



Legislative Post Audit Performance Audit Report Highlights

Department of Corrections:
Reviewing Allegations of Staff Misconduct

Report Highlights

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Audit Concern

Over the last few years, there have been three highly publicized incidents occurring at three different correctional facilities – Lansing, El Dorado, and Topeka. Two of these incidents involved inmate escapes with the help of people associated with the correctional facilities. The third incident involved an inmate getting pregnant after having sexual relations with a correctional employee. These three incidents have caused legislators to question whether the State is doing enough to prevent misconduct by correctional employees.

Other Relevant Facts

We focused on allegations of staff undue familiarity, sexual misconduct, and trafficking in contraband.

The Department lacks sufficient management information to ensure that officials are aware of the level of staff misconduct. Because of a lack of good data, and the fact that some misconduct isn't reported, we can't say how prevalent staff misconduct is.

Investigations by facility staff result in findings of "substantiated" (proven true), "unfounded" (proven false) and "unsubstantiated" (can't be proven true or false).

AUDIT QUESTION: *What happened in the Lansing, El Dorado and Topeka cases and what were the contributing factors?*

AUDIT ANSWER and KEY FINDINGS:

- The three incidents we reviewed involved staff undue familiarity, sexual misconduct, and trafficking in contraband.
Lansing: Two facility staff failed to follow policies and procedures relating to reporting undue familiarity, and searching vehicles. This led to an inmate escaping by hiding in a vehicle.
El Dorado: Multiple staff at El Dorado, and Lansing staff failed to take action on reported undue familiarity. This led to two inmates escaping with the help of a former staff member who supplied bolt cutters and weapons, among other things.
Topeka: Facility staff had inappropriate contact with a female inmate, who became pregnant.
- All three cases had red flags facility officials should have recognized and acted upon which could have prevented each of the incidents.
- The Department and facilities have taken some steps to reduce the likelihood such incidents will happen in the future, but additional steps could be taken.
- When we compared the three facilities, we identified systemic issues at Topeka Correctional Facility, including:
 - more investigations related to allegations of sexual misconduct
 - more investigations ended with a finding of "unsubstantiated"
 - fewer employees dismissed even when allegations were substantiated
 - more employees investigated multiple times for undue familiarity, sexual misconduct and trafficking in contraband.

We Recommended

- The Legislature amend State law to require individuals convicted for sexual misconduct to register as a sex offender, and toughen the penalties for both sexual misconduct and trafficking in contraband.
- Department officials improve management information about staff involved in undue familiarity—including sexual misconduct—and trafficking in contraband.
- Department officials further review Topeka Correctional Facility to ensure the female inmates are protected.

Agency Response: *In its response, the Department disagreed with our interpretation of a few events but pointed out no factual inaccuracies. After a careful review of the Department's response we made no changes to the final report.*

Other Relevant Facts

(continued)

Statutory penalties in Kansas for staff sexual misconduct aren't as severe as other states and in fact are less severe than penalties for staff trafficking in contraband.

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