



## KERN COUNTY SHERIFF'S OFFICE ANNUAL JUSTICE JAIL FACILITY PREA REVIEW REPORT

**The Kern County Sheriff's Office (KCSO) PREA compliance team and the Justice Jail Facility 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 Justice Jail Facility is a new custodial facility under the Kern County Sheriff's Office (KCSO) Detentions Bureau, which opened in May of 2018. 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 Justice 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 Justice 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.

The Justice Facility opened and began housing inmates in May 2018. As the newest and most modern of KCSO's jail facilities, Justice is also the second largest facility under the Detentions Bureau. Justice currently only houses male inmates of varying inmate demographics. Justice has no previous data to report.

During 2018, the average daily inmate population was 457. Justice had 10 reported incidents in 2018. All reported incidents were thoroughly investigated.

The 10 reported incidents 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.
  - 3 unsubstantiated reports of nonconsensual sexual acts. The first reporting inmate alleged being forced to orally copulate their cellmate. Due to the reporting inmate eating and brushing their teeth prior to reporting the allegation, physical evidence could not be obtained. The second reporting inmate alleged being sexually assaulted. Review of video evidence proved the reporting inmate was physically assaulted with hands and feet by the suspect, but not sexually assaulted. The third reporting inmate reported being knocked unconscious and sodomized. The inmate was transported to a local hospital and examined by a Sexual Assault Nurse Examiner (SANE). No evidence was located during the examination to support the allegation. A review of video evidence proved that the reporting inmate and suspect were only in the cell together for 16 seconds.
  - 2 unfounded reports of nonconsensual sexual acts. The first reporting inmate told investigators that the incident occurred over four years ago. Investigation of records showed that the reporting victim and named suspect were never housed together at any time in their respective custody histories. The reporting inmate was not able to provide sufficient details for

investigators to locate witnesses or any other evidence. The second reporting inmate alleged their cellmate gave them medication and they passed out. Witness interviews provided enough evidence to rule this allegation as unfounded.

- **Abusive sexual contact - Inmates claimed to have been touched by another inmate.**
  - 1 substantiated report of abusive sexual contact. The reporting inmate alleged they had been touched against their will. The named suspect denied actually touching the victim, but freely admitted that they engaged in an act of horseplay with other inmates in the housing unit. This allegation was determined to be substantiated, based on the suspect's own admission that they touched inmates against their will. The suspect received disciplinary sanctions for violation of facility rules.
  - 2 unsubstantiated reports of abusive sexual contact. Both reporting inmates alleged that they had been physically touched. Video surveillance was reviewed for each incident and witness statements did not support these allegations.
- **Staff sexual misconduct – Inmates alleged staff inappropriately assaulted or abused them.**
  - 1 unfounded report of staff sexual misconduct. The reporting inmate was threatening self-harm and had been uncooperative with staff. The inmate was removed from their cell so that staff could secure them in restraints to prevent the injurious behavior. While placing the inmate in restraints, staff had to use physical force to overcome their resistance. Review of video surveillance showed that any contact was unintentional and incidental to the use of force.
- **Staff sexual harassment – Inmates alleged that staff made verbally offensive comments towards them.**
  - 1 unfounded report of staff sexual harassment. The reporting inmate alleged that a female staff member was talking to them through multiple electronic devices in the housing unit such as the unit television, the intercom system and a Sony Playstation game console, which does not exist in the jail. Other inmates in the same housing unit were interviewed and told investigators that there was no unusual communication by female staff through the televisions or intercom system.

All but one of the reported incidents took place in inmate housing units. Review of all reported incidents revealed that inmates continue to attempt to manipulate their housing by making false allegations of being touched or harassed. Inmates know that since KCSO takes all reports seriously and enforces a zero-tolerance policy, someone will be moved to another housing location and separation orders ("keep-a-ways") will be placed permanently on all involved inmate records to prevent future contact.

As the most recently constructed KCSO jail, the Justice Facility has the most modern physical plant design and security features. One major difference from our other jail facilities is that the surveillance system was part of the construction design, which allowed for a more effective use of cameras. KCSO recognizes that video surveillance is one of the most valuable investigative tools and also serves as a deterrent against these types of crimes being committed in our facilities.

Justice management is pleased with the overall design and features of this facility. The design and features of Justice supports the Sheriff's Office mission and goals to prevent any and all forms of sexual assaults, sexual abuse or sexual harassment from occurring inside one of its facilities.

**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;

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

**§ 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:** Justice Facility

**Average daily inmates:** 457

**This period:** 5/12/18 to 12/31/18

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

**Prior period reported allegations of inmate-on-inmate nonconsensual sexual acts:** 0

**This period reported allegations of inmate-on-inmate NONCONSENSUAL SEXUAL ACTS:** 5

**Prior period substantiated:** 0

**Prior period unsubstantiated:** 0

**This period substantiated:** 0

**This period unsubstantiated:** 3

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:** 2

**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:** 0

**This period reported allegations of inmate-on-inmate ABUSIVE SEXUAL CONTACT:** 3

**Prior period substantiated:** 0

**Prior period unsubstantiated:** 0

**This period substantiated:** 1

**This period unsubstantiated:** 2

**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 :** 0

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

**Prior period substantiated:** 0

**Prior period unsubstantiated:** 0

**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

**Prior period reported allegations of staff sexual misconduct : 0**

**This period reported allegations of STAFF SEXUAL MISCONDUCT : 1**

**Prior period substantiated: 0**

**Prior period unsubstantiated: 0**

**This period substantiated: 0**

**This period unsubstantiated: 0**

**Prior period unfounded: 0**

**Prior period investigation ongoing: 0**

**This period unfounded: 1**

**This period investigation ongoing: 0**

**Prior period reported allegations of staff sexual harassment : 0**

**This period reported allegations of STAFF SEXUAL HARASSMENT : 1**

**Prior period substantiated: 0**

**Prior period unsubstantiated: 0**

**This period substantiated: 0**

**This period unsubstantiated: 0**

**Prior period unfounded: 0**

**Prior period investigation ongoing: 0**

**This period unfounded: 1**

**This period investigation ongoing: 0**

## 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)	Victims' cell:	0	5	<b>Times of specific incident(s)</b>	Morning (6 a.m. to noon)	0	3
	Perpetrator's cell:	0	0		Afternoon (noon to 6 p.m.)	0	5
	Dorm / multiple cell:	0	0		Evening (6 p.m. to midnight)	0	1
	Common area:	0	5		Overnight (midnight to 6 a.m.)	0	0
	Holding cell:	0	0		Time unknown	0	1
	Shower / toilet area:	0	0				
	Instructional area:	0	0				
	Recreation area:	0	0				
	Medical area:	0	0				
	Staff area:	0	0				
	Offsite / in transit:	0	0				
	Other:	0	0				

		Prior period	This period			Prior period	This period
<b>Video monitoring available</b>	Number of allegations "yes"	0	10	<b>Abuse victim's gender / sexual orientation by allegation</b>	Male:	0	10
	Number of allegations "no"	0	0		Female:	0	0
					Lesbian, gay, bisexual	0	0
<b>Abuse victim's age by specific allegation</b>	18 – 24:	0	3	<b>Abuse victim's ethnicity / race by allegation</b>	White:	0	3
	25 – 29:	0	0		Black:	0	3
	30 – 34:	0	1		Hispanic:	0	4
	35 – 39:	0	3		American Indian:	0	0
	40 – 44:	0	1		Asian:	0	0
	45 – 54:	0	1		Pacific Islander:	0	0
	55 or older:	0	1		Other:	0	0



## Perpetrator Section

		Prior period	This period			Prior period	This period
Physical injuries reported	Number of allegations "yes"	0	0	Perpetrator's gender / sexual orientation by allegation	Male:	0	7
	Number of allegations "no"	0	10		Female:	0	0
Perpetrator's age by specific allegation	18 – 24:	0	1	Perpetrator's ethnicity / race by allegation	Lesbian, gay, bisexual	0	2
	25 – 29:	0	1		Transgender, intersex	0	0
	30 – 34:	0	3		White:	0	4
	35 – 39:	0	0		Black:	0	2
	40 – 44:	0	0		Hispanic:	0	1
	45 – 54:	0	0		American Indian:	0	0
	55 or older:	0	2		Asian:	0	0
Nature of incident (more than one may apply to each incident)	Voluntary sexual contact between inmates:	0	0	Type of force or pressure used by perpetrator on the victim (more than one may apply to each incident)	Pacific Islander:	0	0
	Sexual harassment:	0	0		Other:	0	0
	Indecent exposure, masturbation, or voyeurism:	0	1		Persuasion, talked into sexual activity:	0	0
	Horseplay:	0	1		Bribery or blackmail:	0	0
	Repeated, unwelcome sexual advances, requests for sexual favors:	0	0		Sexual harassment, sexual innuendo, verbal comments:	0	1
	Unwanted touching for sexual gratification or abusive sexual contact:	0	3		Threatened w/weapon:	0	0
	Pressure, coercion w/o force resulting in a nonconsensual sexual act:	0	0		Surprised victim w/unwanted touching, grabbing, groping, or victim was asleep:	0	6
	Physical force or threat of force resulting in a nonconsensual sexual act:	0	5		Gave victim drugs or alcohol:	0	0
	Other:	0	0		Offered protection from other inmates:	0	0
				Threatened with physical harm:	0	2	
				Physically harmed or injured:	0	0	
				Physically held victim down or restrained:	0	0	
				Other:	0	1	

## Staff Section

		Prior period	This period			Prior period	This period
Staff	Allegations against staff:	0	2	Staff employment status	Full / part time paid:	0	2
	Male:	0	1		Contract / vendor:	0	0
	Female:	0	1		Volunteer / intern:	0	0
Staff age by allegation	18 – 24:	0	0	Staff ethnicity / race by allegation	Other:	0	0
	25 – 29:	0	0		White:	0	0
	30 – 34:	0	0		Black:	0	0
	35 – 39:	0	0		Hispanic:	0	0
	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	0	
Nature of allegation or incident involving staff (more than one may apply to each incident)		Prior period	This period	Position of staff for allegation or incident (more than one may apply to each incident)		Prior period	This period
	Physical force resulting in nonconsensual sexual act:	0	0		Administrator, assistant, other in administrative position:	0	0
	Pressure or abuse of power resulting in nonconsensual sexual act:	0	0		Deputy, Detentions Deputy, Supervisory staff:	0	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> <small>(more than one may apply to each incident)</small>	<b>Transferred to other housing unit or facility:</b>	0	7	<b>Employee / Contractor sanctions</b> <small>(more than one may apply to each incident)</small>	<b>Sent to training or counseling:</b>	0	0
	<b>Administratively segregated:</b>	0	0		<b>Reprimanded or disciplined:</b>	0	0
	<b>Disciplinary separation, or loss of visits / commissary:</b>	0	5		<b>Demoted or temporary suspension:</b>	0	0
	<b>Reclassified to higher security level:</b>	0	0		<b>Discharged, contract cancelled or not renewed:</b>	0	0
	<b>Released prior to investigation conclusion:</b>	0	0		<b>Administrative leave, referred for prosecution:</b>	0	0
	<b>No action, perpetrator identify unknown:</b>	0	3		<b>Staff resigned prior to investigation conclusion:</b>	0	0
	<b>Referred to DA for prosecution:</b>	0	0		<b>Convicted, plea deal, or sentenced, employment terminated:</b>	0	0
	<b>Other this year:</b>	Sanctions cannot be imposed when victims do not name their abuser.			<b>Other this year:</b>		

**Comments:** The Justice Facility opened in May of 2018 and is the most modern facility within the Detentions Bureau. During the period the facility has been operational, it has had a total of 10 reportable cases. In all of these cases video surveillance has been the biggest asset and preventive measure to improve the safety of all inmates incarcerated in this facility. The Justice PREA compliance team will continue to monitor the design of the facility for weaknesses and work to improve them to maintain KCSO's zero tolerance programs.

**Facility changes needed, or reasoning if none:** No changes needed as Justice is the newest, most secure and contains the latest technology to detect and prevent all forms of sexual assault/abuse or harassment of all KCSO facilities.

**Agency changes needed, or reasoning if none:** No changes needed, see comments above.

<b>Facility manager:</b>	Lieutenant Jennings		<b>Date:</b> 5/21/19
<b>PREA Coordinator:</b>	Lieutenant Gordon		<b>Date:</b>
<b>Agency head or designee:</b>	Commander Posey		<b>Date:</b>