



KERN COUNTY SHERIFF'S OFFICE ANNUAL PRE-TRIAL JAIL FACILITY PREA REVIEW REPORT

The Kern County Sheriff's Office (KCSO) PREA compliance team and the Pre-Trial 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 Pre-Trial 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 Pre-Trial 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 Pre-Trial 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.

As one of the two largest jail facilities within the Detentions Bureau, Pre-Trial is one of the Sheriff's most secure facilities and houses most of the inmates with longer sentences, more serious charges, mental health issues and/or protective housing needs. With multiple inmate demographics, Pre-Trial is also the facility with the most reported sexual abuse incidents.

During 2018, the average daily inmate population was 833. Pre-Trial had 26 reportable incidents in 2018. All reported incidents were thoroughly investigated.

The 26 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.
 - 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 breast 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 two 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 of this allegation 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 showed 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 sexual assault and abuse investigators.

- 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.

Examination of all reported incidents revealed several commonalities.

Many incidents took place inside an inmate's cell and not in a common room. Facility video surveillance does not generally provide a view inside of individual cells. When allegations are reported to have occurred inside a cell, investigators will attempt to identify witnesses who may have heard the incident from an adjacent cell, or seen something through a cell window. Lack of corroborating statements from such witnesses and a review of reported incidents, indicates that inmates may be using these allegations as a way to manipulate their housing. The reporting inmate usually makes a statement that they have been touched or harassed by a cellmate, which results in one of the inmates being rehoused to a different area with separation orders ("keep-a-ways") entered in the Jail Management System (JMS) for all involved inmates.

The number of reported incidents indicates that inmates have become more comfortable with reporting abuse. This can be attributed to the persistent reinforcement of KCSO's zero-tolerance policy towards sexual abuse, assault and harassment and the swift response of investigators. Ongoing inmate education about their rights under PREA and the prevalence of informational posters in the housing units reinforce KCSO's commitment. The team has also made it known that inmates will be held accountable for filing false reports.

The last commonality is the use of video surveillance as a tool to prove or disprove allegations. The use the video surveillance system to locate evidence of assault/abuse allegations has improved our agency's ability to investigate allegations and serves as a deterrent.

KCSO continues to work on increasing the number of cameras within its jails, as funding becomes available, to increase the overall safety of the inmates who are housed there.

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: Pre-Trial Facility

Average daily inmates: 833

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: 7

This period reported allegations of inmate-on-inmate NONCONSENSUAL SEXUAL ACTS: 8

Prior period substantiated: 0

Prior period unsubstantiated: 2

This period substantiated: 0

This period unsubstantiated: 4

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: 4

Prior period investigation ongoing: 1

This period unfounded: 4

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: 4

This period reported allegations of inmate-on-inmate ABUSIVE SEXUAL CONTACT: 8

Prior period substantiated: 1

Prior period unsubstantiated: 2

This period substantiated: 3

This period unsubstantiated: 5

Prior period unfounded: 1

Prior period investigation ongoing: 0

This period unfounded: 0

This period investigation ongoing: 0

Prior period reported allegations of inmate-on-inmate sexual harassment : 6

This period reported allegations of inmate-on-inmate SEXUAL HARASSMENT : 4

Prior period substantiated: 0

Prior period unsubstantiated: 2

This period substantiated: 0

This period unsubstantiated: 3

Prior period unfounded: 3

Prior period investigation ongoing: 1

This period unfounded: 1

This period investigation ongoing: 0

Prior period reported allegations of staff sexual misconduct : 3

This period reported allegations of STAFF SEXUAL MISCONDUCT : 5

Prior period substantiated: 0

Prior period unsubstantiated: 0

This period substantiated: 0

This period unsubstantiated: 0

Prior period unfounded: 2

Prior period investigation ongoing: 1

This period unfounded: 5

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
Location of abuse in allegation(s) (more than one may apply to each incident)	Victims' cell:	9	13	Times of specific incident(s)	Morning (6 a.m. to noon)	3	3
	Perpetrator's cell:	1	0		Afternoon (noon to 6 p.m.)	2	10
	Dorm / multiple cell:	0	0		Evening (6 p.m. to midnight)	1	5
	Common area:	1	6		Overnight (midnight to 6 a.m.)	0	1
	Holding cell:	0	2		Time unknown	11	7
	Shower / toilet area:	0	0				
	Instructional area:	0	0				
	Recreation area:	0	0				
	Medical area:	1	0				
	Staff area:	0	0				
	Offsite / in transit:	1	4				
Other:	6	1					

		Prior period	This period			Prior period	This period
Video monitoring available	Number of allegations "yes"	1	14	Abuse victim's gender / sexual orientation by allegation	Male:	11	16
	Number of allegations "no"	17	12		Female:	7	10
					Lesbian, gay, bisexual	0	2
					Transgender, intersex	0	1
Abuse victim's age by specific allegation	18 – 24:	1	5	Abuse victim's ethnicity / race by allegation	White:	10	15
	25 – 29:	2	6		Black:	5	6
	30 – 34:	6	4		Hispanic:	3	5
	35 – 39:	3	3		American Indian:	0	0
	40 – 44:	3	3		Asian:	0	0
	45 – 54:	2	4		Pacific Islander:	0	0
	55 or older:	1	1		Other:	0	0

Perpetrator Section

		Prior period	This period			Prior period	This period
Physical injuries reported	Number of allegations "yes"	1	0	Perpetrator's gender / sexual orientation by allegation	Male:	5	24
	Number of allegations "no"	17	26		Female:	4	3
			Lesbian, gay, bisexual		0	0	
			Transgender, intersex		0	1	
Perpetrator's age by specific allegation	18 – 24:	0	2	Perpetrator's ethnicity / race by allegation	White:	4	7
	25 – 29:	3	3		Black:	4	5
	30 – 34:	2	1		Hispanic:	1	3
	35 – 39:	2	4		American Indian:	0	0
	40 – 44:	1	2		Asian:	0	0
	45 – 54:	1	1		Pacific Islander:	0	0
	55 or older:	0	0		Other:	0	13
Nature of incident (more than one may apply to each incident)	Voluntary sexual contact between inmates:	1	1	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:	4	4		Bribery or blackmail:	0	0
	Indecent exposure, masturbation, or voyeurism:	0	1		Sexual harassment, sexual innuendo, verbal comments:	6	4
	Horseplay:	0	1		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:	2	20
	Unwanted touching for sexual gratification or abusive sexual contact:	5	9		Gave victim drugs or alcohol:	0	0
	Pressure, coercion w/o force resulting in a nonconsensual sexual act:	0	6		Offered protection from other inmates:	0	0
	Physical force or threat of force resulting in a nonconsensual sexual act:	3	2		Threatened with physical harm:	0	0
	Other:	5	3		Physically harmed or injured:	2	0
					Physically held victim down or restrained:	0	2
			Other:	7	0		

Staff Section

		Prior period	This period			Prior period	This period
Staff	Allegations against staff:	3	6	Staff employment status	Full / part time paid:	3	6
	Male:	3	4		Contract / vendor:	0	0
	Female:	0	2		Volunteer / intern:	0	0
Staff age by allegation	18 – 24:	0	0	Staff ethnicity / race by allegation	White:	3	2
	25 – 29:	2	5		Black:	0	0
	30 – 34:	1	0		Hispanic:	0	1
	35 – 39:	0	0		American Indian:	0	0
	40 – 44:	0	1		Asian:	0	0
	45 – 54:	0	0		Pacific Islander:	0	0
	55 or older:	0	0		Other:	0	3
Nature of allegation or incident involving staff (more than one may apply to each incident)	Physical force resulting in nonconsensual sexual act:	1	3	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:	3	6
	Indecent exposure, invasion of privacy, voyeurism for sexual gratification:	0	1		Clerical, receptionist, other administrative support staff:	0	0
	Unwanted touching for sexual gratification:	2	2		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			

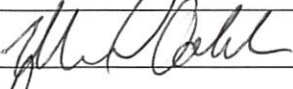
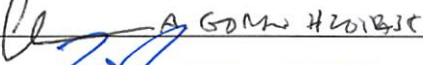

Sanctions / Corrective Actions

		Prior period	This period			Prior period	This period
Perpetrator sanctions <small>(more than one may apply to each incident)</small>	Transferred to other housing unit or facility:	6	20	Employee / Contractor sanctions <small>(more than one may apply to each incident)</small>	Sent to training or counseling:	0	0
	Administratively segregated:	0	0		Reprimanded or disciplined:	0	0
	Disciplinary separation, or loss of visits / commissary:	0	3		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:	1	0		Administrative leave, referred for prosecution:	0	0
	No action, perpetrator identify unknown:	11	12		Staff resigned prior to investigation conclusion:	0	0
	Referred to DA for prosecution:	0	1		Convicted, plea deal, or sentenced, employment terminated:	0	0
	Other this year:	When the victims refuse to cooperate in the investigation of their allegations, we cannot impose sanctions in these cases.			Other this year:	Allegations against staff were completely investigated. Video evidence and witness testimony prove the allegation never occurred.	

Comments: The lack of cooperation from victims in further investigation of their allegations has affected our ability to hold alleged suspects accountable. Review of reported incidents shows inmates are still using reporting of PREA allegations as a means of manipulating their housing. KCSO enforces a zero-tolerance policy and takes all allegations seriously. All allegations receive a thorough investigation even without the cooperation of the reporting individual.

Facility changes needed, or reasoning if none: Funding was recently secured to expand the surveillance camera system at Pre-Trial. These cameras are the Sheriff's Office's best source of evidence to hold perpetrators accountable and to reduce allegations of any type of assault.

Agency changes needed, or reasoning if none: No specific agency changes are necessary as we continue to meet all standards and reasonable measures remaining in place to prevent, detect and eliminate all forms of sexual assault, abuse and harassment. The PREA compliance team continually looks for areas of improvement and implements changes when needed.

Facility manager:	Lieutenant Dobbs		Date:	5-17-19
PREA Coordinator:	Lieutenant Gordon		Date:	5/20/19
Agency head or designee:	Commander Posey		Date:	5/30/19