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## **Five years of sexual abuse: Inmates at Topeka women's prison repeatedly complained about dental lab instructor**

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At least nine inmates enrolled in the dental lab program at the state-run women's prison in Topeka say they repeatedly made written complaints about unwanted sexual advances from their instructor beginning in 2013, four years earlier than corrections officials have acknowledged.

An investigation by The Topeka Capital-Journal discovered agency staff questioned victims but didn't intervene in the routine abuse until their alleged tormentor, a lab supervisor from Oklahoma City named Tomas Co, was accused of harassing an employee. Co was fired in December of 2018.

The 73-year-old now faces felony charges of unlawful sexual relations with five different inmates. He is scheduled to appear later this month in Shawnee County District Court for a hearing to determine whether to add a charge for an additional victim who recently stepped forward.

Kansas Department of Corrections officials concerned about jeopardizing the criminal case against Co only have acknowledged they were aware of sexual harassment of inmates substantiated by an internal investigation in 2017.

Interviews with current and former prisoners, notes by an agency investigator, legal documents and courtroom testimony make it clear that prison officials for years were aware of allegations that Co groped his students and made explicit comments about their personal appearances. Several felt like they were coerced into providing sexual favors.

Inmates who voiced complaints were removed from the class or subjected to hostile confrontation by Co.

The Capital-Journal generally doesn't identify victims of sexual abuse, and women interviewed for this story asked not to be named because they fear further retaliation by probation officers, corrections staff or even fellow inmates who were willing to trade sexual contact for Co's gifts.

Concerned students in the denture-making class met independently with KDOC investigators, in 2013 and later years, and grew frustrated by the apparent lack of interest in their complaints. Co remained on the job without close supervision as he called students into his makeshift office in the dental lab's isolated supply closet, where a security camera was easily obscured.

Residents of Topeka Correctional Facility, the overcrowded and understaffed women's prison, struggle to process trauma they endure before and during incarceration, confined to a culture of distrust and the reality that men go unpunished for the pain they inflict.

"Because I chose to make bad choices for myself," one of the abused women said, "I put myself in here, and so it's like I'm just scum or I'm nothing or my voice doesn't matter. And it's OK for a man to just do whatever he wants to me.

"And it's not OK. How can these people be OK going home, knowing what was going on in that dental lab? I just don't know how somebody's OK with that. I just don't understand."

Shannon Meyer, the prison's warden for three years before moving in August to the same position in Lansing, tried to persuade her superiors to remove Co in 2017 but was overruled without explanation.

"I don't disagree that when there's some red flags, that's really concerning," Meyer said. "But that's also really difficult as an employer. I can't just fire somebody because I have a bad feeling."

After an internal review of security video last year failed to confirm reports of abuse, an investigator destroyed the video files.

Co's attorney, Chris Joseph, said he is confident his client will be acquitted at a trial scheduled for Jan. 27. Joseph questioned the motives of inmates who could sue the state for damages if Co is found guilty.

"The dental lab was continuously monitored and recorded by five security cameras," Joseph said. "The lead KDOC investigator spent weeks reviewing video from the lab, including video from the dates two inmates claimed that Dr. Co touched them. After two weeks of watching recordings, the investigator found no video corroborating the inmates' claims that they were touched."

### **'Shut the door'**

It started with comments about their looks, questions about their romantic lives and the assertion he would help them find a job when they got out of prison.

This was two months after Co took over supervision of the dental lab in June 2013.

Corrections officials under the administration of former Gov. Sam Brownback touted the denture-making class as an example of the system's ability to reform criminals and provide a path to a stable future, although program managers say none of the women has received employment in the field upon release from prison. Students learn to make dentures with wax molds, acrylic and an array of teeth sorted by size and color — from yellowish "smoker's teeth" to pearly "Taylor Swifts." The finished products are used by men and women who are incarcerated across the state, as well as Kansans enrolled in safety net programs.

To gain entry to the class, which provides a rare income with a 60-cent hourly wage, women were screened in an interview with Co. He seemed to have a preference for young, attractive, single inmates, the students said.

“When I got interviewed by him, I was asked if I was in a relationship, which I didn’t think mattered, but I answered it because I didn’t want it to be used against me from getting the job,” one of the women said.

When Co escalated from suggestive comments to touching her inner thigh, she followed federally mandated protocol by filling out a standard form to report Co’s behavior. The written report triggered a meeting with staff from Enforcement, Apprehensions and Investigations — the central office unit tasked with investigating abuse.

“It was made into, ‘Oh, (the dental lab program) makes our prison look great, the administration look great,’ ” the woman said. “I just felt when I reported stuff, it didn’t matter. I completely agree with other women: I feel like I wasn’t important. My voice didn’t matter. ‘You’re just an inmate. You’re probably lying anyway. So who cares? I’m not even interested in it.’ It felt like it wasn’t worth being looked into. And it got to the point where I thought I deserved what was happening.”

Inside the dental lab, about a dozen inmates work at stations lined through the center of a rectangular room, with equipment and supplies along the walls. Co set up his work station with two chairs in a supply closet attached to one end of the room, out of sight from the lab’s secretary or officers passing through.

“He would call us in there and say, ‘Be sure to shut the door,’ ” one of the students said. “You always know something’s going to happen.”

Inmates said Co would cover the camera inside the supply closet with bubble wrap or obscure the view by stacking boxes on a shelf. Sometimes, officers would admonish students and make them clear the view, but the camera would be blocked again the next day.

“There was a time where he tried to kiss me,” one of the former students said. “This was in the back room. He tried to kiss me. I tried to hurry up, turn my face or it would happen. That’s what I did report. There was a time he called me back

there and he had me sit in the chair, and he was sitting in the chair right in front of me, and just kind of pressed his hands on my leg. Didn't touch my, you know, woman parts, but I felt like he might as well have.

"He always made inappropriate comments: 'Oh, you look really nice,' or, 'Have you lost weight?' or, 'Your shirt's really tight today.' Continuously asked me am I with anybody, do I have a boyfriend, have I ever been married."

Co wrote a note saying he loved her, the woman said, and promised the wedding of her dreams.

"He would come over and he had a white coat on and he'd be like, 'Here, reach into my pocket. I have something.' And it would be chocolates," she said. "He would say, 'Don't say anything.' Sometimes I felt when he wanted me to reach in his pocket, he wanted me to touch something, but I just did it so fast. I didn't want to lose my job. I loved what I was doing. It was the closest I could probably get in the medical field. So I did what I had to do."

Another woman testified when she reached into Co's pants, he had removed the pockets and wasn't wearing underwear. At his request, she rubbed his penis until he ejaculated. This happened multiple times, she said.

Multiple women said Co knew when they reported him. The instructor wouldn't help them with their dentures anymore, or he would tell them he could take everything away from them. Some of the women who reported Co were moved to a more secure section of the prison where they no longer had clearance to attend the class.

"He took something away from me that I enjoyed and I loved," one of the women said.

Meyer, the warden, said complaints sometimes put her in a difficult spot because federal standards set by the Prison Rape Elimination Act require the inmate to be removed from her attacker.

"It feels punitive," Meyer said. "I know it feels punitive. I totally get it. But it's a hard balance when there's not a lot of options."

Another challenge for prison staff is the lack of a video evidence or witnesses to abuse.

“Things happen,” Meyer said, “and if you can’t prove that things happen, hands are tied. So it’s hard. I constantly tell them that doesn’t mean nobody believes you. That doesn’t mean we don’t care.”

### **‘Stay quiet’**

As Co avoided reprimand, the inmates said, he grew more confident and harassment intensified.

Eventually, they said, everyone in the prison community knew there were concerns about Co’s behavior.

“That wasn’t something that was hid in the dark and just came out,” one of the students said. “This is something that was going on for a while.”

Meyer arrived in August 2016. A few months later, officials launched an investigation into Co based on an inmate’s complaint. The warden recommended in early 2017 that Co be fired based on a finding of sexual harassment. A federal auditor made the same recommendation later that year.

Internal agency documents obtained by The Capital-Journal show Meyer informed then-deputy corrections secretary Johnnie Goddard of the situation, but Co was allowed to stay. Meyer said she didn’t get an explanation for the decision.

Goddard, a 34-year veteran of the corrections department who was forced out when Gov. Laura Kelly took office in January, disputes the conclusion that he was responsible for retaining Co.

“He should have been gone as soon as they got evidence,” Goddard said. “That was what I told everybody.”

He declined to say who made the decision to keep Co.

“I’m just not going to get into it,” Goddard said. “Those people are still working there, and I just don’t want to be involved in this at all.”

Randy Bowman, KDOC spokesman, said the agency was unable to find any record about why Co was retained, or who made the decision, despite the multitude of complaints and the finding of sexual harassment.

“In our view,” Bowman said, “he should not have been retained when those facts became available.”

Prison staff added cameras as information came out regarding locations that were “popular,” the warden said, but inmates said the abuse continued.

“I’m trying to be nice, but I don’t want to be nice really,” one of the women said. “Actually, the word I can think of is I’m just disgusted. Like there’s a lot of anger they continued to allow it to happen. A lot of disappointment. Made me feel like less than. Or labeled. Like maybe they thought we’re lying or we’re making this up.”

One of the students left the class two months after Co arrived. Something about Co didn’t feel right, she said. Other students vented their frustrations to her, and she encouraged them to follow the steps to report unwanted advances.

“One after another would come to me and say, ‘They’re not doing anything,’ and it just had a real adverse effect on the girls,” she said. “They were upset. They didn’t understand why nothing was done. They’re young. They’re all young. I was appalled. I mean, they did everything they were told to.”

The complaints continued: Co put his hand between their legs, the students said, pressed his genitals against their back and tried to give them intimate hugs.

“That goes back to how you prove it, right?” Meyer said. “I’m not saying I don’t believe them. This has spanned many, many years, but I can tell you our investigators take it so seriously. They will dig and dig and dig, trying to get people to talk, but sometimes people are uncomfortable sometimes. There’s just a lot of reasons why people don’t speak up.”

One of the women reported that she saw a student rub Co’s penis with her foot. Each of the students was taken into a room with an EAI investigator for questioning about the incident. Some were reluctant to acknowledge any inappropriate behavior, the woman said, because Co had given them jewelry, painkillers, money and K2, a synthetic version of marijuana.

“The next day in class he told us he knew we told and we would pay,” she said. “He even wrote us notes he left inside our desk instructing us to stay quiet. I gave mine to EAI. Once again they lied and said it would be taken care of. It never was, obviously.

“I promise you that Dr. Co was doing this way before he was finally terminated, and the prison knew about it.”

Bowman, the KDOC spokesman, said the agency has no record of written complaints because they are returned to inmates and no copies are made.

### **‘Was it my fault?’**

Three years ago, the prison began asking about trauma as part of the assessment for new arrivals.

Based on those assessments and regular evaluations, mental health professionals at TCF say a conservative estimate would be 70% of the prisoners experience trauma before conviction. Bowman said national data suggest the figure could be higher than 90%.

Michelle McCormick, program director for the Center for Safety and Empowerment at the YWCA of Northeast Kansas, said trauma suffered by inmates includes childhood sexual abuse, rape, domestic violence and human trafficking.

When women suffer ongoing victimization, she said, it creates complex trauma — a severe, prolonged suffering.

“People want us to present the picture of the trauma victim we work with as sort of this destroyed, broken person in the corner,” McCormick said. “I’ve worked with plenty of trauma victims who come across as aggressive, as assertive, and people go: ‘Well, there’s no way that person can be victimized. They’re too angry. They’re kind of scary.’ And so there are some misunderstandings about what trauma actually looks like.”

As information surfaced earlier this year about the extent of alleged abuse by Co, the warden reached out to the YWCA to make sure mental health services were available to inmates who suffered trauma. McCormick said the prison’s day-to-

day operations employees didn't think about the need to help inmates whose complaints of abuse were unproven.

Inmates now can make requests confidentially through a victim services liaison. McCormick said YWCA staff provides 3-5 hours of one-on-one counseling per week, plus 90 minutes of group services and training for prison staff. If grant funds were available, she said, the YWCA could designate a full-time staff member to the prison because the need is so high.

"I really haven't dealt with it," one of the dental lab students said. "I just don't know how. When you have trauma before you come to prison, it kind of affects you more. It triggers a lot of things. You kind of go through that, 'Well, was it my fault? Did I wear too much makeup? Well, maybe I deserved it.' I kind of played it off like it's not that big of a deal. But it is a big deal. And then I'm like, well, really it's not, because a lot of the people, he's done worse. And so I just don't know how to really deal with it."

McCormick and other social work professionals said there is an implicit bias toward inmates. People see criminals as individuals who have moral failings. They wonder whether inmates can be trusted. That distrust intensifies when dealing with sexual abuse.

"People think, 'Well, criminals, they're manipulative. They make bad choices. They're doing things to hurt other people. Can we trust what they say?'" McCormick said. "Those are the questions we have as a society, so of course they're being applied by professionals in the correctional system."

Anne DePrince, a psychology professor at the University of Denver, studies trauma and violence against women and girls, and outcomes associated with violence.

"Women are dependent on the system in which they're living, and it sounds like there was a lot of reason to want to be part of this program," she said of the dental lab students. "That creates a lot of power."

When predators have control over victims, DePrince said, the victims suffer worse mental and even physical health problems.

DePrince said there are multiple ways to think about justice for the victims, but the process is important. Victims and survivors talk about wanting someone to take them seriously, listen to them and try to do something about what happened.

“That’s a really important piece of the puzzle,” DePrince said. “Sometimes the criminal justice system isn’t set up in a way that people are held accountable in a way that a victim or a survivor would wish. The system can go a long way to supporting victims and survivors by treating them with respect and dignity throughout the process. So the process for getting to the outcome, whatever it is, really matters.”

Sheryl Kubiak, director of the Center for Behavioral Health and Justice at Wayne State University, participated in a retrospective analysis of 15 years of legal documents, including depositions, investigative files and women’s statements, from a massive class action lawsuit by 800 women in Michigan who were assaulted by corrections officials.

“It’s possible to take men out of the unit,” Kubiak said. “It’s possible to have cameras. It’s possible to have a zero tolerance — so if you’re accused, and there’s any type of corroborating evidence, you’re punished for that. The officers are always afraid there’s going to be these false accusations, but what we learned in reading the testimony and the investigations is you would hear similar testimony from different women about the same officers.”

### **‘A joke’**

This isn’t the first time an employee at the Topeka Correctional Facility has been charged in recent years with misconduct involving an inmate.

Incarceration would be unprecedented.

In a series of events from 2007, as first reported by The Capital-Journal, plumbing teacher Anastacio Gallardo reached a deal with an inmate to exchange cash for oral sex, then demanded intercourse when he got her alone. She accused him of rape. A corrections staff member drove the inmate to an abortion clinic to terminate the ensuing pregnancy.

State statute requires prison time for anyone convicted of having unlawful sexual relations with an inmate, but Gallardo and several other men charged with the crime received probation by reaching plea deals for lesser crimes.

Additional abuse goes unreported or doesn't reach the prosecutor's office. One former inmate said she complained last year about a guard who watched her shower. The guard simply was moved to another location.

Some of the guards ask inmates for sexual favors, the woman said, and then turn the tables when they refuse by reporting the inmates for lewd acts.

"To them, that's a joke," the former inmate said. "You get threatened with a lewd act disciplinary report for not cooperating or having an attitude when they come on to you sexually. That's amusing to them."

Meyer said these extreme examples of misconduct are hurtful to the majority of prison employees who take pride in the work they do.

"The offenders need to see that there's a consequence," the warden said. "I do think that's important. I also think the staff and people who want to work in corrections also need to see it. I mean, that's my opinion. People need to know there's a zero tolerance policy."

Keen Umbehr, an Alma attorney who has represented abused inmates, said the failure to punish misconduct guarantees it will happen again.

"Up to this point," Umbehr said, "the D.A.'s office has allowed the perpetrators of these sex crimes against female inmates to plea bargain their way out of having to face a trial. So nothing changes because the D.A.'s office believes that female inmates don't matter."

Shawnee County District Attorney Mike Kagay said his office is prepared to go to trial with the case against Co.

"I strongly encourage anyone who is a victim of sexual abuse, or any other crime, to report that crime to law enforcement," Kagay said. "We take these allegations very seriously and work diligently to hold offenders accountable."

**'As a number'**

On Oct. 30, 2018, a prison employee assigned to the dental lab complained of sexual harassment by Co.

Six weeks later, he was gone.

The employee testified at a preliminary hearing this year that Co had made unwanted advances, telling her he would take her to Chicago to have pizza or Maine for lobster. She blocked his number after he texted her about joining him at a vineyard in California.

Co was placed on administrative leave pending investigation on Nov. 16, 2018, and fired Dec. 10, 2018. He was charged in February and arrested in April.

“The actions of Dr. Co are unacceptable,” Bowman, the KDOC spokesman, said, “and the court system will determine an appropriate outcome. At the Topeka Correctional Facility, we have implemented changes and are currently preparing for our next Prison Rape Elimination Act audit in 2020. We anticipate that audit will confirm those improvements. And if additional improvements are necessary, we are committed to making them.”

In addition to the partnership with the YWCA and renewed training efforts, the prison offers group therapy programs.

State Sen. Eric Rucker, a Republican from Topeka who has prosecuted sex offenders, said the Legislature needs “a more formalized understanding” of how the situation with alleged abuse by Co was handled.

“Inmates should expect from institutional employees a heightened degree of safety and of reliability on their integrity,” Rucker said. “And anytime that threshold of trust or assumed responsibility is breached, they have every right to be disappointed. The state of Kansas owes inmates a duty of personal safety while in the custody and control of the prison system.”

Several inmates said they agreed to be interviewed about the abuse they suffered because it was important for them to have a voice in discussions about Co’s behavior and the response by corrections officials, an opportunity they felt they previously were denied.

“We’re looked at as a number,” one of Co’s accusers said. “We’re not looked at as a human or somebody’s daughter or somebody’s sister. How can they go home every night and live with themselves and be OK knowing inappropriate things are going on sexually?”