



1350 Norris Road
Bakersfield, California 93308-2231

May 30, 2018

RE: Kern County Sheriff's 2017 PREA Agency Report

The Prison Rape Elimination Act (PREA) is Federal legislation enacted in 2004 and finalized in 2012 which contains numerous requirements for all prison, jail and juvenile custodial facilities across the United States. The legislation also contains funding penalties for all facilities under the control of each State that are not certified as being compliant with the PREA standards.

The Kern County Sheriff's Office (KCSO) recognizes our responsibility to all inmates detained in our facilities, their families and the community we serve to embrace the PREA legislation and its safety standards. To that end, KCSO has established and maintained a dedicated PREA compliance team with sufficient management and supervisory authority to ensure compliance.

In 2013, KCSO committed to achieving agency certification of compliance with the PREA standards. This process began with development of specific policies and procedures, training for all personnel and a review of the physical plant of each facility. Agency training, practices and policies are routinely evaluated to ensure effectiveness and that they meet the current standard. Our goal is to increase the safety of all inmates in our custody by eliminating sexual assault, abuse and harassment within our facilities.

Training

All staff members (Deputies, Detentions Deputies, Civilians, and Volunteers) are required to receive ongoing annual training and instruction on PREA related to their specific roles and responsibilities. Training topics include:

- Methods of prevention and detection of sexual assault, abuse and harassment;
- Roles and responsibilities of first responders;
- Investigation of reported abuse;
- Confidentiality requirements;
- Effective communication with targeted groups (lesbian, gay, bisexual, transgender and intersex (LGTBI) individuals.

Investigation

As a law enforcement agency, KCSO has always responded to and investigated crimes occurring within our facilities. Supervisory staff receives specialized training to conduct sexual abuse investigations within the confinement setting.

Screening

Screening procedures include a specific series of questions asked during the intake and transfer process to help determine if individuals are at risk of being sexually abused or being abusive toward other inmates. The responses to these questions help classification in determining the best place to house each individual, and with whom. Education is provided through the use of posters in the facilities and a video which is played daily in English and Spanish that covers KCSO's zero tolerance policy and ways to report sexual assault, abuse and/or harassment.

Counseling

PREA requires that inmates who have reported experiencing any sexual abuse in their lives are to be given contact information for a Rape Crisis Center. To further our agency commitment to PREA, and to promote healing for inmate victims of sexual abuse, KCSO contracts for a rape crisis counselor to provide in-person counseling at all facilities to inmates who might still be suffering from the trauma of sexual abuse. The counseling service is provided by Women's Center High Desert.

Audit History

In 2015, KCSO became one of the first California agencies to be certified as PREA compliant. After spending several years implementing the PREA standards, KCSO contracted with an auditor certified by the Department of Justice to conduct the first audit of each of its facilities. PREA audits are conducted on a triennial basis (every three years), with the first audit cycle beginning in 2013 and ending in 2015.

KCSO's certification process began in January 2015 with the audit of the Central Receiving Facility, the Maximum-Medium (Max-Med) facility, and its two sub-station jails in Mojave and Ridgecrest. In May 2015, the Pretrial and Minimum facilities began their audits.

The PREA audit process includes the auditor's review of agency policies, procedures, and practices to determine not only if they are in compliance with the requirements of the PREA standards, but to ensure that the agency approach furthers the goal of preventing, detecting, and responding to sexual abuse in custody facilities.

The audit process includes a corrective action period in which the auditor and the PREA team work together to revise policies or procedures if needed, or correct any identified deficiencies. This corrective action period helps to ensure that the agency understands any noted issues and requires them to develop a plan for correction, ultimately ensuring the best practices are in place.

KCSO's PREA audits, compliance ratings and reports for each of its facilities can be viewed at www.kernsheriff.org.

KCSO continues to maintain compliance certification by contracting with a certified PREA auditor for routine auditing of its facilities. The current audit cycle began in January 2017 with the audit of the Central Receiving Facility and the Max-Med Facility. These were the second audits of these facilities since the adoption of all PREA standards and both facilities were found to be 100% compliant with all standards, policies and investigations. The current audit cycle will continue through 2019. KCSO looks forward to once again leading the way among California Sheriff Agencies by remaining compliant with the PREA standards to keep inmates safe from sexual abuse.

Summary of KCSO 2017 facility reports

Upon completion of investigation and review, each allegation will be assigned one of the dispositions defined below:

Substantiated Allegation – An allegation that was investigated and determined to have occurred.

Unfounded Allegation – An allegation that was investigated and determined not to have occurred.

Unsubstantiated Allegation – An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Central Receiving Facility

KCSO's Central Receiving Facility 2017 report shows an increase of reported sexual abuse and harassment incidents from the previous year. In 2016, there were 0 reported incidents and in 2017, there were 7 reported incidents. However, reports of nonconsensual sexual acts decreased to just a single reported incident.

Of the 7 allegations in 2017, all were for inmate-on-inmate abuse except one reported incident of sexual harassment by staff. All reports were thoroughly investigated; below is a breakdown of the results:

- Nonconsensual sexual acts – Inmates claimed to have been sexually assaulted either with force or by pressure.
 - 1 unsubstantiated report of nonconsensual sexual act. During the booking process, an inmate reported being a victim of sexual assault. Further investigation revealed that the inmate was referring to an in custody reported sexual assault that occurred in 2012 which had been previously investigated and unsubstantiated.
- Abusive sexual contact – Inmates claimed to have been touched by another inmate.
 - 2 unsubstantiated reports of sexual abuse. Both reporting inmates stated that they had been assaulted, but refused to provide details or cooperate with further investigation.
- Sexual harassment - Inmates stated that they were told to perform a sexual act, or subjected to view an unclothed inmate.
 - 2 substantiated reports of sexual harassment. One inmate reported indecent exposure by another inmate. In the second incident, the reporting inmate was asked to remove their clothing by another inmate, who admitted to the action.
 - 1 unsubstantiated report of sexual harassment. The reporting inmate alleged being forced to watch another inmate masturbate. All witnesses in the cell denied ever seeing this allegation happen.
- Staff sexual harassment – Inmates claimed to have been sexually harassed by deputies.
- 1 unsubstantiated report of staff sexual harassment. This incident was determined to be unsubstantiated based on available video and audio evidence.

Mojave and Ridgecrest Substations

In the report year 2017, KCSO's Mojave and Ridgecrest facilities did not receive any reports of sexual abuse. The Ridgecrest Facility stopped receiving and housing inmates at the end of the fiscal 2015-16 year (June 30, 2016).

Lerdo Minimum

KCSO's Minimum Facility 2017 report shows an increase of reported sexual abuse and harassment incidents from the previous year. In 2016, there were 0 reported incidents and in 2017, there were 3 reported incidents.

Of the 3 allegations in 2017, all were for inmate-on-inmate abuse except one reported incident of sexual harassment by staff. All reports were thoroughly investigated; below is a breakdown of the results:

- Nonconsensual sexual acts – Inmates claimed to have been sexually assaulted either with force or by pressure.
 - 1 unfounded report of nonconsensual sexual act. The reporting inmate claimed to have been attacked by a ghost or spirit.
- Abusive sexual contact – Inmates claimed to have been touched by another inmate.
 - 1 substantiated report of abusive sexual contact. The reporting inmate claimed unwanted touching by another inmate. The investigation revealed that the suspect did touch the victim without permission. A criminal complaint request was sent to the District Attorney's office for criminal prosecution of the suspect in this case. The DA chose not to send the case to trial.
- Staff sexual harassment – Inmates claimed to have been sexually harassed by deputies.
 - 1 unfounded report of staff sexual harassment. The reporting inmate claimed that staff made inappropriate comments of a sexual nature. This allegation was investigated by KCSO's Internal Affairs Unit and Sexual Assault Abuse Investigations Unit. The investigation included interviews of other inmates nearby at the time of the allegation, as well as review of video and audio of the area where the incident was alleged to have occurred. The investigation reviewed the evidence and determined this report to be unfounded.

Lerdo Maximum-Medium

KCSO's Maximum-Medium Facility 2017 report shows an increase of reported sexual abuse and harassment incidents from the previous year. In 2016, there were 4 reported incidents and in 2017, there were 12 reported incidents.

Of the 12 allegations in 2017, all were for inmate-on-inmate abuse. There were no allegations of staff misconduct reported. All reports were thoroughly investigated; below is a breakdown of the results:

- Nonconsensual sexual acts - Inmates claimed to have been sexually assaulted either with force or by pressure.

- 4 unsubstantiated reports of nonconsensual sexual acts. Evidence was not sufficient to confirm the allegations.
- 2 unfounded reports of nonconsensual sexual acts. In both incidents, the reporting inmates were in a single cell and never had any contact with another person at the time of the allegation.
- Abusive sexual contact - Inmates claimed to have been touched by another inmate.
 - 1 substantiated report of abusive sexual contact. This was in relation to an act of horseplay.
 - 1 unfounded report of abusive sexual contact: The reporting inmate alleged being forced to touch others, but through investigation it was determined to be an attempt at housing manipulation.
- Sexual harassment - Inmates stated that they were told to perform a sexual act, or subjected to view an unclothed inmate.
 - 2 substantiated reports of sexual harassment: These reports were substantiated through witness statements and/or suspects admitting to the allegation.
 - 2 unfounded reports of sexual harassment: After investigation, these allegations appear to have been a manipulation tactic to be rehoused from an open dorm setting to a single or double occupancy cell.

Although a higher number of nonconsensual and harassment incidents were reported from the Maximum-Medium facility, subsequent investigation and review of the reported incidents revealed the majority of these allegations to be unsubstantiated. Maximum-Medium has begun installing surveillance cameras in all housing areas which should help to deter new assaults and provide additional evidence for investigations.

Lerdo Pre-Trial

KCSO's Pre-Trial Facility 2017 report shows a decrease of reported sexual abuse and harassment incidents from the previous year. In 2016, there were 25 reported incidents and in 2017, there were 18 reported incidents.

Of the 18 allegations in 2017, all were for inmate-on-inmate abuse except one reported incident of sexual harassment by staff. All reports were thoroughly investigated; below is a breakdown of the results:

- Nonconsensual sexual acts - Inmates claimed to have been sexually assaulted either with force or by pressure.
 - 2 unsubstantiated reports of nonconsensual sexual acts. The victims reported these incidents several months or years after the incident was alleged to have occurred. Due to this delay, there was no evidence that could be collected and used to substantiate their allegation.

- 4 unfounded reports of nonconsensual sexual acts. In all four of these reported incidents, video evidence and witness testimony proved that these allegations never occurred and that the victims were manipulating their housing assignments over debts owed.
- 2 unfounded reports of sexual assault by staff. In the first reported incident, an inmate claimed to have been sexually assaulted during an incident where staff used force to gain control of the inmate while in an observation cell. Video surveillance of the incident revealed the allegation made never occurred. In the second reported incident an inmate claimed to have been sexually assaulted during an incident where staff used force to gain control of the inmate while they were receiving medical treatment at a hospital. Contact was determined to have been incidental while controlling a combative inmate.
- Abusive sexual contact - Inmates claimed to have been touched by another inmate.
 - 1 substantiated report of abusive sexual contact. The reporting inmate claimed to have been inappropriately touched by another inmate. The suspect admitted that they in fact did touch the victim. The suspect was monitored for further incidents and referred for mental health services.
 - 2 unsubstantiated reports of abusive sexual contact. In both reported incidents, the only available evidence was witness interviews and statements from victims and suspects. Due to the conflicting statements, the investigators could not prove or disprove these two reported allegations of inappropriate touching.
 - 1 unfounded report of abusive sexual contact. The reporting inmate claimed to have been abused in custody in 2012. Investigation of the allegation included a review of housing records for previous bookings which were able to disprove the allegation. Further, the reporting inmate made it clear that they would only cooperate with investigators if released from custody.
- Sexual harassment - Inmates stated that they were told to perform a sexual act or subjected to view an unclothed inmate.
 - 3 unsubstantiated reports of sexual harassment. One reporting inmate claimed to have been harassed; however, witness testimony showed they were actually the aggressor. The reporting inmate in the second incident made the allegation to manipulate their housing due to being housed in the same unit as an acquaintance in a current case. In the third incident, the reporting inmate's allegation was unsubstantiated due to lack of corroborating evidence and witness statements.
 - 3 unfounded reports of sexual harassment. The reporting inmates in all three cases claimed to have been harassed, but investigation revealed no evidence to support the allegations. It was determined that the allegations were made to manipulate a housing change.

Each of KCSO's 2017 facility reports can be viewed at www.kernsheriff.org.

In conclusion, KCSO investigated a total of 40 reports in 2017. Of those, 7 can be considered credible reports of inmate on inmate sexual abuse or sexual harassment, as they were determined to be

substantiated through the process of investigation. Three factors that have contributed to the increase in substantiated reports are inmate education, improved cooperation and increased surveillance.

The PREA education program has shown to be effective. Inmates are more aware of their rights under PREA and seem to be more comfortable with reporting these incidents to custody staff. Through the use of facility discipline or submission of criminal complaints when appropriate, we have demonstrated to the inmates that there is zero tolerance for sexual abuse, assault and harassment and that all reports will be taken seriously and investigated thoroughly.

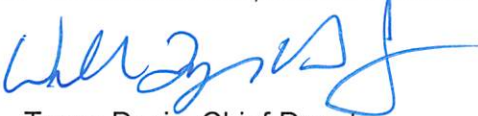
One hurdle remaining is to get victims and/or witnesses to cooperate in investigations by identifying suspects so that they can be held accountable for their actions. While we have increased inmate confidence in our program, there are still cultural stigmas among inmates that discourage cooperation with law enforcement investigations. One way that we are addressing this issue is by increasing surveillance within the facilities. The installation of additional cameras has increased our ability to prove or disprove allegations and identify suspects by providing solid evidence for investigations. We have also implemented an electronic security check tracking system (PIPE system) which has increased staff and supervisor visibility within the facilities.

The KCSO PREA Compliance team believes there are always ways to refine and improve our PREA program to increase the safety of all inmates. We are optimistic that with continued enforcement of the PREA standards and our use of inmate educational programs, we can decrease all forms of nonconsensual sexual acts, sexual abuse and sexual harassment within our facilities.

The Sheriff is strongly committed to compliance with PREA and is looking forward to the addition of more surveillance cameras throughout the facilities, as well as continued education regarding PREA.

Sincerely,

DONNY YOUNGBLOOD, Sheriff-Coroner



By: Tyson Davis, Chief Deputy
Detentions Bureau

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