



## KERN COUNTY SHERIFF'S OFFICE ANNUAL CENTRAL RECEIVING FACILITY PREA REVIEW REPORT

The Kern County Sheriff's Office (KCSO) PREA compliance team and the Central Receiving Facility (CRF) manager have prepared this report to inform the public about the agency's and facility's efforts to prevent, detect and respond to sexual abuse.

The Central Receiving (CRF) Jail Facility is a custodial facility under the Kern County Sheriff's Office (KCSO) Detentions Bureau. KCSO has implemented policies and procedures from the Prison Rape Elimination Act (PREA) with the goal of reducing or eliminating sexual abuse of inmates incarcerated in its jail facilities.

The CRF facility manager and the PREA facility compliance manager, in conjunction with the KCSO PREA compliance team, conduct yearly examinations of all abuse reports received throughout the reporting period in order to compile specific data for the purpose of making comparisons from year to year.

These comparisons allow the CRF facility report team to discover any commonalities and/or contributing factors related to the abuse reports. Contributing factors in which KCSO staff can identify a solution will be forwarded to the Detentions Bureau administration staff with a recommendation for change in policy, practice or a facility specific issue.

During 2018, the average daily inmate population of CRF was 159. CRF had five reported PREA incidents in 2018. All reported incidents were thoroughly investigated.

The five incidents reported are listed below with a brief synopsis of them:

- Nonconsensual sexual acts – Inmates claimed to have been sexually assaulted either with force or by pressure.
  - 1 unsubstantiated report of nonconsensual sexual act. The reporting inmate claimed to have been assaulted on a prior booking but refused to provide the investigator any details to investigate the allegation.
  - 1 unfounded report of nonconsensual sexual act. The reporting inmate alleged being knocked unconscious and then sexually assaulted. This case was investigated including a physical exam for injuries and DNA evidence. No DNA evidence was located during the exam, nor was there any physical evidence to support the allegation.
- Abusive sexual contact – Inmates claimed to have been touched by another inmate.
  - 1 substantiated report of abusive sexual contact. Two inmates reported that a third inmate had been touching them while they were trying to sleep.
- Staff sexual misconduct – Inmates alleged staff inappropriately assaulted or abuse them.
  - 1 unsubstantiated report of staff sexual misconduct. The reporting inmate claimed they did not like how they were searched by a female deputy. A review of the video showed no misconduct by staff conducting the search and that the sergeant was present.

- Staff sexual harassment – Inmates alleged that staff made verbally offensive comments to them.
  - 1 unsubstantiated report of staff sexual harassment. The reporting inmate made an initial statement that an officer said something they did not like, but refused to provide a statement to investigators with or without an advocate present. Review of the video did not support the allegation against KCSO staff at CRF.

One commonality identified during reviews of the 2018 incidents is the mental state of new arrestees. Inmates may be under the influence of alcohol and/or drugs or experiencing mental health issues at the time they are being booked into the jail. Reports of abuse made during or directly after the booking process could be the result of an individual's perception of the booking process due to an impaired physical or mental state. It was discussed during reviews of reported incidents that inmates are asked the PREA risk screening questions, which include past sexual abuse, and then are physically searched by the receiving deputy. A pat down search itself may seem assaultive in nature to a person who is impaired by substances or has mental health issues. In most cases, the reporting individual did not provide any credible information about an abuse, they just blurted out incoherent and rambling statements that staff documented due to the nature of the comments. Due to frequent staff turnover at the Central Receiving Facility, it is also noted that training should always be a priority to minimize allegations of misconduct.

Over 28,700 inmates were booked into CRF in 2018. Inmates are informed at various times throughout their incarceration, beginning at the booking counter, about KCSO's zero-tolerance toward sexual abuse, how to report abuse and ways to avoid sexual abuse.

CRF management and the PREA compliance team believe KCSO's implementation of prevention, detection and response measures combined with the education of inmates about their rights under PREA have been effective. The use of video surveillance has been a valuable tool in both investigating incidents and as a deterrent, furthering KCSO's goals to keep inmates safe and accountability to the public.

**There were no recommended corrective actions to request or include in this report.**

This report utilizes definitions of "sexual abuse" and "sexual abuse" by a staff member, contractor, or volunteer as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003).

**NONCONSENSUAL SEXUAL ACTS** – Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

- AND** - Contact between the penis and the vulva or the penis and the anus including penetration, however slight;
- OR** - Contact between the mouth and the penis, vulva, or anus;
- OR** - Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

**ABUSIVE SEXUAL CONTACT** – Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

- AND** - Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person;

This excludes incidents in which contact is incidental to a physical altercation.

**SEXUAL HARASSMENT** - Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

**STAFF SEXUAL MISCONDUCT** – Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative. Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts include;

- ANY** - Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse; arouse, or gratify sexual desire;
- OR** - Completed, attempted, threatened, or requested sexual acts;
- OR** - Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

**STAFF SEXUAL HARASSMENT** – Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative include;

- ANY** - Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing;
- OR** - Repeated profane or obscene language or gestures.

**This section provides information about reported incidents of sexual abuse, assault or harassment of inmates in the custody of the Kern County Sheriff's jail facilities in accordance with the Prison Rape Elimination Act of 2003 (PREA) standards below.**

**§ 115.87 Data collection.**

*(a) The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.*

*(b) The agency shall aggregate the incident-based sexual abuse data at least annually.*

*(c) The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.*

**§ 115.88 Data review for corrective action.**

*(3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.*

*(b) Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.*

*(c) The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.*

**This report provides information about reported incidents of sexual abuse, assault or harassment of inmates in the custody of the Kern County Sheriff's Office jail facilities.**

**Facility:** Central Receiving Facility (CRF)

**Average daily inmates:** 159

**This period:** 1/1/18 to 12/31/18

**Prior period:** 1/1/17 to 12/31/17

**Prior period reported allegations of inmate-on-inmate nonconsensual sexual acts:** 1

**This period reported allegations of inmate-on-inmate NONCONSENSUAL SEXUAL ACTS:** 2

**Prior period substantiated:** 0

**Prior period unsubstantiated:** 1

**This period substantiated:** 0

**This period unsubstantiated:** 1

The event was investigated and determined to have occurred, based on a preponderance of the evidence.

The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

**Prior period unfounded:** 0

**Prior period investigation ongoing:** 0

**This period unfounded:** 1

**This period investigation ongoing:** 0

The investigation determined that the event did NOT occur.

Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

**Prior period reported allegations of inmate-on-inmate abusive sexual contact:** 2

**This period reported allegations of inmate-on-inmate ABUSIVE SEXUAL CONTACT:** 1

**Prior period substantiated:** 0

**Prior period unsubstantiated:** 2

**This period substantiated:** 1

**This period unsubstantiated:** 0

**Prior period unfounded:** 0

**Prior period investigation ongoing:** 0

**This period unfounded:** 0

**This period investigation ongoing:** 0

**Prior period reported allegations of inmate-on-inmate sexual harassment :** 3

**This period reported allegations of inmate-on-inmate SEXUAL HARASSMENT :** 0

**Prior period substantiated:** 2

**Prior period unsubstantiated:** 1

**This period substantiated:** 0

**This period unsubstantiated:** 0

**Prior period unfounded:** 0

**Prior period investigation ongoing:** 0

**This period unfounded:** 0

**This period investigation ongoing:** 0

<b>Prior period reported allegations of staff sexual misconduct : 0</b>	
<b>This period reported allegations of STAFF SEXUAL MISCONDUCT : 1</b>	
<b>Prior period substantiated: 0</b>	<b>Prior period unsubstantiated: 0</b>
<b>This period substantiated: 0</b>	<b>This period unsubstantiated: 1</b>
<b>Prior period unfounded: 0</b>	<b>Prior period investigation ongoing: 0</b>
<b>This period unfounded: 0</b>	<b>This period investigation ongoing: 0</b>

<b>Prior period reported allegations of staff sexual harassment : 1</b>	
<b>This period reported allegations of STAFF SEXUAL HARASSMENT : 1</b>	
<b>Prior period substantiated: 0</b>	<b>Prior period unsubstantiated: 1</b>
<b>This period substantiated: 0</b>	<b>This period unsubstantiated: 1</b>
<b>Prior period unfounded: 0</b>	<b>Prior period investigation ongoing: 0</b>
<b>This period unfounded: 0</b>	<b>This period investigation ongoing: 0</b>

## Incident Information – Victim Section

		Prior period	This period			Prior period	This period
<b>Location of abuse in allegation(s)</b> (more than one may apply to each incident)	<b>Victims' cell:</b>	1	2	<b>Times of specific incident(s)</b>	<b>Morning (6 a.m. to noon)</b>	2	2
	<b>Perpetrator's cell:</b>	1	0		<b>Afternoon (noon to 6 p.m.)</b>	0	3
	<b>Dorm / multiple cell:</b>	0	0		<b>Evening (6 p.m. to midnight)</b>	0	0
	<b>Common area:</b>	0	0		<b>Overnight (midnight to 6 a.m.)</b>	0	0
	<b>Holding cell:</b>	1	0		<b>Time unknown</b>	5	0
	<b>Shower / toilet area:</b>	0	0				
	<b>Instructional area:</b>	0	0				
	<b>Recreation area:</b>	0	0				
	<b>Medical area:</b>	0	0				
	<b>Staff area:</b>	0	0				
	<b>Offsite / in transit:</b>	0	0				
	<b>Other:</b>	4	3				

		Prior period	This period			Prior period	This period
<b>Video monitoring available</b>	<b>Number of allegations "yes"</b>	3	3	<b>Abuse victim's gender / sexual orientation by allegation</b>	<b>Male:</b>	4	2
	<b>Number of allegations "no"</b>	4	2		<b>Female:</b>	3	4
<b>Abuse victim's age by specific allegation</b>	<b>18 – 24:</b>	2	1		<b>Lesbian, gay, bisexual</b>	0	0
	<b>25 – 29:</b>	3	2		<b>Transgender, intersex</b>	0	0
	<b>30 – 34:</b>	0	1	<b>Abuse victim's ethnicity / race by allegation</b>	<b>White:</b>	0	2
	<b>35 – 39:</b>	0	0		<b>Black:</b>	1	3
	<b>40 – 44:</b>	2	1		<b>Hispanic:</b>	6	0
	<b>45 – 54:</b>	0	1		<b>American Indian:</b>	0	0
	<b>55 or older:</b>	0	0		<b>Asian:</b>	0	0
			<b>Pacific Islander:</b>		0	0	
			<b>Other:</b>		0	1	

## Perpetrator Section

		Prior period	This period			Prior period	This period
Physical injuries reported	Number of allegations "yes"	0	1	Perpetrator's gender / sexual orientation by allegation	Male:	4	0
	Number of allegations "no"	7	4		Female:	0	1
Perpetrator's age by specific allegation	18 – 24:	2	0	Perpetrator's ethnicity / race by allegation	Lesbian, gay, bisexual	0	0
	25 – 29:	0	0		Transgender, intersex	0	0
	30 – 34:	0	0		White:	0	1
	35 – 39:	1	0		Black:	2	0
	40 – 44:	0	0		Hispanic:	2	0
	45 – 54:	1	0		American Indian:	0	0
	55 or older:	0	1		Asian:	0	0
Nature of incident <small>(more than one may apply to each incident)</small>	Voluntary sexual contact between inmates:	0	0	Type of force or pressure used by perpetrator on the victim <small>(more than one may apply to each incident)</small>	Persuasion, talked into sexual activity:	1	0
	Sexual harassment:	2	0		Bribery or blackmail:	0	0
	Indecent exposure, masturbation, or voyeurism:	2	0		Sexual harassment, sexual innuendo, verbal comments:	3	0
	Horseplay:	0	0		Threatened w/weapon:	0	0
	Repeated, unwelcome sexual advances, requests for sexual favors:	0	0		Surprised victim w/unwanted touching, grabbing, groping, or victim was asleep:	1	1
	Unwanted touching for sexual gratification or abusive sexual contact:	2	1		Gave victim drugs or alcohol:	0	0
	Pressure, coercion w/o force resulting in a nonconsensual sexual act:	0	0		Offered protection from other inmates:	0	0
	Physical force or threat of force resulting in a nonconsensual sexual act:	0	1		Threatened with physical harm:	0	0
	Other:	1	1		Physically harmed or injured:	0	1
				Physically held victim down or restrained:	0	0	
				Other:	2	1	

## Staff Section

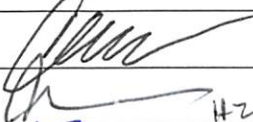

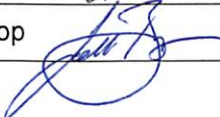
		Prior period	This period			Prior period	This period
Staff	Allegations against staff:	1	2	Staff employment status	Full / part time paid:	1	1
	Male:	1	1		Contract / vendor:	0	0
	Female:	0	1		Volunteer / intern:	0	0
Staff age by allegation	18 – 24:	1	0	Staff ethnicity / race by allegation	Other:	0	1
	25 – 29:	0	1		White:	0	0
	30 – 34:	0	0		Black:	0	0
	35 – 39:	0	0		Hispanic:	1	1
	40 – 44:	0	0		American Indian:	0	0
	45 – 54:	0	0		Asian:	0	0
	55 or older:	0	0		Pacific Islander:	0	0
				Other:	0	1	
Nature of allegation or incident involving staff (more than one may apply to each incident)	Physical force resulting in nonconsensual sexual act:	0	0	Position of staff for allegation or incident (more than one may apply to each incident)	Administrator, assistant, other in administrative position:	0	0
	Pressure or abuse of power resulting in nonconsensual sexual act:	1	0		Deputy, Detentions Deputy, Supervisory staff:	1	2
	Indecent exposure, invasion of privacy, voyeurism for sexual gratification:	0	1		Clerical, receptionist, other administrative support staff:	0	0
	Unwanted touching for sexual gratification:	0	1		Maintenance, kitchen, drivers, other facility support staff:	0	0
	Wrote letters, showed pictures, offered gifts or special privileges to inmate:	0	0		Health care staff; doctors, counselors, dentist, psychiatrists, psychologists, nurses:	0	0
	Sexual relationship between inmate and staff that appeared to be consensual:	0	0		Education staff; instructors, teachers, librarians:	0	0
				Other staff; Chaplain, volunteers, etc.	0	0	



## Sanctions / Corrective Actions

		Prior period		This period				Prior period		This period	
<b>Perpetrator sanctions</b> (more than one may apply to each incident)	Transferred to other housing unit or facility:	2	1	<b>Employee / Contractor sanctions</b> (more than one may apply to each incident)	Sent to training or counseling:	0	2				
	Administratively segregated:	0	1		Reprimanded or discipline:	0	0				
	Disciplinary isolation, or loss of visits / commissary, :	0	1		Demoted or temporary suspension:	0	0				
	Reclassified to higher security level:	0	1		Discharged, contract cancelled or not renewed:	0	0				
	Released prior to investigation conclusion:	1	0		Administrative leave, referred for prosecution:	0	0				
	No action, perpetrator identify unknown:	3	4		Staff resigned prior to investigation conclusion:	0	0				
	Referred to DA for prosecution:	1	0		Convicted, plea deal, or sentenced, employment terminated:	0	0				
<b>Other this year:</b>	In four of the cases the perpetrator was not identified, so no information is available.			<b>Other this year:</b>	Both allegations against staff were unsubstantiated but follow-up training was recommended						

<b>Comments:</b>	The Central Receiving Facility receives new arrestees 24 hours per day, some of whom may be under the influence of alcohol or controlled substances or suffering from medical or mental health conditions which may influence their perception of the booking process. The booking video surveillance system is a valuable tool to assist in investigating these allegations and has been used to identify necessary training used during PREA screenings.
<b>Facility changes needed, or reasoning if none:</b>	None, the Central Receiving Facility continues to see incidents reported from new arrestees who allege that they were assaulted either as a child or prior to them being arrested for a crime. Some of these allegations (those against staff) could not be substantiated by evidence. Recommendations were made for training to ensure receiving staff properly communicate while searching new arrestees.
<b>Agency changes needed, or reasoning if none:</b>	No changes needed, see comments above.

<b>Facility manager:</b>	Lieutenant Ollague 	<b>Date:</b> 5-24-19
<b>PREA Coordinator:</b>	Lieutenant Gordon 	<b>Date:</b> 6/7/19
<b>Agency head or designee:</b>	Commander Bishop 	<b>Date:</b> 6/4/19