



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

The Kern County Sheriff's Office (KCSO) PREA compliance team and the Minimum 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 in this jail facility.

The Minimum 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 Minimum facility contains separate male and female housing compounds.

The Minimum 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 Minimum 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 the Male Minimum facility was 234 and the average daily inmate population of the Female Minimum facility was 42. The Minimum facilities have dormitory style housing (open area sleeping) which averages around 40 inmates per dorm. The Minimum facilities combined had zero reportable incidents.

The majority of Male Minimum housing units were closed in May 2018, when the new Lerdo Justice facility opened. Two male barracks remained opened until November 2018. On June 14 2018, all three Female Minimum housing units were closed.

Both Minimum facility sections have an ongoing record of virtually no reported incidents of sexual abuse. Inmates at these facilities enjoy increased freedom, work opportunities and in person visitation. These benefits may be partly responsible for the lack of sexual abuse incidents.

KCSO continues to maintain the same focus and goals that resulted in its previous compliance approval rating to ensure its inmates remain free from sexual abuse. These efforts were achieved through our commitment to zero tolerance and our inmate education program which informs all inmates about their rights if they are abused, ways to avoid abuse and what to do if they are abused. Our program is reinforced through the use of educational posters in all housing units that provide information on how to report abuse to outside sources or request counseling for past sexual abuse.

The Male Minimum and Female Minimum facilities are both currently closed. An audit will be conducted in 2019 for the months the facilities were populated during 2018.

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;
- Excluding incidents in which contact 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;

- 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.

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: Minimum Facility

Average daily inmates: 0

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: 0

Prior period substantiated: 0

Prior period unsubstantiated: 0

This period substantiated: 0

This period unsubstantiated: 0

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: 1

Prior period investigation ongoing: 0

This period unfounded: 0

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: 1

This period reported allegations of inmate-on-inmate ABUSIVE SEXUAL CONTACT: 0

Prior period substantiated: 1

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 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 : 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 harassment : 1	
This period reported allegations of STAFF SEXUAL HARASSMENT : 0	
Prior period substantiated: 0	Prior period unsubstantiated: 0
This period substantiated: 0	This period unsubstantiated: 0
Prior period unfounded: 1	Prior period investigation ongoing: 0
This period unfounded: 0	This period investigation ongoing: 0

Incident Information – Victim Section

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

		Prior period	This period			Prior period	This period
Video monitoring available	Number of allegations "yes"	1	0	Abuse victim's gender / sexual orientation by allegation	Male:	0	0
	Number of allegations "no"	0	0		Female:	3	0
					Lesbian, gay, bisexual	0	0
					Transgender, intersex	0	0
Abuse victim's age by specific allegation	18 – 24:	0	0	Abuse victim's ethnicity / race by allegation	White:	2	0
	25 – 29:	1	0		Black:	0	0
	30 – 34:	0	0		Hispanic:	1	0
	35 – 39:	2	0		American Indian:	0	0
	40 – 44:	0	0		Asian:	0	0
	45 – 54:	0	0		Pacific Islander:	0	0
	55 or older:	0	0		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:	1	0
	Number of allegations "no"	0	0		Female:	1	0
			Lesbian, gay, bisexual		0	0	
			Transgender, intersex		0	0	
Perpetrator's age by specific allegation	18 – 24:	0	0	Perpetrator's ethnicity / race by allegation	White:	1	0
	25 – 29:	0	0		Black:	0	0
	30 – 34:	0	0		Hispanic:	1	0
	35 – 39:	0	0		American Indian:	0	0
	40 – 44:	0	0		Asian:	0	0
	45 – 54:	2	0		Pacific Islander:	0	0
	55 or older:	0	0		Other:	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)	Persuasion, talked into sexual activity:	0	0
	Sexual harassment:	1	0		Bribery or blackmail:	0	0
	Indecent exposure, masturbation, or voyeurism:	0	0		Sexual harassment, sexual innuendo, verbal comments:	1	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	0
	Unwanted touching for sexual gratification or abusive sexual contact:	1	0		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	0		Threatened with physical harm:	0	0
Other:	1	0	Physically harmed or injured:	0	0		
				Physically held victim down or restrained:	0	0	
				Other:	1	0	

Staff Section

		Prior period	This period			Prior period	This period	
Staff	Allegations against staff:	0	0	Staff employment status	Full / part time paid:	1	0	
	Male:	1	0		Contract / vendor:	0	0	
	Female:	0	0		Volunteer / intern:	0	0	
Staff age by allegation	18 – 24:	0	0	Staff ethnicity / race by allegation	White:	1	0	
	25 – 29:	0	0		Black:	0	0	
	30 – 34:	0	0		Hispanic:	0	0	
	35 – 39:	0	0		American Indian:	0	0	
	40 – 44:	0	0		Asian:	0	0	
	45 – 54:	1	0		Pacific Islander:	0	0	
	55 or older:	0	0		Other:	0	0	
		Prior period	This period			Prior period	This period	
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:	0	0		Deputy, Detentions Deputy, Supervisory staff:	1	0	
	Indecent exposure, invasion of privacy, voyeurism for sexual gratification:	1	0		Clerical, receptionist, other administrative support staff:	0	0	
	Unwanted touching for sexual gratification:	0	0		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	
Perpetrator sanctions (more than one may apply to each incident)	Transferred to other housing unit or facility:	1	0	Employee / Contractor sanctions (more than one may apply to each incident)	Sent to training or counseling:	0	0				
	Administratively segregated:	0	0		Reprimanded or discipline:	0	0				
	Disciplinary isolation, or loss of visits / commissary:	0	0		Demoted or temporary suspension:	0	0				
	Reclassified to higher security level:	0	0		Discharged, contract cancelled or not renewed:	0	0				
	Released prior to investigation conclusion:	0	0		Administrative leave, referred for prosecution:	0	0				
	No action, perpetrator identify unknown:	0	0		Staff resigned prior to investigation conclusion:	0	0				
	Referred to DA for prosecution:	1	0		Convicted, plea deal, or sentenced, employment terminated:	0	0				
	Other this year:	N/A			Other this year:	N/A					

Comments: The Male Minimum and Female Minimum Facilities are both currently closed as of November 2018.

Facility changes needed, or reasoning if none: No changes required as no incidents were caused by facility design or function.

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

Facility manager:	Lieutenant Wright 	Date: 5/17/19
PREA Coordinator:	Lieutenant Gordon  #20125T	Date: 5/20/19
Agency head or designee:	Commander Posey  #158	Date: 5/30/19