



1350 Norris Road  
Bakersfield, California 93308-2231

April 19, 2019

**RE: Kern County Sheriffs Office 2018 PREA Agency Report**

The Prison Rape Elimination Act (PREA) is Federal legislation enacted in 2003 and finalized in 2012. It 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, Detention Deputies, Civilian, 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 (LGBTI) 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 towards 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 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 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's 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 (WCHD).

## **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 audits of the Central Receiving Facility (CRF), Maximum-Medium Facility, and its two substation jails in Mojave and Ridgecrest. In May 2015, the Pre-Trial 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's 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 PREA team work together to revise policies or procedures if needed, or correct any identified deficiencies. This corrective action period helps ensure that the agency understands any noted issues and requires them to develop a plan for correction, ultimately ensuring that 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](http://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 audits of the Central Receiving Facility and Maximum-Medium 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. In January 2018, the Pre-Trial Facility and the Mojave and Ridgecrest Jails were audited and received 100% compliance

with all standards, policies and investigations. In April 2019, the Minimum and Justice Facilities will be audited to complete the current cycle.

KCSO looks forward to once again being a leader among California Sheriff's agencies by remaining compliant with PREA standards to keep inmates safe from sexual assault, abuse or harassment.

### Summary of KCSO 2018 facility reports

Upon the completion of an 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 was 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 (CRF) 2018 report shows a decrease in the number of reported sexual assault, abuse and harassment incidents from the previous year. In 2017, there were 7 reported incidents and in 2018, there were 5 reported incidents. The number of reports for nonconsensual sexual acts increased from 0 to 2, but reports of abusive sexual contact decreased. Of the 5 allegations in 2018, 3 were for inmate-on-inmate abuse and 2 were allegations against staff. All reports were thoroughly investigated.

The five incidents reported are listed below with a brief synopsis.

*For inmate privacy and confidentiality, all personal identifying information has been redacted.*

- **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 sexually assaulted during a prior booking, but refused to provide the investigator further information to investigate the allegation.
  - 1 unfounded report of nonconsensual sexual act. The reporting inmate alleged being knocked unconscious and then sexually assaulted. Investigation of this allegation included a physical exam by a Sexual Assault Nurse Examiner (SANE) 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 staff misconduct during the search and that the supervisor 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 additional information to investigators with or without an advocate present. Review of video surveillance did not support the allegation against KCSO staff at CRF.

KCSO is reporting that allegations against staff have been fully investigated by KCSO's Sexual Assault and Abuse Investigations Unit (SMIU) and were determined to be unsubstantiated based on all available evidence.

#### Mojave and Ridgecrest Substations

In the report year 2018, KCSO's Mojave and Ridgecrest Facilities did not receive any reports of sexual abuse. The Ridgecrest Facility stopped receiving and housing inmates on June 30, 2016. Both Mojave and Ridgecrest were audited in 2018 and received updated certifications of compliance with PREA standards from a certified auditor.

#### Lerdo Minimum

KCSO's Minimum Facility report for 2018 shows a decrease in reported sexual abuse and harassment incidents from the previous year. In 2017, there were 3 reported incidents and in 2018, there were 0 reported incidents. In May of 2018, the majority of inmates housed at the Male Minimum Facility were rehoused amongst the Pre-Trial, Maximum-Medium and Justice Facilities. The Maximum-Medium Facility assumed supervision of the remaining housing units open at the Minimum Facilities. In June of 2018, all inmates housed at Female Minimum were rehoused to the Maximum-Medium Facility. In November of 2018, all remaining inmates housed at Male Minimum were rehoused and the facility was closed for repairs. Although currently closed, the Minimum Facilities will be audited in 2019 due to the fact that they were operational at the beginning of the current audit cycle.

#### Lerdo Maximum-Medium

KCSO's Maximum-Medium Facility report for 2018 shows an overall decrease in reported nonconsensual sexual acts, abuse and harassment allegations. In 2017, there were 12 reported incidents and in 2018, there were 8 reported incidents. Reports of abusive sexual contact increased from 0 to 2 during 2018. Both reported incidents of abusive sexual contact were related to acts of horseplay between inmates.

The Maximum-Medium PREA team is pleased with the reduced numbers of incidents reported at the facility. The addition of surveillance cameras in the dorms has been a significant factor in this reduction.

The eight incidents reported are listed below with a brief synopsis.

For inmate privacy and confidentiality, all personal identifying information has been redacted.

- Nonconsensual sexual acts - Inmates claimed to have been sexually assaulted either with force or by pressure.
  - 1 unsubstantiated report of a nonconsensual sexual act. The reporting inmate alleged being forced into performing sex acts, but video evidence did not support this allegation. The reporting inmate refused to allow investigators to collect evidence the inmate claimed to have.
  - 2 unfounded reports of nonconsensual sexual acts. In one incident, the reporting inmate was found not to have been in custody during the time they alleged the assault occurred. In the second incident, the investigation proved the reporting inmate had been housed alone without a cellmate. Video surveillance proved they had not been assaulted.
- Abusive sexual contact - Inmates claimed to have been touched by another inmate.
  - 2 substantiated reports of abusive sexual contact. Both of the reported incidents were in relation to an act of horseplay. In one incident, the suspect received disciplinary sanctions for facility rule violations. In the second incident, both parties mutually engaged in horseplay of a sexual nature. The individuals were separated and disciplinary sanctions for facility rule violations were requested.
  - 1 unfounded report of abusive sexual contact. The reporting inmate provided a timeline of the allegation, but refused to provide additional details to aid with further investigation. Review of video surveillance disproved the allegation.
- Sexual harassment- Inmates stated they were told to perform a sexual act, subjected to a view of an unclothed inmate or ongoing and unwanted verbal communication of a sexual nature.
  - 2 unsubstantiated reports of sexual harassment. One reporting inmate made allegations which appeared to be a part of a manipulation tactic to be rehoused. This reporting inmate was found to have been an informant from another housing area. The second reporting inmate indicated they had concerns about their safety when housed at the Maximum-Medium Facility, but refused to provide additional details to investigators or the victim advocate about their safety concerns.

#### Lerdo Pre-Trial

KCSO's Pre-Trial Facility report for 2018 shows an increase in reported sexual abuse and harassment incidents from the previous year. In 2017, there were 18 reported incidents and in 2018, there were 26 reported incidents. As KCSO's largest detentions facility, Pre-Trial contains both male and female housing units, a full infirmary and an Admission, Evaluation and Stabilization (AES) center to restore individuals who have been determined to be incompetent to stand trial.

In 2018, Pre-Trial was audited by a certified Department of Justice PREA auditor. The auditor reviewed policies and procedures, and the documentation of all reported incidents. The auditor interviewed staff members of all ranks and spoke with inmates to make sure that KCSO follows its zero-tolerance policy and that all reported incidents receive a complete and thorough investigation. Pre-Trial was certified as 100% compliant with standards for this audit.

There were three substantiated allegations of abusive sexual contact during the 2018 reporting year. The witnesses who saw the acts actually take place, cooperated with the investigation. The suspect in one incident admitted to the allegation. Video surveillance evidence reviewed in these cases provided the required evidence to substantiate the allegations.

There were five allegations of staff sexual misconduct during the 2018 reporting year. All were thoroughly investigated. Evidence such as video surveillance and/or lack of physical evidence located during a medical exam proved these allegations to be unfounded. KCSO's Sexual Assault and Abuse Investigative Unit (SAAIU) conducted or supervised all investigations of allegations against staff members.

False reports of incidents still occur and through detailed investigation, along with a thorough review of reported incidents, have revealed a trend of "inmate manipulation" i.e.; making false allegations in order to be moved from a particular housing unit. The reasons varied from wanting to be housed with friends, to alleged victims threatened for stealing, or incurring debts with other inmates that they either could not or did not want to repay.

The 26 reported incidents are listed below with a brief synopsis.

*For inmate privacy and confidentiality, all personal identifying information has been redacted.*

- Nonconsensual sexual acts- Inmates claimed to have been sexually assaulted either with force or by pressure.
  - 4 unsubstantiated reports of nonconsensual sexual acts. One reporting inmate alleged to have been held down and assaulted by three suspects. There was no physical evidence or witnesses located during the investigation to support this allegation. Two of these incidents were reported by inmates several months after the date they were alleged to have occurred. Due to the length of time elapsed from the date of the incident being reported, investigators were not able to recover any evidence or interview witnesses who could substantiate the allegations. The last reporting inmate made an allegation that they had been abused, but refused to provide investigators with additional details or information.
  - 4 unfounded reports of nonconsensual sexual acts. Three of these reported incidents involved inmates who alleged someone was entering their cells at night to sexually assault them. Investigators reviewed video surveillance footage of their housing units, based on dates and times provided by the reporting inmates, and did not locate any evidence to substantiate the allegations. In the fourth reported incident, further investigation revealed that the sexual act was consensual.
- Abusive sexual contact -Inmates claimed to have been touched by another inmate.

- 3 substantiated reports of abusive sexual contact. The first reporting inmate was physically touched by another inmate without consent while out to court. The nonconsensual contact was witnessed by a deputy who immediately intervened. A criminal complaint was submitted, however the District Attorney's Office declined to proceed with charges, in the furtherance of justice. The second reporting inmate alleged they were touched by their cellmate. The suspect admitted to the touching and received disciplinary sanctions for facility rule violations. The third reporting inmate alleged they were touched without their consent. The investigation revealed that this incident occurred during an act of horseplay where the suspect struck the reporting inmate in the genitals.
- 5 unsubstantiated reports of abusive sexual contact. The first reporting inmate said that their cellmate held their chest. During the investigation, no witnesses or evidence could be located. The second reporting inmate (who was a witness in another reported incident) told investigators they had been a victim of inappropriate touching of their breasts and genitals. The inmate reported the incident several months after it was alleged to occur, but could not provide investigators with enough detail to investigate further. The third reporting inmate alleged that they woke up and felt as though they had been touched. Investigators were not able to locate witnesses or video evidence to support this allegation. The fourth reporting inmate alleged being touched without consent. Investigators were not able to locate witnesses or video evidence to support the allegation. The fifth reporting inmate alleged being touched inappropriately, but refused to cooperate with investigators to locate any witnesses or evidence to substantiate their allegation.
- Sexual harassment - Inmates stated that they were told to perform a sexual act, subjected to a view of an unclothed inmate or ongoing and unwanted verbal communication of a sexual nature.
  - 3 unsubstantiated reports of sexual harassment. The first reporting inmate alleged being harassed by the suspect after refusing to give them money. The second reporting inmate claimed to have been forced to view another inmate undressing. The third reporting inmate alleged their cellmate repeatedly spoke about sexual matters. All three alleged incidents occurred inside the assigned cell of the reporting inmate. No witnesses were identified and there was no video or audio evidence to be reviewed in these allegations.
  - 1 unfounded report of sexual harassment. The reporting inmate alleged they were harassed by another inmate. Video surveillance shows that the inmates never had any contact with each other and were never seen speaking to each other.
- Staff sexual misconduct -Inmates alleged staff inappropriately assaulted or abused them.
  - 5 unfounded reports of staff sexual misconduct. The first reporting inmate alleged that staff touched them in a sexual manner. Video surveillance of the incident showed that physical contact by staff was incidental to a use of force to gain control of the inmate who was actively harming themselves at the time. The second reporting inmate alleged that while at court, staff penetrated them with a

foreign object. 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. The third reporting inmate alleged improper searching. Review of video evidence showed staff performed the search properly and in accordance with policy and training. The fourth reporting inmate believed staff was entering their cell at night. Video surveillance of the time reported proved that this never happened. The fifth reporting inmate alleged that staff had digitally penetrated them while in the emergency room for treatment at a local hospital. Local police and hospital security were both present during the entire incident and confirmed that the alleged act never had happened. All cases were reviewed and or investigated by KCSO's Sexual Assault and Abuse Investigations Unit.

- Staff sexual harassment – Inmates alleged that staff made verbally offensive comments towards them.
  - 1 unfounded report of staff sexual harassment. The reporting inmate made an allegation that a deputy had harassed them by making comments about their sexual orientation. Multiple witnesses were identified and interviewed and did not corroborate the reporting inmate's statement. All witnesses gave a statement that the reporting inmate was upset about being written up for violation of rules.

#### Lerdo Justice

KCSO's Justice Facility report for 2018 has no comparative data. Construction of the Justice Facility was completed in March 2018. The Justice Facility began housing inmates in May of 2018. The Justice Facility is built to modern standards with the most current technology and security features. While primarily designed as a facility that can offer the most inmate programs and mental health services, inmates of varying classifications and security levels are housed at the Justice Facility.

The 10 reported incidents are listed below with a brief synopsis.

*For inmate privacy and confidentiality, all personal identifying information has been redacted.*

- 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 proved 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 prove 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 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 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 there was no unusual communication by female staff through the televisions or intercom system.

Each of KCSO's 2018 facility reports can be viewed at <http://www.kernsheriff.org/orea>

In conclusion, KCSO investigated a total of 49 reports in 2018. Of those, 7 can be considered credible reports of nonconsensual sexual acts, abuse or harassment. The number of substantiated reports from 2017 remained the same as the current year 2018. The video surveillance systems which are in place at all facilities have been an excellent tool in our investigations by providing evidence to substantiate or disprove allegations, and as a deterrent to new crimes.

The KCSO PREA Compliance team believes we have seen an improvement in obtaining cooperation while investigating reported incidents. Inmates seem to have confidence that their reports will be taken seriously, investigated thoroughly and that they will be treated with respect.

KCSO continues to see reluctance from victims related to the identification of suspects. This can be attributed to cultural stigmas amongst inmates that discourage cooperation with law enforcement. This has been mitigated somewhat by the expansion of video surveillance within all KCSO Facilities. Although a victim may not be willing to identify a suspect, we have a greater chance of identifying the suspect or locating witnesses through the review of video surveillance evidence.

KCSO remains strongly committed to compliance with the PREA standards and will continue to enforce a zero-tolerance policy. The KCSO PREA Compliance team continues to look for ways that we can improve our PREA program through the review of policies, and reported incidents, in an effort to identify any contributing factors or areas where we can improve our procedures.

We remain optimistic that continued enforcement of the PREA standards, combined with our inmate educational programs, will help us decrease and/or eliminate all forms of nonconsensual sexual acts, sexual abuse and sexual harassment within our facilities.

Sincerely,

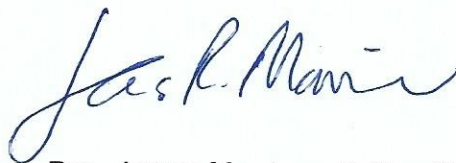
DONNY YOUNGBLOOD, Sheriff-Coroner



By: Tyson Davis, Chief  
Detentions Bureau

**Note:** This report was amended in October of 2019 to include the nature of redacted information and the reason for the redactions. The amended text is underlined and in *italics*.

Amended report approved on 11/14/19  
(Date)



By: James Morrison, Acting Chief Deputy  
Detentions Bureau