



PERFORMANCE AUDIT REPORT

JJA: Evaluating the Kansas Juvenile Correctional Complex, Part I

**A Report to the Legislative Post Audit Committee
By the Legislative Division of Post Audit
State of Kansas
July 2012**

Legislative Post Audit Committee

Legislative Division of Post Audit

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July 5, 2012

To: Members, Legislative Post Audit Committee

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This report contains the findings, conclusions, and recommendations from our completed performance audit, *Juvenile Justice Authority: Evaluating the Kansas Juvenile Correctional Complex, Part I*. The audit was requested by Senator Kultala. 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,

Scott Frank
Legislative Post Auditor

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

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Table of Contents

Question 1: Does the Kansas Juvenile Correctional Complex Take Adequate Steps To Ensure the Safety of Juvenile Offenders and Staff?

Findings Related to Specific Security and Safety Issues

Overall, We Identified Numerous Safety and Security Problems at the Kansas Juvenile Correctional Complex	9
KJCC Staff Have Not Adequately Supervised Juvenile Offenders, Which Has Led To Offender Injuries and Misconduct	10
Staff Routinely Have Allowed Doors To Be Propped Open or Unlocked, at Times Allowing Juveniles To Freely Roam Living Units and Access Unauthorized Areas	14
KJCC Staff Have Done a Poor Job of Keeping Prohibited Items Out of the Facility	15
KJCC Staff Have Not Tracked, Inventoried, or Secured Keys and Tools.....	19

Findings Related to Personnel Management

Safety and Security Problems at KJCC Have Been Compounded By Poor Personnel Management	21
KJCC Has Employed Staff With Felony or Drug Convictions Because its Background Check Process Was Inadequate	21
Juvenile Corrections Officers Have Not Received Sufficient and Appropriate Training in Recent Years	24
KJCC Has Done a Poor Job of Disciplining Staff for Policy Violations.....	26
There Is Some Evidence That Shifts at KJCC Have Not Been Staffed and Supervised Properly To Ensure Safety and Security.....	28

Findings Related to the Overall Security Environment

The Environment at KJCC Has Not Been Conducive To Ensuring the Safety and Security of Juvenile Offenders and Staff	30
KJCC's Management Has Been Disorganized and Has Done a Poor Job of Communicating Safety and Security Policies.....	31
Severe Problems With Turnover Have Increased Safety and Security Risks	33
JJA and KJCC Officials Appear to Have Favored Convenience and Expedience Over Safety and Security	36
KJCC Management Has Done a Poor Job of Addressing Safety and Security Problems Once They Have Become Aware of Them	37
Conclusion	40
Recommendations	40

List of Figures

Figure OV-1: KJCC Offender Demographics	6
Figure OV-2: Operating Expenditures for KJCC By Program and Category	7
Figure 1-1: Summary of Requirements that Disqualify Applicants from Safety-Sensitive Positions at KJCC	23
Figure 1-2: Turnover Rates for Seven Adult and Two Juvenile Correctional Facilities (5-Year Average)	34
Figure 1-3: Summary of Main Findings Related to Security and Safety at KJCC as Identified in Previous and Current Audits.....	39

List of Appendices

Appendix A: Scope Statement	45
Appendix B: Agency Response	47

Juvenile Justice Authority: Evaluating Safety and Program Issues at the Kansas Juvenile Correctional Complex

The Kansas Juvenile Correctional Complex (KJCC) is one of two juvenile correctional facilities in Kansas. Overseen by the Juvenile Justice Authority (JJA), KJCC is a medium and maximum-security facility for about 220 male and 20 female juvenile offenders. KJCC's primary responsibility is the daily care, custody, management, and treatment of the offenders.

In addition to KJCC's security responsibilities, the facility also provides educational services aimed at helping juvenile offenders earn a high school diploma or a GED, and vocational programs that provide juveniles with hands-on training. KJCC also provides substance abuse programs. Until 2009, KJCC was licensed to provide these services. Since then, JJA has opted to have KJCC provide these services as an unlicensed treatment facility.

Legislators have expressed a variety of concerns about the operations at KJCC, including the safety of juvenile offenders and corrections officers, the adequacy and equality of its educational and vocational programs, and its unlicensed substance abuse treatment program.

This performance audit addresses the following questions:

- 1. Does the Kansas Juvenile Correctional Complex take adequate steps to ensure the safety of juvenile offenders and staff?**
- 2. Are the Kansas Juvenile Correctional Complex's educational and vocational programs adequate and equitable for male and female offenders to help prepare them for future academic or work opportunities?**
- 3. Is the Juvenile Justice Authority legally authorized to operate the Kansas Juvenile Correctional Complex as an unlicensed treatment facility?**
- 4. What potential effect does providing unlicensed substance abuse treatment have on juvenile offender care and facility funding?**

The scope statement for this audit approved by the Legislative Post Audit Committee is included in **Appendix A**. For reporting purposes, we separated this audit into two parts. Part I addresses the safety issues in the first question. Part II will answer the remaining questions related to programming issues and will be completed later in 2012.

Our audit work included a variety of things designed to help us answer question one. We reviewed facility incident reports, staff email, and surveillance video. We reviewed JJA's and KJCC's policies and procedures and compared them to standards published by the American Correctional Association and the Council of Juvenile Correctional Administrators. In addition, we reviewed initial and annual background checks for applicants and staff, examined personnel files, and evaluated staff training information. We reviewed exit interviews of former KJCC staff and reviewed literature regarding juvenile corrections officer pay issues and turnover rates. We also compared KJCC's turnover rate and overtime expenditures to other state correctional facilities. In addition to reviewing documents, we interviewed facility and agency officials and visited the facility to look for evidence of safety and security issues.

Our work also included surveying staff at KJCC and the Larned Juvenile Correctional Facility. Of the 284 surveys sent to KJCC staff, 79 were returned for a response rate of 28%. Of the 149 surveys sent to Larned staff, 57 were returned for a response rate of 38%. A summary of the KJCC and Larned Juvenile Correctional Facility survey responses is available upon request.

For confidentiality reasons, in most instances we have excluded information that would identify juvenile offenders and specific staff. In addition, we use masculine pronouns throughout the report because most juvenile offenders at KJCC were male. However, the reader should know that in some instances the juveniles or staff being referred to are females.

We conducted this performance audit in accordance with generally accepted government auditing standards, with certain exceptions. The 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. As part of the standards, the U.S. Government Accountability Office requires us to assess the sufficiency and appropriateness of computer-processed data used to support our findings. We performed only limited data reliability on the following datasets:

- Internal training records compiled by KJCC
- Turnover data compiled by the Department of Administration
- Historical financial expenditures related to overtime on correctional facilities compiled by the Legislative Research Department

Based on our limited tests of the training data, we were able to correct certain data errors we found. In addition, we noted the training database may not include all staff it should, and may include a small number of duplicate records. In addition, we did not perform analytic tests for accuracy and completeness on data related to turnover and overtime due to time constraints.

However, based on the limited data reliability we conducted, we think this information is not grossly inaccurate or incomplete, and that it provides a reasonable basis for any findings and conclusions in this report.

Our findings begin on page 9, following a brief overview.

Overview of the Juvenile Justice Authority and the Kansas Juvenile Correctional Complex

The Juvenile Justice Authority (JJA) Is Responsible For Supervising and Providing Services To All Juvenile Offenders in State Custody

Created by the Legislature in 1995, the Juvenile Justice Authority's (JJA) mission is to:

- prevent juvenile offenders from becoming involved in the juvenile justice system.
- provide community supervision of juvenile offenders who are involved in the juvenile justice system.
- provide safe, secure, humane, and restorative confinement of juvenile offenders to enhance public safety.
- promote public safety by holding juvenile offenders accountable for their behavior, and improve the ability of juvenile offenders to live productively and responsibly in their communities.

As part of its responsibilities, JJA oversees two state juvenile correctional facilities located in Larned and Topeka. Before JJA took over responsibility, supervising and providing services to juvenile offenders in state custody had been the responsibility of the Department of Social and Rehabilitation Services (SRS), now known as the Department for Children and Families.

In addition to the two correctional facilities, JJA also partners with communities to provide prevention, intervention, and programs at the local level. Lastly, the agency is responsible for providing technical assistance, grants, and oversight to organizations for local program delivery.

This Audit Focuses on the Kansas Juvenile Correctional Complex (KJCC), One of Two Facilities Overseen By JJA

As mentioned above, JJA oversees two facilities—the Kansas Juvenile Correctional Complex (KJCC) in Topeka and the Larned Juvenile Correctional Facility. KJCC is the subject of this performance audit.

KJCC is a medium and maximum-security facility for about 220 male and 20 female juvenile offenders between the ages of 13 and 22. First and foremost, KJCC is a correctional facility for juvenile offenders. As such, various facility staff are involved with the daily care, custody, management, and treatment of juvenile offenders. **Figure OV-1** on the following page provides more detail about the type of convictions and average age for juvenile offenders at KJCC.

Figure OV-1 KJCC Offender Demographics February 2012				
	Male	Female	Total	% of Total
By Age				
13-14	8	2	10	4%
15-16	53	5	58	24%
17-18	118	10	128	54%
19-20	31	2	33	14%
21-22	9	1	10	4%
Total	219	20	239	100%
By Conviction Type				
Felony	213	19	232	97%
Misdemeanor	6	1	7	3%
Total	219	20	239	100%
Source: KJCC offender data (unaudited)				

In addition to being a correctional facility, KJCC also offers a variety of other services and programs. These include:

- **Education services:** The Southeast Kansas Education Service Center (Greenbush) provides educational services onsite at KJCC. Services for the male and female populations are segregated.
- **Ancillary services:** KJCC staff and contractors provide services such as psychological, health, chaplaincy, activity therapy, and substance abuse programs.

The Larned Juvenile Correctional Facility is the state's other juvenile correctional facility and is also overseen by JJA. The Larned facility provides most of the state's substance abuse and mental health treatment for male juvenile offenders. Two additional juvenile correctional facilities—the Atchison Juvenile Correctional Facility and Beloit Juvenile Correctional Facility—ended operations in December 2008 and August 2009, respectively. When these facilities closed, about 30 juvenile offenders were transferred to KJCC.

In Fiscal Year 2012, KJCC Employed More Than 200 Staff and Had a Budget of About \$18 Million

KJCC employs a number and variety of staff throughout the facility. For fiscal year 2012, about 215 positions were filled. Of those positions, 115 were juvenile corrections officers, with the remaining staff in program areas such as administration, maintenance, social work, or medical services.

In addition to its own staff, the facility had a number of contracted staff positions. KJCC contracts with the Southeast Kansas Education Service Center (Greenbush) to provide educational services (which includes about 50 staff), and also contracted for dining and medical oversight services (which includes another 20 staff).

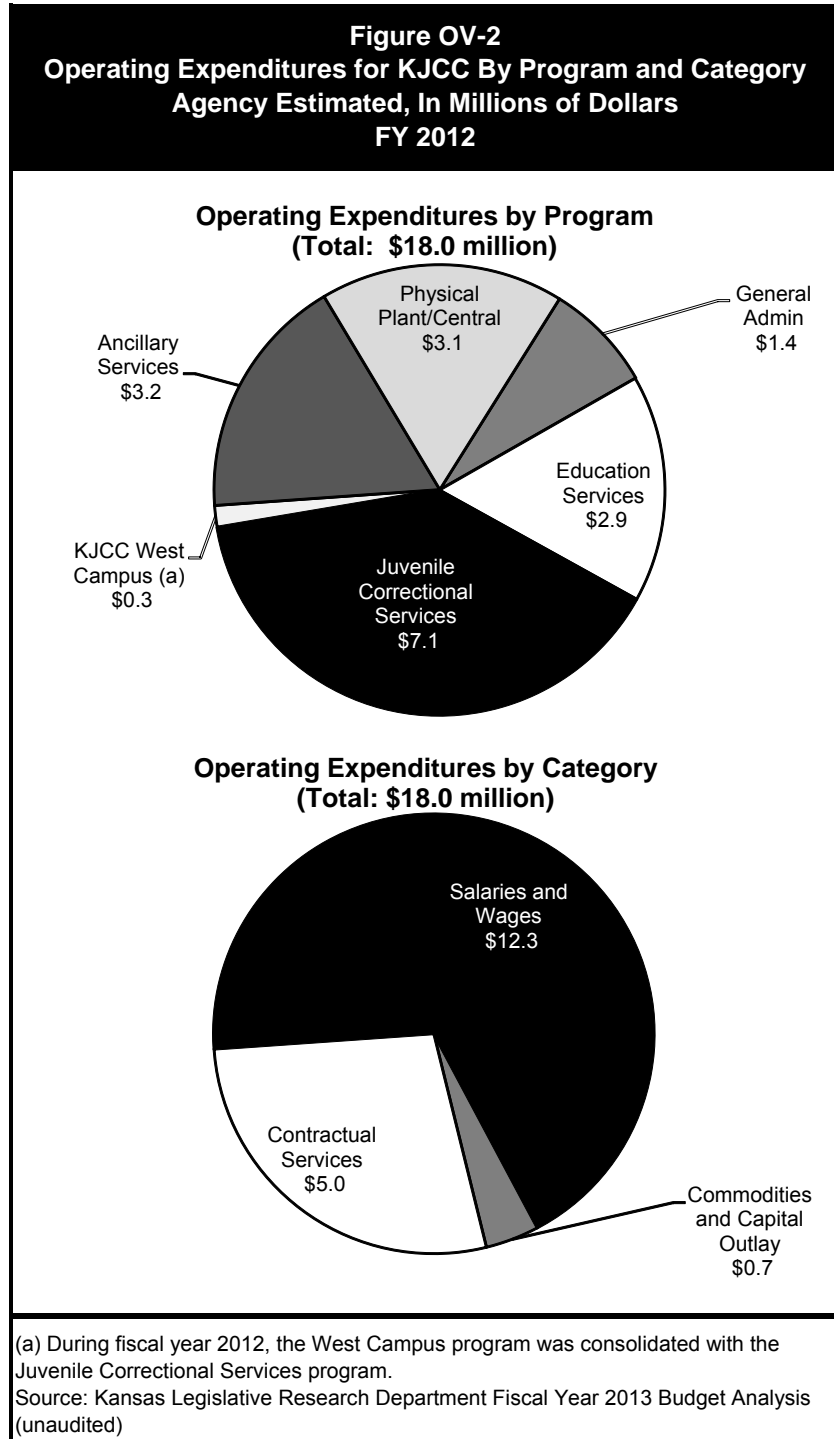


Figure OV-2 on page 7 summarizes KJCC's operating expenditures by program and category. Almost all of the facility's \$18 million in estimated expenditures was funded through the State General fund. As the figure shows, juvenile correctional services represented about 40% of KJCC's operating budget, and salaries and wages made up two-thirds of the facility's operating expenditures.

***Previous Performance
Audits Have Found
Recurring Problems With
Poor Management and Lax
Security Practices***

Legislative Post Audit has conducted four performance audits of the juvenile correctional facility in Topeka since 1986. Two of those audits (in 1989 and 1994) specifically focused on safety and security problems. Although the facility (then known as the Youth Center at Topeka or YCAT) was operated by SRS in those years, the audit findings help establish the facility's history in regard to safety and security. The two audits found the facility had substantial security weaknesses as a result of numerous shortcomings including structural, procedural, and management deficiencies.

A 1989 performance audit showed the facility was poorly managed. The management issues identified included a lack of employee discipline, poorly written policies and procedures, inadequate staff training, poor record keeping, and recurring problems with monitoring juvenile offenders, as well as staff tardiness.

The audit also revealed problems with the facility's physical design including its lack of a perimeter fence, and problems with lighting, and security and communications equipment. (Since then, in 2004, a new facility on the east side of the grounds was built.)

The 1994 performance audit noted some improvements, but also found many of the same problems as the 1989 audit. Such problems included inadequate staffing levels and several management-related issues. The audit also found that staff had an indifferent attitude towards security, often leaving doors unlocked and tools unsecured. In addition, employee performance was not well documented, training and criminal background checks were not timely, and recordkeeping was incomplete.

Specific security weaknesses found during the 1994 audit included inoperable communication equipment such as radio and intercom systems, inconsistent use of metal detectors, and poor procedures for searching visitors, staff, and their property for prohibited items such as cigarettes and alcohol. Finally, the audit identified employee recruitment and retention issues.

Question 1: Does the Kansas Juvenile Correctional Complex Take Adequate Steps To Ensure the Safety of Juvenile Offenders and Staff?

Answer in Brief:

The Kansas Juvenile Correctional Complex (KJCC) has not taken adequate steps to ensure the safety of juvenile offenders and staff. We identified numerous safety and security problems at the facility (p. 9). Staff have not adequately supervised juvenile offenders, which has led to offender injuries and misconduct (p. 10). Staff routinely have allowed doors to be propped open or unlocked, allowing offenders to freely roam living units and have access to unauthorized areas (p. 14). KJCC officials and staff also have done a poor job of keeping prohibited items out of the facility (p. 15) and have not tracked, inventoried, or secured keys and tools (p. 19).

In addition, the safety and security problems at the facility have been compounded by poor personnel management (p. 21). KJCC has employed staff with felony or drug convictions because its background check process was inadequate (p. 21). Also, juvenile corrections officers have not received sufficient and appropriate training in recent years (p. 24). KJCC officials have done a poor job of disciplining staff for policy violations (p. 26), and there is some evidence that shifts at KJCC have not been staffed and supervised properly to ensure safety and security (p. 28).

Overall, the environment at KJCC has not been conducive to ensuring the safety and security of juvenile offenders and staff (p. 30). KJCC's management has been disorganized and has done a poor job of communicating safety and security policies (p. 31). Severe problems with turnover have increased safety and security risks (p. 33). Finally, JJA and KJCC officials appear to have favored convenience and expedience over safety and security (p. 36), and have done a poor job of addressing safety and security problems once they have become aware of them (p. 37).

These and other findings are presented in the sections that follow.

FINDINGS RELATED TO SPECIFIC SECURITY AND SAFETY ISSUES

Overall, We Identified Numerous Safety and Security Problems at the Kansas Juvenile Correctional Complex

The Kansas Juvenile Correctional Complex (KJCC) is a medium and maximum-security facility for juvenile offenders. Because most offenders at KJCC have committed felony-level offenses, it is important for facility officials to ensure the safety and security of both juvenile offenders and staff.

To determine whether KJCC officials have taken adequate steps to ensure the safety of juvenile offenders and staff, we reviewed agency and facility policies, procedures, and practices and compared them against standards published by the American Correctional Association and the Council of Juvenile Correctional Administrators. We also surveyed staff, visited the facility and reviewed incident reports, emails, video, and other information for evidence of safety and security issues.

Overall, we found numerous problems with safety and security at the facility, including:

- KJCC staff have not adequately supervised juvenile offenders, which has led to offender injuries and misconduct.
- Staff routinely have allowed doors to be propped open or unlocked, which allowed juvenile offenders to freely roam living units and access unauthorized areas.
- KJCC staff have done a poor job of keeping prohibited items out of the facility.
- KJCC staff have not tracked, inventoried or secured keys and tools.

These issues are discussed in the following sections.

KJCC Staff Have Not Adequately Supervised Juvenile Offenders, Which Has Led To Offender Injuries and Misconduct

Each living unit at KJCC can house up to 15 juvenile offenders. During the day, juveniles attend various activities, including school, alcohol and drug abuse programming, and counseling. Offenders can have some free time after school and before and after dinner during which they can watch television, read, or play games in their living units. During any of these activities, corrections officers are supposed to constantly observe the juveniles and be aware of their activities to minimize the risk of offenders harming themselves or others.

Poor supervision in the dining area and living units has led to theft, injuries, and sexual misconduct. In general, policies require officers to supervise the juvenile offenders at all times, including regular welfare checks at least every 15 minutes when offenders are in their individual sleeping rooms. As summarized below, some officers do not consistently do a good job of supervising juvenile offenders.

- **Because an officer failed to control movement in the dining area, a juvenile offender was able to punch another offender multiple times.** Security incidents are more likely to happen in the dining area, which makes it even more important for officers to be vigilant about controlling and monitoring movement. In this December 2011 incident, the officer had sufficient time to prevent the juvenile offender from walking around the table and punching

the other but failed to do so. As a result, the offender was disciplined and the officer received a letter of reprimand for failing to act.

- **Two juvenile offenders engaged in sexual acts while the supervising officer was distracted.** This incident happened in January 2012. Instead of actively monitoring the living unit, the officer was distracted because he was talking with several juvenile offenders. Subsequently, the officer was identified as a potential security risk and removed from supervising the unit and reassigned. The two offenders each received seven days segregation and lost credit for good time.
- **A juvenile offender was battered inside the janitors' closet on the living unit when the officer failed to supervise movement.** The incident happened in May 2012. The officer had unlocked the janitors' closet to allow one juvenile access and left him there unsupervised. Another juvenile then entered the closet and attacked the first. In addition to inadequate supervision, the officer did not ensure that the injured offender received medical treatment and did not ensure the other offender was disciplined. The officer was dismissed as a result.

In August 2011, the same juvenile offender had attacked another juvenile in the same way—in an unlocked supply closet.

- **While an officer sat only a few feet away at a unit control desk, a juvenile offender entered and stole items from a social worker's unlocked office.** This incident happened in March 2012. Social workers' offices are located next to offender living units and should be locked at all times. The officer supervising the unit should also have been constantly monitoring offenders in the unit. Instead, video surveillance showed that for about 30 minutes, the officer never moved around the unit or paid attention to what the juveniles in the unit were doing.

During this time, a group of juveniles was sitting near the social worker's door. Eventually one offender went into the office and returned with items taken from the office. While the items taken were not significant (candy and rubber bands), other items that could have been used to injure another juvenile offender or staff (such as scissors or pens) could have been taken. The facility was alerted to the incident only when the social worker later noticed the missing items. All three juveniles received disciplinary reports for theft, and two received 15 days segregation and forfeiture of good time. Neither the officer nor the social worker were disciplined.

Failure to properly monitor juvenile offenders in the segregation unit has led to juveniles harming themselves. The segregation unit is not part of the facility's regular living units. Once in segregation, juveniles have very limited movement outside their individual rooms. Juvenile offenders can be placed in segregation for three reasons:

- Administrative segregation is used to separate the offenders who are a security or health risk to others or the facility. It is also used for offenders awaiting the facility's disciplinary process.
- Disciplinary segregation is used to punish offenders who have been found guilty of an infraction while at the facility. Offenders are placed in disciplinary segregation to serve the sentence imposed.
- Protective custody is used for offenders who are at risk of being harmed or threatened by others.

Many offenders in segregation are at higher risk to mentally deteriorate and harm themselves and KJCC's policies require officers to check offenders at random intervals no more than 15 minutes apart. However, our review of video surveillance, incident reports, and our visits to the facility showed this does not happen consistently.

- **In March 2012, an offender in the segregation unit was able to attempt suicide because the officers failed to properly monitor him.** The surveillance video from before the attempt clearly shows the juvenile offender was agitated for some time, was pacing the segregation room, and was tearing at a blanket. At one point in time, when the officers went 26 minutes without checking the juvenile (almost twice as long as is allowed by policy), he attempted suicide by wrapping a string around his neck. Eventually, the officers entered the room and found him unconscious and not breathing.

The juvenile regained consciousness and was later examined at a hospital. The two officers monitoring the segregation unit during the incident were, according to facility officials, informally counseled for failing to monitor the juvenile as often as required.

Juvenile offenders also have harmed themselves while on suicide precaution because they were not adequately supervised. If a juvenile is likely to harm himself, clinical staff will place him on one of four precaution levels. A higher suicide precaution level requires more intense supervision. Further, policies require that staff frequently log the juvenile's behavior. The highest precaution level (level four) requires constant observation of the juvenile with documentation of his behavior at least every four minutes.

Our review of facility documents showed that officers have not consistently done a good job supervising juveniles who are on suicide precaution. As a result, juveniles have been able to harm themselves.

- **A juvenile on suicide precaution was able to wrap an underwear waistband around his neck during the 20 minutes an officer failed to monitor him.** At the time of this February 2012 incident, the juvenile had been on suicide precaution for several days and was at level three, which requires random welfare checks

at least every seven minutes. Our review of logs also showed that welfare checks had not been done as often as required before the incident. The logs showed checks happened either exactly seven minutes apart (not random) or ranged from 11 to 20 minutes apart. No officer was disciplined as a result of this incident.

- **A juvenile offender on suicide precaution sustained some abrasions and knots from banging his head on the wall for an hour before officers intervened.** The incident happened in March 2012. The juvenile was at level four, which requires constant observation. However, during that time period, more than 20 minutes passed between welfare checks. While the officers eventually notified mental health staff, it took officers almost an hour to intervene and place the juvenile offender in a restraint chair. Facility staff told us that at the time of the incident, there likely was not enough trained staff available to physically intervene and place the juvenile in restraints. No staff were disciplined as a result of the incident.

Juvenile offenders assisting in the kitchen and dining area have not been adequately supervised, which has been an ongoing safety problem. Some offenders are allowed to work in the kitchen and dining area. KJCC currently contracts with Aramark to oversee kitchen duties. Before 2008, KJCC officials had eliminated a corrections officers post in this area which left supervision of juvenile offenders in the kitchen and dining area to contract staff.

Juveniles have been injured because they have not been adequately supervised in this area. For example, in 2008 a juvenile offender suffered severe burns after crawling into the facility dishwasher. The same day, another offender climbed into and stayed in the ice machine for about 10 minutes.

Although these incidents happened some time ago, many staff responding to our March 2012 survey mentioned a concern about lack of supervision in the kitchen area, including:

- *"Kitchen area [is] unsafe..."*
- *"...I have seen up to 10-12 juveniles in that area with only one Aramark staff working and trying to watch juveniles- can't be done! Need good officer to train and keep them busy. I have found hooch [alcohol] hidden away behind [the] dishwasher..."*
- *"No dietary [kitchen] officer with 10 residents [juvenile offenders] working with Aramark (contract staff)."*
- *"...There aren't any officers working in the dining room where youth [juvenile offenders] work (and knives are present)..."*

KJCC officials acknowledged that juvenile offenders working in the kitchen and dining area have been inadequately supervised and told us that beginning July 1, 2012, they will have a corrections officer posted in this area.

Staff Routinely Have Allowed Doors To Be Propped Open or Unlocked, at Times Allowing Juveniles To Freely Roam Living Units And Access Unauthorized Areas

A typical living unit at KJCC includes a large open area with a television, tables, and chairs. Individual sleeping rooms for each juvenile offender are located on one side of the unit and are on two levels. Access to each unit is through a controlled entry or “sally port” which helps prevent escape from the unit.

Doors within the living units have routinely been propped open or left unlocked. By policy, doors are supposed to be locked at all times. For example, sleeping room doors are not supposed to be propped open to allow offenders free run of the living unit and each others’ rooms. This makes it less likely that one juvenile offender will harm another. However, KJCC staff responding to our survey indicate it is routine for doors to be propped open:

- “Doors are propped [open] all the time...”
- “Doors often remain propped.”
- “At times too many doors are opened at one time...”
- “Doors propped open, allowing residents [juvenile offenders] to shadow box, touch, gamble.”
- “Officers opening more than one door at a time. It is against policy but continues to happen.”

The most recent incidents we are aware of that involve juvenile offenders hurting one another (because they were allowed free run of each others’ sleeping rooms) are from August 2011. However, because doors within the living units continue to be propped open, this increases the risk that incidents like this will also continue.

Doors that are meant to control movement throughout the facility have not been properly monitored or secured, allowing juvenile offenders to roam in areas they should not be. The doors help limit access to various areas of the facility such as administration, health services, dining, and segregation. However, our review of incident reports and surveillance video showed that even these built-in security measures are sometimes circumvented.

- **In December 2011, a juvenile offender was able to roam the hallway outside his living unit because he escaped through doors that should have been secured and monitored.** Sally port doors control access to and from juvenile offender living units and include two doors and a “holding area” between the doors. One door opens directly onto the living unit and can be opened when the unit officer’s key is in the unit control panel or remotely by staff in the facility’s central control center. Once open, the door only allows

access to the holding area between the sally port doors. The door should close before the second door (which leads to a facility hallway), opens.

In this instance, the officer supervising the unit was inattentive long enough to allow the juvenile offender to push the intercom button next to the first door multiple times. In response, an officer in central control opened the first as well as the second door without confirming the doors should have been opened. As a result the juvenile left the unit unsupervised. Another officer found the juvenile and escorted him back to the living unit. The officer supervising the unit received only a letter of reprimand. To date, no other officer has been disciplined.

Finally, that same day, two juvenile offenders from another living unit were also able to leave their units in much the same way. However, no officers were disciplined as a result.

- **Corrections officers themselves sometimes circumvent the secure doors.** Doors through the facility are meant to control movement. However, our review of surveillance video showed that some staff have been able to open the second sally port door before the first door was secured. This can only happen if the second door is left ajar or propped open in some way. This practice eliminates the secure “holding area” between the doors. This means movement is not adequately controlled throughout the facility, which makes it more likely for juvenile offenders to escape or cause harm.
- **During our visits to the facility, we were able to open doors that should have been secured.** On more than one occasion during the audit, because doors were left open, we were able to access areas that should have been secured. On one of our last facility visits in June 2012, doors that should have been secured were not and the officer with us did not notice or question why the doors were unsecured.

In the school area and for some professional staff offices, doors have been propped open as a way for staff to protect themselves. Once these particular doors were locked, they could not quickly be opened. During the audit, KJCC officials confirmed that a number of classroom doors and social workers’ office doors could only be opened with a key (the doors could not be opened by the facility’s control center). In addition, officials confirmed that corrections officers assigned to those areas did not have keys to those doors. Therefore, staff would prop them open as a means of escape. KJCC officials have since remedied this problem by changing the types of handles used on the doors and providing keys to appropriate staff.

***KJCC Staff Have
Done a Poor Job of
Keeping Prohibited Items
Out of the Facility***

Obvious items, such as guns, ammunition, knives, and narcotics cannot be brought into KJCC. But other seemingly ordinary items such as cell phones, tobacco products, and food are also considered “contraband.” Juvenile offenders, visitors, and facility

staff are prohibited from bringing the items into the facility. Such everyday items can become a commodity inside the facility, and can be used to compromise or harm staff or a juvenile offender.

While prohibited items should not enter the facility in the first place, once it happens, staff must take precaution to recover, store, and properly dispose of prohibited items to:

- ensure the items maintain their value as evidence for further disciplinary action or court proceedings.
- prevent the items from getting recycled back into the facility.
- prevent staff from taking prohibited items that are valuable.

We spoke with various facility staff and reviewed video surveillance, investigation files, policies, incident reports, personnel files, and other documents related to searches and prohibited items. We found facility officials have done little to minimize the risk of prohibited items entering the facility, have failed to search for prohibited items on a routine basis, and have not consistently tracked, preserved, and disposed of the items once found. These areas are described in more detail below.

Security at KJCC's two entrances has been inadequate to keep prohibited items from entering the facility. Policies require that everyone and everything entering the facility, including employees and visitors, be subject to search or pass through a metal detector. Facility officials have recently attempted to step up security efforts at the entrances. However, those efforts are still ineffective as described below:

- **Security at the visitors' entrance has been lax.** We observed that officers assigned to these areas did not require portfolios, files, and briefcases to go through the scanner or the metal detector. Instead, these items were placed on a countertop next to the detector. Once visitors walked through the metal detector, they were allowed to go back and pick up the items which were not checked or scanned. Even when the metal detector beeped, visitors were not consistently checked with a hand-held security wand. In some instances the corrections officer used the wand, but did not determine what caused the beep.
- **Security at the employee-only entrance has been ineffective because employees' personal belongings are not checked for prohibited items.** This is the most commonly used entrance and it did not have a metal detector until November 2011. During the audit, we watched surveillance video that showed officers and other facility staff walk past the security check point without ever going through the detector. In addition, staff who did go through the metal detector routinely placed their bags and personal belongings on a countertop next to the detector and then retrieved the items after walking through it. The bags and belongings were generally not checked.

- **Nearly one-third of staff responding to our survey acknowledged they were aware that prohibited items were brought into the facility.** Staff indicated they were aware of lighters, chewing tobacco, pornography, food, and cell phones being brought into the facility on a regular basis. Staff commented that employees brought food in for the juvenile offenders to make things easier in the living units. However, even a simple gesture such as providing candy (a prohibited item) to an offender can potentially compromise the officer's authority.

Our review of documents showed both KJCC and JJA management officials have been aware of staff bringing in prohibited items for some time.

KJCC has not regularly searched for prohibited items as required. Policies describe the types of routine searches that should be conducted, including searches with drug-sniffing dogs, facility-wide searches, living units searches, and pat downs or person searches. Policies also outline how often the searches are supposed to happen. Here is a summary of the problems we found related to searches for prohibited items:

- **A search using drug-sniffing dogs in December 2011 was the first one in more than two years.** Policies require there to be at least two documented searches each year using drug-sniffing dogs. The last canine search before December 2011, likely occurred in October 2009, but KJCC officials could not provide a written report. Although a search was also done in January 2012, officials could not produce a written report for that search either.
- **Annual facility-wide searches have not been completed.** To ensure that all areas of the facility are searched at least once a year, policies require officials to develop an annual written search plan for the facility. KJCC officials could not produce a 2011 facility search plan or any documentation of such searches. Further, the first three scheduled monthly searches on the 2012 plan were not done and instead were marked as "deferred."
- **Living units have not been searched as often as required to help prevent the accumulation of prohibited items.** These units are required to be searched at least once a month. Our review of search reports showed that living units had not been searched monthly. Some units were not searched at all during a three-month period in 2011.
- **Pat down searches have not been conducted adequately.** Juvenile offenders can be subject to pat down searches at any time and officers are required to conduct the pat downs by checking the collar area, the waistband area, each leg and the top of each shoe. During one of our last visits to the facility in June 2012, we noticed that some corrections officers were still doing inadequate pat downs because they were only checking one leg of each juvenile offender.

KJCC officials have not followed-up on the results of searches. For example, during the past two canine searches, a drug dog alerted officials that one employee might have had drugs and identified alcohol in another employee's car. No discipline was taken against the employee identified as having alcohol. The other employee initially refused to submit to a drug screen. About a month later (following a negative drug screen), he was allowed to return to work. However, officials failed to require the employee to complete random follow-up drug screens after that.

In addition, the canine searches also revealed a container that tested positive for cocaine in the school area, but no formal documentation or follow-up investigation occurred. Finally, drug dogs identified a suspicious substance in one of the living units. Because juvenile offenders were permitted to stay in the living unit areas during at least part of the search process, there was adequate time for them to dispose of or ingest any illegal substances.

KJCC does not have clear policies or procedures for tracking, investigating, or disposing of prohibited items once they are found. As mentioned earlier, any prohibited items found at the facility should be readily available for criminal proceedings. In addition, KJCC should have procedures in place to keep prohibited items from being recycled back into the facility. Finally, officials should have procedures in place to prevent staff from taking the items for personal gain. Our review showed several problems in this area:

- **Policies for seizing and tracking prohibited items were inadequate.** Once prohibited items are found, they are supposed to be dropped into an evidence locker maintained by the facility's disciplinary hearing officer for use in the facility's administrative hearing process. However, that process was not in policy. Additionally, there were no policies to ensure the items were reported to the facility's investigator.

Staff do not always have a clear understanding of what to do when prohibited items are found. For example:

- An employee found and handled live ammunition rounds for more than two hours before the shift manager was notified. The employee indicated he had not received training on handling or preserving evidence even though he had been with the facility for some time.
- An eyeglass piece that had been modified into a pointed object (commonly called a shank) was handled by several staff members before being preserved in an evidence bag. The eyeglass piece was not from a facility-issued set of eyeglasses. Staff indicated they had not received training on how to preserve evidence or to properly report it once it was found.

- **The facility did not have a process in place to ensure that clinical or counseling staff were notified when alcohol or drugs were found.** KJCC has a medical clinic on site and social work staff are assigned to each living unit. Although corrections officers often knew when such items were found, clinical staff were not notified. Clinical staff told us this information could help them ensure that juveniles receive adequate substance abuse and mental health treatment.
- **Prohibited items could be recycled back into the facility because KJCC's tracking and disposal process was inadequate.** JJA and KJCC policies were not clear about who was responsible for the ultimate disposal of prohibited items. Some policies were completely silent on the issue; others indicated the investigator or facility superintendent was responsible for disposal.

Regardless, facility officials have not been able to account for all items seized, or determine whether or how the items were disposed of. Without ensuring proper disposal, there is a risk that items have been recycled back into the juvenile offender population. Furthermore, if items make it back into the facility, the items cannot be used as evidence in prosecution.

KJCC Staff Have Not Tracked, Inventoried, or Secured Keys and Tools

It is important for KJCC officials to have good controls for keys and tools. Facility-issued keys provide access to doors, locks, and gates. Improper controls increase the risk for security breaches. Likewise, lack of controls over tools increases the risk that juvenile offenders will have access to such items, which could be used as weapons or a means of escape.

Two recent reviews of the facility found numerous problems with key control. A February 2012 review of the facility conducted by Department of Corrections officials and an internal review completed by JJA staff in October 2011 both cited this issue. We also reviewed staff email which indicated problems with the facility's control of keys.

- **Keys to a portion of the facility were lost in November 2011, but locks were not changed until February 2012.** This particular set of keys provided access to nearly 500 locks throughout the facility ranging from pantry and storage unit doors to the control room and sleeping room doors on the female living unit.
- **Master keys have been allowed to leave the facility on a regular basis.** Until recently, select KJCC staff were allowed to leave facility grounds with master keys that provided access to almost all of the doors in the facility.
- **Keys to the facility were never retrieved from the former JJA Commissioner who left the agency in March 2012.** The keys provided access to the front doors of the facility and the maintenance warehouse. Those locks were not changed until May 2012.

- **Keys have been issued even though documentation to approve the access has been incomplete.** Although policies require otherwise, KJCC officials skipped completing the necessary documentation for requesting new or replacement keys.

JJA's own internal review showed that officials do not have good control over tools or other items that could be used for harm. Although certain physical areas at the facility had good control over tools (for example, maintenance), our visits to the facility and JJA's review cited the following problem areas in the vocational buildings and dining area:

- **Despite recent efforts, the vocational area has not been secure and tools have not been adequately inventoried.** KJCC provides some vocational programs, including woodworking and textile making. Tools for those programs, such as saws, needles, and screwdrivers were not in locked drawers or cabinets or stored in a way that would make the loss of a tool readily apparent. In addition, although inventories are required by policy, staff members in the vocational area have not consistently conducted a daily inventory of tools.
- **Eating utensils and other tools in the dining area have not consistently been accounted for.** Policies call for utensils used by juveniles to be accounted for both before and after meals. However these utensils, as well as food service contractor tools (including knives), were accounted for on an "honors system."

KJCC has recently begun taking steps to correct problems with its key and tool control, but still has room for improvement. As mentioned above, KJCC officials told us that master keys are no longer allowed to leave the facility and that security-sensitive locks associated with the missing keys have been replaced.

According to facility officials, tools in the vocational areas have been inventoried, secured, and stored on "shadow boards." (Shadow boards outline the shape of tools and make it easy to see when a tool is missing.) However, our most recent visit of the facility showed mixed results in regard to these corrective measures. Although tools were stored in a more organized manner, inventories were not done daily and sign-out sheets were incomplete. In one area, the tools were still kept in cabinets that were unlocked and accessible to juveniles.

FINDINGS RELATED TO PERSONNEL MANAGEMENT

Safety and Security Problems at KJCC Have Been Compounded By Poor Personnel Management

Effective personnel management helps ensure a competent workforce. At correctional facilities such as KJCC, attracting, recruiting, and retaining capable employees is especially important because staff are responsible for the security and safety of juvenile offenders. Overall, here is a summary of the problems we found in this area:

- KJCC has employed staff with felony or drug convictions because its background check process is inadequate.
- Corrections officers have not received sufficient and appropriate training in recent years.
- KJCC has done a poor job of disciplining staff for policy violations.
- There is some evidence that shifts at KJCC have not been staffed and supervised properly to ensure safety and security.

These issues are discussed in the following sections.

KJCC Has Employed Staff With Felony or Drug Convictions Because its Background Check Process Was Inadequate

State law prohibits juvenile corrections officers from having any felony convictions. In addition, JJA's policies and procedures impose other criminal background requirements for corrections officers and staff in other safety-sensitive positions. A summary of the requirements is shown in **Figure 1-1** on page 23. For example, as shown in the figure, applicants cannot be considered if they have a drug-related conviction within five years or have been convicted of child abuse or mistreating a confined person.

The overall process for background checks has been disorganized and inadequate to ensure appropriate employees work at the facility. The initial background check for new employees consists of nine different components, including a drug screen, Kansas driver's license report, an Abuse and Neglect Registry check, an FBI Wanted or Warrant report, and a KBI fingerprint check. Annual background checks for existing employees include everything but the fingerprint and drug screen.

We reviewed records for 70 of the most recent hires and reviewed annual background checks for 15 current employees. Although we did not design our review in such a way that would allow us to project the results, our findings clearly showed that KJCC's background check process was not thorough. We identified a number of problems with the process:

- **The initial background check was not documented for 10 of the 70 new hires we reviewed.** Of those, five did not have a background file at all, one had a file that was empty, and four individuals had a file, but the security checklist was missing. That checklist shows whether or not various background components were completed.
- **KJCC officials hired 23 staff before receiving the results of their child abuse and neglect background check.** For 16 staff, the facility did not have any records showing whether the check was ever requested or received. For the remaining seven staff, the check came back “clean” but KJCC officials should have waited for the results before hiring the applicants.
- **KJCC officials hired six staff before receiving the results of their drug screens.** The drug screens of four staff were not done at all. The remaining two applicants were hired before officials received the drug screen results from the Department of Administration. The screenings came back clean, but officials should have waited for the results before hiring the applicants.
- **Fingerprint results were rarely included in KJCC’s files, which made it more likely the results were not considered when hiring.** In general, KJCC’s human resource staff processed all the background checks except fingerprint results. Those were sent directly from the KBI to JJA central office officials. Although JJA officials told us they passed on that information to KJCC human resource staff, few of the files we reviewed included results from the fingerprint check.
- **Of the 213 staff who should have had an annual background check in 2011, KJCC officials produced background checks for only 49 (23%).** Officials told us the checks likely were done but not kept, which violates the facility’s three-year record retention policy. In addition, at least two of the available checks were incomplete, and one background check was run for an individual who had not been employed since early 2008. Finally, officials told us no annual background checks were completed during 2010 because staff responsible for the checks did not complete them and JJA officials did not realize it until early 2011.

Lastly, personnel files at KJCC were in complete disarray, which we describe more fully later in this report.

The facility recently hired two juvenile corrections officers despite drug-related convictions. As *Figure 1-1* on page 23 shows, drug convictions less than five years old should have automatically disqualified these applicants. However, our review showed that KJCC officials hired the two employees despite them having drug convictions that were less than five years old:

- **One staff with a drug conviction from 2008 was hired despite the applicant self-disclosing this conviction.** KJCC officials failed to run a complete background check and hired him in Fall 2011.

- **Another individual was hired in Spring 2012 even though the applicant had a drug conviction from late 2007.** The personnel file included notes about the applicant not disclosing the offense, which—in addition to the conviction—should have automatically disqualified the applicant.

The personnel files did not include any explanations for why KJCC officials hired (or kept) the two individuals. If KJCC officials had followed their own policies and conducted thorough background checks, these employees would not have been hired.

Figure 1-1
Summary of Requirements that Disqualify Applicants from
Safety-Sensitive Positions at KJCC

State law (K.S.A. 75-7055) and agency policies lay out a number of criminal convictions or adjudications as well as a number of other offenses that automatically disqualify an individual from working in a safety-sensitive position at the juvenile correctional facility.

Legal offenses which automatically disqualify an applicant or employee include the following:

- a felony, whether or not expunged.
- a crime punishable by imprisonment for a term exceeding one year (whether or not the sentence was imposed).
- a misdemeanor involving drug use or possession in the past 60 months.
- abuse of a child or mistreatment of a confined person.
- a “driving under the influence” conviction in the past 24 months.
- any criminal charges, indictments, or outstanding warrants pending.
- stalking offenses.

Other issues which automatically disqualify an applicant or employee include the following:

- no current valid driver’s license (for example, a suspended or restricted license).
- current use of marijuana, any stimulant, depressant drug, narcotic drug or other controlled substance.
- false responses or statements in employment application, during the screening or interview process or on KJCC’s security and employment information form.
- refusal to complete a release for the facility to obtain information related to the candidate’s prior employment, criminal record, and education and training.

In addition, class A or B misdemeanors could potentially disqualify a candidate. For these offenses, JJA and KJCC officials could still consider the applicant based on the nature of the offense and the recency of the conviction.

JJA officials recently revised its recruitment and selection process policy, which includes a number of clarifications and additions to the above requirements. For example, under the new policy, applicants to safety-sensitive positions who have been convicted of a class A or B misdemeanor or equivalent in the past 36 months are now automatically disqualified. Those revisions went into effect June 2012.

Source: K.S.A. 75-7055 and Internal Management Policy & Procedure #02-126

Annual background checks on two current employees revealed unallowable criminal convictions, but officials did not dismiss or discipline them. Current staff must self-disclose certain offenses and pass an annual background check to maintain employment. We reviewed 15 annual background checks completed in 2011. Files were chosen specifically to review problem areas and our results cannot be projected.

- **One juvenile corrections officer had been convicted of child endangerment.** The conviction was from 1995 and was revealed when KJCC and JJA officials ran an annual background check in 2011. According to the facility's policies, the conviction is reason for automatic dismissal. In addition, at least one other staff was dismissed for the same type of conviction. That conviction was from 1996 and was also revealed when officials completed annual background checks in 2011.
- **A maintenance employee had a felony theft conviction.** The conviction was from 1976. By policy, such a conviction, regardless of how old, should have resulted in dismissal.

As of May 2012, both employees were still employed at the facility, with no documentation on file as to why either person was allowed to continue employment.

Finally, our review also showed that KJCC officials did not follow up on results for several other annual background checks. This included two current corrections officers for which the 2011 background checks revealed they did not have valid drivers' licenses as a result of traffic offenses including drunk driving, texting, or speeding. Policies require corrections officers to have an unrestricted driver's license so they are available to transport juvenile offenders. Neither officer was disciplined or dismissed, and nothing in personnel files showed they were prohibited from transporting juvenile offenders. As of May 2012, both employees' licenses were still restricted and both were required to have interlock devices on their vehicles.

***Juvenile Corrections
Officers Have Not Received
Sufficient and Appropriate
Training in Recent Years***

Training is integral to safety and security at KJCC because it ensures that newly hired employees are acquainted with the facility's expectations and that existing staff continue to strengthen their skills. In addition, training needs to be flexible and responsive to employee's needs, and should include areas that are recognized weaknesses. By law, new juvenile corrections officers must have 160 hours of basic training before their probation status is lifted. In addition, the law requires corrections officers to receive 40 training hours annually.

Three of nine new staff who were promoted to permanent status in 2011 did not have the statutorily required 160 training hours. We reviewed training information for nine officers who were hired during a five-month period in 2011. Based on the facility's training database and other records, three of those corrections officers only had between 107.5 and 152.5 training hours. Facility staff cited a database crash, recent turmoil, and changes among training staff as the source of the facility's training problems. However, the process for ensuring that training requirements were met and documented had not changed.

Most existing juvenile corrections officers have not completed the required number of annual training hours in recent years. Based on our review of the facility's training database, in fiscal year 2010, almost half of all corrections officers did not complete the 40 hours of required training by law. For fiscal year 2011, almost 80% of officers did not complete the required training hours. Facility officials told us training has not happened in the past because it was not made a priority. Officials also told us they were planning to address the problem in the immediate future.

The facility has not targeted its training regimen to areas of major concern, as required by policy. According to agency policy, an annual needs assessment must be conducted and used in the annual review of the facility's training plans. Agency officials told us the needs assessment was first conducted in 2008 and again in 2010 but results from either were not used in developing the facility's training plan.

During our work we identified several specific problem areas, such as suicide precaution, key and tool control, incident reporting, and searches for prohibited items. The facility offered courses related to all the identified problem areas. However, in reviewing the facility training database for new and existing officers in fiscal years 2011 and 2012, training hours related to these problem areas accounted for less than one-third of all training hours provided.

A number of staff made critical comments about receiving adequate training, such as:

- *"The training I received was extremely inadequate, I felt like I was thrown to the wolves."*
- *Orientation provides lots of information but in a short amount of time – needs to be refresher courses/training to provide more knowledge and skills to work with mental health and violent residents [juvenile offenders] effectively."*

- *No training or refresher courses due to budget issues.”*
- *“How do you learn these abilities w/just a 40 minute class. Was supposed to be 2 hours. Supervisor had a meeting and officers did not receive adequate training.”*

KJCC Officials Have Done a Poor Job of Disciplining Staff For Policy Violations

In a correctional setting, it is important that managers and supervisors follow up on policy violations. Depending on the nature of the problem, KJCC officials can use several different disciplinary tools, including letters of counseling or reprimand, suspending the employee from work for various lengths of time, or ultimately dismissing the employee.

To evaluate the facility’s disciplinary process, we selected 33 personnel files for review. Because our sample mostly focused on employees who were known to have had disciplinary issues the results cannot be projected. Regardless, our review identified several substantive problems:

Staff at KJCC have not been consistently disciplined for policy violations. When enforcing policies, it is important for discipline to be consistent between similarly situated employees. Several factors should be considered when determining the appropriate discipline, including job duties, length of employment, the policy violation itself, and past employment performance. Without taking these factors into account, employees may view the discipline as unfair. Our review of KJCC’s employee disciplinary process showed the following issues:

- **Employees often were not disciplined at all.** As explained earlier in the report, sometimes officers were not disciplined even when they failed to adequately supervise juvenile offenders on suicide precaution. Further, although JJA and KJCC management periodically sent emails and memos to staff about the need for progressive discipline, facility officials could only produce a handful of disciplinary actions as a result. For example, following an August 2011 memo which threatened progressive discipline for staff who violated policy, only 11 disciplinary actions resulted, and of those, six were written after this audit started.
- **Some disciplinary actions were not severe enough to fit the employee’s offense.** For example, one corrections officer received a letter of reprimand for leaving juvenile offenders unsupervised in a living unit. Another officer only received a letter of reprimand for failing to supervise a juvenile offender who took a fire extinguisher from the wall, moved it into his cell, and discharged it. The fumes caused vision and breathing complications for staff and juvenile offenders.

- **Different disciplinary actions were used when staff had committed similar policy violations.** One officer received a letter of reprimand for bringing in a cell phone (a prohibited item), while another officer was dismissed for the same offense. Both officers were on probation and both officers had no previous disciplinary actions.

In response to our survey, 37% of staff said personnel actions at KJCC were not fair or consistent. In addition, about one-third said appropriate action has not been taken when staff violate policies. Here are examples of some of their comments:

- *“Some people get away with breaking policy, others are hit over the head for small things. Captains, Lieutenants have their favorites.”*
- *“Sometimes appropriate action is taken, depending on the person - and extreme action is taken depending on the person - the system is not fair.”*
- *“...[S]ometimes there is no action, even when reported, but usually there's little follow-up so it continues.”*

KJCC officials have not applied progressively stronger discipline for repeat violations. Having a progressive discipline policy in place helps employees know what is expected and helps management fairly and consistently correct inappropriate behavior and poor performance. Our review of personnel files showed several staff had a number of offenses for which we would have expected to see more immediate and progressive disciplinary actions. For example:

- **An officer was not progressively disciplined despite ongoing performance issues.** In February 2008, the officer received a letter of reprimand for skipping required training classes and a separate letter of reprimand for failing to conduct welfare checks of juvenile offenders. In September 2008, he received another letter of reprimand for misusing the Internet and email while at the facility. In 2009, he received a one-day suspension for tardiness. Following that, he received two more letters of reprimand for propping open a door as well as for continued patterns of leave abuse and tardiness. In 2010, he received letters of reprimand for abandoning his post without relief, and arriving late to his assigned post from a break. Eventually, in May 2010 he was terminated for such things as falsifying safety and security welfare checklists, for not reporting his arrest for a suspended driver's license, and for falling asleep at his post in the segregation unit.
- **Another officer was not dismissed despite worsening performance, including attendance issues, gross misconduct, and drug possession.** During a 17-month timeframe, the officer received a number of letters of counseling or reprimand for failure to conduct safety and security checks, and for leaving juvenile offenders unsupervised. In addition, the officer received a 2-day suspension for gross misconduct. During this time period his

evaluations were continuously unsatisfactory, causing him to be placed on special review. One evaluation included citations for reporting late to work 32 times as well as not showing up for work. At that point in time, the officer was given notice of dismissal but was ultimately only suspended for 20 days.

Several months later, the officer was arrested for and admitted to possession of drugs. Although facility officials could have terminated the employee at that point, instead they opted to require the officer to submit to a drug screen. The drug screen was not completed until three weeks later. The results were negative, therefore the officer was allowed to continue to work at KJCC. Finally, his latest performance evaluation from December 2011 was also unsatisfactory but the officer continues to be employed at KJCC.

KJCC officials have not maintained adequate data on disciplinary actions. Because determining the most appropriate disciplinary actions depends on employees' past work performance and any previous policy violations, it is important to track disciplinary actions over time. KJCC human resource staff have attempted to track disciplinary actions with a spreadsheet. However, the information was not organized in a way that showed when staff had multiple discipline problems. In addition, our review showed KJCC's information was incomplete or inaccurate. For the 33 employees included in our review described above, the spreadsheet was inaccurate or missing additional disciplinary actions for about half the employees.

There Is Some Evidence That Shifts at KJCC Have Not Been Staffed and Supervised Properly To Ensure Safety and Security

Adequate staff and supervision is essential to ensure the safety and security of juvenile offenders and staff. Because KJCC officials were in the process of analyzing their staff levels and assignments, we did not evaluate overall staffing adequacy. However, we asked about staffing adequacy in our survey of KJCC staff. In addition, we examined a February 2012 review of the facility conducted by Department of Corrections officials. Our findings related to that work are summarized below.

About 40% of the employees responding to our survey said they were aware of instances when KJCC was not staffed as called for by policy. In addition, less than one-third responding agreed there is consistently enough staff on duty to ensure that juvenile offenders and staff are safe. The following are some examples of the comments that raised concerns about the lack of adequate staff:

- *"I am aware of numerous instances, especially on weekends when residents [juvenile offenders] were confined to their rooms... because there weren't sufficient...staff available."*
- *"...They have had to lock units down because lack of staff. Just look at the overtime..."*

- *“We are usually short staffed and our pods [living units] are full. There are times that there [is] too much movement [moving juvenile offenders from one area to another] with only one staff to watch everything...”*
- *“It doesn’t seem like enough [staff] are present during school movement.”*
- *“One staff member may be in charge of both sides of a unit, resulting in poor coverage...”*

KJCC officials were working on a staffing analysis, as recommended in a review by the Department of Corrections.

Facility officials acknowledged that a thorough roster analysis had not been done in several years, even though policies call for it to be done annually. In its February 2012 review, Department of Corrections officials noted that KJCC officials needed to ensure the facility had sufficient staff in the right locations at the right time. The review emphasized that adequate staffing was especially important in vulnerable areas such as the dining area and segregation units.

New standards and the need to address a decreasing staff-to-offender ratio may require the facility to increase its staffing in the next five years. According to KJCC officials, corrections officers were currently staffed based on a 1-to-15 ratio which calls for one corrections officer for every 15 juvenile offenders. The staffing analysis KJCC officials were working on included determining whether this ratio was adequate. In doing so, officials will likely need to address new staffing ratios recently recommended by the Department of Justice in the Prison Rape Elimination Act (PREA). Effective October 2017, the ratios call for one staff for every eight juvenile offenders during waking hours and one staff for every 16 offenders during sleeping hours. Finally, our review showed that the number of juvenile offenders to corrections staff at KJCC had increased by about 30% from 2006 to 2011.

Until recently, supervisors have not been covering shifts that are most incident-prone. In general, KJCC staff are assigned to work one of three shifts: day (6 am to 2 pm), evening (2 pm to 10 pm), or night (10 pm to 6 am). A recent review by the Department of Corrections noted that most supervisors (captains, lieutenants, and sergeants) were assigned to the day shift. As a result, supervisors were not available for the coverage on second shift, when most security related incidents happen. Further, the report noted that the number of supervisors on third shift (night shift) also seemed inadequate. To address this problem, KJCC officials told us they recently have moved some supervisory staff to the evening and night shifts.

Comments from staff responding to our survey indicated they did not feel adequately supervised. By policy, supervisors are required to visit specific living units during their shift to ensure that corrections officers assigned to living units are not leaving juveniles unsupervised.

When supervisors do not actively supervise it leads to the safety and security problems outlined in the previous section of this report, including: juvenile offenders not being supervised, secure doors being propped open, and prohibited items entering the facility. This increases the risk that juvenile offenders or staff will be harmed.

The following are some examples of the comments that raised concern about the lack of adequate supervision at KJCC:

- "...Supervisors are rarely seen during [the] shift."
- "Supervisors need to show up in units more..."
- "No supervisors working on units with line staff...Supervisors work via the phone..."
- "Shift has few veteran staff, most have been on less than 2 years."
- "Captains are off on weekends..."

FINDINGS RELATED TO THE OVERALL SECURITY ENVIRONMENT

The Environment at KJCC Has Not Been Conducive To Ensuring the Safety and Security of Juvenile Offenders and Staff

Because most offenders at KJCC have committed felony-level offenses, it is important for facility officials to take the steps necessary to have a good security environment. Rather than reacting to problems as they happen, KJCC officials should have an orderly process for managing the facility. Such a process includes proactively identifying risks, developing policies and procedures to address those risks, and training staff on how to follow the policies and implement the procedures. Finally, officials should monitor whether the process is working.

Our analysis of the environment at KJCC showed the following issues:

- KJCC's management has been disorganized and has done a poor job of communicating safety and security policies.
- Severe problems with turnover has increased safety and security risks.

- JJA and KJCC officials appear to have favored convenience and expedience over safety and security.
- KJCC's management has done a poor job of addressing safety and security issues once they have become aware of them.

These issues are discussed in the following sections.

KJCC's Management Has Been Disorganized and Has Done a Poor Job of Communicating Safety and Security Policies

Management in any organization needs to be stable and organized, and these characteristics are especially important in a security environment. In addition, management needs to clearly communicate policies and procedures to staff so they know what to do and when to do it. The management approach at KJCC is not systematic. Instead, officials have reacted to problems rather than doing the things needed to prevent them. A number of factors have contributed to this, including an overall chaotic environment and poor communication. We explain each in more detail below.

KJCC's management has been extremely disorganized.

Having well-defined processes in place helps staff know how and when to complete various tasks. In addition, following through on various actions is essential to good management, whether that be staff discipline, training initiatives, or learning from past incidents. Finally, good recordkeeping is also essential to a well organized management system. These were all problem areas for KJCC. We explain more below.

- **KJCC management officials did not have processes in place to handle routine tasks.** For example, officials did not have a process to track allegations of abuse, neglect or sexual assault of juveniles, nor a process for tracking, investigating, or disposing of prohibited items found at the facility. In addition, officials did not have a process in place to ensure that search plans were developed, nor a process to ensure appropriate employee discipline. Finally, officials did not have a process to ensure that a thorough staffing analysis has happened each year.
- **In general, officials have failed to follow through on actions.** For example, officials did not follow up on disciplinary actions and in some instances, facility officials failed to discipline employees, or discipline was not severe or progressive enough. In addition, officials failed to follow up on search results. As noted earlier, after canine searches revealed drug issues with one employee and alcohol issues with another, officials did not follow up at all or did not take timely action. In addition, results from background checks were sometimes ignored. Finally, officials did not use training data to help track training progress. Until recently, no training reports were used to determine whether employees have been adequately trained.

- **In general, recordkeeping at the facility has been inadequate.** Without good records, facility officials cannot make effective management decisions. More importantly, extremely poor recordkeeping is a symptom of the underlying disorganization problem. In nearly every area we reviewed, records were missing or in disarray.

- **Personnel records were unorganized or missing.** Officials could not find drug screen results for several newly hired staff. Officials had to get copies of some records from other agencies because they had not kept copies. (For example, some drug screen results had to be obtained from the Department of Administration.)

In addition, many personnel records that should have been secured were not. Instead, paper records were stacked throughout the office and jumbled.

- **Training records were not complete or accurate.** For fiscal year 2011, a portion of staff training records had been accidentally deleted. Other training records were kept in such a way that hours were double counted and there were data entry errors.
- **Disciplinary records were not complete.** As mentioned above, staff discipline was not tracked in such a way that would help ensure discipline was progressive and consistent. In addition, of the discipline actions that had been tracked, some of the information was incomplete.

- **KJCC's inability to produce required documentation appears to have played a role in JJA withdrawing its American Correctional Association (ACA) accreditation in February 2009.** At that time agency officials cited budgetary reasons, but other information suggested changes in KJCC management and the inability to produce required documentation forced the issue. For example, a facility is typically required to produce three years of records, but KJCC produced only one year's worth for its last ACA audit in November 2006. According to ACA officials, facilities are generally exempt from the three-year requirement only when a large-scale natural disaster or weather-related event happens. Although KJCC did not encounter any of these things, ACA officials permitted KJCC to complete the process based on one year's worth of records. Despite that exception, JJA voluntarily withdrew the facility before its next accreditation audit.

Management has done a poor job of establishing and communicating clear, concise, and easy-to-follow safety and security policies. Although JJA and KJCC's policies and procedures generally included language required by best practices, the policies and procedures often lacked the clarity and operational details needed to carry out day-to-day activities. JJA and KJCC officials' admitted the policies did not describe current expectations, and required substantial effort to interpret. In addition, many of the policies and procedures were outdated, cumbersome, and inconsistent.

- Although policies were supposed to be reviewed at least annually, the last wholesale review was in 2006. As a result, many policies were outdated. For example, a policy included language about the use of pepper spray, even though such chemicals were prohibited in 2006 according to facility officials.
- Administrative and disciplinary segregation policies totaled over 60 pages, and the policy on the admissions and release process included 18 pages of policy memoranda.
- One policy on suicide precaution required officers to monitor juveniles very closely and document their behaviors at least every 10 minutes, while another policy required them to monitor juveniles at various intervals depending on the level of suicide precaution to which the juvenile was assigned.

Officials told us they have recently begun efforts to clean up the policies, including removing old policies, reviewing policies for content, and revising them as necessary.

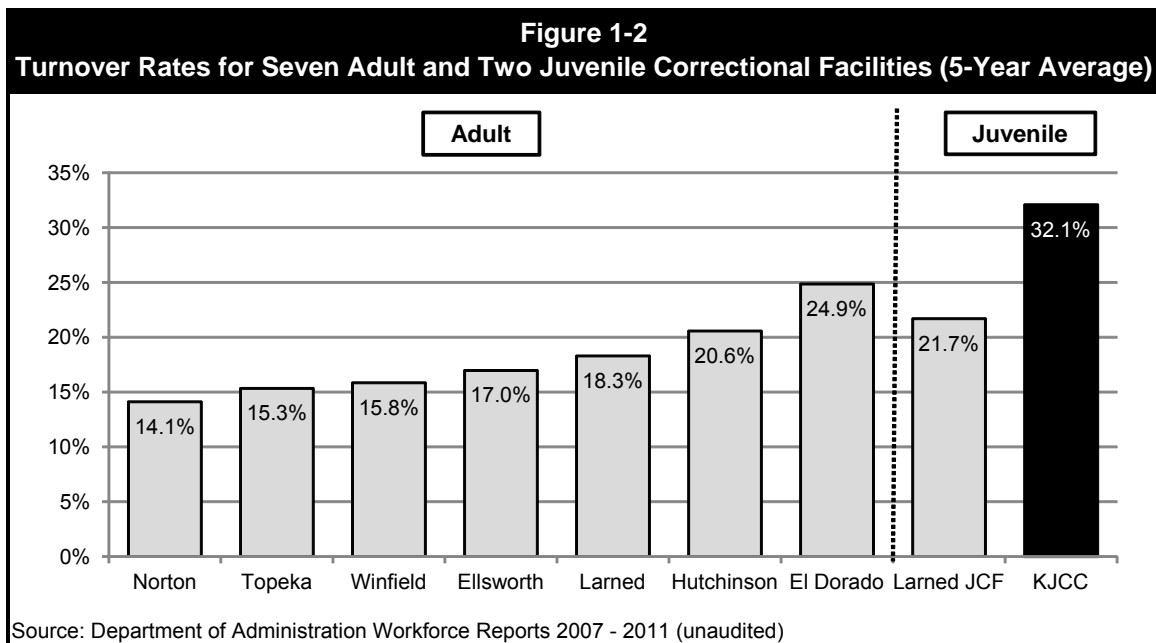
One of the most important issues related to policies and procedures is making sure staff understand them. Based on our earlier findings, it is clear that facility staff do not always know what to do. For example, staff improperly handled prohibited items, including live ammunition found at the facility because they were not sure what to do once they found it. In addition, about half of the staff responding to our survey indicated policies were not communicated clearly. Here are examples of some of the comments:

- *"Too many times [policies] are communicated with clarity, but then they are later qualified, and revised or re-issued so that staff are never sure from one day to the next what the policy is or its current status and method of application. There are too many ongoing changes and revisions of safety and security policies."*
- *"Policies change daily, new staff cannot keep up with these changes."*
- *"There is not a centralized location for the facility's policies related to safety and security. Some documents exist on the shared drive, some on the intranet, and others are not listed in a public area. Expectations are unknown and change on a daily basis. This is usually related to staff via email that makes it difficult to fully comprehend."*

***Severe Problems
With Turnover
Have Increased
Safety and Security Risks***

All agencies experience some amount of turnover. However, high turnover increases training costs and makes the workplace less consistent. In a correctional facility, high turnover can lead to a volatile and dangerous environment because staff are inexperienced. KJCC's high turnover rate is caused by a combination of problems and we discuss each of them in more detail below.

Over the past five years, KJCC had the highest turnover rate (32%) among most Kansas correctional facilities. Figure 1-2 summarizes the five-year turnover rates for each of the state's nine correctional facilities (seven adult facilities and two juvenile facilities). As the figure shows, KJCC had the worst five-year turnover rate of all facilities—more than 10 percentage points higher than the Larned Juvenile Correctional Facility. Finally, although not included in the figure, the overall turnover rate for entry-level juvenile corrections officers was even worse, reaching 44% in fiscal year 2011.



In addition to staff turnover, KJCC has had four different superintendents in the past six years. Of those, only one superintendent had been in the position for any length of time (three years). The others were in place for as few as six months to less than two years. The current superintendent has been in place since February 2012.

Several factors appear to have contributed to the high turnover at KJCC. In general, the research literature states that staff turnover at correctional facilities is caused by low salaries, stressful working conditions, and poor morale. Each of these factors appeared to have played a role in the facility's turnover rate, and are described below.

- **In fiscal year 2012, entry level juvenile corrections officers' salaries lagged 12% behind neighboring states, while senior juvenile officer salaries lagged by 22%.** This disparity exists even after a 2.5% salary increase was implemented in fiscal year 2011 to help narrow the salary gap for certain public safety jobs. In addition, at \$12.66 per hour, juvenile corrections officer's starting salaries are lower than salaries for new adult corrections officers which are paid \$12.98 per hour. Finally, we noted that a recent opening for a county-level juvenile corrections officer started at \$12.87 per hour. With higher-paying opportunities for similar work elsewhere, the facility will continue to struggle with getting and keeping staff on board.
- **Overtime has been used more frequently by KJCC than the state's other correctional facilities, which contributed significantly to stressful working conditions.** In 2011, KJCC spent about \$500,000 on overtime, and its six-year average for overtime expenditures proportionally was more than double the average of other Kansas correctional facilities.

Many staff have left KJCC because of the stressful working conditions, including forced overtime. Exit interviews of former KJCC staff indicated that many left because they found it difficult to manage their work/life balance. One of the biggest reasons cited for that imbalance was frequent, forced overtime. As part of corrections officers' employment agreements, overtime can be mandated when the next shift is short staffed. When this happens, staff are forced to stay and work a second shift. For example, one former staff said forced overtime made it difficult for him to have family time.

- **Nearly two-thirds of staff responding to our survey said morale at KJCC has been low.** Staff who have worked at the facility between 5-10 years answered even more negatively, with 79% saying morale has been low. These included a hostile work environment, lack of advancement, unfair, unethical, or discriminatory practices, or frustration with leadership. Here is one staff's survey comment about the morale at KJCC:

"The morale among employees is at an all-time low. I have never seen it lower in all the years I have been at KJCC. There is too much favoritism shown to certain staff, too much rudeness and insensitivity, and lack of compassion, and the belief that the administration does not listen or care, and that it is useless to do anything to try to change the situation to make it better. Employees feel bullied and threatened by the administration."

High turnover increases the risk of harm to juvenile offenders and staff. It is well documented in the corrections literature that turnover often means that inexperienced staff end up doing the work that should be done by senior staff. In turn, positions often have to be filled with staff on mandatory overtime. Forced overtime, as mentioned above, creates stress and fatigue, making it more likely that mistakes will happen.

Of staff responding to our survey, 70% said turnover has had a negative impact on the safety and security at KJCC. Many commented about the effect that turnover has had on their day-to-day work, including:

- *“Some staff are new and inexperienced they don't know what they are doing.”*
- *“Constant new employees set back most progress made by previous employees!”*
- *“Officer turnover is ridiculous, we expect consistent behaviors out of the [juvenile offenders] but we cannot provide them consistent officers to reinforce this? The [juvenile offenders] and some staff see it as a game to get staff to quit their jobs.”*
- *“Turnover is so high that staff regularly miss important pieces of training due to KJCC upper management decisions. [Juvenile offenders] are in constant state of distress and have to continue to adapt to new, inexperienced staff.”*

KJCC officials told us they have taken some steps to try and address KJCC’s high turnover rate. In a December 2008 report to the Joint Committee on Corrections and Juvenile Justice Oversight, agency officials acknowledged the need to reduce turnover by reducing forced overtime, integrating line staff in the decision-making process, strengthening the lines of communication, and other work environment improvements. The data and survey comments suggest that those efforts either were not implemented or were not successful.

In discussing turnover with current KJCC officials, they told us their latest efforts include reducing forced overtime by not having officers switch between shifts as often. Officials said the change should make overall work schedules more stable and result in less overtime. In addition, officials are reviewing staff vacancies, shift coverage, and leave issues to determine whether the facility has sufficient staff and in the right areas.

***JJA and KJCC
Officials Appear To Have
Favored Convenience and
Expedience Over
Safety and Security***

Taking the steps necessary to ensure the safety and security of juvenile offenders and staff can be difficult and time consuming. However, it is important for JJA and KJCC officials to show their commitment to safety and security both in policy and by what they do. If management does not appear to care about safety and security, then it will be difficult to get front-line staff to care.

Numerous safety and security problems we found were caused by both management and staff putting convenience before safety and security. For example, management officials (including the former Commissioner and various other central office staff) had been allowed to by-pass security at KJCC. In

addition, staff with felony or drug convictions worked at the facility because management officials had not completed background checks or had failed to act on the results.

Problems noted earlier in this report also show that facility staff have not made safety and security a priority. For example, staff have routinely propped open doors and have circumvented security measures throughout the facility. Also, one-third of the staff responding to our survey acknowledged they were aware that prohibited items have been brought into the facility.

KJCC staff do not perceive management as being committed to safety and security. Of the staff responding to our survey, only 56% agreed that the safety and security of juvenile offenders and officers is an important concern of management. In comparison, when we asked the same question of staff at Larned Juvenile Correctional Facility, 81% agreed with that statement. In addition, a number of comments from the survey mention that operations at KJCC are based on convenience and ease. Here are some examples:

- “[Policies related to safety and security are consistently followed by staff] only if it’s convenient.”
- “A lot of times staff do things that work at the time. Not policy.”
- “Officers do what is convenient for them which means leaving doors open and going in control rooms etc.”

KJCC Management Has Done a Poor Job of Addressing Safety and Security Problems Once They Have Become Aware of Them

Because there is a constant risk that juvenile offenders or staff could be hurt, safety and security at a correctional facility cannot be taken for granted. When incidents do happen, management and staff should take steps to learn from past mistakes. However, KJCC officials have not routinely taken steps to do so.

KJCC officials have not routinely reviewed safety and security incidents to identify and correct problems. Mistakes are likely to be repeated if staff do not learn from past incidents. Policies require officials to have a “critical incident review” as soon as possible following a critical incident. An escape, escape attempt, significant injury to a juvenile offender or staff member, or major disturbance such as a riot or near riot are all considered critical incidents.

According to KJCC officials, no critical incident reviews have been done since 2005. This means there has been no formal process to understand and correct any of the incidents cited earlier in this report, including suicide attempts and injuries to juvenile offenders. In addition to those incidents, in the past couple of

years, there have been several near-riot incidents and an escape attempt at the facility. For each, we would have expected a critical incident review to take place:

- **Numerous offenders were disciplined for rioting behavior in connection with two separate incidents during 2011.** A riot broke out in the dining area in March 2011 and in the school area in May 2011. Although the juvenile offenders were disciplined for rioting or incitement to riot, officials explained that critical incident reviews were unnecessary because the offenders were simply fighting.
- **Officials pulled a fire alarm to gain control of an increasingly turbulent assembly in January 2012.** KJCC officials pulled in additional staff to help control a Martin Luther King holiday assembly as it became increasingly tense. The superintendent ordered the fire alarm be pulled to help break up the situation and the guest speaker for the assembly was escorted out of the facility. Officials told us there was no need for a critical incident review because a riot did not actually happen.
- **In September 2011, a juvenile offender escaped from a living unit and made it to an inner fence before officers were able to stop him.** At the time, one officer was supervising the unit and completing rounds. Officials exchanged emails about the attempt, but there was no formal meeting held to learn from the incident.

JJA and KJCC officials have known about the safety and security issues at KJCC for years, but have failed to remedy the problems. During this audit we reviewed agency records, including emails and memorandums, and we talked with staff at various levels within JJA and KJCC. We found that:

- **JJA officials and facility superintendents for the past several years have had routine weekly meetings to discuss operations and security issues.** In addition, our review of agency emails confirmed that JJA and KJCC officials were aware of the security issues at the facility.
- **Internal reports and memos identified numerous security concerns.** An October 2011 internal review by JJA staff included concerns about inadequate supervision of juvenile offenders, inadequate supervision of staff (to help prevent prohibited items from entering the facility), concerns about insufficient data tracking, concerns about key and tool control, and a number of other issues.

In addition, an August 2011 internal memorandum issued by the JJA Commissioner acknowledged that officers from both KJCC and Larned Juvenile Correctional Facility were not following policies. For example, officers were not supervising juveniles in the living units and were leaving room doors open and unlocked. The memo stated that lapses in supervision had caused sexual misconduct, physical injury, and an attempted escape. Finally, the memo warned that progressive discipline would be taken if officers did not follow policies for supervising juvenile offenders. However, as mentioned earlier in the report, very little discipline happened since then.

- **The juvenile correctional facility in Topeka has had a history of problems identified in previous performance audits.** Of those audits, two specifically focused on safety and security problems — the 1989 audit and the 1994 audit. The audit findings help establish the facility's history in regard to safety and security. As shown in **Figure 1-3**, many of the same substantive security weaknesses and management deficiencies continue to be a problem.

Figure 1-3 Summary of Main Findings Related to Security and Safety at KJCC as Identified in Previous and Current Audits (a) 1989, 1994, and 2012			
	1989	1994	2012
Findings Related to Specific Security and Safety Issues			
Poor lighting of facility grounds and no perimeter fence	√		
Communication equipment such as phones, radios, and intercoms, not in proper working order	√	√	
Do not have or do not use basic surveillance equipment such as alarms, metal detectors, and video surveillance systems	√	√	√
Poor procedures for checking visitors, staff, and their property for prohibited items (contraband)		√	√
Lax attitude of facility staff towards security-related matters including tardiness/absences, sleeping on the job, and leaving juvenile offenders unattended	√	√	√
Poor control of tools	√	√	√
Facility doors propped open or left unlocked		√	√
Findings Related to Personnel Management			
Inadequate staffing levels	√	√	
Shifts not staffed in a way that ensures safety	√		√
Inconsistent and ineffective process for staff discipline	√	√	√
Employee discipline not enforced in a timely manner	√		√
Insufficient and inadequate staff training	√	√	√
Background checks on new employees not conducted or not completed in a timely manner		√	√
Findings Related to the Overall Security Environment			
Lack of or inadequate policies and procedures in security-related areas	√		√
No annual review of policies and procedures	√		√
Inadequate record keeping	√	√	√
Inadequate reporting, investigation, and review of critical incidents	√	√	√
Low employee morale	√	√	√
<p>(a) The above figure does not include all findings from the current or previous performance audits. In addition, blanks indicate that we did not look for or did not identify problem findings in the listed area.</p> <p>Source: LPA 1989, 1994, and current (2012) performance audit reports</p>			

Conclusion

Safety and security issues at the Kansas Juvenile Correctional Facility have been documented for more than two decades. Despite repeated warnings in both internal and external reports, these problems have persisted. In part this may be due to the fact that the care and custody of juvenile offenders in Kansas has its origins in social services—which placed a tremendous amount of emphasis on rehabilitation—rather than corrections. As a result, it appears that officials have never placed the kind of emphasis on safety and security that one would expect from a correctional facility.

An even more important contributor to the facility's safety and security problems has been a history of poor and changing leadership. Superintendents at the facility have turned over frequently and no management regime appears to have been able to address the reactive and lax culture in order for substantive and meaningful change to occur. Juvenile offenders have been harmed by the lack of safety and security at KJCC, and if the facility continues to operate in the same fashion, it is almost certain that more will be harmed in the future.

Recommendations for Executive Action

Recommendations Related to Specific Security and Safety Issues:

Supervising Juvenile Offenders:

1. To address the problems with officers inadequately supervising juvenile offenders as identified on pages 9 through 15, JJA and KJCC officials should ensure existing policies are followed and enforced with progressive and consistent discipline.
2. To address the issue of inadequate tracking of allegations of abuse, neglect or sexual assault of juveniles as discussed on page 31, JJA and KJCC officials should follow the policies and track incidents to ensure all allegations are properly and consistently reported and investigated.

Keeping Prohibited Items Out of the Facility:

3. To address the issues related to prohibited items entering and remaining in the facility as identified on pages 15 through 19, JJA and KJCC officials should:
 - a. Review and update policies and procedures specific to searches and contraband to ensure they are clear, consistent, represent current practices, and provide sufficient guidance to staff, including forms to be completed and the individuals who should be notified.

- b. Establish and implement a process to enforce policies concerning searches of individuals and items entering the facility with progressive and consistent discipline for staff that do not follow the policies.
- c. Assess the process for searching individuals and items entering the facility and determine if additional staff or equipment is needed.
- d. Develop and implement a process to ensure all types of searches (canine, facility plan, living units etc.) are frequent, thorough, unannounced, and well documented.
- e. Develop and implement a process to ensure investigations are conducted and the results are referred to law enforcement or prosecutors as appropriate.
- f. Develop and implement a process to ensure appropriate disciplinary actions are taken for staff that are found with prohibited items.
- g. Develop and implement policies and a process to track, investigate, and dispose of contraband. These policies and procedures should clarify how items are to be inventoried and preserved, who has access to them, and what the process is for final disposal.
- h. Develop training for staff on searching, identifying, documenting, preserving, and notifying appropriate individuals when prohibited items are located.
- i. Develop a process for clinical and social work staff to be notified when youth are identified in possession of drugs, alcohol or derivatives of such items.

Key and Tool Control:

- 4. To address the issues of inadequate key and tool control identified on pages 19 through 20, JJA and KJCC officials should implement the recommendations contained in the Department of Corrections report and those previously identified in JJA's internal review.

Policies and Procedures in General:

5. To address the inconsistencies with internal management policies and procedures, facility orders and post orders identified on pages 32 through 33 of the report, JJA and KJCC officials should:
 - a. Review and amend policies that are ambiguous, cumbersome or outdated.
 - b. Immediately remove any outdated or rescinded policies and procedures from all locations and sources.
 - c. Establish and implement a systematic process for communicating policy and procedural changes to staff at all levels in a consistent and timely manner.
 - d. Establish and implement a process to regularly review the policies and procedures and document such review.

Recommendations Related to Personnel Management:

Hiring Process and Background Checks:

6. To address the issue of poor personnel management identified on pages 21 through 24, JJA and KJCC officials should do the following:
 - a. Revise the process to ensure that applicants meet the required hiring criteria for new employees, that all documentation has been submitted, and that all background checks have been completed. If exceptions are made to the hiring process, ensure those exceptions are properly and adequately documented in the personnel file.
 - b. Establish a process to adequately ensure annual background checks are conducted timely for current employees, that verification is retained, and any exceptions for continued employment are documented in the personnel file.
 - c. Ensure that personnel records are properly secured and retained according to record retention policies.

Adequately Staffing the Facility:

7. To address inadequate staffing as identified on pages 28 through 30, JJA and KJCC officials should:
 - a. Complete a staffing analysis, fill authorized positions as needed, and reallocate staff to appropriate shifts and posts.
 - b. Develop a process to conduct staffing analyses regularly to ensure there is sufficient and appropriate staffing on all shifts and posts.

Staff Discipline:

8. To address the inconsistent and ineffective discipline process identified on pages 26 through 28, JJA and KJCC officials should:
 - a. Develop policies and implement a consistent and progressive discipline process.
 - b. Track disciplinary actions over time and use the data when making disciplinary decisions.

Training:

9. To address the issue of inadequate training identified on pages 24 through 26, JJA and KJCC officials should:
 - a. Revise the process to ensure that corrections officers are not promoted to permanent status before they have met the required statutory 160 training hours.
 - b. Develop and implement a process to ensure staff receive the required annual training.
 - c. Develop and implement a process to ensure the annual needs assessment is conducted as required by policy and ensure annual training is targeted to address areas of major concern.

Recommendations Related to the Overall Security Environment:

Staff Turnover:

10. To address the issue of staff turnover identified on pages 33 through 36, JJA and KJCC officials should:

- a. Work with and request approval from the Department of Administration to hire juvenile corrections officers at the same level as the Kansas Department of Corrections.
- b. Ensure that juvenile corrections officer salaries are periodically adjusted to remain competitive.
- c. Develop and implement an overall and ongoing plan to reduce forced overtime.

Critical Incident Reviews:

11. To address the issue of critical incident reviews not being completed as discussed on pages 37 through 38, JJA and KJCC officials should develop and implement a process to ensure the reviews are conducted, documented, and that corrective actions are taken.

Providing Follow-up Information to the Legislature:

12. JJA and KJCC officials should provide the Legislative Post Audit Committee a written status report on the implementation of these recommendations by December 1, 2012.

***Recommendations for
Legislative Consideration***

1. The Legislative Post Audit Committee should consider authorizing a follow-up audit of safety and security issues at KJCC in approximately 18 to 24 months from this audit.

APPENDIX A

Scope Statement

This appendix contains the scope statement approved by the Legislative Post Audit Committee for this audit on January 18, 2012. The audit was requested by Senator Kultala (questions 1 and 2) and Senator Hensley (questions 3 and 4).

Juvenile Justice Authority: Evaluating Safety and Program Issues at the Kansas Juvenile Correctional Complex

The Kansas Juvenile Correctional Complex (KJCC) is one of two juvenile corrections facilities in Kansas. Overseen by the Juvenile Justice Authority, KJCC provides maximum and medium security beds for about 200 male and 20 female juvenile offenders. The ages of juvenile offenders ranges between 10 and 22. KJCC's primary responsibility is the daily care, custody, management, and treatment of inmates. Male and female offenders are housed in separate facilities and are guarded by about 140 security officers.

In addition, KJCC provides a variety of other educational services for juvenile offenders. Educational programs include academic coursework aimed at helping students earn a high school diploma or a GED, and vocational programs that provide inmates with hands-on training. College-level coursework is offered through Highland Community College and the Washburn Institute of Technology. Education services for male and female offenders are segregated.

KJCC also provides substance abuse treatment for its juvenile offenders. Until 2009, KJCC was licensed to provide these services. Since then, the Juvenile Justice Authority has opted to have KJCC provide these services as an unlicensed treatment facility. Officials told us this decision was based in part on the Juvenile Justice Authority's desire to change the focus of their substance abuse treatment curriculum.

Legislators have expressed a variety of concerns about the operations of KJCC, including the safety of juvenile offenders and correctional officers, the adequacy and equality of its educational and vocational programs, and its unlicensed substance abuse treatment program.

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

- 1. Does the Kansas Juvenile Correctional Complex take adequate action to ensure the safety of its inmates and staff?** To answer this question, we would review literature and talk with U.S. Office of Juvenile Justice and Delinquency Prevention officials to identify best practices related to securing and monitoring juvenile offenders. We would review KJCC's policies and procedures related to inmate security and compare them to any best practices we identified. Further, we would perform testwork to determine if those policies and procedures were being followed, such as reviews of shift logs and an evaluation of the adequacy of correctional officer staffing levels. For a sample of security incidents, we would review relevant documentation and interview staff to determine whether those incidents appear to have been handled appropriately. Further, we would perform a confidential survey of KJCC staff regarding their perception of both their own, and inmate's safety, at the facility. We would perform additional work in this area as necessary.

2. **Are the Kansas Juvenile Correctional Complex’s educational and vocational programs adequate and equitable for male and female offenders to help prepare them for future academic or work opportunities?** To answer this question, we would assemble an inventory of all educational and vocational programs provided by KJCC. We would interview staff at KJCC, Highland Community College, and the Washburn Institute of Technology to determine the content of those programs, what they are intended to accomplish, who they serve, and how outcomes are tracked and evaluated. If available, we would collect and analyze outcomes data for a sample of programs to determine whether those programs appear to have achieved their intended results. In addition, we would interview staff from the U.S. Office of Juvenile Justice and Delinquency Prevention and other relevant organizations to help us determine whether any of those programs were uncommon or outdated. Finally, we would interview KJCC officials about any programs that appeared uncommon, outdated, inequitable, or had poor outcomes to determine why those programs continue to be offered. We would perform additional work in this area as necessary.
3. **Is the Juvenile Justice Authority legally authorized to operate the Kansas Juvenile Correctional Complex as an unlicensed treatment facility?** To answer this question, we would review applicable State and federal law to identify any requirements for substance abuse licensing. We would further interview Juvenile Justice Authority officials and legal counsel to determine the legal basis for the decision to remove the licensing requirement. Finally, we would compare the Juvenile Justice Authority’s decision against any statutory requirements we had previously identified to determine if that decision was legally allowable. We would perform additional work in this area as needed.
4. **What potential effect does providing unlicensed substance abuse treatment have on inmate care and facility funding?** To answer this question, we would interview Juvenile Justice Authority officials to identify the reasons that they decided to remove the substance abuse license requirement. We would also interview Authority officials and staff to determine what effect that change has had on the type and quality of substance abuse treatment the juvenile correctional facilities can provide. Moreover, we would review relevant research literature, and talk with other states’ juvenile correctional agencies as well as other experts in the field to determine whether it’s common to provide unlicensed substance abuse treatment and whether it’s generally accepted as a viable treatment approach. We would evaluate the extent to which eligibility for federal grants or funding require treatment facilities to be licensed, and conversely, whether either juvenile facility has realized any significant savings by providing unlicensed services (e.g. by reducing staff salaries or eliminating licensing fees). Finally, we would evaluate whether the Authority’s decision has any negative implications for the license status of certified substance abuse employees. We would perform additional work in this area as needed.

Estimated resources: 3 staff for 16-18 weeks (plus review)

Note: *The Legislative Post Audit committee directed us to perform this audit in two parts. Part one will focus on safety issues described in question one, part two will focus on programming issues included in questions two through four.*

APPENDIX B

Agency Response

On June 19, 2012 we provided copies of the draft audit report to the Juvenile Justice Authority. Its response is included as this Appendix. The agency concurred with the report's findings, conclusions, and recommendations.

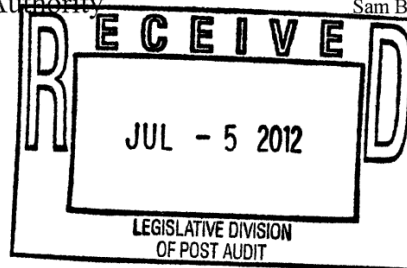
Teresa Williams, Acting Commissioner
Governor

Juvenile Justice Authority

Sam Brownback,

July 3, 2012

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



Re: JJA's Response to Post Audit Report: "Juvenile Justice Authority: Evaluating Safety and Program Issues at the Kansas Juvenile Correctional Complex"

Dear Mr. Frank:

On behalf of the State of Kansas Juvenile Justice Authority (JJA), I want to thank you and your staff for your thorough and professional review entitled: *Juvenile Justice Authority: Evaluating Safety and Program Issues at the Kansas Juvenile Correctional Complex*. This administration is committed to transparency and accountability, and your team has been a valuable resource to our agency as we strive to make JJA a model correctional institution among its peers.

After a review of your findings and recommendations, JJA is pleased to commit to implement all of the LPA's recommendations, as will be more specifically set forth herein.

I. Recommendations Related to Specific Security Issues:

A. Supervising Juvenile Offenders:

Recommendation 1:

To address the problems with officers inadequately supervising juvenile offenders as identified on pages D-9 through D-15, JJA and KJCC officials should ensure existing policies are followed and enforced with progressive and consistent discipline.

Agency Response to Recommendation 1:

JJA acknowledges that there is a long history of, and an ongoing problem with, corrections officers inadequately supervising juvenile offenders as described by the audit, and JJA agrees that additional measures need to be taken to remedy the problem, including ensuring existing policies are followed and enforced by supervisory and administrative staff with progressive and consistent discipline.

Agency Action on Recommendation 1:

JJA believes that systemic and sustained quality assurance (QA) is essential to ensure existing policies are followed. In addition to the commitment of the JJA administration, a Central Office staff member has been temporarily assigned to KJCC to help the superintendent lead this initiative. We are in the process of developing a more comprehensive QA process which will include the use of a quality assurance tool/checklist to ensure that monitoring occurs and that the process is documented.

The culture shift and accountability required to make this QA process effective will require all staff (including uniformed, non-uniformed and contract staff) be invested and involved in the solution. Therefore, part of the quality assurance initiative will be to establish a QA team with representation from each of those departments.

Identified policy violations will result in the use of progressive discipline and shall be logged in the human resources database (outlined in more detail in Agency Action on Recommendation 8). The database will provide accountability for supervisors and staff and will enable administration to review the discipline actions on a facility (and agency) level. The database shall be maintained by the HR Manager for review by the Chief of Security with monthly review with the Superintendent.

Recommendation 2:

To address the issue of inadequate tracking of allegations of abuse, neglect or sexual assault of juveniles as discussed on page D-30, JJA and KJCC officials should follow the policies and track incidents to ensure all allegations are properly and consistently reported and investigated.

Agency Response to Recommendation 2:

JJA acknowledges that there is a long history of, and an ongoing problem with inadequate tracking of allegations of abuse, neglect or sexual assault of juveniles as described by the audit, and JJA agrees that additional measures need to be taken to remedy the problem, including ensuring existing policies are followed and that incidents are tracked to ensure allegations are properly and consistently reported and investigated.

Agency Action on Recommendation 2:

Notwithstanding the efforts already underway by JJA to better track investigations (as outlined further in Response to Recommendation 3(e)) JJA acknowledges the need to clarify and streamline the investigations policies used by JJA. JJA will review and consolidate IMPP 01-181 (Investigations); IMPP 07-101 (Sexual Assault Prevention and Intervention Program); IMPP 07-103 (Reporting Abuse and/or Neglect of a Youth Resident); and IMPP 12-110 (Crimes Committed at a Juvenile Correctional Facility).

As part of the aforementioned QA process, staff will periodically conduct interviews with staff and offenders regarding alleged or observed incidents. Any noted in the checklists will be

crossed-checked with the investigation log by the Superintendent (via the Special Investigator assigned to the facility). Incident reports will be similarly cross-checked. Any incidents that are found to have not been reported will be referred to the Special Investigator who will investigate both the incident, and why it was not reported as required. Policy violations (including failing to report incidents properly) will be enforced with progressive discipline as outlined in Agency Action on Recommendation 1.

B. Keeping Prohibited Items Out of the Facility:

Recommendation 3(a):

To address the issues related to prohibited items entering and remaining in the facility as identified on pages D-15 through D-19, JJA and KJCC officials should:

a. Review and update policies and procedures specific to searches and contraband to ensure they are clear, consistent, represent current practices, and provide sufficient guidance to staff, including forms to be completed and the individuals who should be notified.

Agency Response to Recommendation 3(a):

JJA acknowledges that there is a long history of, and an ongoing problem with prohibited items entering and remaining in the facility as described by the audit, and JJA agrees that additional measures need to be taken to remedy the problem, including reviewing and updating policies and procedures specific to searches and contraband.

Agency Action on Recommendation 3(a):

JJA will amend IMPP 12-103 (Juvenile Offender and Facility Searches); IMPP 12-115 (Search of Visitors); and IMPP 12-121 (Search of Employees and Volunteers), with a vision of creating a single policy for all searches. The new policy will include clear guidance on how to manage and process contraband, and it will include standardized forms with “check-off” boxes with notification requirements.

Once completed and posted, all facility staff will be sent a copy of the policy via agency e-mail and will be required to submit a signature page acknowledging that they received and read the policy. Furthermore, supervisors will be trained on the policy by central office staff and the supervisors will then train their subordinates. All new recruits will also be trained on the policy in basic training. JJA legal division will help monitor compliance with the new policy by reviewing incident reports and search reports.

Additionally, JJA is amending IMPP 03-104, (Staff Development: Training and Staff Development), to require control of contraband, offender and facility searches, searches of visitors, employees and volunteers, and crime scene preservation for newly hired staff during

orientation/basic training. Annual refresher training will be conducted in FY 2013 on the control of contraband, pat searches, and facility searches for existing staff.

The targeted deadline for the policy amendments to be completed is August 15, 2012. A draft of the amended search policy and the amended staff development policy has been provided to the auditors for a confidential review.

Recommendation 3(b):

To address the issues related to prohibited items entering and remaining in the facility as identified on pages D-15 through D-19, JJA and KJCC officials should:

b. Establish and implement a process to enforce policies concerning searches of individuals and items entering the facility with progressive and consistent discipline for staff that do not follow the policies.

Agency Response to Recommendation 3(b):

JJA acknowledges that the enforcement of policies concerning searches of individuals and items entering the facility at KJCC has been inconsistent for several years and that existing policy needs to be amended and better enforced.

Agency Action on Recommendation 3(b):

Employees found to be circumventing facility search policy will receive corrective action. All corrective action, including disciplinary action, shall be logged in the online database as outlined in Agency Response to Recommendation 8.

Recommendation 3(c):

To address the issues related to prohibited items entering and remaining in the facility as identified on pages D-15 through D-19, JJA and KJCC officials should:

c. Assess the process for searching individuals and items entering the facility and determine if additional staff or equipment is needed.

Agency Response to Recommendation 3(c):

JJA acknowledges that the process of searches of individuals and items entering the facility at KJCC has been inconsistent for several years and that existing policy needs to be amended and better enforced with due consideration given to staffing and equipment needs.

Agency Action on Recommendation 3(c):

JJA will conduct a staffing analysis of the facility entry posts at KJCC and will conduct direct observation of the entry posts as well as staff interviews and vulnerability checks. A written report of the staffing analysis, observations, staff interviews and vulnerability checks will be provided by the Superintendent to the Commissioner on a monthly basis for review. The monthly report will include results of regular equipment checks and any concerns regarding staffing levels. The first staffing analysis and entry post check report will be conducted and presented to the Commissioner by September 1, 2012.

Existing Facility Order #1165 Weekly Administration Rounds, requires administrative staff to make rounds in select living units and work stations. The KJCC executive team met on 6-19-2012 and discussed the purpose of this function and specific responsibilities. An assignment roster along with a check list will be developed by August 1, 2012 for administrative staff to follow during their checks.

Recommendation 3(d):

To address the issues related to prohibited items entering and remaining in the facility as identified on pages D-15 through D-19, JJA and KJCC officials should:

d. Develop and implement a process to ensure all types of searches (canine, facility plan, living units etc.) are frequent, thorough, unannounced, and well documented.

Agency Response to Recommendation 3(d):

JJA acknowledges that facility searches have been underutilized and that KJCC currently lacks a written Facility Search Plan.

Agency Action on Recommendation 3(d):

JJA will amend current policy (IMPP 12-103) regarding facility searches to better ensure more frequent, thorough, unannounced, and well documented facility searches.

Additionally, JJA is developing a facility search plan which will be reviewed annually by the superintendent. A copy of the draft Facility Search Plan has been provided to the auditors for a confidential review.

The facility did conduct a canine search on 6/28/12 with cooperation from the Lansing Correctional Facility.

Recommendation 3(e):

To address the issues related to prohibited items entering and remaining in the facility as identified on pages D-15 through D-19, JJA and KJCC officials should:

e. Develop and implement a process to ensure investigations are conducted and the results are referred to law enforcement or prosecutors as appropriate.

Agency Response to Recommendation 3(e):

JJA acknowledges that although JJA has made great strides in investigating and reporting criminal activity that occurs at juvenile correctional facilities, the agency is still lacking in clearly written policies regarding investigations, and officers need better training on such policies.

Agency Action on Recommendation 3(e):

Kansas Administrative Regulation (K.A.R.) 123-13-101(e) currently states, “If an offender is alleged to have committed an act covered by criminal law, the case shall be referred to the appropriate law enforcement or prosecutorial agency as provided in K.A.R. 123-13-103.”

K.A.R. 123-13-103(a) currently states:

If an offender is alleged to have committed an act covered by criminal law, the case shall be referred to the appropriate law enforcement or prosecutorial agency for consideration for prosecution, unless there is a current written statement from a prosecutor who has jurisdiction and who requests that certain types or classes of crimes not be reported or that no report be made.

JJA consulted with the Shawnee County District Attorney and the Pawnee County Attorney in the summer of 2011 regarding the obligations of the agency pursuant to K.A.R. 123-13-103. Shawnee County and Pawnee County are the only two counties in which JJA has juvenile correctional facilities located. JJA and the District /County Attorney have agreed that all alleged violations of criminal law that occur in a juvenile correctional facility be forwarded to the respective prosecutor’s office for review. JJA has taken great effort over the last 17 months to investigate and forward all alleged criminal violations to the prosecutor’s office for review, but the effort has not succeeded as JJA had envisioned, largely due to an understaffed investigations unit. Through some staff re-organization, we have identified resources for the addition of a second Investigator. In the interim, the Kansas Department of Corrections has committed to providing assistance as needed in our investigative unit.

JJA has experienced more than a doubling of the total number of cases that have been investigated by JJA’s investigator. The number of criminal cases investigated has gone from 8

incidents in 2010, to 122 incidents in 2011. The total number of administrative cases investigated between 2010 and 2011 also increased (100 administrative investigations in 2010 and 115 investigations in 2011). The dramatic increase in total investigations is primarily due to a very significant increase in the number of and type of criminal cases being reported by each JJA facility.

The new JJA administration has made a concerted effort to educate facility and central office staff on mandatory reporting requirements and the PREA reporting requirements. Additionally, the JJA administration is committed to investigating all allegations of criminal conduct that occur within a juvenile correctional facility, in order to regain and maintain safety and security of the youth, staff and visitors. Under previous administrations, criminal allegations rarely made it past the correctional facility Superintendent level of review, and were instead handled “in-house,” without referral to the County or District Attorney. Cases such as battery on corrections officers, aggravated battery and youth-on-youth violence often simply went unreported. Now, JJA has adopted a policy that requires all crimes that are committed in a juvenile correctional facility be reported and fully investigated (IMPP 12-110). Such reports are now directed to the JJA investigator and legal division, in addition to the facility Superintendents.

The number of criminal cases referred for prosecution from a JJA juvenile correctional facility has also greatly increased. Criminal case referrals jumped from one or two a year prior to 2011, to 25 cases in 2011. Several additional cases are still being investigated and/or reviewed for potential submission to the County Attorney/District Attorney, but are still under review due to limited resources allocated to investigations. JJA has approved an additional special investigator position, but the position has not yet been filled. In the interim, the Kansas Department of Corrections is assisting with the backlog of cases.

Another step that JJA has taken to help facilitate investigations is that JJA successfully lobbied to have K.S.A. 38-2386 and K.S.A. 74-5602(g) amended during the 2011-2012 legislative session in order to grant JJA’s special investigators certified law enforcement officer status to help facilitate criminal investigations. The new authority began July 1, 2012.

JJA has also coordinated efforts with the Kansas Attorney General’s Office to ensure prompt and more thorough investigations. On February 27, 2012, JJA and the Attorney General’s Office formalized a working policy regarding Suspicious Incidents at State Institutions (SISI) investigations. When reports of abuse or neglect at a juvenile correctional facility are referred to the Attorney General’s office, the Attorney General’s office will intake the report and assign it a case number. The report is then forwarded to the JJA legal division who reviews the report and assigns the case for review or investigation. JJA legal can assign the case to the facility for review, to JJA’s special investigator for an investigation, or to the Attorney General’s Office for investigation. The Attorney General’s office will monitor the case assignments and if they do not agree with the assignment, the Attorney General’s Office will intervene. Once a case has been investigated, the JJA legal division will determine whether the allegation is substantiated or not. All findings are reviewed by the Attorney General’s office. If there is evidence of criminal behavior, the matter will be referred to the County Attorney or District Attorney for review. The JJA/Attorney General SISI review policy has been provided to the auditors review.

Notwithstanding the efforts already underway by JJA to better track investigations, JJA acknowledges a need to clarify and streamline the investigations policies used by JJA. JJA will review and consolidate IMPP 01-181 (Investigations), IMPP 07-101 (Sexual Assault Prevention and Intervention Program); IMPP 07-103 (Reporting Abuse and/or Neglect of a Youth Resident); and IMPP 12-110 (Crimes Committed at a Juvenile Correctional Facility).

The targeted deadline for the revised policies to be completed is August 30, 2012.

Once completed and posted, all facility staff will be sent a copy of each revised policy via agency e-mail and will be required to submit a signature page acknowledging that they received and read the policy. Furthermore, supervisors will be trained on each revised policy by central office staff and the supervisors will then train their subordinates. All new recruits will also be trained on the revised policies in basic training. JJA legal division will help monitor compliance with the new policies by reviewing incident reports and search reports.

Lastly, JJA has plans to update, replace or add equipment which will aid in the investigation process (and enhance overall security). Some of these equipment items include cameras, installation of GPS in transportation vehicles and the installation of a facial identification system at the main control center.

Recommendation 3(f):

To address the issues related to prohibited items entering and remaining in the facility as identified on pages D-15 through D-19, JJA and KJCC officials should:

f. Develop and implement a process to ensure appropriate disciplinary actions are taken for staff that are found with prohibited items.

Agency Response to Recommendation 3(f):

JJA acknowledges that employee discipline at KJCC has been inconsistent and lacking for several years.

Agency Action on Recommendation 3(f):

The superintendent will develop a process of sharing disciplinary action with JJA's human resources division and legal division with a monthly written report to help ensure progressive discipline is taken for policy violations, and to help ensure that all policy violations are addressed. The superintendent will ensure that all levels of formal discipline are shared with JJA's human resources division and legal division who will in turn monitor discipline to ensure that it is consistent and appropriate for all policy violations, including staff found with prohibited items. In addition to progressive discipline of employees by the facility, JJA legal will forward reports of staff in possession of prohibited items to the County or District Attorney for review if the items constitute dangerous contraband. The targeted deadline for the Superintendent's first report on disciplinary action is due by September 1, 2012.

Recommendation 3(g):

To address the issues related to prohibited items entering and remaining in the facility as identified on pages D-15 through D-19, JJA and KJCC officials should:

a. Develop and implement policies and a process to track, investigate, and dispose of contraband. These policies and procedures should clarify how items are to be inventoried and preserved, who has access to them, and what the process is for final disposal.

Agency Response to Recommendation 3(g):

JJA acknowledges that there is a long history of, and an ongoing problem with tracking, investigating, and disposing of contraband as described by the audit and JJA agrees that additional measures need to be taken to remedy the problem, including reviewing and updating policies and procedures specific to searches and contraband.

Agency Action on Recommendation 3(g):

As previously stated in response to Recommendation 3(a) above, JJA will amend IMPP 12-103 (Juvenile Offender and Facility Searches); IMPP 12-115 (Search of Visitors); and IMPP 12-121 (Search of Employees and Volunteers), with a vision of creating a single policy for all searches and discovered contraband. The new policy will include clear guidance on how to manage and process contraband, and it will include standardized forms with “check-off” boxes with notification requirements. Additionally, KJCC has identified a suitable room to designate as an evidence locker and will be making security modifications to the room that will allow the special investigator to utilize a secure storage area for tracking, maintaining and disposing of contraband.

The targeted deadline for the policy to be completed is August 15, 2012. The targeted deadline for the evidence room to be completed is August 1, 2012.

Once completed and posted, all facility staff will be sent a copy of the policy via agency e-mail and will be required to submit a signature page acknowledging that they received and read the policy. Furthermore, supervisors will be trained on the policy by central office staff and the supervisors will then train their subordinates. All new recruits will also be trained on the policy in basic training. JJA legal division will help monitor compliance with the new policy by reviewing incident reports and search reports.

Recommendation 3(h):

To address the issues related to prohibited items entering and remaining in the facility as identified on pages D-15 through D-19, JJA and KJCC officials should:

h. Develop training for staff on searching, identifying, documenting, preserving, and notifying appropriate individuals when prohibited items are located.

Agency Response to Recommendation 3(h):

JJA acknowledges that training for staff regarding how to search, identify, document, preserve, and notify appropriate individuals when prohibited items are located, is and has been inadequate.

Agency Action on Recommendation 3(h):

JJA will provide refresher training in the annual training plan for FY 2013 on the control of contraband, pat searches and facility searches for all juvenile corrections officers and direct care staff. The training program managers will be tasked with developing a statewide curriculum reflecting current policies, procedures, and practices. In addition, a six-hour crime scene preservation course is currently underway at KJCC. All juvenile corrections officers and direct care staff at KJCC will be trained in crime scene preservation by August 2012.

Recommendation 3(i):

To address the issues related to prohibited items entering and remaining in the facility as identified on pages D-15 through D-19, JJA and KJCC officials should:

i. Develop a process for clinical and social work staff to be notified when youth are identified in possession of drugs, alcohol or derivatives of such items.

Agency Response to Recommendation 3(i):

JJA acknowledges that a process for notifying clinical and social work staff when youth are identified in possession of drugs, alcohol or derivatives of such items is needed.

Agency Action on Recommendation 3(i):

Revision of policy and procedure will be needed to document a procedure of notifying clinical and social work staff when youth are found to be in possession of drugs, alcohol or derivatives. Revisions will be made to the aforementioned search policies and 03-146, Drug Testing of Juvenile Offenders to reflect the process accordingly.

C. Key and Tool Control:

Recommendation 4:

To address the issues of inadequate key and tool control identified on pages D-19 through D-20, JJA and KJCC officials should implement the

recommendations contained in the Department of Corrections report and those previously identified in JJA's internal review.

Agency Response to Recommendation 4:

JJA acknowledges that the issues of key and tool control have been inadequate at KJCC for several years.

Agency Action on Recommendation 4:

The work to improve both the key and tool issues is on-going. JJA currently does not have an agency policy on tool control. A tool control IMPP is now in the process of being developed and the facility orders will subsequently need to be updated. Shadow boards are being established as well as proper tool security and marking. The number of staff with "take-home" keys has been reduced to a select few staff that work at the facility. Key and tool control training is also being added to the annual training calendar for all staff. On June 26, 2012, a memo from the Superintendent was sent to all JJA staff referencing changes in tool control procedures to be implemented in advance of the formal policy completion. A copy of the memo has been provided to the auditors for a confidential review.

D. Policies and Procedures in General

Recommendation 5:

To address the inconsistencies with internal management policies and procedures, facility orders and post orders identified on pages D-31 through D-32 of the report, JJA and KJCC officials should:

- a. Review and amend policies that are ambiguous, cumbersome or outdated.*
- b. Immediately remove any outdated or rescinded policies and procedures from all locations and sources.*
- c. Establish and implement a systematic process for communicating policy and procedural changes to staff at all levels in a consistent and timely manner.*
- d. Establish and implement a process to regularly review the policies and procedures and document such review.*

Agency Response to Recommendation 5:

JJA acknowledges that there is a long history of, and an ongoing problem with JJA policies being ambiguous, cumbersome or outdated as described by the audit, and JJA agrees that additional measures need to be taken to remedy the problem, including reviewing and updating policies and procedures, removing outdated or rescinded policies and procedures from all

locations and sources, and amending JJA's policy review schedule and methodology and communicating policy changes in a consistent and timely manner.

Agency Action on Recommendation 5:

JJA will amend IMPP 01-106 (Policy and Procedure Development). The new policy will include a comprehensive review of all Internal Management Policy & Procedures (IMPPs) and Facility Orders so that the end result will be that IMPPs, Facility Orders, and medical policies will be in alignment with one another. Effort will be made to ensure that there are no conflicts between IMPPs, Facility Orders, medical policies and ACA standards. Additionally, a systematic process will be established to review policies annually. The process will include assigning policies to agency directors that have an expertise in the policy area under review. Final approval will be made by the Commissioner with the advice of the legal division.

The targeted deadline for the policy to be completed is August 1, 2012. A near final draft of the Policy Review Process has been provided to the auditors for a confidential review.

Once completed and posted, all facility staff will be sent a copy of the amended policy via agency e-mail and will be required to submit a signature page acknowledging that they received and read the policy. Issues concerning existing policies and procedures will be discussed in weekly supervisory meetings. Furthermore, supervisors will be trained on the amended policy by central office staff and the supervisors will then train their subordinates. All new recruits will also be trained on the policy in basic training. JJA legal division will help monitor compliance with the new policy by continuing to review all new or revised policies.

II. Recommendations Related to Personnel Management:

A. Hiring Process and Background Checks:

Recommendation 6:

To address the issue of poor personnel management identified on pages D-21 through D-23, JJA and KJCC officials should do the following:

a. Revise the process to ensure that applicants meet the required hiring criteria for new employees, that all documentation has been submitted, and that all background checks have been completed. If exceptions are made to the hiring process, ensure those exceptions are properly and adequately documented in the personnel file.

b. Establish a process to adequately ensure annual background checks are conducted timely for current employees, that verification is retained, and any exceptions for continued employment are documented in the personnel file.

c. Ensure that personnel records are properly secured and retained according to record retention policies.

Agency Response to Recommendation 6:

JJA acknowledges that KJCC has an extensive track record of several years of poor personnel management decisions, including poor record keeping, failure to complete and document background checks and failure to document when employees are hired or retained pursuant to an exception to agency policy.

Agency Action on Recommendation 6(a):

JJA has amended IMPP 02-126 to now define what type of criminal background records checks are to be conducted. The policy also now requires that all background checks and documentation of the results are completed and on file prior to the employee being granted access to a secure area. The amended policy requires the appointing authority to document in writing any exceptions to the hiring process and requires that such documentation be retained in the employee's personnel file. In addition, JJA has created a new form that records which components of the background check have been completed for new employees. The form also includes a section that requires a written explanation from the appointing authority if any exceptions or discretionary decisions are made. The form will be implemented by July 10, 2012. A copy of IMPP 02-126 has been provided to the auditors for a confidential review.

Agency Action on Recommendation 6(b):

Annual background checks are now conducted on all employees, typically in April-May. JJA recognizes that this process must continue to be improved in order to ensure that checks are performed, documented, and filed in a manner that is better organized than past practice. A form has been developed and once implemented, will track and show all employee background checks performed each year. The form will be kept in the secure filing cabinet that includes all criminal background checks on JJA personnel. The Director of Human Resources (HR) will ensure that these checks are performed and tracked on an annual basis.

Agency Action on Recommendation 6(c):

JJA has already begun an overhaul of the personnel records filing system at KJCC and Larned Juvenile Correctional Facility. Personnel files, including criminal background and SRS Registry checks, drug screen results, and medical records, will be organized in a uniform method for all current staff in a manner that makes it easy to find information on each employee quickly. JJA has enlisted temporary assistance from the Department of Administration to allow us to complete this process in a timely manner. It is anticipated that the reorganization will be completed at KJCC by August 1, 2012.

B. Adequately Staffing the Facility:

Recommendation 7:

To address inadequate staffing as identified on pages D-27 through D-29, JJA and KJCC officials should:

- a. Complete a staffing analysis, fill authorized positions as needed, and reallocate staff to appropriate shifts and posts.*
- b. Develop a process to conduct staffing analyses regularly to ensure there is sufficient and appropriate staffing on all shifts and posts.*

Agency Response to Recommendation 7:

JJA acknowledges that KJCC should complete a staffing analysis, fill authorized positions as needed and reallocate staff to appropriate shifts and posts. In addition, a staffing analysis should occur regularly to ensure sufficient and appropriate staffing on all shifts and posts.

Agency Action on Recommendation 7:

As noted in the report, KJCC officials have been working on a staffing analysis as recommended in a review by the Department of Corrections. The Superintendent of KJCC has recently completed this staffing analysis. Staffing will increase over the next few years due to recent changes in the national PREA guidelines (which are required in 2017).

Shift supervisors (previously assigned predominantly to first shift posts) have been distributed between all three shifts to help ensure that supervisors are present to follow-up on security related incidents which occur on other shifts.

Security posts were added in high risk areas, to include the kitchen and dining areas, transportation, industries, and the reception diagnostic unit. These posts were previously not dedicated posts. Rather, they had been filled using "any available staff" on duty. The kitchen/dining area post was non-existent. A post for the kitchen/dining area was designated and added on June, 20, 2012 for two shifts. The remaining posts had designated and assigned officers as of July 1, 2012.

C. Staff Discipline:

Recommendation 8:

To address the inconsistent and ineffective discipline process identified on pages D-25 through D-27, JJA and KJCC officials should:

- a. Develop policies and implement a consistent and progressive discipline process.*
- b. Track disciplinary actions over time and use the data when making disciplinary decisions.*

Agency Response to Recommendation 8:

JJA has a policy in place related to a progressive discipline process, however, JJA acknowledges that there is a long history of, and an ongoing problem supervisors and managers failing to consistently follow the existing policy. Human Resource staff will conduct training annually for supervisors on this topic. The training was developed and presented in May of 2010, but no follow up courses have since been offered.

Agency Action on Recommendation 8:

JJA currently has an online database capable of tracking employee discipline, however, the database has not been updated and previous KJCC supervisors and HR personnel used a system that was accessible only to limited facility staff. Therefore, JJA's HR Director and the KJCC Manager are currently working with technology staff to update and enhance the online database and to populate the online database with current employee information. Once the database is updated, JJA will start tracking employee discipline in the online database. The JJA HR Director will generate a report of past discipline once the online database is updated and that report will be provided to the JJA Executive Team in order to identify areas of improvement that are needed in the disciplinary process.

The process for entering information into the online database will be as follows: Once the final action of discipline is determined and copies of the letter have been distributed, the facility HR Manager will ensure that the database is updated to include the details of the action. This will include the name of the employee, the date of the action, a brief description of the policy/statute violation, and the level of discipline.

The online database will be available to HR and legal staff, the facility Superintendents and the Commissioner, all of whom will be responsible for ensuring that discipline is consistent and progressive. All formal discipline letters will be written by the Deputy General Counsel once the appointing authority has determined that formal action is appropriate. The database will be password protected. The Director of Human Resources will audit the database quarterly to ensure the accuracy of the database and report the findings to the Superintendent and the Commissioner.

D. Training:

Recommendation 9:

To address the issue of inadequate training identified on pages D-23 through D-25, JJA and KJCC officials should:

- a. Revise the process to ensure that corrections officers are not promoted to permanent status before they have met the required statutory 160 training hours.*
- b. Develop and implement a process to ensure staff receive the required annual training.*

c. Develop and implement a process to ensure the annual needs assessment is conducted as required by policy and ensure annual training is targeted to address areas of major concern.

Agency Response to Recommendation 9:

JJA acknowledges that training at KJCC has been inadequate for several years and that better processes are needed to ensure that staff receives the required training on an annual basis. JJA also acknowledges that training needs to incorporate the findings of an annual needs assessment.

Agency Action on Recommendation 9(a):

In early May 2012, JJA began making significant changes to the agency's training structure. The Central Office training director position was eliminated and the funding for that position was reallocated to establish a training program manager position at the Larned Juvenile Correctional Facility. Additionally, the two training program manager positions previously housed at Central Office were transferred to KJCC. These three positions were relocated to the respective facilities to help ensure that the necessary training takes place for orientation, basic and annual training, and to ensure that the training is adequately documented. Training oversight is now being provided by the Kansas Department of Corrections staff development manager who is providing guidance and assistance in establishing policy, procedures and tracking mechanisms for JJA training.

To address the issue of officers achieving permanent status before meeting the statutory requirements for basic training, IMPP 03-104, (Staff Development: Training and Staff Development), is being revised to reflect that juvenile corrections officer trainees who fail to satisfactorily complete any portion of orientation and basic training shall not achieve permanent status or certification as a corrections officer and may be subject to dismissal. By policy, new juvenile corrections officers will be required to complete 200 hours of orientation and basic training to obtain certification as a juvenile corrections officer, consisting of 40 hours of orientation and 160 hours of basic training. Further, the policy will include guidance on the subjects required for orientation, basic and annual training to ensure compliance with federal and state laws, accreditation and performance based standards, and internal policies. A copy of the draft policy has been provided to the auditors for a confidential review.

Additional policy revisions include requirements for consistent recordkeeping for all staff training records, with annual reports to the superintendent and Central Office to assure that all new officers and other staff have completed the required number of training hours. To implement this consistently, KS-TRAIN, a learning management system (LMS) hosted by the Kansas Department of Health and Environment, and TRAIN, a LMS used by the Kansas Department of Corrections, are being evaluated for statewide use for JJA. The LMS selected will replace the independent databases currently being used to track training at the facilities and will afford a single location to house all JJA training data. This will provide training staff with a consistent and reliable method to monitor staff progress towards meeting training requirements and generate the necessary training reports. This will also result in transparency between the facilities and Central Office to ensure the data is being entered and maintained. Implementation of the LMS will take place during FY 2013.

Agency Action on Recommendation 9(b):

IMPP 03-104, is being revised to require the completion of annual training as a prerequisite for the retention of juvenile corrections officer certification. Failure to do so will result in the loss of certification and disciplinary action. Annual training is being established as 40 hours of training per fiscal year for corrections officers and all direct care staff, and 16 hours for non-direct care staff.

Each fiscal year, the training program managers will develop an annual training plan which will be submitted to the superintendent and Central Office for review to ensure all required training subjects are covered. By policy, supervisors will be tasked to ensure that their staff members attend the required annual training throughout the year. On June 1st of each year, the training program managers will determine who has not completed annual training, and will offer training make-up sessions as necessary prior to the end of the fiscal year. An annual report will be submitted to the superintendent and Central Office by August 1st that reflects any staff who failed to complete orientation, basic or annual training, and the reason for not completing.

As mentioned previously, provisions for consistent record keeping for employee training records along with annual reports to the superintendent and Central Office are being established in policy to ensure the mandated training takes place.

Agency Action on Recommendation 9(c):

IMPP 03-104, is being revised to require reporting of the results of the annual needs assessment to the superintendent and Central Office, as well as how the identified needs are being incorporated into the annual training plan. In addition, a local training advisory committee (TAC) is being established at each facility to provide guidance regarding the facility training program and input on local training needs. Since a needs assessment has not been conducted this year, the training program managers at each facility have been tasked with conducting an informal needs assessment via email surveys to supervisory and line staff to determine training needs for FY 2013. The results, along with input from TAC, the needs identified by the Legislative Post Audit report, and the mandated training required by policy, will be used to develop the FY 2013 annual training plan for each facility.

III. Recommendations Related to the Overall Security Environment:

A. Staff Turnover:

Recommendation 10:

To address the issue of staff turnover identified on pages D-32 through D-35, JJA and KJCC officials should:

a. Work with and request approval from the Department of Administration to hire juvenile corrections officers at the same level as the Kansas Department of Corrections.

b. Ensure that juvenile corrections officer salaries are periodically adjusted to remain competitive.

c. Develop and implement an overall and ongoing plan to reduce forced overtime.

Agency Response to Recommendation 10:

JJA acknowledges that a need exists to work with the Department of Administration to hire Juvenile Corrections Officers at the same level as the Kansas Department of Corrections (KDOC) and to ensure that juvenile corrections officer salaries are periodically adjusted to remain competitive. JJA also acknowledges that an overall and ongoing plan to reduce forced overtime should be developed and implemented.

Agency Action on Recommendation 10:

JJA administrative staff members have worked diligently over the last few months with the Department of Administration, the Division of the Budget and the Governor's Office to address the disparity between the juvenile corrections officer pay and that of their KDOC counterparts.

On June 27, 2012, JJA received official notification of the signing of Executive Directive (ED) 12-430. This Directive authorized the starting rate for our Juvenile Corrections Officer I's to equal that of entry level Corrections Officers with the KDOC, setting the beginning rate at step 6 of pay grade 17 (\$12.98 per hour). This pay rate became effective June 10, 2012.

This will make JJA competitive with KDOC in our recruiting efforts and should positively impact our employee retention rate.

In addition to the rate increase for most of our officers, ED 12-430 also establishes parity with DOC for shift differential pay. The current differential of \$.30 has been raised to \$.50 per hour for employees in the JCOI, JCOII, JCOIII and Juvenile Corrections Specialist job classifications. This change was also effective June 10, 2012.

As noted above, a staffing analysis has already been conducted in April 2012. The annual staffing analysis will be conducted as required by IMPP 02-111 Roster Management.

The completion of the staffing analysis will reduce forced overtime by the effective use of staff as indicated in the annual staffing plan. Minimum officer staffing numbers have been established to assist supervisors in determining the need for overtime. Shift managers (Captains and Lieutenants) are now responsible for all staff time sheets on their shifts, which eliminates the need for Sergeants to perform this function. This will enable more consistent application of the facility staffing requirements as well as accountability for those higher level staff. The Superintendent and Major are responsible for oversight of the shift managers. Additionally, staff that abuse leave will be disciplined and tracked through the above mentioned discipline tracking

plan (Response to Recommendation 8). Continuous recruitment has also been authorized to help in the efforts to become fully-staffed.

B. Critical Incident Reviews:

Recommendation 11:

To address the issue of critical incident reviews not being completed as discussed on pages D-36 through D-37, JJA and KJCC officials should develop and implement a process to ensure the reviews are conducted, documented, and that corrective actions are taken.

Agency Response to Recommendation 11:

JJA acknowledges that there is a long history of, and an ongoing problem with staff failing to report critical incidents as required, and that there is a need to develop and implement a process to ensure critical incidents are conducted, documented, and that corrective actions are taken.

Agency Action on Recommendation 11:

IMPP 03-120 (Critical Incident Reporting) and Facility Order 1122 (Critical Incidents) will be revised. Language will include a process or event that specifically defines a critical incident and a procedure for reviewing the incident. Directives outlining the process and responsibilities to complete the review will also be included.

Once completed and posted, all facility staff will be sent a copy of the policy via agency e-mail and will be required to submit a signature page acknowledging that they received and read the policy. Furthermore, supervisors will be trained on the policy by central office staff and the supervisors will then train their subordinates. All new recruits will also be trained on the policy in basic training. JJA administration including the Commissioner, the legal division and the KJCC Superintendent will help monitor compliance with the new policy by reviewing incident reports.

C. Providing Follow-up Information to the Legislature:

Recommendation 12:

JJA and KJCC officials should provide the Legislative Post Audit Committee a written status report on the implementation of these recommendations by December 1, 2012.

Agency Response to Recommendation 12:

JJA acknowledges that a follow-up written status report should be provided to the Legislative Post Audit Committee by December 1, 2012.

Agency Action on Recommendation 12:

JJA administration recognizes the seriousness of the findings of the Legislative Post Audit report and the need for systemic and sustainable changes to address them, including the need for rigorous oversight and follow-through. The JJA Commissioner will prepare a written status report to the Legislative Post Audit Committee by December 1, 2012.

Conclusion:

JJA is committed to operating a better, safer, more transparent and a more accountable state agency. This Legislative Post Audit review helps demonstrate the longstanding institutional deficiencies at the Kansas Juvenile Correctional Complex (KJCC), and it helps provide well-reasoned guidance on how we can better manage the agency and improve safety and security at KJCC. Thank you for your time and attention to the Juvenile Justice Authority. We look forward to continuing to work with you in this effort so that KJCC can become a model correctional institution.

Sincerely,



Teresa Williams, Acting Commissioner
Kansas Juvenile Justice Authority