



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

The Kern County Sheriff's Office (KCSO) PREA compliance team and the Pretrial Jail 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 Pretrial 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 Pretrial 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 Pretrial 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 was 972. As the largest of KCSO's jail facilities, Pretrial is currently the Sheriff's most secure facility and houses most of the inmates with longer sentences, more serious charges, mental health issues and/or protective housing needs.

With multiple inmate demographics, Pretrial is also the facility with the most reported sexual abuse incidents. In 2017 Pretrial had 18 reportable incidents. All incidents were fully investigated according to KCSO policies. At the beginning of 2017, two incidents were still open for further investigation, but have since been completed.

The 18 reported incidents are listed below with a brief synopsis:

- Nonconsensual sexual acts - Inmates claimed to have been sexually assaulted either with force or by pressure.
 - 2 unsubstantiated reports of nonconsensual sexual acts. The victims reported these incidents several months or years after the incident was alleged to have occurred. Due to this delay, there was no evidence that could be collected and used to substantiate their allegation.
 - 4 unfounded reports of nonconsensual sexual acts. In all four of these reported incidents, video evidence and witness testimony proved that these allegations never occurred and that the victims were manipulating their housing assignments over debts owed.
 - 2 unfounded reports of sexual assault by staff. In the first reported incident, an inmate claimed to have been sexually assaulted during an incident where staff used force to gain control of the inmate while in an observation cell. Video surveillance of the incident revealed the allegation made never occurred. In the second reported incident, an inmate claimed to have been sexually assaulted during an incident where staff used force to gain control of the inmate while they were receiving medical treatment at a hospital. Contact was determined to have been incidental while controlling a combative inmate.

- Abusive sexual contact - Inmates claimed to have been touched by another inmate.
 - 1 substantiated report of abusive sexual contact. The reporting inmate claimed to have been inappropriately touched by another inmate. The suspect admitted that they in fact did touch the victim. The suspect was monitored for further incidents and referred for mental health services.
 - 2 unsubstantiated reports of abusive sexual contact. In both reported incidents, the only available evidence was witness interviews and statements from victims and suspects. Due to the conflicting statements, the investigators could not prove or disprove these two reported allegations of inappropriate touching.
 - 1 unfounded report of abusive sexual contact. The reporting inmate claimed to have been abused in custody in 2012. Investigation of the allegation included a review of housing records for previous bookings which were able to disprove the allegation. Further, the reporting inmate made it clear that they would only cooperate with investigators if released from custody.
- Sexual harassment - Inmates stated that they were told to perform a sexual act or subjected to view an unclothed inmate.
 - 3 unsubstantiated reports of sexual harassment. One reporting inmate claimed to have been harassed however; witness testimony showed they were actually the aggressor. The reporting inmate in the second incident made the allegation to manipulate their housing, due to being housed in the same unit as an acquaintance in a current case. In the third incident, the reporting inmate's allegation was unsubstantiated due to lack of corroborating evidence and witness statements.
 - 3 unfounded reports of sexual harassment. The reporting inmates in all three cases claimed to have been harassed, but investigation revealed no evidence to support the allegations. It was determined that the allegations were made to manipulate a housing change.

Examination of all reported incidents revealed several commonalities in the reports.

Many incidents lacked corroborating evidence, due to reporting inmates refusing to identify an abuser. Adding surveillance cameras into all housing areas will help identify abusers in these incidents.

All but three housing areas currently have cameras installed. The Sheriff is committed to increasing the number of cameras as funds become available.

Another commonality found is housing manipulation. Several investigations revealed that inmates who owe debts or who have stolen property will make allegations of abuse in order to be rehoused, or have another inmate moved. Inmates have learned that when a report of sexual abuse is made, someone will be moved from the unit and placed in protective housing. Inmates are also aware staff will place an order of protection called a "keep away" in the jail management system to prevent a victim and suspect from being in the same housing unit again. This issue is being addressed through pursuit of facility discipline or criminal charges when applicable when it can be proven that an inmate has filed a false report.

Lastly, the PREA compliance team is pleased with inmate willingness to report abuse. This is an indicator that the PREA education and information posters are sending the message of zero tolerance about sexual abuse, assault and harassment.

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.

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: Pretrial Facility

Average daily inmates: 972

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: 14

This period reported allegations of inmate-on-inmate **NONCONSENSUAL SEXUAL ACTS**: 6

Prior period substantiated: 1

Prior period unsubstantiated: 4

This period substantiated: 0

This period unsubstantiated: 2

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: 5

Prior period investigation ongoing: 4

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: 3

This period reported allegations of inmate-on-inmate **ABUSIVE SEXUAL CONTACT**: 4

Prior period substantiated: 0

Prior period unsubstantiated: 2

This period substantiated: 1

This period unsubstantiated: 2

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 : 4

This period reported allegations of inmate-on-inmate **SEXUAL HARASSMENT** : 6

Prior period substantiated: 0

Prior period unsubstantiated: 2

This period substantiated: 0

This period unsubstantiated: 3

Prior period unfounded: 2

Prior period investigation ongoing: 0

This period unfounded: 3

This period investigation ongoing: 0

Prior period reported allegations of staff sexual misconduct : 4

This period reported allegations of STAFF SEXUAL MISCONDUCT : 3

Prior period substantiated: 0

Prior period unsubstantiated: 2

This period substantiated: 0

This period unsubstantiated: 0

Prior period unfounded: 2

Prior period investigation ongoing: 0

This period unfounded: 3

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: | 20 | | 9 | Morning (6 a.m. to noon) |
| Perpetrator's cell: | 0 | 1 | Afternoon (noon to 6 p.m.) | 0 | 2 |
| Dorm / multiple cell: | 0 | 0 | Evening (6 p.m. to midnight) | 1 | 1 |
| Common area: | 0 | 1 | Overnight (midnight to 6 a.m.) | 1 | 0 |
| Holding cell: | 0 | 0 | Time unknown | 1 | 11 |
| Shower / toilet area: | 0 | 0 | | | |
| Instructional area: | 0 | 0 | | | |
| Recreation area: | 0 | 0 | | | |
| Medical area: | 0 | 1 | | | |
| Staff area: | 0 | 0 | | | |
| Offsite / in transit: | 0 | 1 | | | |
| Other: | 2 | 6 | | | |

| Video monitoring available | Number of allegations "yes" | Prior period | This period | Abuse victim's gender / sexual orientation by allegation | Prior period | This period |
|----------------------------|-----------------------------|----------------------------|-------------|--|--------------|-------------|
| | | Number of allegations "no" | 10 | | 1 | Male: |
| | | 12 | 17 | Female: | 5 | 7 |
| | | | | Lesbian, bisexual, gay, | 0 | 0 |
| | | | | Transgender, intersex | 0 | 0 |

| Abuse victim's age by specific allegation | Prior period | This period | Abuse victim's ethnicity / race by allegation | Prior period | This period |
|---|--------------|-------------|---|--------------|-------------|
| | 18 – 24: | 4 | | 1 | White: |
| 25 – 29: | 6 | 2 | Black: | 0 | 5 |
| 30 – 34: | 0 | 6 | Hispanic: | 9 | 3 |
| 35 – 39: | 7 | 3 | American Indian: | 0 | 0 |
| 40 – 44: | 2 | 3 | Asian: | 0 | 0 |
| 45 – 54: | 2 | 2 | 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" | 0 | 1 | Perpetrator's gender / sexual orientation by allegation | Male: | 9 | 5 |
| | | | | | Female: | 3 | 4 |
| | Number of allegations "no" | 22 | 17 | | Lesbian, gay, bisexual: | 0 | 0 |
| | | | | | Transgender, intersex: | 0 | 0 |

| | | Prior period | This period | | | Prior period | This period |
|---------------------------------------|--------------|--------------|-------------|--|-------------------|--------------|-------------|
| Perpetrator's age specific allegation | 18 – 24: | 1 | 0 | Perpetrator's ethnicity / race by allegation | White: | 2 | 4 |
| | 25 – 29: | 2 | 3 | | Black: | 3 | 4 |
| | 30 – 34: | 5 | 2 | | Hispanic: | 9 | 1 |
| | 35 – 39: | 3 | 2 | | American Indian: | 0 | 0 |
| | 40 – 44: | 1 | 1 | | Asian: | 0 | 0 |
| | 45 – 54: | 1 | 1 | | Pacific Islander: | 0 | 0 |
| | 55 or older: | 0 | 0 | | Other: | 0 | 0 |

| | | Prior period | This period | | | Prior period | This period |
|---|--|--------------|-------------|--|--|--------------|-------------|
| 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: | 1 | 0 |
| | Sexual harassment: | 4 | 4 | | Bribery or blackmail: | 0 | 0 |
| | Indecent exposure, masturbation, or voyeurism: | 1 | 0 | | Sexual harassment, sexual innuendo, verbal comments: | 6 | 6 |
| | 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 | 2 |
| | Unwanted touching for sexual gratification or abusive sexual contact: | 1 | 5 | | 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: | 6 | 3 | | Threatened with physical harm: | 0 | 0 |
| | Other: | 0 | 5 | | Physically harmed or injured: | 0 | 2 |
| | | | | | Physically held victim down or restrained: | 6 | 0 |
| | | | Other: | 0 | 7 | | |

Staff Section

| Staff | | | Prior period | This period | Staff employment status | | | Prior period | This period |
|-------|----------------------------|--|--------------|-------------|-------------------------|------------------------|---|--------------|-------------|
| | Allegations against staff: | | 2 | 3 | | Full / part time paid: | | 2 | 3 |
| | Male: | | 2 | 3 | | 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: | | 1 | 3 |
| | 25 – 29: | | 0 | 2 | | Black: | | 0 | 0 |
| | 30 – 34: | | 0 | 1 | | 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: | | 2 | 1 | | 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 | 3 |
| | 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 | 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 (more than one may apply to each incident) | Transferred to other housing unit or facility: | 15 | 6 | 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 | 1 | | Administrative leave, referred for prosecution: | 0 | 0 |
| | No action, perpetrator identify unknown: | 1 | 11 | | Staff resigned prior to investigation conclusion: | 0 | 0 |
| | Referred to DA for prosecution: | 0 | 0 | | Convicted, plea deal, or sentenced, employment terminated: | 0 | 0 |
| | Other this year: | Sanctions continue to be an issue, as victims refuse to cooperate with investigations. | | | Other this year: | Out of the three staff allegations; all are ruled unfounded. | |

Comments: The Pretrial facility remains the largest facility amongst all Sheriff's facilities. A large percentage of reports are not able to be sustained, as victims often refuse to identify the suspect. Cameras have increased the number of unfounded reports as they have provided concrete proof that some reported incidents never occurred. With the staff allegations two were unfounded based on the all available evidence. One allegation against staff is still under investigation. No sanctions were imposed on staff due to the allegations being ruled as unfounded.

Facility changes needed, or reasoning if none: Continued expansion of the surveillance camera system is recommended as funding becomes available.

Agency changes needed, or reasoning if none: No specific agency changes are necessary as reasonable measures are in place to prevent, detect and eliminate all forms of sexual assault, abuse and harassment.

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