

# Kansas

WOMEN IN PRISON: 643 (12/04)<sup>1</sup>

## Custodial Sexual Misconduct

### *Custodial Sexual Misconduct – Statute*

#### § 21-3520 – Unlawful sexual relations<sup>i</sup>

Kansas’s law is a sexual offence in the criminal code. It covers inmates in correctional facilities, and goes on to define in a referenced section exactly what specific corrections facilities are covered.

Does the law impose a criminal penalty on the inmate?	No	The law does not penalize the inmate.
Does the statute cover all relevant forms of sexual abuse?	Yes	The law covers acts from intercourse to touching.
Does the law allow an officer to claim an inmate consented to the sexual act(s) to avoid prosecution?	No	The law specifically applies to “consensual” sexual acts.
Does the statute cover all custodians and staff in contact with inmates?	Yes	The law covers employees and parole officers as well as those contracted to provide services. A 2005 amendment extended coverage of §21-3520 to court service officers or the employees of contractors under contract to provide supervision services for persons under court services supervision, and to community correctional services or the employees of contractors under contract to provide supervision services for persons under community corrections supervision.
Does the statute cover all places where an inmate might be abused?	Yes	The law protects all inmates, those on parole or conditional release, those in jail, and patients in institutions.
Is the penalty a felony?	Yes	Violation is a Level 10 felony.

### *Custodial Sexual Misconduct – Allegations and Incidents*

Indictments/Convictions (answer to AI letter requesting information) <sup>2</sup>	The Kansas Attorney General’s Office and the Kansas Office of Judicial Administration Statistics were unable to provide this information. <sup>3</sup> In responding to a follow up inquiry in 2005, the Kansas AG Office noted that they do not compile statewide statistics on prosecutions or convictions under the state’s CSM statute. The AG referred Amnesty International to the Kansas Sentencing Commission. <sup>4</sup> The KSC did not respond.
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<sup>i</sup> §21-3520 was amended by the 2001 enactment of Kan. HB 2176, which broadened coverage of the statute to include employees or contractors of the Department of Social and Rehabilitation Services with regard to patients in such institutions. §21-3520 was again amended by the 2002 enactment of Kan. SB 434, which broadened coverage of subsection (2) to include employees of contractors who are under contract to provide supervision services for persons on parole, conditional release or postrelease supervision. Subsection (1) was also amended to extend coverage to employees of contractors who are under contract to provide services “for,” as opposed to “in” a correctional institution. The text of Kansas’s amended law is reprinted at the end of this section. Most recently, a 2005 amendment extended coverage of §21-3520 to court service officers or the employees of contractors under contract to provide supervision services for persons under court services supervision, and to community correctional services or the employees of contractors under contract to provide supervision services for persons under community corrections supervision.

Incidents reported in select media since January 2000	<p>Lyon County: A woman who was reportedly raped by a former Lyon County jailer, Christopher Nava, following a 2003 arrest for a traffic violation filed a \$5 million federal lawsuit against the county, the sheriff and her attacker. Nava has been convicted of rape, aggravated criminal sodomy, aggravated sexual battery and trafficking in contraband in a correctional facility. He is serving five years in state prison. The federal lawsuit claims that the sheriff knew or should have known that Nava had a history of sexually harassing female inmates, but took no action to stop him. The lawsuit also alleges that the sheriff and county commission knew that the jail lacked surveillance equipment that would deter jail employees from taking inmates into an isolated room. (AP, 8/20/04)</p>
	<ul style="list-style-type: none"> <li>- Shawnee County: Former jailer Stacey Webster was charged with having unlawful sex with three female inmates, allegedly raping one of them and sodomizing another. At a re-trial in April 2004 all of the charges were dismissed. (<i>Topeka Capital Journal</i>, 1/03/03 and 4/08/03)</li> <li>- Wyandotte County Jail: Two employees were sentenced for sex crimes. Wendell Berry pleaded guilty to the class A misdemeanor of mistreating a confined person in relation to allegations that he drugged a female inmate and raped her. Ted Jones pleaded no contest to charges of aggravated criminal sodomy and aggravated sexual battery in relation to allegations that he raped and sodomized a female inmate. A third deputy was cleared, but resigned, after accusations by two females inmates that he had sex with them. Partly in response to such allegations and misconduct and to reduce the “temptation” faced by male employees, the jail moved all female inmates to maximum security cells 24-hours a day in order to. (<i>Pitch Weekly</i>, 09/13/01)</li> <li>- Shawnee County Jail: Former officer Patrick Jones pleaded guilty to two counts of battery and two counts of unlawful sexual relations for raping two female inmates. He was originally charged with rape and sodomy. (<i>Topeka Capital Journal</i>, 01/08/01)</li> <li>- Sedgwick County: Charges pending against two officers for engaging in unlawful sexual relations with female inmates. Charges against a third officer were dropped. (AP 09/09/00, 08/16/00)</li> </ul>

## ***Custodial Sexual Misconduct – Policies, Procedures and Practices of Guarding Specific to Women***

The following is based on data provided by the Kansas Department of Corrections in response to AI’s surveys in 2000, 2002 and 2005. Additional information from other sources is included where appropriate.

Is the current Department of Corrections policy on custodial sexual misconduct language explicit?	<b>No</b>	The Kansas DOC told AI that their policy includes direct and specific language about the nature of the sexual behaviors prohibited. <sup>5</sup> However, policies provided to Amnesty International by the Kansas DOC focus on inmate on inmate sexual assault rather than custodial sexual misconduct. <sup>6</sup>
Allow cross-gender pat-down searches?	<b>Yes</b>	According to the Kansas DOC, policy allows cross gender pat down searches by trained and qualified staff, and inmates are not touched anymore than is necessary to conduct the search. <sup>7</sup>
What is the percentage of female officers in relation to male officers?		The Kansas DOC reports that 20.4% of the uniformed corrections officers are female. <sup>8</sup>
Restrictions on the duties of male guards?	<b>Yes</b>	According to the Kansas DOC, inmates may only be strip searched by and in the presence of corrections officers of the same gender. Male officers are not assigned to supervise showers, and body cavity searches by male officers are prohibited. <sup>9</sup>
Staff training on sexual misconduct?	<b>Yes</b>	According to the Kansas DOC, training occurs during orientation, basic training and annual training. In addition, a brochure on custodial sexual misconduct was distributed to all staff. <sup>10</sup>

Inform inmates of agency policies and reporting procedures on sexual misconduct?	<b>Yes</b>	According to written response from Kansas DOC, policies are addressed during intake orientation at admission. In 2000, counselors began asking inmates if they have been subject to sexual misconduct by any staff member since review 120 days previously. A checklist has been developed whereby inmates may report misconduct. <sup>11</sup>
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## ***Custodial Sexual Misconduct - Policies and Procedures Guiding Official Response***

The following is based on the Kansas Department of Corrections response to AI's surveys, please see above.

Is medical help available for the victim of alleged sexual abuse?	<b>Yes</b>	The Kansas DOC reports that medical help is available from the agency's medical and mental health contractor. <sup>12</sup>
Are immediate mental health services available for the victim of alleged sexual abuse?	<b>Yes</b>	According to Kansas DOC policy, an alleged victim shall be seen by a mental health clinician within 24 hours following notification of sexual misconduct to provide crisis intervention and to assess any immediate and subsequent treatment needs. <sup>13</sup>
Is counseling available for the victim of alleged sexual abuse?	<b>Yes</b>	Kansas DOC policy provides that additional psychological or psychiatric treatment, as well as continued assessment of mental health status and treatment needs, shall be provided as needed and only with the victim's full consent and collaboration. <sup>14</sup>
Is a rape kit taken?	<b>Yes</b>	According to the Kansas DOC, a rape kit is taken whenever an allegation is made in time to collect samples. <sup>15</sup>
Are there special procedures for investigating allegations of sexual misconduct?	<b>No</b>	The Kansas DOC's "Sexual Abuse/Assault Intervention Protocol" instructs DOC staff to use "standard evidence collection procedures." The policy appears designed to respond to allegations of inmate on inmate sexual assault rather than custodial sexual misconduct. <sup>16</sup>
Is there a system for reporting allegations of custodial sexual misconduct within the DOC?	<b>Yes</b>	According to the Kansas DOC, allegations can be reported to any facility staff, or may be reported through a dedicated telephone line. Inmates are informed of reporting procedures by video presentation during orientation, and brochures have been distributed to all inmates. Posters explaining the reporting system are also on display at the facilities. <sup>17</sup>
Is there a system for reporting allegations of custodial sexual misconduct directly to a body external to the DOC?	<b>No</b>	According to the Kansas DOC, inmates have access to Legal Services for Prisoners, clergy, and their own legal counsel. They may also contact the Governor's office, the Kansas Bureau of Investigation, and other law enforcement agencies by mail. <sup>18</sup>
Is the investigation external?	<b>Yes</b>	According to a response from the Kansas DOC, both internal and external investigations are undertaken. <sup>19</sup>
If there is an external investigation, how is it triggered?		According to the Kansas DOC, all allegations are referred to the county authorities and to the district attorney for a decision about prosecution. <sup>20</sup>
Are special measures taken to shield alleged victims from retaliation?	<b>Yes</b>	According to the Kansas DOC, policies prohibit retaliation and victims can be moved if necessary. No details were provided. <sup>21</sup>
If so, do the measures include solitary confinement or lock-down of the inmate?	<b>Yes</b>	According to the Kansas DOC, these measures may be necessary to "protect an inmate, complete an investigation, or generally to provide for secure and orderly operation of the facility." <sup>22</sup>
Is there an independent body, such as a Corrections Ombudsman, with independent oversight of correctional facilities and the DOC?	<b>No</b>	There is no longer an Ombudsman for Corrections in Kansas. <sup>23</sup> The Ombudsman for Corrections was closed in 2004 through a veto by the Governor, for budgetary reasons. <sup>24</sup>
Is there a system in place to track investigations, indictments and convictions for custodial sexual misconduct?	<b>Yes</b>	According to the Kansas DOC, this information is tracked by the office of the Chief Legal Counsel. <sup>25</sup>

## *Custodial Sexual Misconduct – Pending Legislative Proposals*

None	
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# Pregnancy in Custody

### *Pregnancy - Statute*

Legislation banning shackling in the third trimester or during labor	<b>No</b>	Kansas has no legislation limiting the use of shackling on pregnant inmates.
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### *Pregnancy: Policies, Procedures and Practices*

The following is based on the Kansas Department of Corrections response to AI's surveys, please see above.

Use of restraints in third trimester	<b>Yes</b>	According to the Kansas DOC, their policy stipulates that no leg-irons shall be applied on women in the third trimester until seated in the transportation vehicle. The policy further provides that no electronic control devices may be used without approval of facility health authority. <sup>26</sup>
Restraints during transport	<b>Yes</b>	According to the Kansas DOC, minimum custody inmates are not restrained. For medium and maximum custody inmates, belly chains or leg irons are not mandatory, but may be used. Medical requests may alter the type of restraint used. Upon reaching the receiving facility or local destination, or when exiting the vehicle for any authorized reason, restraints are removed. <sup>27</sup>
Restraints during labor	<b>No</b>	According to the Kansas DOC, there is no policy. Practice is that inmates are not restrained during labor. <sup>28</sup>
Officer in delivery room	<b>No</b>	According to the Kansas DOC, a guard is placed outside the door to delivery room for medium- and maximum- custody inmates. This is not required for minimum-security inmates. <sup>29</sup>

## Contact information

### **KANSAS DEPARTMENT OF CORRECTIONS**

<b>Secretary of Corrections Roger Werholtz</b> 900 Southwest Jackson - 4 <sup>th</sup> Floor Landon State Office Building Topeka, KS 66612-1284 Phone: (785) 296-3317 Toll Free (Kansas & Missouri): (888) 317-8204	Homepage: <a href="http://docnet.dc.state.ks.us/">http://docnet.dc.state.ks.us/</a>
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### **KANSAS DEPARTMENT OF CORRECTIONS FACILITIES FOR WOMEN**

<b>Topeka Correctional Facility</b> <i>Female inmates: 626</i> <sup>30</sup> Capacity: 717 Warden: Richard Koerner 815 Southeast Rice Road, Topeka, KS 66607 Phone: (785) 296-7220	
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### **KANSAS EXECUTIVE**

<p><b>Governor Kathleen Sebelius [D]</b>  Office of the Governor, Capitol  300 SW 10<sup>th</sup> Ave., Suite 212S  Topeka, KS 66612  Phone: (785) 296-6240; Fax: (785) 368-8788  Toll free phone: (877) 579-6757</p>	<p>Home page:  <a href="http://www.ksgovernor.org/">http://www.ksgovernor.org/</a></p> <p>Elected: 2002</p>
<p><b>Attorney General Phill Kline</b>  Office of the Kansas Attorney General  120 Southwest Tenth, 2<sup>nd</sup> Floor  Topeka, Kansas 66612-1597  Phone: (785) 296-2215; Fax: (785) 296-6296</p>	<p>Home page:  <a href="http://www.ink.org/public/ksag/">http://www.ink.org/public/ksag/</a></p> <p>Elected: 2002</p>

## **KANSAS LEGISLATIVE INFORMATION**

<p><b>Legislative Session:</b> The Senate Session begins on the second Monday in January and lasts for 90 days.  <b>Senate:</b> 40 members  <b>House:</b> 125 members  (913) 296-2149  Election of Leaders: Each house ratifies the decisions made by the party caucuses at the pre-organizational meeting in December, by formally electing its officers at the first meeting in January.</p>	<p>Legislative information home page:  <a href="http://www.kslegislature.org/legsrv-legalportal/index.do">http://www.kslegislature.org/legsrv-legalportal/index.do</a></p> <p>Bill Search:  <a href="http://kslegislature.org/legsrv-legalportal/bills.do">http://kslegislature.org/legsrv-legalportal/bills.do</a></p> <p>Bill information phone number:  (913) 296-2149</p>
<p><b>Senate</b>  300 Southwest Tenth Street  Topeka, KS 66612-1504  Telephone (785) 296-2456  Fax (785) 296-6718</p>	<p>Home page:  <a href="http://www.kslegislature.org/legsrv-senate/index.do">http://www.kslegislature.org/legsrv-senate/index.do</a>  Contact details for each Member is available at:  <a href="http://www.kslegislature.org/legsrv-senate/index.do">http://www.kslegislature.org/legsrv-senate/index.do</a></p>
<p><b>House of Representatives</b>  Statehouse  300 Southwest Tenth Street  Topeka, KS 66612  Phone: (785) 296-7633</p>	<p>Home page:  <a href="http://www.kslegislature.org/legsrv-house/index.do">http://www.kslegislature.org/legsrv-house/index.do</a>  Contact details for each Member is available at:  <a href="http://www.kslegislature.org/legsrv-house/searchHouse.do">http://www.kslegislature.org/legsrv-house/searchHouse.do</a></p>

## **WOMEN IN PRISON - NGO RESOURCES**

<p>Kansas-CURE  C/O Assumption Church  204 West Eighth Street  Topeka, KS 66603</p>
<p>ACLU of Kansas and Western Missouri  3601 Main Street  Kansas City, MO 64111  (816) 756-3113  Email: <a href="mailto:aclu@kctera.net">aclu@kctera.net</a>  Web site: <a href="http://www.aclukswmo.org">www.aclukswmo.org</a></p>

### **Kansas's Custodial Sexual Misconduct Statute**

**21-3520.** *Unlawful sexual relations.*

(a) Unlawful sexual relations is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy with a person who is not married to the offender if:

(1) The offender is an employee of the department of corrections or the employee of a contractor who is under contract to provide services for a correctional institution and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate; or

(2) the offender is a parole officer or the employee of a contractor who is under contract to provide supervision services for persons on parole, conditional release or postrelease supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate who has been released on parole or conditional release or postrelease

supervision under the direct supervision and control of the offender; or

(3) the offender is a law enforcement officer, an employee of a jail, or the employee of a contractor who is under contract to provide services in a jail and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined by lawful custody to such jail; or

(4) the offender is a law enforcement officer, an employee of a juvenile detention facility or sanctions house, or the employee of a contractor who is under contract to provide services in such facility or sanctions house and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined by lawful custody to such facility or sanctions house; or

(5) the offender is an employee of the juvenile justice authority or the employee of a contractor who is under contract to provide services in a juvenile correctional facility and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined by lawful custody to such facility; or

(6) the offender is an employee of the juvenile justice authority or the employee of a contractor who is under contract to provide direct supervision and offender control services to the juvenile justice authority and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is 16 years of age or older and (A) released on conditional release from a juvenile correctional facility under the supervision and control of the juvenile justice authority or juvenile community supervision agency or (B) placed in the custody of the juvenile justice authority under the supervision and control of the juvenile justice authority or juvenile community supervision agency and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd intercourse, lewd fondling or touching, or sodomy is currently under supervision.

(7) the offender is an employee of the department of social and rehabilitation services or the employee of a contractor who is under contract to provide services in a social and rehabilitation services institution and the person with whom the offender is engaging in consensual sexual intercourse, not otherwise subject to subsection (a)(1)(C) of K.S.A. 21-3502, and amendments thereto, lewd fondling or touching, or sodomy, not otherwise subject to subsection (a)(3)(C) of K.S.A. 21-3506, and amendments thereto, is a person 16 years of age or older who is a patient in such institution;

(8) the offender is a teacher or a person in a position of authority and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching or sodomy is 16 or 17 years of age and a student enrolled at the school where the offender is employed. If the offender is the parent of the student, the provisions of K.S.A. 21-3603, and amendments thereto, shall apply, not this subsection ;

(9) The offender is a court services officer or the employee of a contractor who is under contract to provide supervision services for persons under court services supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been placed on probation under the supervision and control of court services and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under the supervision of court services; or

(10) The offender is a community correctional services officer or the employee of a contractor who is under contract to provide supervision services for persons under community corrections supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been assigned to a community correctional services program under the supervision and control of community corrections and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under supervision of community corrections.

(b) For purposes of this act:

(1) "Correctional institution" means the same as prescribed by K.S.A. 75-5202, and amendments thereto;

(2) "inmate" means the same as prescribed by K.S.A. 75-5202, and amendments thereto;

(3) "parole officer" means the same as prescribed by K.S.A. 75-5202, and amendments thereto;

(4) "postrelease supervision" means the same as prescribed in the Kansas sentencing guidelines act in K.S.A. 21-4703, and amendments thereto;

(5) "juvenile detention facility" means the same as prescribed by K.S.A. 38-1602, and amendments thereto;

(6) "juvenile correctional facility" means the same as prescribed by K.S.A. 38-1602, and amendments thereto;

(7) "sanctions house" means the same as prescribed by K.S.A. 38-1602, and amendments thereto;

(8) "institution" means the same as prescribed by K.S.A. 76-12a01, and amendments thereto; and

(9) "teacher" means and includes teachers, supervisors, principals, superintendents and any other professional employee in any public or private school;

(10) "community corrections" means the entity responsible for supervising adults and juvenile offenders for confinement, detention, care or treatment, subject to conditions imposed by the court pursuant to the Community Corrections Act, K.S.A. 75-5290, and amendments thereto, and the Kansas Juvenile Justice Code, K.S.A. 38-1601 et seq., and amendments thereto;

(11) "court Services" means the entity appointed by the District Court that is responsible for supervising adults and juveniles placed on probation

and misdemeanants placed on parole by district courts of this state;

(12) "law enforcement officer" means the same as prescribed by A K.S.A. 21-3110, and amendments thereto; and

(13) "juvenile community supervision agency" means an entity that receives grants for the purpose of providing direct supervision to juveniles in the custody of the juvenile justice authority.

(c) Unlawful sexual relations is a severity level 10, person felony.

<sup>1</sup> Kansas Department of Corrections (DOC), 2005 Corrections Briefing Report, Female Inmate Population and Average Daily Population: FY 1995-2004 and FY 2005 to Date, available at <http://docnet.dc.state.ks.us/briefrep/2005BriefRept.pdf>, as per 01/27/06.

<sup>2</sup> The information does not reflect prosecutions or convictions under rape statutes.

<sup>3</sup> Letter from Kevin A. Graham, Assistant Attorney General, Criminal Litigation Division, Kansas Attorney General's Office, 07/03/02; Letter from Carrie McGinley, Statistical Technician, Kansas Office of Judicial Administration, 07/19/02.

<sup>4</sup> Letter from Kevin Graham, Assistant Attorney General, Criminal Division, Kansas Office of the Attorney General, 08/03/05.

<sup>5</sup> US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000.

<sup>6</sup> Kansas DOC Internal Management Policy and Procedure 10-103, 08/07/02.

<sup>7</sup> Fax from Roger Werholtz, Office of the Secretary, Kansas DOC, 08/05/05

<sup>8</sup> Fax from Bill Miskell, Office of the Secretary, Kansas DOC, 08/23/02.

<sup>9</sup> Fax from Roger Werholtz, Office of the Secretary, Kansas DOC, 08/05/05

<sup>10</sup> Fax from Roger Werholtz, Office of the Secretary, Kansas DOC, 08/05/05.

<sup>11</sup> Faxed corrections, Warden Richard Koerner, Topeka Correctional Facility, Department of Corrections, 02/14/01.

<sup>12</sup> Fax from Bill Miskell, Office of the Secretary, Kansas DOC, 08/23/02.

<sup>13</sup> Kansas DOC Internal Management Policy and Procedure 10-103, 08/07/02.

<sup>14</sup> Kansas DOC Internal Management Policy and Procedure 10-103, 08/07/02.

<sup>15</sup> Fax from Bill Miskell, Office of the Secretary, Kansas DOC, 08/23/02.

<sup>16</sup> Kansas DOC Internal Management Policy and Procedure 10-103, 08/07/02.

<sup>17</sup> Fax from Roger Werholtz, Office of the Secretary, Kansas DOC, 08/05/05.

<sup>18</sup> Fax from Roger Werholtz, Office of the Secretary, Kansas DOC, 08/05/05.

<sup>19</sup> Fax from Bill Miskell, Office of the Secretary, Kansas DOC, 08/23/02.

<sup>20</sup> Fax from Bill Miskell, Office of the Secretary, Kansas DOC, 08/23/02.

<sup>21</sup> Fax from Bill Miskell, Office of the Secretary, Kansas DOC, 08/23/02.

<sup>22</sup> Fax from Roger Werholtz, Office of the Secretary, Kansas DOC, 08/05/05.

<sup>23</sup> Fax from Roger Werholtz, Office of the Secretary, Kansas DOC, 08/05/05.

<sup>24</sup> Kansas Governor News Release, 05/23/03. Available at [http://www.ksgovernor.org/news/docs/news\\_rel052303.html](http://www.ksgovernor.org/news/docs/news_rel052303.html)

<sup>25</sup> Fax from Bill Miskell, Office of the Secretary, Kansas DOC, 08/23/02.

<sup>26</sup> Faxed corrections, Warden Richard Koerner, Topeka Correctional Facility, Department of Corrections, 02/14/01.

<sup>27</sup> Fax from Roger Werholtz, Office of the Secretary, Kansas DOC, 08/05/05.

<sup>28</sup> Faxed corrections, Warden Richard Koerner, Topeka Correctional Facility, Department of Corrections, 02/14/01, and conversation with Warden Richard Koerner, 02/20/01.

<sup>29</sup> Faxed corrections, Warden Richard Koerner, Topeka Correctional Facility, Department of Corrections, 02/14/01.

<sup>30</sup> Kansas DOC, 2005 Corrections Briefing Report, p. 136, 01/2003, available at <http://docnet.dc.state.ks.us/briefrep/2005BriefRept.pdf>, as per 01/27/06.