

# KERN COUNTY SHERIFF'S OFFICE

## Detentions Bureau Policies and Procedures

---

**TITLE: ZERO TOLERANCE OF SEXUAL ABUSE AND SEXUAL HARASSMENT P-100**

---

<b>EFFECTIVE:</b>	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
April 04, 2014	March 20, 2019	August 15, 2015	March 20, 2019

**APPROVED BY:** Detentions Bureau Chief Deputy Tyson Davis

**REFERENCE:** Prison Rape Elimination Act of 2003 (PREA) 42 U.S.C. 15601, et. seq., Kern County Administration Policy and Procedures Manual Exhibit "B", DBPPM-300 Fraternalization, PC289.6, DBPPM P100 - 800

---

### **POLICY**

The Kern County Sheriff's Office (KCSO) is committed to zero-tolerance of any form of sexual abuse and sexual harassment. The purpose of this policy is to set forth KCSO's zero tolerance policy toward all forms of sexual abuse, sexual harassment and retaliation for reporting or cooperating with investigations. It will also outline KCSO's commitment to preventing, detecting and responding to sexual abuse and harassment.

The Detentions Bureau is committed to enforcing the standards set forth by the Prison Rape Elimination Act (PREA). In support of KCSO's zero-tolerance of sexual abuse of inmates, a Detentions Bureau PREA Coordinator and Agency PREA Compliance Manager with sufficient authority to develop, implement, and oversee efforts to comply with the PREA standards have been designated. The Administrative Sergeant of each jail facility has been designated as a Facility PREA Compliance Manager to coordinate the PREA compliance efforts for their respective facilities.

All Detentions Bureau staff, detentions staff assigned to a sub-station jail, medical and mental health staff, contractors, and volunteers are expected to know and adhere to this policy and its directives.

Reports of sexual abuse, or harassment of one inmate by another inmate, or retaliation towards an inmate by another inmate for reporting or cooperating in an investigation of sexual abuse or harassment will be investigated and referred for prosecution when appropriate in accordance with the PREA reporting policy, Section P-450 of the DBPPM.

---

**TITLE: ZERO TOLERANCE OF SEXUAL ABUSE AND SEXUAL HARASSMENT P-100**

---

The following are prohibited and will be thoroughly investigated:

- Sexual abuse or harassment of an inmate by any KCSO staff member, volunteer or contractor;
- Retaliation towards any inmate, staff member, volunteer, or contractor for reporting sexual abuse and/or sexual harassment;
- Retaliation towards any inmate, staff member, volunteer, or contractor for cooperating in an investigation.

Substantiated allegations may result in discipline up to and including termination of employment, cancellation of contract and/or criminal prosecution of staff or inmates.

[For additional PREA policies see DBPPM, Section P: Prison Rape Elimination Act]

**DEFINITIONS:**

**Sexual abuse of an inmate by another inmate** includes any of the following acts if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

**Sexual abuse of an inmate by a staff member, contractor, or volunteer** includes any of the following acts, with or without consent of the inmate:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;

---

**TITLE: ZERO TOLERANCE OF SEXUAL ABUSE AND SEXUAL HARASSMENT P-100**

---

- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Penetration of the anal or genital opening however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above;
- Any display by a staff member, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of an inmate; and
- Voyeurism by a staff member, contractor, or volunteer (see voyeurism definition below).

**Voyeurism by a staff member, contractor or volunteer means** an invasion of an inmate's privacy by staff for reasons unrelated to official duties, such as;

- Peering at an inmate who is using a toilet in his/her cell to perform bodily functions;
- Requiring an inmate to expose his/her buttocks, genitalia, or breasts outside of the scope of an authorized body cavity search; and
- Taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

**Sexual harassment includes:**

- Repeated and/or unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature, by one inmate toward another; and
- Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

---

**TITLE: ZERO TOLERANCE OF SEXUAL ABUSE AND SEXUAL HARASSMENT P-100**

---

See Policy DBPPM M-300 for more information on KCSO's Fraternalization policy

**DIRECTIVE #1**

Physical contact with an inmate by an employee in the performance of lawful duties such as "pat down" searches, escorting, restraining, providing emergency first aid or any other approved contact directly related to assigned duties, does not constitute sexual contact.

**DIRECTIVE #2**

Viewing of the breast, buttocks, or genitals of an inmate by staff in the performance of lawful duties such as authorized visual body cavity searches, monitoring of cameras, inadvertent viewing while conducting routine security checks or during a medical examination by a health care professional does not constitute voyeurism.

**DIRECTIVE #3**

All sexual activity and/or harassment between inmates is strictly prohibited and will be thoroughly investigated. All criminal acts will be submitted for prosecution. Any non-criminal act of sexual activity and/or harassment whether the act was consensual or not, between inmates is a violation of facility rules and will result in appropriate facility disciplinary action.

# KERN COUNTY SHERIFF'S OFFICE

## Detentions Bureau Policies and Procedures

---

**TITLE: PREVENTION AND DETECTION OF SEXUAL ABUSE P-200**

---

<b>EFFECTIVE:</b>	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
October 02, 2014	March 20 , 2019	May 07, 2015	March 20, 2019

**APPROVED BY:** Detentions Bureau Chief Deputy Tyson Davis

**REFERENCE:** PREA DOJ §115.11, §115.12, §115.13, §115.15, §115.17, §115.18, §115.41, §115.42, §115.66

---

### **POLICY**

The Kern County Sheriff's Office (KCSO) shall make every effort to provide all inmates with a safe, humane, and secure environment, free from the threat of sexual assault, sexual abuse, and sexual harassment. KCSO has implemented the following measures to prevent and detect all forms of sexual assault, sexual abuse and sexual harassment in its custodial facilities.

### **DEFINITION(S)**

**Contractor:** A person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

**Cross gender:** A staff member and inmate of the opposite gender; i.e. male deputy and female inmate, for the purposes of supervision and monitoring.

**Direct staff supervision:** Security staff in the same room and within reasonable hearing distance of the inmate.

**Exigent circumstances:** Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

**Institution:** The Civil Rights of Institutionalized Persons Act (CRIPA) defines "institution" to include state facilities for persons who are mentally ill, disabled, or retarded, or chronically ill or handicapped; residential care or treatment facilities for juveniles; and facilities that provide skilled nursing, intermediate or long term care, or custodial or residential care. See 42 U.S.C. 1997(1).

**Lock Up:** The PREA Standards define ‘Lockup’ as a facility that contains holding cells, cell blocks or other secure enclosures that are:

- Under the control of a law enforcement, court or custodial officer;
- Primarily used for the temporary confinement of individuals who have been recently arrested, detained, or are being transferred to or from a court, jail, prison or other agency.

**Medical practitioner:** A health professional who by virtue of education, credentials and experience, is permitted by law to evaluate and care for patients within the scope of his/her professional practice.

**Pat-down:** A search that requires a systematic running of the hands over the clothed body of an inmate by a deputy to determine whether the individual possesses contraband.

**Strip search:** A search requiring a person to remove or arrange some or all of their clothing so as to permit a visual inspection of the underclothing, female breasts, buttocks, or genitalia of such person by a Sheriff’s Office staff member.

**Visual cavity search:** The visual inspection of the anal and/or vaginal area, generally requiring the subject to bend over and spread the cheeks of the buttock, to squat and/or otherwise expose body cavity orifices.

## **DIRECTIVE #1: CONTRACTING WITH OTHER ENTITIES FOR THE CONFINEMENT OF INMATES**

KCSO participates in a Kern County Community Consortium to reduce inmate recidivism by placing inmates in community based organization (CBO) homes contracted with Kern Community Corrections Partnership.

## **DIRECTIVE #2: COLLECTIVE BARGAINING AGREEMENTS**

KCSO is an agency of the County of Kern and bound by County civil service ordinances. The County of Kern conducts collective bargaining for all County agencies and their respective employee bargaining units.

The County collectively bargains with Kern Law Enforcement Association (KLEA), Kern County Detention Officer Association (KCDOA) and Service Employees International Union (SEIU) for issues related to employee pay, leave time, health benefits, uniform allowances. No issues related to employee discipline are negotiated as part of the collective bargaining process.

**DIRECTIVE #3: STAFFING PLAN**

The Kern County Sheriff's Detentions Bureau shall maintain written staffing plans for each of its custodial facilities that will provide a safe and secure environment for both inmates and staff.

The staffing plans shall adhere to all state and local laws, regulations, standards, and generally accepted detention and correctional practices, with an emphasis on preventing and detecting sexual abuse, assault, or harassment of inmates in accordance with federal Prison Rape Elimination Act standards.

- Each facility staffing plan shall consider all components of PREA Standard §115.11, including but not limited to facility structure, required daily operations, and the availability of any video monitoring equipment.
- Individual facility staffing plans shall identify the staff positions necessary for full operational needs, limited operational needs, and the operational needs during critical incidents or emergency operations.
- Facility shift staffing schedules shall be prepared in accordance with the facility staffing plan. Any circumstances where the staffing plan is not complied with shall be documented in the facility Shift Supervisor log book and in an e-mail sent to the incident of interest (IOI) e-mail group at the end of the shift.
- Each facility staffing plan shall be reviewed annually by the Section Manager and the PREA coordinator to assess any necessary adjustments to the staffing plan and the monitoring systems.

*(See Attachments A-F for facility staffing plans)*

**DIRECTIVE #4: VIDEO MONITORING AND UPGRADES TO FACILITIES AND TECHNOLOGIES**

When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, KCSO will consider the effect of the design, acquisition, expansion, or modification upon its ability to protect inmates from sexual abuse.

When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, KCSO will consider how such technology may enhance its ability to protect inmates from sexual abuse.

**DIRECTIVE #5: UNANNOUNCED ROUNDS**

KCSO normal operation procedures require facility supervisors to make unannounced supervisory checks of each post during each shift. The supervisory checks will be documented in the post log book and through use of the P.I.P.E system. Staff members are prohibited from alerting other staff that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.

Maximum-Medium Section supervisors will inspect active posts and occupied housing units at the Minimum Facility including the Gate one (1) and Gate five (5) posts, the Lerdo complex kitchen, and laundry area as part of their regular supervisory checks.

Except for work areas that are not operational during holidays or weekends, these inspections are required to be performed each day unannounced and at random times by each shift supervisor.

*(See policy DBPPM C-450)*

**DIRECTIVE #6: SCREENING AND CLASSIFICATION OF INMATES**

KCSO follows a PREA risk screening and classification protocol, using an objective screening instrument. KCSO uses information from the risk screening to determine housing, bed, work, education and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

KCSO makes individualized determinations about how to ensure the safety of each inmate. Inmates believed to be at risk of victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made that there is no available alternative means of separation from likely abusers.

**DIRECTIVE #7: INTAKE AND TRANSFER SCREENING**

Upon intake and upon transfer to another facility, classification staff shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:

- Whether the inmate has a mental, physical, or developmental disability;
- The age of the inmate;
- The physical build of the inmate;
- Whether the inmate has previously been incarcerated;



- Whether the inmate's criminal history is exclusively nonviolent;
- Whether the inmate has prior convictions for sex offenses against an adult or child as known to the agency;
- Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- Whether the inmate has previously experienced sexual victimization;
- The inmate's own perception of vulnerability.

KCSO will also consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to KCSO, in assessing inmates for risk of abusiveness.

#### **DIRECTIVE #8: CONFIDENTIALITY**

KCSO will implement appropriate controls of dissemination of confidential information through policy, training and the "need to know" legal restriction on accessing electronic inmate records, in order to ensure that responses to questions asked pursuant to this standard and sensitive information is not exploited to the inmate's detriment by staff or other inmates.

#### **DIRECTIVE #9: RISK REASSESSMENT**

KCSO will reassess an inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility or from the inmate since the initial intake screening. An inmate's risk level will be reassessed when warranted due to a medical or mental health referral, a request made by the inmate, an incident of sexual abuse or receipt of additional information that may affect the inmate's risk of sexual victimization or abusiveness.

When receiving an inmate transferred from another facility, the receiving deputy will ask the inmate if they would like to change or update their response to the medical, mental health, gang, or PREA questions that were asked at booking. Staff will ensure they receive a "yes or no" response.

The receiving deputy will contact classification for any gang or PREA JMS change necessary and will respond to any report of sexual abuse in accordance with KCSO policy and procedures.

*(See Section K - Classification for directives on PREA screening and classification; See PREA Policy P-400 Vulnerable Populations for directives on PREA at-risk populations)*

**DIRECTIVE #10: CROSS-GENDER PAT-DOWN SEARCHES**

KCSO shall conduct all searches of inmates in a professional, equal, and impartial manner so as not to harass or cause humiliation to the inmate. Pat-down searches shall be performed as follows:

Lerdo / CRF:

- Cross gender pat-down searches are not performed except in exigent circumstances.

Lock-ups (Mojave Substation / Ridgecrest Jail):

- Cross gender pat-down searches of female inmates by male staff are permitted under exigent circumstances.
- Cross gender pat-down searches of females by male staff shall be conducted utilizing the least intrusive methods such as “back of the hand” search techniques as taught by the Defensive Tactics team.
- Cross gender pat-down searches of male inmates by female staff are permitted in lock-ups and shall be done in the least intrusive and professional manner.

**DIRECTIVE #11: VISUAL BODY CAVITY SEARCHES**

Strip searches and/or visual body cavity searches will be conducted by a staff member of the same gender as the inmate being searched.

*(See DBPPM C-550: Strip and Body Cavity Searches for information regarding Visual or Physical Body Cavity Searches; See PREA Policy P-410 Gender Identity Committee for information regarding transgender and intersex searches)*

**DIRECTIVE #12: CROSS-GENDER VIEWING**

Inmates will be able to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.

- When entering an opposite sex housing unit (Male deputy entering female housing or female deputy entering male housing), deputies are required to announce their presence, have their presence announced or otherwise ensure

inmates are informed they will be or are entering the housing unit. Notification methods may include;

- Public Address (PA) system announcements;
- Personal announcement at unit door prior to viewing any toilet area.
- Notifications shall be documented in the housing log book, control room log book, or Minimum barracks security check log sheet as “entrance notice given”.
- Minimum Section deputies will notify the Female Minimum Duty deputy via radio that they have given an entry notice when calling in their barracks safety / security checks.
- Female staff members are required to announce themselves prior to walking into a men’s shower or bathroom area regardless of any inmate warning at housing unit entrance.
- Monitors viewed by staff showing inmates of the opposite gender while they are showering, performing bodily functions, or changing clothing, shall have the toilet area obscured for privacy.

*(See PREA Policy P-410 Gender Identity Committee for information regarding transgender and intersex searches; See policy D-500 Inmate Showers for general information on inmate showers)*

# KERN COUNTY SHERIFF'S OFFICE

## Detentions Bureau Policies and Procedures

---

**TITLE:** EMPLOYEE TRAINING AND INMATE EDUCATION **P-300**

---

<b>EFFECTIVE:</b>	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
April 24, 2014	March 20, 2019	April 24, 2018	March 20, 2019

**APPROVED BY:** Detentions Bureau Chief Deputy Tyson Davis

**REFERENCE:** PREA DOJ §115.31, §115.32, §115.33, §115.34, §115.35;  
DPPM: SECTION J

---

### **POLICY**

The Kern County Sheriff's Office (KCSO) is committed to providing a zero-tolerance environment toward all forms of sexual abuse and harassment and communicating the PREA policies to all employees, contractors, volunteers and inmates. KCSO believes that staff training and inmate education are fundamental to deterring sexual abuse and sexual harassment in all its facilities.

### **DEFINITIONS:**

**Refresher training:** Training provided periodically to reinforce the goals and expectations of PREA policies and procedures.

**Specialized training:** Training that is unique to a specific job function or duty position.

### **Procedure A: Employee Training**

KCSO shall provide its staff training on sexual abuse and sexual harassment through classroom training upon hiring and periodic refresher courses. All trainings shall be provided in a format based upon the level of contact with inmates and the training requirements stipulated by the PREA Standards.

### **DIRECTIVE A-1: Custody Staff**

KCSO will train all employees who may have contact with inmates on:

- KCSO's zero-tolerance policy for sexual abuse, sexual harassment and retaliation;

- How to fulfill their responsibilities regarding prevention, detection, reporting and response to sexual abuse and sexual harassment;
- Inmates' right to be free from sexual abuse and sexual harassment;
- The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- The dynamics of sexual abuse and sexual harassment in confinement;
- The common reactions of sexual abuse and sexual harassment victims;
- How to detect and respond to signs of threatened and actual sexual abuse;
- How to avoid inappropriate relationships with inmates;
- How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex or gender nonconforming inmates; and
- How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Male and female staff work in both male and female facilities and trainings will be tailored to both genders.

Security staff employees will be trained in how to conduct cross-gender pat-down searches during exigent circumstances and how to conduct searches of transgender and intersex inmates, in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs.

KCSO will provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures, or when there is significant change in PREA policy.

KCSO will maintain documentation of training and that staff understand the training they received. Documentation shall be maintained in the employee training files and readily available to the PREA Coordinator.

In years in which an employee does not receive refresher training, KCSO will provide refresher information annually during the employee's performance rating review. Documentation of receipt of information shall be maintained in the employee's Personnel file.

(See DPPM Section J Training for general information on employee training)

### **DIRECTIVE A-2: Volunteer and Contractor Training**

All KCSO volunteers and contractors who have contact with inmates will be notified of KCSO's zero-tolerance policy regarding sexual abuse and sexual harassment and will be trained how to report such incidents. KCSO will ensure that all volunteers and contractors will be trained on their responsibilities under KCSO sexual abuse and sexual harassment prevention, detection and response policies and procedures. The level and type of training provided to volunteers and contractors will be based on the services they provide and level of contact they have with inmates. The KCSO Training Section will maintain documentation confirming that volunteers and contractors understand the training they have received.

### **DIRECTIVE A-3: Specialized Training for Investigators**

In addition to the general training provided to all employees, KCSO will ensure that staff who conduct sexual assault and abuse investigations receive training in conducting such investigations in confinement settings.

Specialized training for investigators will include techniques for:

- Interviewing sexual abuse victims;
- Proper use of *Miranda* and *Garrity* warnings;
- Sexual abuse evidence collection in confinement settings; and
- The criteria and evidence required to substantiate a case for administrative action or prosecution referral.

KCSO will maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. Documentation shall be maintained in the employee's training file.

### **DIRECTIVE A-4: Specialized Training for Medical and Mental Health Professionals**

KCSO will ensure that all medical and mental health care practitioners who work regularly in its facility have been trained in:

- How to detect and assess signs of sexual abuse and sexual harassment;

- How to preserve physical evidence of sexual abuse;
- How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
- How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

KCSO contracted medical staff do not perform forensic examinations, therefore they shall consult with sexual assault investigators and hospital Sexual Assault Nurse Examiners (SANE's) regarding the need for forensic examinations.

### **Procedure B: Inmate Education**

All inmates will receive education in the form of English and Spanish spoken video orientation information as well as written information about sexual abuse and harassment. This education is provided upon intake and within the first 30 days of their detainment in KCSO custody. In addition to providing such education, KCSO will ensure that key information is continuously and readily available and visible to inmates through posters, inmate handbooks, or other written, audible or video formats.

### **DIRECTIVE B-1: Intake and Orientation**

During the intake process, inmates will receive information explaining KCSO's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. The information will be provided in the form of a handout printed in both English and Spanish.

### **DIRECTIVE B-2: Comprehensive Education**

Within 30 days of intake, KCSO will provide comprehensive education to inmates in person or through video education regarding:

- The right to be free from sexual abuse and sexual harassment;
- KCSO reporting policies and procedures for responding to incidents;
- Ways to avoid sexual abuse;
- Inmate rights if sexually abused;
- The right to be free from retaliation for reporting sexual abuse or staff misconduct.

KCSO will maintain documentation of inmate participation in PREA education sessions and require inmates to sign a form stating that they have attended and understood these sessions.

Inmates will receive comprehensive education upon transfer to a different facility, to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.

*(See attachment A: PREA Inmate education attendance log)*

**DIRECTIVE B-3: Inmates with disabilities, impairments or limited English proficiency**

KCSO will provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired or otherwise disabled, as well as to inmates who have limited reading skills.

Upon intake, inmate orientation information will be provided through:

- An informational educational video that is presented in both English and Spanish; and
- Staff led informational classes with printed materials.

Medical or mental health staff will help an inmate with a disability understand intake or comprehensive information if the inmates' disability or impairment prevents them from understanding such material.



# KERN COUNTY SHERIFF'S OFFICE

## Detentions Bureau Policies and Procedures

---

**TITLE:** PREA INTAKE and SCREENING

**P-350**

---

**EFFECTIVE DATE:** 09-30-14

**REVISED:** 4-22-15

**APPROVED BY:** Detentions Bureau Chief Deputy Shelly Castaneda

**REFERENCE:** Title 15, Section 1050, C.C.R. PREA DOJ 115.41, 115.42, 115.62, 115.81

---

### **POLICY**

The Kern County Sheriff's Office (KCSO) shall conduct a thorough PREA intake and screening process of each inmate received at its jail facilities to determine any medical or mental health needs, and to inform classification staff of pertinent information for use in making appropriate housing assignments.

In addition to the CJIS medical and hazard booking screens, PREA holding cell risk questions (Attachment 'A') will be asked by receiving staff in order to identify potential risks of harm, sexual victimization, or potential sexual abusers prior to placement in a general population holding cell.

A CJIS PREA risk screening process for all inmates will be conducted to provide classification staff with information about an inmate's sexual orientation, gender identity, past sexual victimization, past sexual abuse acts perpetrated, and the inmate's own perception of sexual abuse vulnerability, enabling them to make informed housing decisions in the best interest of the inmate and facility operations.

### **DEFINITIONS**

**Intake** – A defined process for new arriving inmates consisting of assessment questions, a security "pat-down" or "body scanner" search, fingerprints, photograph, processing of paperwork.

**Screening** – An evaluation process, or methodical survey, to gather specific information, and/or assess the suitability for a particular role or purpose.

**Classification** – KCSO staff specially trained to manage inmate housing, movements, programs, releases, and court information.

**DIRECTIVE #1**

All staff shall exercise appropriate control on the dissemination of inmate responses to PREA Risk Screening questions, to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates per PREA standard §115.41(i).

**DIRECTIVE #2**

Staff shall notify the PREA Coordinator at [preacoordinator@kernsheriff.com](mailto:preacoordinator@kernsheriff.com) of any PREA related issues or concerns discovered during the booking process including but not limited to:

- Sexual abuse, assault or harassment occurring between inmates in KCSO custody;
- Sexual abuse or assault that occurred to an inmate while in the custody of another agency or custodial facility that was not previously reported;
  - **Note\*** Allegations of sexual assault or abuse that have been previously reported do not require notification.
- Information from or about any inmate in KCSO custody related to sexual abuse assault or harassment;
- Information about LGBTI, intersex or transgender inmates that could affect their safety.

Reports of new sexual assault / abuse require **immediate verbal notification** in addition to an email notification of the details.

**Procedure A: Intake Process****Receiving Staff will:**

- Ensure inmates are provided bilingual staff, appropriate language interpreter, or language line services for intake questions, if necessary.
- Provide same gender staff for "pat-down" or "body scanner" searches;
  - Inmates identifying as transgender or intersex, should be referred to the supervisor if objections are made to the gender of the searching staff.
  - If the inmate's genital status is unknown, it may be determined through conversations with the inmate, or by having medical staff review the inmate's records. Staff will not physically examine or conduct a strip search solely to determine the inmate's genital status.

- Based on the inmate's responses to the PREA Holding Cell Risk Questions (Attachment 'A');
  - Determine inmate's risk of harm to themselves or from others
  - Determine inmate's risk of sexual victimization
  - Determine inmate's potential to commit sexual abuse
- Ensure protective placement of any inmate at risk of imminent harm and/or sexual abuse.
- Notify the shift supervisor of any inmate making statements of sexual victimization within the past 5 days.
- Ensure any inmates claiming sexual victimization within the past 5 days are seen by medical staff.
- Provide all inmates with a PREA new inmate information sheet.

**DIRECTIVE #A-1**

Inmates expressing concern for their safety in general holding cells with other inmates due to their sexual orientation or gender related issues should be provided available privacy to explain their concerns to staff.

**DIRECTIVE #A-2**

Separation and placement of inmates for their protection shall be in accordance with classification policies K-300, Classification criteria and K-400, Administrative segregation.

**Procedure B: PREA Risk Screening**

In addition to the PREA holding cell risk questions (CRF only), deputies booking inmates shall also access the CJIS PREA Risk Screen and ask each inmate the questions in a confidential location away from other inmates.

Deputies asking the screening questions shall answer the gender non-conforming question based on their own visual perceptions, taking social norms and cultural differences into account to the best of their ability. The response shall not be based on any one observation but rather a totality of the inmate's appearance and behavior.

**Ridgecrest / Mojave / Max Booking Deputies will:**

- Include the PREA risk screening questions with normal booking procedures.

**CRF Booking Deputies will:**

- Book transfers from Ridgecrest or Mojave normally ensuring all screens and questions have been answered.
- Book new arrival inmates normally through the hazard screening questions.
- Suspend the booking process without asking the PREA risk screening questions.
- Transport the inmate to the designated PREA area.
- Access the “PREA Risk Screening Questions” located in CJIS under “BKMNT”.
- Ensure the inmate is provided bilingual staff, appropriate language interpreter, or language line services for intake questions, if necessary.
- Complete the PREA Risk Screening Questions
  - Inmates have the right to refuse to answer some or all of these questions. For refusals:
    - Enter “N” for any refused answer
    - Indicate on #6 after the why? in the comment area which were refused Ex: Inmate refused #5, 7, 8
    - Inmates will not be disciplined for refusing to answer or for not disclosing complete information in response to the PREA risk screening questions.

**Dress Out Deputies will:**

- Ensure same gender staff conducts the dress out process.
- Inmates identifying as transgender or intersex;
  - Shall be dressed out separately from other inmates to ensure gender privacy and safety.
  - Should be referred to the supervisor if the inmate is a transgender male and has noticeable breasts and/or requests a bra.
  - Should be referred to the supervisor if the individual objects to the gender of the searching staff.

**Procedure C: Classification Review****Classification staff will:**

- Review all booking screens of inmates required to remain in custody for assignment of appropriate housing in accordance with K-300, Classification criteria and K-400, Administrative segregation and Federal PREA standards;
  - With the goal of keeping separate those inmates identified as at risk of being sexually victimized from those inmates that may perpetrate sexual abuse.
- Conduct in-person interviews of any inmate whose booking or screening information requires additional information and/or clarification.

#### **Procedure D: Supervisor Responsibilities**

##### **Supervisors will:**

- Ensure staff compliance with PREA requirements set forth in this policy.
- Assign a Senior Deputy or Detentions Senior Deputy who has completed sexual assault investigations training to document claims of sexual victimization according to P-600, PREA Criminal and Administrative Investigations.

#### **Procedure E: Medical Staff Responsibilities**

##### **Medical Staff will:**

- Interview and evaluate any newly booked inmate claims of sexual victimization within the past 5 days for required response according to P-550 Victim Services Response Plan.
- Ensure any gender identification is made through conversation with the inmate, review of medical records or as part of a broader medical examination conducted in private in accordance with PREA standard § 115.15(e).

#### **Procedure F: PREA Coordinator Responsibilities**

The designated PREA coordinator(s) will access a computer generated list of inmate intake screening question responses.

##### **The designated PREA Coordinator will review the list several times a week to:**

- Ensure that any PREA related issues reported during intake and screening are reviewed for compliance with PREA standards and KCSO policy.

- Ensure that inmates on automated list reporting prior sexual victimization are referred to medical or mental health in a timely manner so that they can receive treatment within 14 days of the intake and screening in accordance with PREA § 115.81.
- Ensure inmates reporting gender identity issues during intake or screening are referred and reviewed by the gender identity committee per DBPPM P-410.

# KERN COUNTY SHERIFF'S OFFICE

## Detentions Bureau Policies and Procedures

---

**TITLE: VULNERABLE PREA POPULATION INMATES**

**P-400**

---

**EFFECTIVE DATE:** 7-07-14

**REVISED:**

**APPROVED BY:** Detentions Bureau Chief Deputy Shelly Castaneda

**REFERENCE:** DBPPM C-2200, H-1200, PREA DOJ §115.14, §115.16, §115.31, §115.42, §115.43

---

### **POLICY**

The Kern County Sheriff's Office (KCSO) recognizes that certain inmates in its custody are potentially vulnerable and at greater risk for sexual abuse or sexual harassment. KCSO shall apply the specific guidelines afforded by the PREA standards to protect at-risk or vulnerable populations from abuse.

### **DEFINITIONS:**

**Youthful inmate:** Any person under the age of 18.

**Direct staff supervision:** A practice by security staff of maintaining close, constant visual observation of the youthful detainee.

**Security staff:** Employees primarily responsible for the supervision and control of inmates and detainees in housing units, recreational areas, dining areas, and other program areas of the facility.

**Disability:** Mobility or other physical impairment; deaf or hard of hearing; blind or having low vision; cognitive or intellectual disabilities; autism spectrum disorders; or speech impairment.

**Interpreter:** Employee or outside language service, fluent in one or more languages, who can provide clear translation of written or spoken words in a language understood by an inmate.

**Mental Illness:** Clinical disease affecting a person's mental processes or capabilities.

**Mental Impairment:** Injury or defect affecting a person's mental processes or capabilities, such as a closed-head injury.

**Gender Identity Committee:** A committee of staff for the purpose of determining the best housing, clothing, and programs for transgender or intersex inmates.

**Limited English Proficiency (LEP):** Inmates whose primary language is different than English and understand limited or no English.

**Gay:** Males who are romantically attracted to other males.

**Lesbian:** Females who are romantically attracted to other females.

**Bisexual:** Males and females who have romantic attractions to both males and females.

**Transgender:** A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

**Intersex:** A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.

**Gender nonconforming:** A person whose appearance or manner does not conform to traditional societal gender expectations.

### **Procedure A; Youthful Inmates / Suspected Juveniles**

KCSO will not knowingly book or detain persons under the legal age of eighteen. Inmates determined after booking and/or housing to be juveniles shall be transferred to an appropriate juvenile facility.

- Inmates claiming to be juveniles shall be given the opportunity to verify their age through legal documentation either from their property or so presented by a family member.
- Inmates determined to be juveniles shall immediately be moved to a location away from sight and sound of adult inmates.
- Security staff shall continuously monitor the juvenile by direct supervision, until transfer to an appropriate juvenile facility or release by court order can be performed.

*[This policy cross references DBPPM C-2200]*

### **Procedure B: Inmates with hearing impairments**



KCSO shall provide hearing impaired inmates with TTY devices and/or language interpreters who can interpret effectively, accurately, and impartially, its efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

- KCSO will provide written materials using formats and methods that ensure effective communication with inmates with disabilities.
- KCSO shall not utilize inmate interpreters unless necessary for the safety of the inmate or an officer.

*KCSO is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as stated in the Americans with Disabilities Act (ADA).*

[Refer to DBPPM H-1200 Inmates with disabilities for information not related to PREA]

#### **Procedure C: Inmates with limited English proficiency (LEP)**

KCSO employs multiple staff certified as fluent in Spanish and available to translate for monolingual, Spanish-speaking inmates.

- KCSO subscribes to Language Line services to provide telephonic interpreter services to LEP inmates in an effective, accurate, and impartial manner.
- All written materials related to PREA shall be printed in Spanish and be readily available to monolingual, Spanish-speaking inmates.
- Upon request, Inmates speaking a language other than English or Spanish shall be provided with materials printed in the language in which they are fluent.
- Inmates with limited ability to read any language or visually impaired inmates shall have PREA related information provided to them verbally.

#### **Procedure D: Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) and Gender Non-Conforming (GNC) Inmates**

- LGBTI and GNC inmates will not be housed in dedicated facilities, units, or wings solely on the basis of such identification or status.
- Sexual harassment based on a person's LGBTI, or GNC status, or perceived status will be taken seriously and violators of this policy will be disciplined.
- All staff will receive training in how to communicate effectively with LGBTI and GNC inmates.

- KCSO has established a Gender Identity Committee to help safeguard transgender or intersex inmates from sexual abuse and harassment during incarceration.

*[Additional references: Classification DBPPM section K, Staff Training, DBPPM P-100 Zero Tolerance, DBPPM P-200 Prevention and Detection, DBPPM P-410 Gender Identity Committee]*

### **Procedure E: Elderly and Disabled Inmates**

KCSO classification utilizes specific criteria in determining housing locations for inmates deemed at risk for physical harm or injury, including sexual abuse or harassment due to their advanced age or disability impairments including;

- Medical staff housing recommendations;
- Inmate's hazard screen responses ;
- Inmate's previous housing records;
- Inmate's own concern for safety;
- Known prior safety incidents .

If an inmate tells a deputy that they have a disability, or the deputy suspects the inmate to have a disability, the inmate will be interviewed by a classification deputy in accordance with DBPPM H-1200: Inmates with Disabilities.

# KERN COUNTY SHERIFF'S OFFICE

## Detentions Bureau Policies and Procedures

---

**TITLE: GENDER IDENTITY COMMITTEE**

**P- 410**

---

**EFFECTIVE DATE:** 09-30-14

**REVISED:**

**APPROVED BY:** Detentions Bureau Chief Deputy Shelly Castaneda

**REFERENCE:** Prison Rape Elimination Act of 2003 (PREA) 42 U.S.C. 15601, §115.15, §115.41, §115.42, §115.43

---

### **POLICY**

The Kern County Sheriff's Office (KCSO) is committed to protecting all inmates in its custody, and recognizes that certain populations are more vulnerable to sexual abuse. The PREA standards provide transgender and intersex inmates various protections that will assist our agency in the prevention of sexual abuse and sexual harassment.

The Detentions Bureau has developed a Gender Identity Committee (GIC) to specifically address issues that are unique to transgender and intersex individuals in KCSO custody.

The GIC will formally evaluate and make decisions for transgender and intersex inmates for the purpose of determining housing, clothing, and programming.

The GIC shall consist of:

- Section manager or designee of the facility where the inmate is likely to be housed;
- Medical supervisor or direct subordinate;
- Mental health supervisor or direct subordinate;
- Population Management Manager or Population Management Supervisor; and
- PREA coordinator and/or PREA Compliance Deputy.

### **DEFINITIONS**

**Gender Identity:** A person's internal or psychological sense of being male or female.

**Transgender:** A person whose gender identity is different from the person's assigned sex at birth.

**Intersex:** A person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.

### **DIRECTIVE #1: Access to inmate programs**

Transgender and intersex inmates will have access to programs, privileges, education, or work opportunities, even if administratively segregated, unless it affects the safety and security of the facility. If programming is denied, KCSO will document the opportunities that have been limited, the duration of the limitation and the reasons for such limitations.

### **DIRECTIVE #2: Medical treatment and Mental health care**

Medical and mental health staff will identify or evaluate any ongoing care that may be specific to the inmate's transgender or intersex identification, which may include but is not limited to, ongoing hormone treatment or additional mental health support services.

### **DIRECTIVE #3: Pat-down searches of transgender and intersex inmates**

As mandated by the PREA Standards, no staff member will conduct a search of a transgender or intersex inmate solely for the purpose of determining genital status. If the inmate's gender identity or genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or if necessary, by obtaining such information as part of a broader private medical examination conducted by a medical practitioner.

During the GIC review, transgender or intersex inmates will be provided the opportunity to express gender preference of staff that will conduct pat-down searches of their person. Such requests will be documented on a Gender Search Preference form (Attachment 'A')

- Completed Gender Search Preference forms will be scanned and e-mailed to Sheriff\_Compliance for archiving. The original form will be retained by the designated PREA Coordinator.

The GIC will notify security supervisors as to the gender of staff that will conduct pat down searches of a transgender or intersex inmate via e-mail. Classification will enter the information as an appointment in the inmate's CJIS records as:

- GIC Male Search (Indicates male staff will conduct pat-down search)
- GIC Female Search (Indicates female staff will conduct pat-down search)

All security staff will receive training on how to conduct searches of transgender and intersex inmates. These searches will be carried out professionally and respectfully and in the least intrusive manner possible that is consistent with KCSO policy and security needs.

#### **DIRECTIVE #4: Body Scan searches of transgender and intersex inmates**

The GIC decision of which gender of staff will conduct pat-down searches shall also apply to all persons conducting or otherwise present in the monitor viewing area during a body scan machine search of transgender or intersex inmates.

#### **Procedure A: Screening and housing of transgender or intersex inmates**

Transgender and intersex inmates are first screened and evaluated for potential vulnerability by intake and classification staff for initial housing placement and referred to the Gender Identity Committee (GIC) within 10 days of the inmate's entry into the system.

The GIC will interview the inmate and review the inmate's records and assessments within seven days of receiving the referral from classification, and deliver a final housing recommendation to classification. The GIC will determine the best housing available based on the totality of the information. In the event that the GIC cannot reach a consensus on a housing recommendation, the PREA section manager will make the final determination.

- The results of the GIC interview will be documented on a GIC Review Form (Attachment 'B'). Completed GIC Review forms will be scanned and e-mailed to the Compliance Section for archiving. The original form will be retained by the designated PREA Coordinator.

The PREA section manager will notify the Detentions Bureau Division Commander of all housing decisions determined by a GIC review.

#### **When determining housing for transgender or intersex inmates, The GIC will:**

- Make a case-by-case decision whether to assign a transgender or intersex inmate to a housing unit for male or female inmates.
- Ensure the inmate's health and safety and give serious consideration to the inmate's views with respect to his or her own safety.

- Determine whether the placement would present management or security problems.
- Review requests for clothing and personal items that may include: bras, undergarments, and commissary items that are gender-specific.

Transgender and intersex inmates will be given the opportunity to shower separately from other inmates and the committee will decide on the protocol within the housing unit to ensure the inmate's privacy when showering.

Transgender and intersex inmates will not be placed in involuntary segregated housing unless an assessment of all other alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the inmate may be kept in involuntary segregated housing for up to 24 hours until the assessment can be completed.

#### **Procedure B: Committee review of inmate's status**

##### **The GIC will:**

- Reassess housing and programming assignments for each transgender or intersex inmate at least twice each year to review any threats to safety experienced by the inmate.
- Revisit the inmate's housing and classification whenever warranted due to any incidents of sexual abuse, or receipt of additional information that bears on the transgender or intersex inmate's risk of victimization or abusiveness.
- Review any requests for appeals within a standard time-frame of 60 days from when the request was made.

# KERN COUNTY SHERIFF'S OFFICE

## Detentions Bureau Policies and Procedures

---

**TITLE: REPORTING SEXUAL ABUSE**

**P- 450**

---

**EFFECTIVE DATE:** 7-14-14

**REVISED:** 7-24-15

**APPROVED BY:** Detentions Bureau Chief Deputy Shelly Castaneda

**REFERENCE:** PREA DOJ §115.51, §115.52, §115.54, §115.61, §115.63, §115.67, §115.68, DBPPM H-1200

---

### **POLICY**

The Kern County Sheriff's Office (KCSO) takes all reports of sexual assault/abuse, sexual harassment, or retaliation against inmates or staff for reporting seriously. KCSO has developed defined reporting mechanisms to ensure a timely response to allegations.

In accordance with the Prison Rape Elimination Act (PREA) standards, inmates shall be provided multiple avenues, internally and externally, for reporting sexual assault/abuse. Anonymous and third party verbal or written reports of sexual assault/abuse shall be accepted by staff from any person on an inmate's behalf. Reports of assault/abuse occurring outside of KCSO facilities shall be referred to the appropriate custodial facility or law enforcement agency.

The KCSO Sexual Assault and Abuse Investigations Unit (SAAIU) shall report all incidents of sexual abuse occurring in its custodial facilities in required annual reports to the State of California

The PREA coordinator shall report all incidents of sexual abuse occurring in its custodial facilities in required annual reports to the Department of Justice.

### **DEFINITIONS**

**Anonymous:** Refers to the inmate making the report, without revealing their identity.

**Internally:** Refers to reports taken by persons within the agency.

**Externally:** Refers to reports taken by persons outside of the agency.

**Third party:** Anyone who is not employed by the agency, contracted, or is a volunteer. This may include fellow inmates, staff members, family members, attorneys, and outside advocates.

### **DIRECTIVE #1: Staff Responsibilities**

Any staff member who has knowledge, suspicion, or information regarding an incident of sexual assault/abuse or sexual harassment; retaliation against inmates or staff who reported such an incident; and any staff neglect that may have contributed to such an incident or retaliation, shall immediately report such information to a supervisor.

When reporting incidents of sexual abuse, If the alleged victim may be considered a vulnerable adult (based on age, or disability as defined in DBPPM H-1200) staff shall also notify the PREA coordinator in accordance with mandatory reporting laws.

Staff shall report staff misconduct through a confidential email to their immediate supervisor or section manager if the abuse involves their supervisor. Staff may also privately report directly to the PREA Coordinator or Internal Affairs Unit.

All staff receiving any direct or third party report of a sexual assault, sexual abuse, sexual harassment, or retaliation for reporting sexual abuse or cooperating in a sexual abuse investigation shall follow the response protocol outlined in DBPPM P-500

### **DIRECTIVE #2: Confidentiality**

Staff shall not reveal any information related to a sexual assault/abuse report to anyone uninvolved in the response and investigation.

### **DIRECTIVE #3: Medical and Mental Health reporting**

Medical and mental health practitioners shall report knowledge, suspicion, or information regarding sexual assault/abuse, sexual harassment, retaliation, or staff neglect pursuant to this section.

Unless precluded by federal, state or local law, Medical and Mental Health staff shall inform inmates of their duty to report sexual abuse and the limits of their confidentiality at the initiation of services.

#### **Medical staff will:**

- Medical staff shall notify the shift supervisor of any third party report of sexual



assault, or abuse. Medical staff shall immediately notify the facility supervisor of any inmate report of sexual assault, abuse, or harassment occurring in the facility. Medical staff shall obtain informed consent from the inmate prior to reporting any sexual assault or abuse that did not occur in the facility.

**Mental Health Staff will:**

- Mental Health shall notify the shift supervisor of any third party sexual assault, or abuse reports. Mental Health shall obtain consent to share information from any inmate reporting sexual abuse prior to notifying the shift supervisor, except when significant danger to the inmate or other person exists.

**DIRECTIVE #4: Inmate Reporting Methods**

KCSO provides multiple avenues for inmates to privately report sexual assault/abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse or sexual harassment, and staff neglect that may have contributed to such incidents.

KCSO also provides a method for inmates to report assault/abuse, harassment, retaliation and staff neglect to an outside public entity that is not part of KCSO.

Inmates may report assault/abuse or suspicions internally by:

- Telling any security staff member
- Telling medical staff at med pass, or submit a sick call slip
- Telling contracted staff at commissary pass or during classes
- Submitting a request to see Mental Health staff
- Requesting to see the Chaplain
- Calling the free reporting hotline

Inmates may report abuse or suspicions externally by:

- Telling their family or attorney
- Mailing a grievance or personnel complaint directly to the Sheriff
- Calling the free reporting hotline (BPD monitored)

Any third party person may assist an inmate with writing, or directly filing on an inmate's behalf a request for administrative remedy related to allegations of sexual assault/abuse provided that;

- The inmate approves of any third party administrative remedy request filed on their behalf;
- The inmate agrees to participate in the administrative remedy process.

An inmate's refusal to participate in administrative remedy shall be documented in CJIS using code 4050.

#### **DIRECTIVE #5 Inmate reporting and counseling hotlines**

Inmate Hotline numbers will be posted throughout the facilities to allow inmates to report sexual assault/abuse, harassment or retaliation, and to request confidential counseling related to past or current sexual assaults, abuse, harassment or retaliation.

- Hotline is accessible from any inmate phone by dialing #7732
- Hotline is for inmates to report sexual assaults, abuse, harassment, or retaliation.
- Hotline will forward the caller to the Bakersfield Police Department (BPD)
- BPD will accept the report and notify KCSO's Communications Center
- Communications Center shall notify the PREA Coordinator
- The PREA Coordinator will make notification to the appropriate section manager.

#### **DIRECTIVE #6: KCSO Public Website**

The KCSO public website provides a link to file sexual assault/abuse related reports.

- Reports to the website shall generate an immediate notification to the PREA Coordinator
- PREA Coordinator shall notify appropriate section manager.

#### **DIRECTIVE #7: Protection from retaliation for reporting**

KCSO policy is to protect all inmates and staff who report sexual assault/abuse or sexual harassment or cooperate with sexual assault/abuse or sexual harassment investigations from retaliation by other inmates or staff by utilizing;

- Classification changes
- Housing or facility transfers
- Staff re-assignment
- Victim advocate services

Use of segregated housing to protect an inmate who is alleged to have suffered sexual assault/abuse shall be in accordance with DBPPM K-300 and DBPPM K-400.

#### **DIRECTIVE #8: Retaliation Monitoring**

For at least 90 days following a report of sexual abuse, the PREA Manager assigned to the compliance section shall monitor the conduct and treatment of;

- Inmates or staff who reported sexual assault/abuse
- Inmates who were reported to have suffered sexual assault/abuse

Items to be monitored include:

- Inmate disciplinary reports
- Housing assignments
- Program changes
- Negative performance reviews
- Reassignments of staff
- Periodic status checks of the inmate

Retaliation monitoring shall be documented on a PREA Victim Monitoring form (Attachment 'A'). Monitoring shall continue after 90 days if the initial monitoring indicates a need.

KCSO's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

#### **DIRECTIVE #9: Reporting Sexual Abuse to another Custodial Agency**

If KCSO receives information that a sexual assault had occurred at another confinement facility, it has the duty to report the incident to that confinement facility.

- Security staff shall notify the next supervisor in their chain of command
- Section manager shall notify the head of the appropriate agency or jurisdiction where assault/abuse occurred
- Notification shall be made within 72 hours of the allegation
- Section manager shall notify the PREA Compliance manager
- Section manager shall ensure a CJIS incident is written.

# KERN COUNTY SHERIFF'S OFFICE

## Detentions Bureau Policies and Procedures

---

**TITLE:** PREA - DATA COLLECTION, REVIEWS AND AUDITS **P-700**

---

<b>EFFECTIVE:</b>	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
July 14, 2014	March 14, 2019	December 11, 2014	

**APPROVED BY:** Detentions Bureau Chief Deputy Tyson Davis

**REFERENCE:** Prison Rape Elimination Act of 2003 (PREA) 42 U.S.C. 15601, PREA §115.86, §115.87, §115.88, §115.89, §115.93

---

### **POLICY**

The Kern County Sheriff's Office (KCSO) Detentions Bureau Compliance Section, in accordance with the Prison Rape Elimination Act (PREA), shall maintain incident data for all reports of sexual abuse, assault, and harassment.

The Compliance Section shall conduct a review of each incident reported and evaluate the effectiveness of its sexual abuse prevention, detection, response policies, practices, and training.

All data shall be aggregated annually and a report made available to the public on the Sheriff's Office public website. The data collected shall answer all questions from the most recent Department of Justice Survey of Sexual Violence.

KCSO shall conduct an audit of each of its custodial facilities every three (3) years for compliance with the PREA standards.

### **DEFINITION(S):**

**Data:** Information, in the form of facts obtained from a source, used as a basis for conclusions.

**Incident:** An event or occurrence, often singular.

**Review:** To study or examine something for accuracy, performance, or assessment.

**Aggregate:** To collect together from several sources to be considered as a whole.

**Audit:** A review of data, policies, and practices to gauge the level of compliance with an expected measure.

### **DIRECTIVE #1**

Data collection, incident reviews, annual reports, data storage, publication, and destruction shall be the responsibility of the Detentions Bureau Compliance Section, at the direction of the PREA Compliance Manager.

### **Procedure A: Sexual Abuse Incident Reviews**

The facility shall conduct an incident review (Attachment – ‘C’) at the conclusion of every sexual abuse investigation, including allegations not substantiated, unless the allegation has been determined to be unfounded. The incident review shall ordinarily occur within 30 days of the conclusion of the investigation.

The review team shall include the PREA coordinator, section manager, with input from line supervisors, investigators, and medical or mental health practitioners.

The review team shall:

- Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
- Consider whether the incident or allegation was motivated by any of the following factors:
  - Race;
  - Ethnicity;
  - Gender identity;
  - Lesbian, gay, bisexual, transgender or intersex identification;
  - Status or perceived status;
  - Gang affiliation;
  - Other group dynamics at the facility;
- Examine the area in the facility where the incident is reported to have occurred to assess if physical barriers exist in the area which may enable abuse;
- Assess the adequacy of staffing levels in that area during different shifts;
- Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and

- Prepare and submit a report of its findings, including any recommendations for improvement, to the PREA Compliance Manager and appropriate Section Manager.

The Section Manager shall implement the recommendations for improvement or document their reasons for not doing so.

The PREA Compliance Manager will forward all completed reports and documentation to the Detentions Bureau Chief Deputy via chain of command.

### **Procedure B: Data Collection**

#### **The Compliance Section shall:**

- Collect accurate, uniform data for every allegation of sexual assault/abuse at all KCSO custody facilities using a standardized instrument and set of definitions and aggregate the data at least annually. The data will be documented on an Annual PREA Facility Review Report form (Attachment 'D');
- Collect incident-based data to 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.
- Maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual assault/abuse incident reviews.
- Obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.
- Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice (DOJ) no later than June 30.

[See Attachments A and B for DOJ Sexual Violence Survey questions]

#### **DIRECTIVE B-2: Data review for corrective action**

The Compliance Section shall conduct an annual review of the aggregated, incident-based data collected to assess and improve the effectiveness of all PREA related training, policies, and procedures.

The review data will be compiled into a report detailing the findings, which will include:

- Identification of any deficiencies within each facility or section;

- Suggested corrective actions (if any);
- Comparison of the current year's data with the prior year; and
- Assessment of progress in addressing sexual assault/abuse.

The completed report shall be forwarded to the Detentions Bureau Chief Deputy via chain of command for approval. Upon approval, the report will be made readily available to the public via the Sheriff's Office public website.

Specific material that would present a clear and specific threat to the safety and security of a facility will be redacted prior to publication for public viewing. The report must indicate the nature of the material redacted.

### **DIRECTIVE B-3: Data storage, publication and destruction**

#### **The Compliance Section shall:**

- Ensure that data collected is securely retained;
- Remove all personal identifiers prior to making all facility aggregated sexual abuse data available to the public annually on its website.
- Maintain collected sexual assault/abuse data for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise.

### **Procedure C: Audits**

In order to demonstrate compliance with federal PREA legislation standards, the Sheriff shall authorize and direct designated staff to select and contract the services of a DOJ certified PREA auditor.

Upon request KCSO shall provide the United States Marshals Service with a copy of the audit report demonstrating PREA compliance at the time of contract renewal.

### **DIRECTIVE C-1: Frequency and scope of audits**

The Compliance Section shall ensure that each KCSO jail and lockup is audited once in each three (3) year audit cycle. At least one third of each facility type will be audited each year. KCSO shall bear the burden of demonstrating compliance with the standards. Additionally, DOJ may send a recommendation to KCSO to expedite an audit if it believes a particular facility is experiencing problems related to sexual assault/abuse.

**The PREA Compliance Manager shall ensure the following audit requirements:**

- The auditor shall have access to all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations for each facility type.
- The auditor may review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.
- The auditor shall have access to, and shall observe, all areas of the audited facilities, and be permitted to request and receive copies of any relevant documents (including electronically stored information).
- The auditor shall interview a representative sample of inmates, staff, supervisors, and administrators.
- The auditor shall review a sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited.
- The auditor shall be permitted to conduct private interviews with inmates, and inmates shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.
- Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.

The auditor shall retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations. Such documentation shall be provided to the DOJ upon request.

**DIRECTIVE C-2: Auditor Qualifications**

The PREA Compliance Manager shall ensure that the selected PREA auditor has been certified by DOJ, and;

- Is a member of a correctional monitoring body that is not part of, or under the authority of KCSO; or
- Is a member of an auditing entity such as an Inspector General or ombudsperson's office that is external to KCSO; or
- Is another outside individual with relevant experience; and
- The auditor has not received financial compensation from KCSO, (except for compensation received for conducting prior PREA audits), within the three (3) years prior to contracting with the auditor.



- KCSO shall not employ, contract with, or otherwise financially compensate the auditor for three (3) years after retention of the auditor, with the exception of contracting for subsequent PREA audits.

**Procedure D: Audit Corrective Action Plan**

If KCSO receives a finding of “does not meet standard” in any audit, the PREA Compliance Manager shall:

- Designate a compliance staff member to jointly develop a corrective action plan with the auditor; and
- Review the plan, to ensure compliance within the required 180-day corrective action period.

If KCSO does not achieve compliance with each standard within the 180-day corrective action period, it may (at its discretion and cost) request a subsequent audit once it believes that it has achieved compliance.

**Procedure E: Audit Appeals**

KCSO may lodge an appeal with the DOJ regarding any specific audit finding it believes to be incorrect. The PREA Compliance Manager will:

- Submit any appeal within 90 days of the auditor’s final determination;
- Pay any re-audit costs if DOJ determines there is good cause for re-evaluation;
- Contract with an auditor mutually agreed upon with DOJ; and
- Accept re-audit findings as final.

# KERN COUNTY SHERIFF'S OFFICE

## Detentions Bureau Policies and Procedures

---

**TITLE: PREA – HIRING, PROMOTIONS AND DISCIPLINE**

---

**P- 900**

<b>EFFECTIVE:</b>	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
October 02, 2014	March 14, 2019	June 04, 2015	

**APPROVED BY:** Detentions Bureau Chief Deputy Tyson Davis

**REFERENCE:** PREA DOJ § 115.17, § 115.76, § 115.77, § 115.78,  
DBPPM I-100

---

### **POLICY**

The Kern County Sheriff's Office (KCSO) adheres to all Federal, State and local County ordinances governing its employment, hiring, investigation and termination policies and practices.

KCSO has multiple procedures in place to facilitate the hiring, retention, or promotion of employees. Procedures are in place that require KCSO to decline or terminate the services of any contractor or volunteer who has been convicted of sexual abuse or sexual harassment, or who has a civil or administrative adjudication against them for sexual abuse or sexual harassment.

Additionally, prior arrests and/or detentions of peace officer applicants may disqualify them for employment.

### **DEFINITION(S):**

**DOJ:** Department of Justice, a federal department responsible for enforcing federal laws, including all civil rights legislation.

**FBI:** Federal Bureau of Investigations, a federal law enforcement agency that is the principle investigative arm of the Department of Justice.

**EPR:** Employee Performance Review, a process for evaluating and documenting an employee's performance.

**D-500:** A file maintained by a supervisor between rating periods consisting of documents pertaining to an employee that aids the supervisor in writing an accurate and thorough EPR.

**DIRECTIVE #1**

KCSO shall not hire, promote, or contract with anyone who has engaged, or attempted to engage in sexual abuse in a penal institution or who has been convicted of engaging in non-consensual sexual activity accomplished by force, threats, or other forms of coercion.

KCSO shall not hire, promote or contract with anyone who has a civil judgment or administrative adjudication against them for engaging, or attempting to engage in non-consensual sexual activity accomplished by force, threats or other forms of coercion.

**Procedure A: Hiring**

KCSO performs a criminal history records check on all applicants, which may include the submission of finger prints to DOJ and FBI.

KCSO requires all applicants to disclose on their Personal History Statement Application any accusation of discrimination against them, (including, but not limited to, sexual harassment, racial bias, sexual orientation harassment) by a co-worker, superior, subordinate, or customer.

KCSO contacts prior employers to learn of any past performance, behavior, or legal issues that could be deemed disqualifying for employment, including substantiated allegations or resignations while an investigation is pending.

- For contractor and volunteer applicants, KCSO may contact prior employers dating back five (5) years.
- For civilian applicants, KCSO will contact prior employers dating back ten years.
- For peace officer applicants, KCSO will contact all prior employers.

KCSO provides the following admonition to all applicants in writing;

- *Deliberate misstatements or omissions can and often will result in your application being rejected, regardless of the nature or reason for the misstatements/omissions.*

KCSO sends inquiry letters to all law enforcement agencies adjacent to each of the applicants' prior residences to learn of any activities or actions that could disqualify applicants for employment.

KCSO is a subscriber to both DOJ and FBI's fingerprint alert system. For the duration of their employment, KCSO will receive notification of any arrest and the charges against any employee or contractor.

KCSO will impose on its employees a continuing affirmative duty to disclose any misconduct that may disqualify an applicant from employment or that may merit discipline of an employee. This includes written applications, personal history statements, interviews for hiring and/or promotions, and written self-evaluations.

Material omissions regarding such misconduct or the provision of materially false information shall be grounds for termination.

Unless prohibited by law, KCSO will provide prospective employers information regarding substantiated allegations of sexual abuse or sexual harassment involving a present or former employee.

### **Procedure B: Promotions / Special Assignments**

KCSO utilizes EPR's and interviews for all promotions and specialty assignments. An employee rating of "standard or above" is required by the County of Kern Personnel Department and KCSO prior to an employee submitting an application for promotion or a special assignment position.

Employee performance issues of a minor nature and /or corrective action discipline shall be documented in the employee's D-500 file for inclusion into the annual EPR.

Employee performance issues of a serious nature resulting in punitive discipline shall be documented in the employee's agency personnel file and County personnel file.

Consideration for promotion or special assignment which will require inmate contact shall include a review of the employee's D-500 file, EPR, agency personnel file and/or County personnel file to ensure no allegations of sexual abuse or harassment have been made and substantiated.

### **Procedure C: Staff Discipline**

KCSO shall appropriately discipline staff for substantiated allegations of sexual abuse or sexual harassment.

- Substantiated sexual abuse by a KCSO staff member shall be grounds for termination.

- Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff in lieu of termination, shall be reported to any relevant licensing bodies, unless the activity was clearly not criminal.

### **Procedure D: Inmate Discipline**

Inmates shall not be subject to disciplinary sanctions pursuant to DBPPM I-100 if the suspect(s) will be referred for criminal prosecution.

Consensual sexual activity between inmates is a facility rule violation and inmates are subject to disciplinary action:

- Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.
- The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his/her behavior when determining what type of sanction, if any, should be imposed.
- As a condition of access to programming or other benefits, KCSO may require the inmate to participate in a program designed to address and correct underlying reasons or motivations for the abuse.
- The agency may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
- For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute false reporting or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- KCSO prohibits all sexual activity between inmates and may discipline inmates for such activity. KCSO will not, however, deem such activity to constitute sexual abuse if it determines that the activity was consensual.

**Procedure E: Corrective Action for Contractors and Volunteers**

KCSO shall terminate services from any contractor or volunteer for any substantiated allegation of sexual abuse involving an inmate.

- Any contractor or volunteer who engages in sexual abuse of an inmate shall be prohibited from contact with inmates and shall be reported to law enforcement agencies. Such conduct shall be reported to relevant licensing bodies.
- In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, the facility shall take appropriate remedial measures, and shall consider whether to prohibit all further contact by the contractor or volunteer with inmates.