



LIMITED-SCOPE PERFORMANCE AUDIT REPORT

Department of Corrections: Evaluating Recent Security Incidents at the El Dorado Correctional Facility

AUDIT ABSTRACT

Local and national media reported that three security incidents took place at the El Dorado Correctional Facility in May and June 2017. The May 9 incident appears to have been a spontaneous protest, the June 24 incident began as a conflict between two gangs and expanded because several doors were not properly secured, and the June 29 incident started in response to a sudden change in the inmates' shower schedule. Most inmates did not participate in these incidents, and our review of the available evidence confirmed the department's reports of minimal injuries and property damage. Finally, department officials told us they intentionally allow inmates to maintain control within confined areas of a facility during security incidents as part of their response strategy to reduce the likelihood of injuries and property damage.

**A Report to the Legislative Post Audit Committee
By the Legislative Division of Post Audit
State of Kansas
December 2017**

From the Legislative Post Auditor:

This limited-scope audit was authorized by the Legislative Post Audit Committee at its October 6, 2017 meeting. It addresses the following question: What happened during the security incidents at the El Dorado Correctional Facility on May 9, June 24, and June 29, 2017?

To answer this question, we interviewed officials from the Department of Corrections and the Kansas Organization of State Employees, and reviewed the department's internal investigation, incident, and disciplinary reports. We also reviewed radio communication logs and video footage of the incidents. We worked to gain an understanding of the tactics used by the department to respond to the incidents, but did not assess whether they were appropriate. In addition, some of the information we reviewed must be excluded from this report and kept permanently confidential under KSA 45-221(a)(12) and KSA 45-221(a)(45) because its dissemination could jeopardize the security of the Department of Corrections' facilities and staff.

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. Overall, we believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Audit standards require that we report on any work we did related to internal controls. Although we discovered some apparent deficiencies in some of El Dorado Correctional Facility's security operations controls, we did not review internal controls as part of this audit because of time constraints.

This audit was requested by Senator Laura Kelly and conducted by Andy Brienzo. Justin Stowe was the audit manager. If you need any additional information about the audit's findings, please contact Andy Brienzo at (785) 296-3792.

Sincerely,



Scott Frank
Legislative Post Auditor
December 15, 2017

What Happened During the Security Incidents at the El Dorado Correctional Facility on May 9, June 24, and June 29, 2017?

Background Information

The inmate population at the El Dorado Correctional Facility (El Dorado) increased significantly during fiscal year 2017. El Dorado opened in 1991, making it the newest of the Department of Corrections' eight adult correctional facilities. The facility's inmate population includes a mix of special management, maximum, medium, and minimum security inmates. It also houses some of the state's most dangerous inmates, who are assigned to long-term segregation.

The El Dorado facility's inmate population increased from 1,572 to 1,892 (a 20% increase) between fiscal year 2016 and 2017. The facility was able to absorb these increases because the department expanded double-bunking in the remaining three housing units.

One cause of the population increase in 2017 was the relocation of inmates from Lansing Correctional Facility (Lansing). Department officials told us these transfers, which took place during spring 2017, were needed because of a variety of issues, including staffing issues at Lansing, the relocation of a vocational program from Lansing to El Dorado, El Dorado's more modern facilities, and the department's efforts to even out Kansas' maximum security inmate population, which had previously been housed primarily at the Lansing and Hutchinson Correctional Facilities.

Local and national media reported a series of inmate incidents at El Dorado on May 9, June 24, and June 29, 2017. These reports indicated all three incidents were similar in nature. The most serious incident occurred on June 29, when inmates took control of several areas including the gym, yard, and dining area. Media reports stated the department put the facility on lockdown and mobilized Special Operations Response Teams (SORT) from the department's Lansing, Hutchinson, and Winfield facilities to address the disturbance. (Department staff told us, however, that SORT officers were mobilized from the Ellsworth, Hutchinson, and Winfield facilities.) The inmates were reported to have damaged security equipment, windows, and lockers, and stolen correctional officers' personal items.

The media reported similar types of inmate behavior occurring on May 9 and June 24. For both incidents, this included inmates refusing to return to their cells. During the first incident inmates also barricaded the gates to the yard, and during the second incident inmates started a fire, obtained weapons, and took officers' personal items from a security office.

We interviewed Department of Corrections officials, reviewed radio communication logs, internal reports, and about 20 hours of surveillance video to determine what happened during the three security incidents. To better understand what happened during each incident, we read media articles and interviewed Department of Corrections and Kansas Organization of State Employees officials. We then reviewed available evidence to corroborate the reports, including video footage, radio communication logs, incident reports, and disciplinary reports.

We also reviewed correctional staff descriptions of the incidents and the results of the Department of Correction's own serious incident investigation.

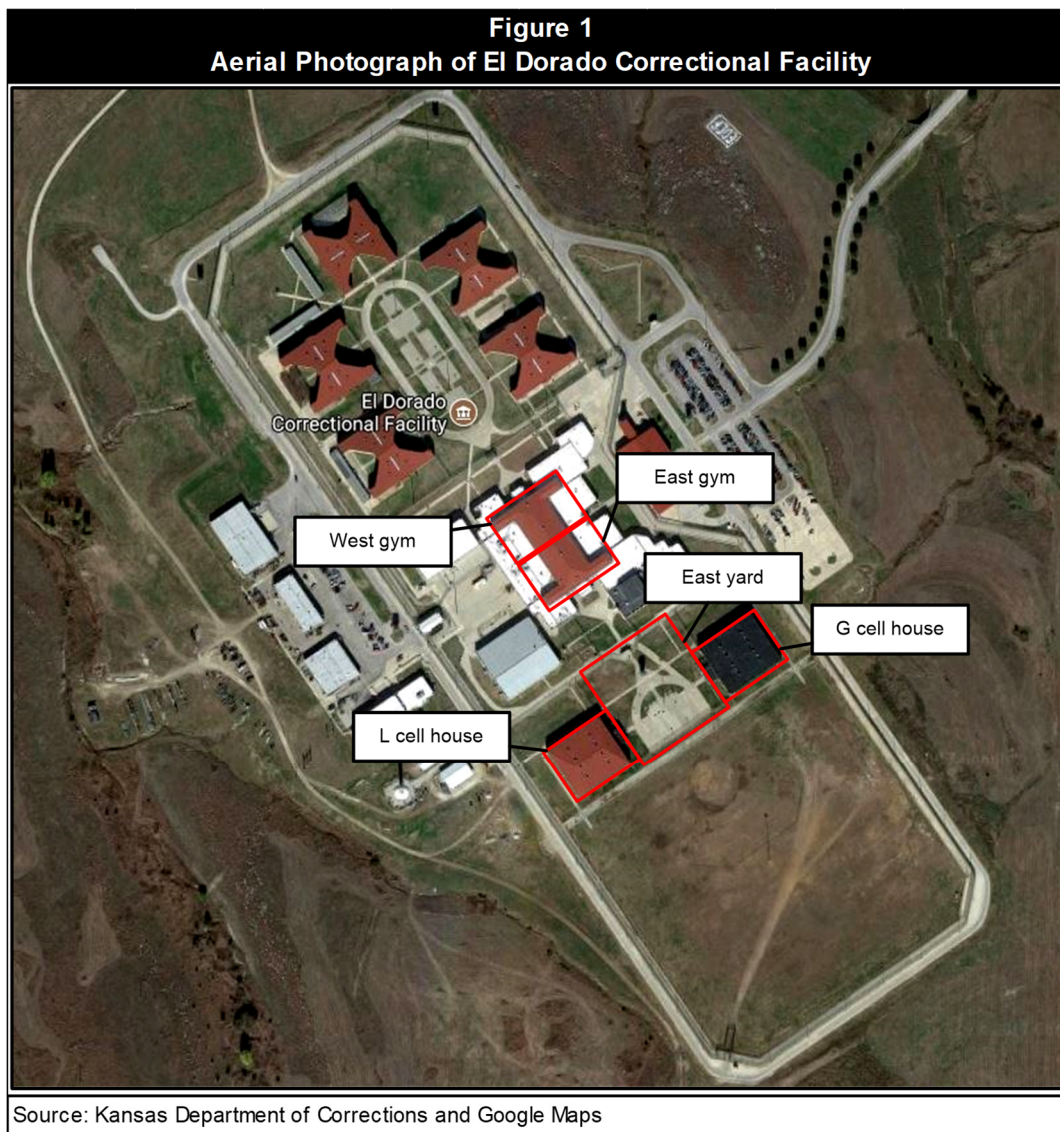
El Dorado has experienced an ongoing shortage of correctional officers, which led to temporary inmate transfers out of the facility and a staffing emergency declaration in August 2017. In fiscal year 2017, the El Dorado turnover rate was 46% for its 360 uniformed officers, about 90 of which were vacant when the June 2017 incidents occurred. To alleviate pressure on staff after these incidents, the Department of Corrections closed one of El Dorado's housing units and reduced its total inmate population from 1,892 on June 30 to 1,740 on July 31. The department also temporarily increased correctional officers' shifts to 12 hours in June, and declared a staffing emergency on August 1. This declaration, which department officials extended by 90 days on September 18, allowed the department to require officers to work up to 18-hour shifts. To help address staffing shortfalls, Governor Brownback authorized a 10% raise for El Dorado correctional officers in August 2017.

Finding #1: The May 9 Incident Appears to Have Been a Spontaneous Inmate Protest to How Correctional Officers Responded to an Assault on Another Officer

The east and west gyms at El Dorado are separated by a sliding door. Prior to May 9, the Department of Corrections started restricting inmates' ability to cross from one side to the other. The department posted a correctional officer at this door to ensure only approved inmates could pass from one side of the facility to the other. **Figure 1** on the following page shows an aerial photograph of the facility and the locations of the east and west gyms, the east yard, and the G and L cell houses. Inmates from these cell houses participated in the three security incidents, which all took place in the locations highlighted in the photo.

- **At 6:24 p.m., an inmate who was denied access to the east gym assaulted the correctional officer manning the door.** Other officers used mace to subdue and restrain this inmate, which several inmates from the G and L cell houses on the east side of the prison witnessed through the windows between the two gyms. Many inmates later told department investigators they had not seen the original assault on the correctional officer, but decided to protest what they believed was an unwarranted response from the other correctional officers.
- **At 6:30 p.m., about 150 inmates from G and L cell houses refused to return to their cells when officers closed the east yard and gym.** The department closed the east yard and gym at 6:26 p.m. and had moved all the inmates from the gym to the east yard by 6:30 pm. At that time, approximately 150 inmates refused to go back to their cells and remained in the east yard. Because department officials were unsure what the inmates planned to do, they cleared all the correctional officers out of the yard, locked it down, and activated their Special Operations Response Team (SORT).
- **At 8:27 p.m., some inmates attempted to block the entrances to the yard to prevent the SORT officers from entering.** When SORT officers arrived at 8:27 p.m., about 30 to 40 inmates tried to block the entrances to the yard. These inmates used plastic trash carts and weight machines to block several yard gates, basketball nets to tie one of these gates shut, and concrete benches to block the doors leading from the cell houses to the yard. The rest of the inmates simply milled around the yard, standing or sitting and talking among themselves while either watching or ignoring the incident.

- **At 10:01 p.m., the inmates voluntarily surrendered, and SORT officers secured them in their cells by 11:41 p.m.** The SORT officers entered the cell houses through alternate doors and secured the inmates who had been inside during the incident. This allowed them to bring in the inmates who had been demonstrating outside. Several inmates removed all the items that had been used as barricades after a correctional officer directed them to do so. They then lined up at the cell house doors to surrender, where SORT officers patted them down and escorted them to their cells. With the single exception of the officer who was assaulted before the incident, no officers or inmates were injured, and no significant physical damage was reported.



Finding #2: The June 24 Incident was a Result of Conflict Between Two Rival Gangs and Failed Security Protocols

Two well-known street gangs, the “Bloods” and the “Crips,” maintain a presence inside many correctional facilities, including El Dorado. In the weeks prior to the June 24 incident, officers intercepted a large drug shipment coming into the facility for the gangs. Members of the “Crips” believed a member of the “Bloods” was responsible for the interception. The “Crips” intended to

punish the “Blood” gang member, but agreed to allow the members of the “Bloods” to handle it themselves, leading to this security incident.

- **At 7:00 p.m., inmates passed through several unsecured cell-house doors to witness the “Bloods” punish their gang member.** Members of both gangs, including inmates from both G and L cell houses, wanted to be present for the punishment. Only the inmates from G cell house had permission to enter the east yard at 7:00 p.m., but because officers in L cell house had not secured that cell house’s doors, about 50 to 70 L-cell-house inmates joined the G-cell-house inmates in the east yard without permission. Inmates also propped open the main doors to both cell houses so they could enter and exit as they pleased.
- **At 7:18 p.m., in response to the inmates leaving L cell house without permission, department officials activated their SORT officers and locked down the east yard about 10 minutes later.** Anticipating the punishment of the “Blood” gang member, most inmates refused to return to their cell houses after entering the yard. The attack on the “Blood” gang member occurred at 8:42 p.m. and lasted about three minutes. Neither the gang member nor his attacker received significant injuries. Department staff were unsure whether the inmates had anything planned afterwards, so the yard remained on lockdown.
- **While the east yard was on lockdown, some inmates exploited their access to the cell houses to obtain items they could use as weapons and to light a fire in the yard.** The cell houses contain closets where brooms and mops are stored for the inmates to use when cleaning their cells. Some inmates took about five brooms and mop handles from these closets, broke them, and passed them around the yard when the SORT officers entered the cell houses at about 10:15 p.m. Our review showed the inmates did not have access to correctional staff while they had these weapons and did not use them to threaten one another.

About 15 minutes later, a few inmates lit a plastic trash cart on fire and pushed it through the main door into the L cell house, only to wheel it back out one minute later and leave it to burn in the middle of the yard. An inmate also dumped another trash cart into the fire about 15 minutes later, and one inmate lit a broom on fire and held it up to a security camera in an attempt to disable it. As was the case on May 9, only about 30 to 40 of the approximately 150 inmates in the yard took part in the incident.

- **At 11:34 p.m., SORT officers secured the cell houses and the yard.** At about 10:35 p.m., a couple of inmates closed the G- and L-cell-house doors that had been propped open, trapping several inmates in the hallway. SORT officers cleared these hallways and secured the inmates in the yard in the same way they had done on May 9. The inmates who had obtained weapons discarded them and lined up voluntarily to be taken inside, and the officers cleared the yard within an hour. One correctional officer was treated for smoke inhalation, but otherwise no officers or inmates received injuries during the incident.

Two days later, on June 26, correctional officers discovered an inmate had broken into an office in the east gym during the incident. An inmate crawled through the east gym bathroom ceiling, over the wall, and into the neighboring special security team office. In doing so, he damaged drywall, insulation, and the ceiling, and he stole officers’ food and drinks from the office. In addition to the destroyed brooms, mop handles, and trash carts, this was the only damage that occurred during the incident.

Finding #3: The June 29 Incident Started in Response to a Sudden Change in the Inmates' Shower Schedule

Before the previous incident on June 24, the inmates' shower schedule allowed them the opportunity to shower immediately after their yard and gym time. On June 29, the warden announced a schedule change which delayed typical shower times by several hours. This announcement came just after the lockdown following the June 24 incident had been lifted. Some inmates informed officers they intended to remain in the yard and gym until El Dorado officials agreed to discuss the change in shower schedule, but officials did not want to discuss this in the yard.

- **At 9:15 a.m., about 120 inmates followed through on their threat to remain in the yard and gym without permission.** Although the G-cell-house yard time was scheduled to end at 9:15 a.m., about 120 inmates remained in the yard and gym to force a discussion with prison officials about the change in the shower schedule. At this point, the protest was peaceful, no inmates were engaging in violent or destructive behavior, and correctional officers remained among them.
- **During the protest, some inmates accessed the east gym special security team office and an adjacent activity therapist's office.** While most inmates remained in the yard and gym to protest the shower schedule change, a few inmates took advantage of the still-unsecured bathroom ceiling to access the neighboring east gym special security team office at 10:28 a.m. (just as an inmate had done during the earlier incident on June 24). Correctional officers were unable to stop them from accessing the office because the inmates significantly outnumbered them and they did not want to escalate the situation unnecessarily. About 20 minutes later, the department responded by ordering all officers out of the yard and gym, locking these areas down, and activating SORT teams from multiple facilities. The department prepared a stronger SORT response to this incident, but it is not fully clear why.
- **About 30 to 40 inmates then ransacked and damaged the special security team and activity therapist's offices.** Of the approximately 120 inmates who remained in the yard and gym, about 30 to 40 took part in the security incident. Because of their prolonged access to the offices, these inmates had time to ransack them, taking officers' personal items, gloves, handcuffs, a flashlight, a stab vest, a mop handle, a softball bat, a shield, and several other items. Inmates also damaged the offices and the bathroom. At noon, the inmate responsible for much of the damage used a flashlight stolen from the special security team offices as a club to vandalize it. Ironically, because the inmates who led the protest had intended for it to remain peaceful, several of them assaulted the vandal multiple times over the next hour as punishment. Even though the flashlight and many of the other items taken from the offices could be used as weapons, the inmates who had them did not pose a threat to either the officers or one another. None of the inmates, including the ones involved in the fighting, were significantly injured.
- **At 3:20 p.m., inmates fled the gym as the SORT officers arrived and nearly all inmates had voluntarily surrendered within five minutes.** The department mobilized SORT officers from multiple correctional facilities to respond to the incident, and several teams entered the east gym at 3:20 p.m. The inmates who had remained in the gym during the incident fled to the yard at this point, and nearly all had lined up at their cell-house door to surrender and be escorted back to their cells about five minutes later. Only two inmates resisted, laying on the ground so the SORT officers would have to pick them up, cuff them, and walk them to the cell house. By 5:23 p.m., all inmates had been secured in their cells. No correctional staff received injuries during the incident.

While inmates were protesting the shower schedule change in the yard, an inmate in another part of the prison lit a fire in his cell. This inmate was in segregation because of his history of difficult behavior. Officers extinguished the fire within approximately five minutes. Although

this fire was separate from the protest, it is likely the inmate set it because he knew many of the facility's correctional officers were busy.

Finding #4: Our Review of the Available Evidence Confirmed the Department's Reports of Minimal Injuries and Property Damage for all Three Incidents

We interviewed department officials and reviewed officials' testimony to the Joint Committee on Corrections and Juvenile Justice Oversight to get their opinions on the severity of the three security incidents. They reported that none of the three security incidents had resulted in significant injuries to staff or inmates, or any significant property damage. Department officials told us they generally do not consider an injury to be "significant" unless it cannot be treated by their on-site medical staff and requires hospitalization. Such injuries might include bruises or minor broken bones (e.g., a broken finger). Moreover, department officials reported that the cost of the damage for all three security incidents was no more than a few thousand dollars.

Our review of the available evidence confirmed the injuries received by officers and inmates during the incidents matched the descriptions department officials provided us as well as those they provided during legislative testimony. For example, a correctional officer received a black eye during the May 9 incident, an officer suffered from smoke inhalation during the June 24 incident, and a few inmates assaulted one another during the June 24 and 29 incidents, but walked away from the encounters without assistance. Similarly, our review of video footage found that property damage appeared limited to some minimal damage to custodial equipment, two facility offices, and one bathroom. This included spray painting, a broken window, and damage to wooden lockers, bathroom fixtures, ceiling tiles, insulation, and drywall. The extent of this damage appeared reasonably consistent with department officials' prior descriptions.

Finding #5: Department Officials Intentionally Allow Inmates to Maintain Control Within Confined Areas as Part of Their Response Strategy

Department of Corrections officials told us allowing the inmates to maintain control of certain secured areas within the facility for several hours is part of their strategy for dealing with inmate incidents. Department officials reported the east yard and gym are secure areas in which correctional officers can contain and closely observe inmates during security incidents. Allowing inmates to remain in these areas for several hours during an incident gives them time to calm down, grow tired of the incident, and eventually surrender voluntarily. This appeared to happen during each of the three incidents we reviewed. Department officials told us waiting out the incident rather than intervening immediately helps prevent violent conflicts between correctional officers and inmates, and helps to maintain good relations between them. This strategy is particularly effective for incidents that take place during hot or inclement weather or begin in the evening and continue into the night. This is because the inmates usually go to bed early and therefore become increasingly tired as the incident continues.

Department officials emphasized that inmates' actions ultimately dictate their response, though, and corrections staff have several options for intervening if there is an imminent threat of injury or significant property damage. Department officials also noted using force to disperse incidents was common practice several years ago, but officer and inmate injuries were often more frequent as well.

Recommendations

None

Agency Response

On November 3, 2017, we provided copies of the draft audit report to the Department of Corrections for an official response. The department elected not to provide a written response to the audit.