



KERN COUNTY SHERIFF'S OFFICE ANNUAL MAXIMUM-MEDIUM JAIL FACILITY PREA REVIEW REPORT

The Kern County Sheriff's Office (KCSO) PREA compliance team and the Maximum-Medium (Max-Med) facility manager have prepared this report to inform the public about the agency's and facilities efforts to prevent, detect, and respond to sexual abuse.

The Maximum-Medium (Max-Med) 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 Max-Med 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 Max-Med 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 Detention Bureau administration staff with a recommendation for change in policy, practice, or a facility specific issue.

The KCSO Detentions Bureau has continued with its goal of being 100% compliant with the PREA standards. The Max-Med facility was most recently audited for compliance in 2017 and maintained 100% compliance with all standards issued by the Department of Justice. In the 2017 audit, Max-Med was found to exceed the minimum standards in two areas: Supervision & Monitoring and Use of Screening Information. This means staff are going above the required minimum duties to ensure the safety of all persons housed at Max-Med. Multiple security checks and the use of screening information keeps potential predators away from potential victims.

During 2017, the average daily inmate population of the Max-Med facility was 380. Max-Med had 12 reported PREA incidents in 2017. All reported incidents involved inmate on inmate abuse and were thoroughly investigated.

The 12 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.
 - 4 unsubstantiated reports of nonconsensual sexual acts. Evidence was not sufficient to confirm the allegations.
 - 2 unfounded reports of nonconsensual sexual acts. Reporting inmates were in a single cell and never had any contact with another person at the time of the allegation.
- Abusive sexual contact - Inmates claimed to have been touched by another inmate.
 - 1 substantiated report of abusive sexual contact. This was in relation to an act of horseplay.

- 1 unfounded report of abusive sexual contact. The reporting inmate alleged being forced to touch others, but through investigation it was determined to be an attempt at housing manipulation.
- Sexual harassment - Inmates stated they were told to perform a sexual act or subjected to view an unclothed inmate in the housing area.
 - 2 substantiated reports of sexual harassment. These reports were substantiated through witness statements and/or suspects admitting to the allegation.
 - 2 unfounded reports of sexual harassment. After investigation, these allegations appear to have been a manipulation tactic to be rehoused from an open dorm setting to a single or double occupancy cell.

The reported incidents took place in single cells or dormitory style housing. All cells were under direct observation. There was no camera surveillance system in place at the time of the alleged incidents. Even though an area is under direct observation, staff assigned to the dorms split their observations between two adjacent dorms.

The Max-Med staff and PREA compliance team did not find any outstanding factors under KCSO's control that contributed to the reported incidents. There were also no underlying racial or sexual orientation influences identified as contributing factors.

Though the numbers of reported incidents increased from eight to twelve, the Max-Med facility manager and PREA compliance team are pleased inmates were comfortable in reporting to staff any unwelcome advances. This sends the message of zero tolerance to potential abusers while empowering victims to manage their own safety.

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;

- 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 report 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.*

Facility: Max-Med Facility

Average daily inmates: 380

This period: 1/1/17 to 12/31/17

Prior period: 1/1/16 to 12/31/16

Prior period reported allegations of inmate-on-inmate nonconsensual sexual acts:	3
This period reported allegations of inmate-on-inmate NONCONSENSUAL SEXUAL ACTS:	6
Prior period substantiated:	0
Prior period unsubstantiated:	1
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:	2
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:	4		
This period reported allegations of inmate-on-inmate ABUSIVE SEXUAL CONTACT:	2		
Prior period substantiated:	1	Prior period unsubstantiated:	2
This period substantiated:	1	This period unsubstantiated:	0
Prior period unfounded:	1	Prior period investigation ongoing:	0
This period unfounded:	1	This period investigation ongoing:	0

Prior period reported allegations of inmate-on-inmate sexual harassment :	1		
This period reported allegations of inmate-on-inmate SEXUAL HARASSMENT :	4		
Prior period substantiated:	0	Prior period unsubstantiated:	0
This period substantiated:	2	This period unsubstantiated:	0
Prior period unfounded:	1	Prior period investigation ongoing:	0
This period unfounded:	2	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 :	0		
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:	0	Prior period investigation ongoing:	0
This period unfounded:	0	This period investigation ongoing:	0

Incident Information – Victim Section

Location of abuse in allegation(s) (more than one may apply to each incident)	Prior period	This period	Times of specific incident(s)	Prior period	This period
	Victims' cell:	2		1	Morning (6 a.m. to noon)
Perpetrator's cell:	0	0	Afternoon (noon to 6 p.m.)	5	1
Dorm / multiple cell:	6	3	Evening (6 p.m. to midnight)	3	1
Common area:	0	0	Overnight (midnight to 6 a.m.)	0	0
Holding cell:	0	0	Time unknown	0	8
Shower / toilet area:	0	1			
Instructional area:	0	0			
Recreation area:	0	0			
Medical area:	0	0			
Staff area:	0	0			
Offsite / in transit:	0	0			
Other:	0	7			

Video monitoring available		Prior period	This period	Abuse victim's gender / sexual orientation by allegation	Prior period	This period
		Number of allegations "yes"	0		0	Male:
Number of allegations "no"	8	12	Female:	0	0	
			Lesbian, gay, bisexual	0	1	
			Transgender, intersex	0	1	

Abuse victim's age by specific allegation		Prior period	This period	Abuse victim's ethnicity / race by allegation	Prior period	This period
		18 – 24:	2		3	White:
25 – 29:	4	3	Black:	0	1	
30 – 34:	1	3	Hispanic:	4	3	
35 – 39:	1	4	American Indian:	0	0	
40 – 44:	0	0	Asian:	0	0	
45 – 54:	0	0	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:	12	5	Female:
Number of allegations "no"		8	12	Lesbian, gay, bisexual	0		0			
				Transgender, intersex	0		0			

Perpetrator's age by specific allegation	18 – 24:		0	1	Perpetrator's ethnicity / race by allegation	White:		2	2
	25 – 29:		5	2		Black:		3	0
	30 – 34:		1	2		Hispanic:		4	3
	35 – 39:		4	0		American Indian:		0	0
	40 – 44:		2	0		Asian:		0	0
	45 – 54:		0	0		Pacific Islander:		0	0
	55 or older:		0	0		Other:		3	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	4		Bribery or blackmail:		0	0
	Indecent exposure, masturbation, or voyeurism:		0	1		Sexual harassment, sexual innuendo, verbal comments:		1	5
	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:		6	0
	Unwanted touching for sexual gratification or abusive sexual contact:		5	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:		1	3		Threatened with physical harm:		0	0
	Other:		1	4		Physically harmed or injured:		0	1
				Physically held victim down or restrained:		1	0		
				Other:		0	6		

Staff Section

Staff			Prior period	This period	Staff employment status			Prior period	This period
	Allegations against staff:		0	0		Full / part time paid:		0	0
	Male:		0	0		Contract / vendor:		0	0
	Female:		0	0		Volunteer / intern:		0	0
				Other:		0	0		

Staff age by allegation			Prior period	This period	Staff ethnicity / race by allegation			Prior period	This period
	18 – 24:		0	0		White:		0	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:		0	0		Pacific Islander:		0	0
	55 or older:		0	0		Other:		0	0


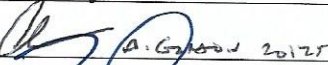

Nature of allegation or incident involving staff (more than one may apply to each incident)			Prior period	This period	Position of staff for allegation or incident (more than one may apply to each incident)			Prior period	This period
	Physical force resulting in nonconsensual sexual act:		0	0		Administrator, 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	0
	Indecent exposure, invasion of privacy, voyeurism for sexual gratification:		0	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:	2	5	Employee / Contractor sanctions (more than one may apply to each incident)	Sent to training or counseling:	0	0
	Administratively segregated:	0	0		Reprimanded or disciplined:	0	0
	Disciplinary separation, 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:	3	7		Staff resigned prior to investigation conclusion:	0	0
	Referred to DA for prosecution:	3	0		Convicted, plea deal, or sentenced, employment terminated:	0	0
	Other this year:				Other this year:		

Comments: There is still a trend of inmates attempting to manipulate their housing assignments by making false allegations. To counter this and improve security, Max-Med started a security surveillance camera project this year. The cameras have been installed and are set to begin active recording of all housing areas in early 2018. These cameras will provide additional evidence to aid in all PREA investigations.

Facility changes needed, or reasoning if none:	Max-Med has continued in the process of installing a new security surveillance system with additional cameras and recording capabilities. These cameras will also have increased resolution to provide greater detail of events. This new system should help in deterring new assaults.
Agency changes needed, or reasoning if none:	None, same as above.

Facility manager:	Lieutenant Wright 	Date: 5/10/18
PREA Coordinator:	Lieutenant Gordon 	Date: 5/10/18
Agency head or designee:	Commander Posey 	Date: 5-10-18