



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.

The Minimum Jail Facility is a facility which consists of separate male and female compounds. As 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 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 Detention Bureau administration staff with a recommendation for change in policy, practice, or a facility specific issue.

During 2017, the average daily inmate population of the male Minimum facility was 542 and the average daily inmate population of the female Minimum facility was 89. The Minimum facilities have dormitory style housing (open area sleeping) which averages around 40 inmates per dorm.

The Minimum facilities only had three reportable incidents. No incidents were reported from the male section of the facility. All incidents were thoroughly investigated.

The three reported incidents are listed below with a brief synopsis of each incident:

- Nonconsensual sexual acts – Inmates claimed to have been sexually assaulted either with force or by pressure.
 - 1 unfounded report of nonconsensual sexual act. The reporting inmate claimed to have been attacked by a ghost or spirit.
- Abusive sexual contact – Inmates claimed to have been touched by another inmate.
 - 1 substantiated report of abusive sexual contact. The reporting inmate claimed unwanted touching by another inmate. The investigation revealed that the suspect did touch the victim without permission. A criminal complaint request was sent to the District Attorney's office for criminal prosecution of the suspect in this case. The DA chose not to send the case to trial.
- Staff sexual harassment – Inmates claimed to have been sexually harassed by deputies.
 - 1 unfounded report of staff sexual harassment. The reporting inmate claimed that staff made inappropriate comments of a sexual nature. This allegation was investigated by KCSO's Internal Affairs Unit and Sexual Assault Abuse Investigations Unit. The investigation included

interviews of other inmates nearby at the time of the allegation, as well as review of video and audio of the area where the incident was alleged to have occurred. The investigation reviewed the evidence and determined this report to be unfounded.

The Minimum facility generally does not receive reports of sexual abuse. Inmates at Minimum enjoy increased freedom, work opportunities and in person visitation. These benefits may be partly responsible for the lack of sexual abuse incidents.

Even with a low incident rate, KCSO maintains the same focus and goals that resulted in its previous compliance approval rating. KCSO maintains efforts to ensure inmates in our custody remain free from sexual abuse. These efforts have been achieved through enacting policies and procedures. The efforts include an extensive screening process that each inmate goes through that determines the most suitable and safest housing available.

Minimum provides continued reminders of KCSO's zero tolerance policy to the inmates housed there. A PREA education video informs inmates of their rights if they are abused and ways to avoid abuse. Posters in the facility cover what to do if they are abused and reminds them about how to report abuse to outside sources or request counseling for past sexual abuse.

Minimum facility's next PREA audit cycle will begin in 2018 and conclude in 2019.

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;

- 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: Minimum Facility

Average daily inmates: 631

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: 0

This period reported allegations of inmate-on-inmate NONCONSENSUAL SEXUAL ACTS: 1

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: 0

Prior period investigation ongoing: 0

This period unfounded: 1

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:	1
Prior period substantiated:	0
Prior period unsubstantiated:	0
This period substantiated:	1
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 :	1
This period reported allegations of inmate-on-inmate SEXUAL HARASSMENT :	0
Prior period substantiated:	0
Prior period unsubstantiated:	1
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 :	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) <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)	0	2
	Perpetrator's cell:	0	0		Afternoon (noon to 6 p.m.)	0	1
	Dorm / multiple cell:	0	2		Evening (6 p.m. to midnight)	0	0
	Common area:	1	0		Overnight (midnight to 6 a.m.)	0	0
	Holding cell:	0	0		Time unknown	1	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:	0	1				
Other:	0	0					

		Prior period	This period			Prior period	This period
Video monitoring available	Number of allegations "yes"	0	1	Abuse victim's gender / sexual orientation by allegation	Male:	1	0
	Number of allegations "no"	1	0		Female:	0	3
					Lesbian, gay, bisexual	0	0
					Transgender, intersex	0	0

		Prior period	This period			Prior period	This period
Abuse victim's age by specific allegation	18 – 24:	0	0	Abuse victim's ethnicity / race by allegation	White:	1	2
	25 – 29:	0	1		Black:	0	0
	30 – 34:	0	0		Hispanic:	0	1
	35 – 39:	0	2		American Indian:	0	0
	40 – 44:	1	0		Asian:	0	0
	45 – 54:	0	0		Pacific Islander:	0	0
	55 or older:	0	0		Other:	0	0

Perpetrator Section

Physical injuries reported		Prior period	This period	Perpetrator's gender / sexual orientation by allegation		Prior period	This period
		Number of allegations "yes"	0			0	Male:
Number of allegations "no"	1	0	0	Female:	0	1	
				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	1
		25 – 29:	0	0			Black:	0	0
		30 – 34:	1	0			Hispanic:	0	1
		35 – 39:	0	0			American Indian:	0	0
		40 – 44:	0	0			Asian:	0	0
		45 – 54:	0	2			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	1			Bribery or blackmail:	0	0
		Indecent exposure, masturbation, or voyeurism:	0	0			Sexual harassment, sexual innuendo, verbal comments:	1	1
		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:	0	1
		Unwanted touching for sexual gratification or abusive sexual contact:	0	1			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:	0	1			Physically harmed or injured:	0	0
				Physically held victim down or restrained:	0	0			
				Other:	0	1			

Staff Section

Staff		Prior period	This period	Staff employment status	Prior period	This period
	Allegations against staff:	0	0		Full / part time paid:	0 1
	Male:	0	1		Contract / vendor:	0 0
	Female:	0	0		Volunteer / intern:	0 0
					Other:	0 0

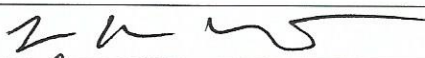
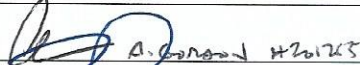

Staff age by allegation		Prior period	This period	Staff ethnicity / race by allegation	Prior period	This period
	18 – 24:	0	0		White:	0 1
	25 – 29:	0	0		Black:	0 0
	30 – 34:	0	0		Hispanic:	0 0
	35 – 39:	0	0		American Indian:	0 0
	40 – 44:	0	0		Asian:	0 0
	45 – 54:	0	1		Pacific Islander:	0 0
	55 or older:	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 1
	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	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:	0	1	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:	1	0		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:				Other this year:	Allegation ruled unfounded no discipline issued.					

Comments:	Cameras have been installed in the newer model barracks and will be monitored as part of the new Max-Med facility camera system.
Facility changes needed, or reasoning if none:	No changes required as no incidents were exacerbated by facility design or function.
Agency changes needed, or reasoning if none:	None

Facility manager:	Lieutenant Wright		Date: 5/10/18
PREA Coordinator:	Lieutenant Gordon	 A. Gordon #201263	Date: 5/16/18
Agency head or designee:	Commander Posey	 #708	Date: 5-10-18