile offenders. The ages of juvenile offenders range between 10 and 22. KJCC's primary responsibility is the daily care, custody, management and treatment of those juvenile offenders. Male and female offenders are housed in separate facilities and are guarded by about 150 security officers.

Our July 2012 audit identified numerous problems that compromised the safety and security of KJCC offenders and staff including a poor security environment at the complex and poor personnel practices. For example, we found that staff had not adequately supervised offenders, had routinely allowed doors to be propped open or unlocked, and had done a poor job of keeping prohibited items outside of the facility. Moreover, we identified a variety of poor personnel practices including an inadequate background check process, insufficient staff training, and a lack of appropriate disciplinary actions for policy violations.

Because of the extensive number of problems we identified, we recommended that the Post Audit Committee consider authorizing a follow-up audit of safety and security issues at KJCC within 18 to 24 months of our 2012 audit.

A performance audit in this area would address the following question:

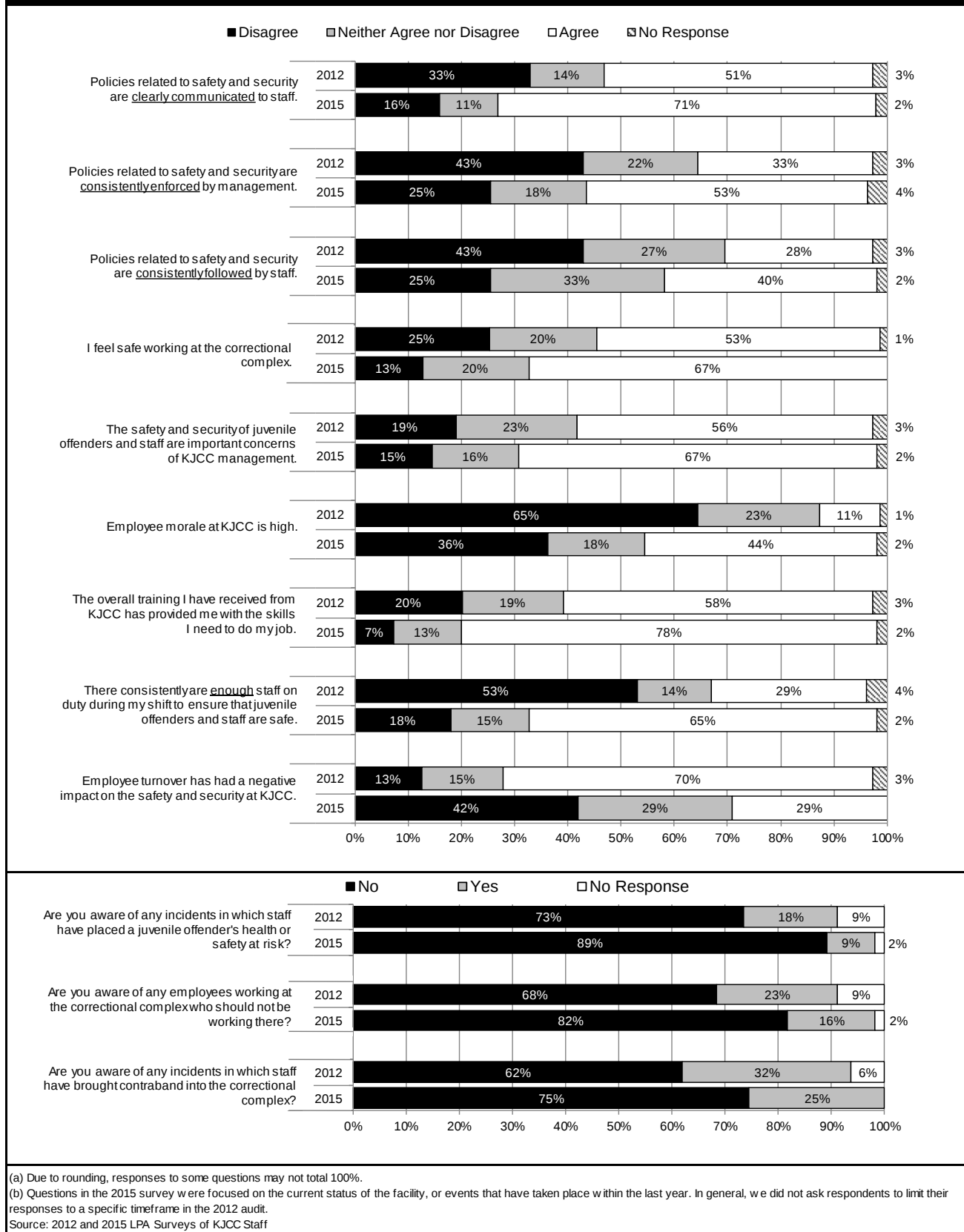
- 1. Has the Kansas Juvenile Correctional Complex taken adequate action to correct problems identified in our 2012 audit?** To answer this question, we would interview KJCC officials and review status reports submitted to the Legislative Post Audit Committee to determine what actions they have taken to address the 31 recommendations included in our 2012 audit. To verify those actions, we would interview KJCC and Department of Corrections officials and staff and would review policies, procedures, personnel records, surveillance video, facility incident reports, and other available documentation as necessary.

Estimated Resources: 1 staff

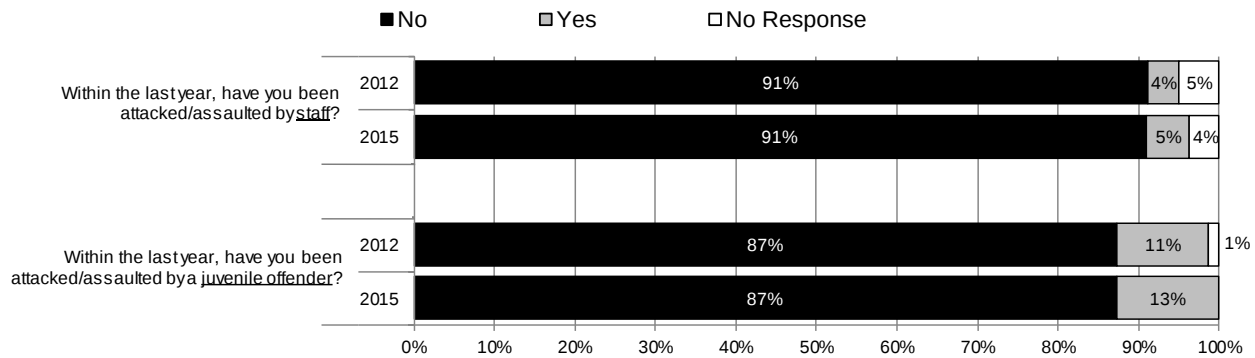
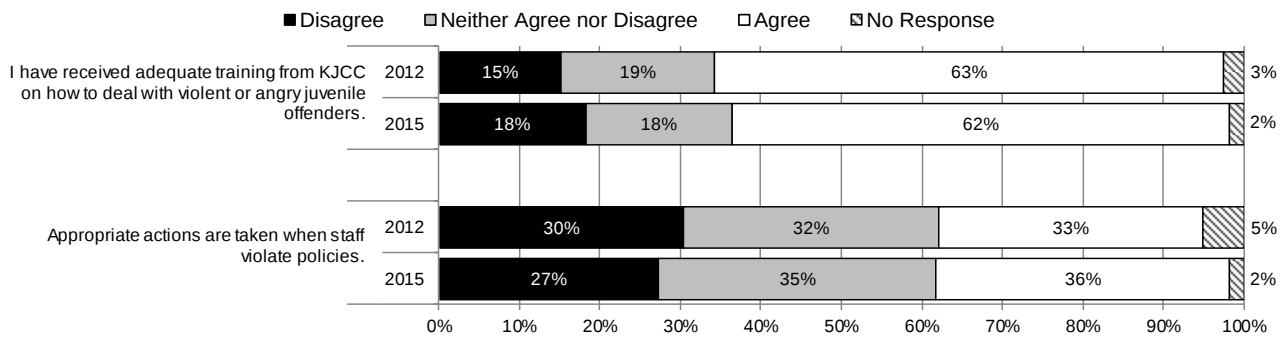
Estimated Time: 3 months (a)

(a) *From the audit start date to our best estimate of when it would be ready for the committee.*

Appendix B
Detailed Comparison of Responses to Similar Questions Asked
on Both the 2012 and 2015 Employee Survey (a) (b)



Appendix B (Cont.)
Detailed Comparison of Responses to Similar Questions Asked
on Both the 2012 and 2015 Employee Survey (a) (b)



(a) Due to rounding, responses to some questions may not total 100%.

(b) Questions in the 2015 survey were focused on the current status of the facility, or events that have taken place within the last year. In general, we did not ask respondents to limit their responses to a specific timeframe in the 2012 audit.

Source: 2012 and 2015 LPA Surveys of KJCC Staff

APPENDIX C

Agency Response

On August 4, 2015 we provided copies of the draft audit report to the Department of Corrections. Its response is included as this Appendix. Following the agency's written response is a table listing the department's specific implementation plan for each recommendation. Agency officials agreed to implement our recommendations and had no comments in their formal response that required us to change the report.

714 SW Jackson, Suite 300
Topeka, KS 66603



Phone: (785) 296-3317
Fax: (785) 296-0014
Email: kdocpub@doc.ks.gov
www.doc.ks.gov

Ray Roberts, Secretary

Sam Brownback, Governor

August 14, 2015

Mr. Scott Frank, Legislative Post Auditor
Legislative Division of Post Audit
800 SW Jackson Street, Suite 1200
Topeka, KS 66612-2212



Re: KDOC's Response to Post Audit Report: "Department of Corrections: Evaluating Safety Issues at the Kansas Juvenile Correctional Complex"

Dear Mr. Frank:

We appreciate the opportunity to respond to the Post Audit Report entitled "Department of Corrections: Evaluating Safety Issues at the Kansas Juvenile Correctional Complex".

As noted in the final audit report for the Kansas Juvenile Correctional Complex (KJCC), the scope of the 2015 audit review was limited. Thus, it did not fully reflect the magnitude of the positive gains from the 2012 report in many areas, including safety and security. In some instances, the processes proposed subsequent to the 2012 report were what were examined rather than the actual outcomes achieved. While we certainly note areas which necessitate continued improvement, KJCC is a safe facility for both youth and staff. Safety and security are of the upmost importance in all facilities of the Kansas Department of Corrections (KDOC).

The following information is provided to further expand upon the positive changes noted in the aforementioned Post Audit Report.

Safety/Sexual Safety/PREA Improvements

In addition to the marked improvements in areas such as tracking investigations of abuse, systematic review of critical incidents, the establishment of a system to ensure that various searches (facility, unit, canine) are conducted, keeping prohibited items out of the facility, and the greatly improved processes to inventory, track and secure keys and tools, there have been other improvements pertaining directly to safety and security.

Due to federal requirements, all Juvenile Correctional Facilities are required to have audits conducted to determine compliance with the Prison Rape Elimination Act (PREA). These audits must be conducted by individuals who have been certified, meet specialized training and professional experience criteria and possess at least 3 years of significant auditing, monitoring, quality assurance, investigations, or substantially similar experience with the facility type or set of standards in which the applicant seeks certification(s). For juvenile auditors, this means they have experience in working in juvenile correctional settings.

In June 2015, KJCC was fortunate enough to have assigned auditors with collective decades of juvenile corrections experience. KJCC passed the PREA audit, meeting or exceeding all of the standards. Some of the comments from the audit report included:

"All interviews with the youth reported that they felt safe at the facility. The youth were able to explain how to report incidents of sexual assault or harassment and youth discussed how they were orientated about PREA upon intake. All youth explained that they viewed a video regarding PREA and the video told them how to report incidents. The youth also knew and discussed that they could not be retaliated against if they were to make an allegation. Youth unanimously stated that they were never searched by opposite gender staff and all documentation showed that this never happens nor need to happen. All of the youth interviewed reported that opposite gender staff announces themselves before entering a unit of opposite gender."

“During random staff interviews the staff all knew their responsibilities to prevent, detect and respond to incidents of sexual abuse and harassment. Staff at the facility appears to work as a good team, with lots of communication and caring attitude. It is obvious by staff interviews that the expectation to respond to protect youth that might be a substantial risk of sexual abuse is immediately. It is in the culture that any reports are responded to immediately. The facility has a critical incident team which also serves as the Sexual Abuse Incident Review Team. This team prepares a report of its findings from the review and makes any recommendations for changes, possible discipline and forwards to the Superintendent for review. They seem to have a good review process in place to review incidents.”

Physical Plant Improvements

Since 2012, there has been significant investment in physical plant changes to KJCC. All of these investments positively impact the safety and security of the facility and help aid in investigative processes. These include:

- ✓ Reduction in the perimeter of the facility
- ✓ Establishment of an evidence locker and storage room
- ✓ Installation of a shaker fence system
- ✓ Increased perimeter lighting
- ✓ Increased camera coverage on the perimeter
- ✓ Increased camera coverage in the facility
- ✓ Increased quality of cameras with better resolution
- ✓ Increased recording/storage capacity of camera system

Staffing/Training and Human Resources Improvements

In addition to the positive comments noted in the 2015 report, including consistently conducting background checks for new and existing staff, better organization of personnel files, consistently ensuring that new and existing staff receive statutorily required training, and improved staffing process and staffing levels, there have been other notable improvements in Training and Human Resources.

Since 2012, investigative staff in juvenile services has tripled, including adding a second investigator at KJCC and an investigator at LJCF. The duties at LJCF had been covered by KJCC investigators so that addition actually resulted in increased capacity at KJCC.

Uniformed staff positions were added to areas of need in the facility, such as the kitchen/dining area and multiple living units. Supervisor assignments have been modified to provide coverage on all three shifts.

In order to aid in the quality assurance process, a Safety and Sanitation Officer position was established. This position, in part, took over some of the duties originally assigned to the Quality Assurance Team.

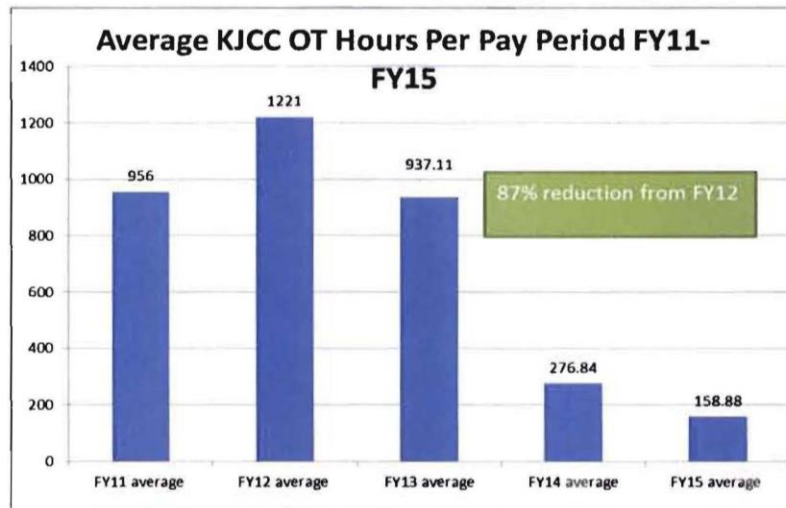
A Tool Control Specialist position was established, who has helped develop and maintain the positive changes to the tool control processes noted in the 2015 report.

As the 2015 report correctly summarizes, the training program at KJCC has greatly improved over the last 3 years. While the report focused primarily on the adherence to the total number of training hours, our goal is to ensure staff members are well-trained. Therefore, there has been a concentrated effort to provide training in subjects that will positively impact the safety and security of the facility and in industry-relevant topics to further develop our staff members' skills and abilities. These include tailoring annual training on topics such as Motivational Interviewing (MI), Gender Responsive Approaches, Effective Practices in Correctional Settings (EPICS), Mental Health in Juvenile Justice (MHJJ), Evidence-Based Services, and Cognitive Reflective Communication (CRC).

The 2012 audit report listed several factors that the LPA cited as contributing to the high turnover rate at KJCC. First was the disparity of the starting salary for JCOI's as compared to their adult counterparts. This was remedied in June of 2012 via Executive Order 12-430. The shift differential was also raised to that of the adult system. In 2013, when the under market study resulted in adult corrections uniformed staff receiving 7.5% raises, Juvenile Correctional Officers also realized those increases.

Overtime was a huge issue at the facility (see page 35 of the 2012 report), where KJCC was cited as spending roughly \$500,000 in overtime in 2011 and that its six year average for overtime proportionally was more than double the average of other Kansas correctional facilities. This was something addressed early on and KJCC has made remarkable progress in reversing the overtime trends.

KJCC had its highest overtime (OT) expenditures in FY12 (July 1, 2011- June 30, 2012). Since then, the overtime expenditures have been reduced significantly. In fact, **in FY15, less than \$97,000 was spent in overtime**, and the average number of overtime hours accrued per pay period reflects an **87% reduction** from FY12 numbers. This made KJCC the **3rd lowest overtime** in the KDOC.



FY09 OT Expenditures	\$ 486,275.00
FY10 OT Expenditures	\$ 499,842.96
FY11 OT Expenditures	\$ 532,042.19
FY12 OT Expenditures	\$ 660,037.61
FY13 OT Expenditures	\$ 535,730.69
FY14 OT Expenditures	\$ 165,507.10
FY15 OT Expenditures	\$ 96,050.93

In the 2012 report, it was noted that KJCC had 4 different Superintendents in 6 years and that turnover in top-level administration contributed to the challenges at the facility. KJCC has had consistent and quality leadership in Superintendent Kyle Rohr for over 3 ½ years. Mr. Rohr is a 25-year veteran in both adult and juvenile corrections. Superintendent Rohr has amassed a solid senior management team with Deputy Superintendent Milner being employed at KJCC for over 3 years in her current role and multiple department managers with sizable tenure at KJCC and/or KDOC.

In the 2012 report, it was reported that for 5 years, KJCC had the “highest turnover rate” among most KDOC facilities. We are pleased to report that the turnover at KJCC has also improved, with an overall turnover rate in FY15 of 25.05%, versus nearly 33% in FY11. We continue to look for ways to improve this figure and KJCC now has the **5th lowest** turnover among KDOC facilities.

Policy and Procedure Improvements

As noted in the 2015 report, the former Juvenile Justice Authority (JJA) merged with the Kansas Department of Corrections in July 2013. As part of this merger, the agency/facility policies are being consolidated. Policies have been prioritized and those impacting agency operations, human resources and critical security matters have been tackled first. While many policies are still in the consolidation process, there have been positive gains in development and adoption of policies that previously didn’t exist in the juvenile system. These include Risk Assessment (YLS/CMI), Case Management, Gender Responsive Services, Central Monitoring, and Identification and Management of Unsanctioned Groups. KDOC will continue review and amend policies as necessitated.

Educational/Vocational and Program Improvements

Since 2012, a system-wide review and overhaul of the programs provided at the JCF has been conducted. In addition, with the merger with KDOC, the medical and behavioral health services have been included in the KDOC contract. Outcomes of these initiatives include:

- ✓ An increase in the number of behavioral health staff at KJCC
- ✓ The addition of activity therapists and discharge planner at KJCC
- ✓ Establishment of Aggression Replacement Therapy® (ART®)
- ✓ Revision/update of the assessment tools and curricula used for Sex Offender Treatment

- ✓ Revision/update of the assessment tools and curricula used for Substance Abuse Treatment
- ✓ Obtained and maintained Substance Abuse Treatment Licensure at KJCC (and LJCF)
- ✓ Educational services – KJCC has steadily increased the types and number of vocational services and post-secondary opportunities for youth. In FY11, there were no hours of post-secondary credit earned at KJCC. In FY12 there were 15 hours earned. In FY13, the number was 133 and in FY14, it was 948. In FY15, there were 1215 hours earned, reflecting an **813% increase** over FY13 numbers. This is especially noteworthy since there has been a decline in the youth census at the facility during this same period. Hours earned by female offenders were proportionate to their percentage of the population.

These aforementioned programmatic changes positively impact safety and security in multiple ways. First, programs reduce the amount of idle time spent in the facility by offenders. Second, part of effective correctional practices is to employ evidence based services and approaches which will reduce youths' risk to reoffend. Third, some improvements in various risk areas (e.g., helping youth manage anger control via ART©), improves the behavior of youth while at the facility.

To illustrate this, a preliminary analysis of the behaviors of youth who completed ART© at KJCC over the last year was conducted. The analysis found that this population was less likely to earn disciplinary convictions. Specifically they were over 50% less likely to be convicted of a violent or aggressive disciplinary report (DR) than before the completion of the program, 17% less likely to be involved in a fight, over 50% less likely to engage in threatening or intimidating behavior, and nearly 75% less likely to batter another youth or staff. Fewer DR convictions also resulted in roughly 50% fewer segregation placements, and 65% less time in segregation after completing ART© than they were before the program, and before they learned the skills and tools that ART© provides.

Conclusion

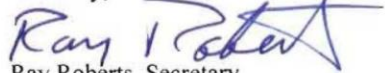
So what are the outcomes of all of these changes? KJCC has had no escapes, no attempted escapes, no suicides, no attempted suicides, no gang fights, no overdoses, and no attempted overdoses. There have been reductions in critical indicators including no serious batteries by youth on youth in FY15, no serious batteries by youth on staff in FY15, continued reduction in other areas including a reduction in youth fights (58% reduction from FY14 to FY15), and a reduction of batteries without serious injuries. Batteries without serious injuries for both youth and staff were reduced by 49% from FY14 to FY15. These are the types of indicators and outcomes that are desired and enviable. They don't happen by accident. They can only be realized in a facility that consistently promotes and adheres to sound safety and security practices.

We will continue to focus on incrementally enhancing our efforts and outcomes. This will include a more comprehensive quality assurance practice to spot check compliance with supervision requirements for youth in general population, segregation and suicide precaution statuses. We will continue with policy consolidation and work on improvement in other identified areas.

KDOC and KJCC are committed to providing a safe and secure environment for our staff and the youth entrusted to our care. We are proud of the significant accomplishments by KJCC staff at all levels in the organization. Vast improvements have been made over the last 3 years with practices/processes established and incorporated in the facility culture.

Thank you for your time and assistance over the last few months.

Sincerely,


Ray Roberts, Secretary
Kansas Department of Corrections

Itemized Response to LPA Recommendations

Audit Title: Department of Corrections: Evaluating Safety Issues at the Kansas Juvenile Correctional Complex

Agency: Kansas Department of Corrections

LPA Recommendation	Agency Action Plan
Question 1	
1. To address issues related to supervision of juvenile offenders, KJCC officials should develop and implement a formal and documented process to verify that officers perform visual checks on juvenile offenders as required.	In August 2015, KJCC adopted the electronic log process which is used in other KDOC facilities. KJCC officials will continue to instruct supervisors to perform spot checks of duties performed by line staff in the area of security rounds on the living units. When discrepancies are noted, progressive coaching and discipline will continue to occur.
2. To address the issues related to some prohibited items not being submitted to the investigator, KJCC officials should consider establishing clear guidance on officials' expectations for how officers should report and document questionable items.	KJCC already has a clear policy on evidence collection and the submission of contraband. Education of staff on how to process this information is presented in annual and basic training. Work will continue to occur to educate staff on contacting supervisors with questionable items. The Security Threat Group (STG) IMPP was recently revised that covers evidence and items required for gang validation which will allow for central monitoring of validated gang members. This new process will be trained in the upcoming training year.
3. To address inadequate tool destruction and inventory of repurposed tools, KJCC officials should develop and implement a process to ensure the master inventory is updated to reflect any final action taken on repurposed tools.	The updated, consolidated IMPP on Tool Control is currently in the final stages of the policy consolidation process. It is anticipated to be finalized and published in the very near future. This policy outlines the tool destruction procedure as well as master inventory procedures.
4. To address the issues concerning an inadequate process to track disciplinary actions over time, KJCC officials should:	
a. Continue to develop and implement a disciplinary database that is complete, accurate, and provides sufficient detail on violations.	KJCC will continue to enhance the process of ensuring disciplinary action is consistent and progressive, including the use of the disciplinary database and other collateral resources. The database is complete and the process to ensure it is updated and accurate is currently being improved.
b. Develop a process for periodically reviewing the information in that database.	An information review of this database will take place when disciplinary action is being considered (i.e. when the database is used to compare like disciplines) and at periodic Human Resource audits.
5. To address the issues with policies and procedures, KJCC officials should continue to review and amend policies that are ambiguous, cumbersome or outdated and need to be properly aligned with Department of Corrections' practices.	This practice has been ongoing since the last LPA audit of 2012 but with the re-organization between KDOC and JJA in July of 2013, we began the consolidation of all IMPPs. All policies are going through a review and update.