

Kern County Monitors

Third Annual Report



January 2024

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I. INTRODUCTION

This is the third annual report issued by the Kern County Monitors. It provides observations by the Monitoring Team (MT) on the progress made by Kern County and the Kern County Sheriff's Office (KCSO) in meeting the requirements of their Stipulated Judgment (SJ) with the California Department of Justice (DOJ). KCSO, Kern County, and DOJ together are referred to as the Parties. This report focuses on work undertaken from February 2023 through January 2024.

During this reporting period, the Monitoring Team (MT) worked with the Sheriff's Office and Kern County staff on policy revisions, provided technical assistance as needed, conducted site visits and field observations, continued to evaluate KCSO's available data collection processes and systems, completed a formal review of use of force (UOF) processes, and conducted other process reviews to inform and guide upcoming audits and compliance assessments.

KCSO's commitment to improve organizational systems and police practices has become increasingly evident this past year, with particular attention devoted to policy development and refinement required by the SJ. Policy development is an arduous and time-consuming process, but KCSO personnel have remained motivated and diligent in that work. To help advance that work, the MT has recommended integrating and consolidating some of these policies so that by reducing the number of sources or documents that govern a particular policy issue, deputies can more readily access necessary information and comprehend the essential information they need to be mindful of, thereby making it easier to work in a manner consistent with policy expectations. To that end, KCSO has simplified the existing policies wherever possible and separated policy language from procedural considerations.

This increased attention on the development and refinement of policies is not only helping to bring about compliance with the SJ; it is also serving to achieve the goal of improving practices that most directly affect the community's and the public's perceptions of the quality of policing. The result we are now seeing is that, as this report was being finalized, the MT and DOJ found the Bias-Free Policing, RIPA, and behavior mental health policies to be in compliance,¹ and we expect the policies related to use of force and complaints to be approved early in the next reporting period. KCSO and the Kern County Human Resources Division (County HR) staff have crafted a recruitment plan that is in compliance with the SJ, and it is producing regular reports on recruitment, hiring, and promotion demographics and outcomes. They have also made important gains in filling staff vacancies. Likewise, KCSO's canine audits have improved, and an annual complaints audit plan was approved by the MT and DOJ. These and other examples of KCSO's hard work and accomplishments are described in more detail throughout this report.

One of the most significant transitions the MT is now observing relates to community engagement. KCSO has taken great pride in its public relations work and efforts to promote a positive image of the department. There are abundant examples of effective police work and courageous actions that are routinely shown by KCSO staff, along with many examples of programs they are involved in and services they provide that show their commitment to the community. This is laudable and deserves acknowledgment.

¹ These policies were subsequently provided to the employee unions for their review.

At the same time, it is essential that all stakeholders involved in SJ work recognize that an evolution has been underway for some time, both locally and nationally, that represents a fundamental change in the dynamics, the roles, and the relationship between the public and the police. It is no longer sufficient, or even possible, for law enforcement organizations to expect that their traditional public relations endeavors or a "community relations unit" are sufficient to respond to the growing range of questions about performance and accountability in the ranks of law enforcement. Instead, across the country, we have been witnessing a desire by the public to become more involved and play a role in ensuring the safety of their own community. While this presents some unique challenges for law enforcement, it also provides some promising opportunities.

In recognition of this shift, the SJ puts great emphasis and importance on the concepts of community policing and problem solving, and they are at the heart of the community expectations that led KCSO to agree to establish the Community Advisory Council (CAC). A thriving CAC has created new opportunities and avenues for the community to weigh in on policies and practices they are concerned about. In this area, KCSO has shown a willingness to embrace the opportunity to work more closely with the community and constructively engage its members as a partner and co-producer of public safety.

Engaging productively with the community and the CAC and staying on top of the various provisions throughout the SJ continue to be time- and resource-intensive endeavors. KCSO personnel typically respond to feedback quickly and are open to MT and DOJ feedback and to productive collaboration. The MT applauds the continued efforts and leadership demonstrated by KCSO.

The MT acknowledges and appreciates the dedication and hard work of the CAC. Its members are committed to improving community engagement in KCSO's policing practices, and that commitment not only shows up in CAC discussions and meetings, it is also apparent in the review of KCSO policies and creation of bylaws. This is sometimes laborious work, and it is also voluntary and unpaid. We appreciate and acknowledge their commitment.

Another major commitment we want to acknowledge is the realignment of resources that have been dedicated to ensure the SJ's requirements and objectives are fulfilled. In September, a designated KCSO Compliance Bureau was established to do just this.² This has certainly been helpful to the Compliance Coordinator, who has led the bulk of the compliance work since the SJ's inception, and it enables him to more effectively manage the substantive administrative work and diverse responsibilities associated with the SJ. These responsibilities include a substantial commitment of time to maintain effective community engagement efforts and close coordination with the CAC.

Other key leaders have been added to the compliance work, and each section is now assigned to knowledgeable and dedicated leaders within KCSO. Staff have been added to address the data and reporting requirements of the SJ, including a full-time sergeant supervising the body-worn camera (BWC) unit and an analyst in the Compliance and Standards Division. KCSO has contracted with a professor at California State University, Bakersfield, to analyze data for reports.

The MT has made some administrative and staffing changes as well. The Monitors acknowledge a few delays in our review of documents. Specifically, KCSO shared a significant number of policies related to

² The Compliance Bureau is led by the Compliance Coordinator (who has led the SJ-related work since the start of monitoring) and encompasses KCSO's Professional Standards Unit, Body Worn Camera Unit, and Correctional Standards Unit.

canine operations in May of 2021 and material related to UOF and canine audit efforts early in 2023. While work on other SJ sections continued, the MT did not have the resources to respond to all of the submissions in a timely manner, resulting in delays. We have made a number of administrative changes to track the documents and workflow, added an MT member, and reallocated other MT resources so that each section of the SJ can receive appropriate levels of attention. We have also worked with KCSO on an approach that will help ensure various parts of the work can move forward at different paces, suitable to the topic and priority of that matter, rather than try to process the exchange of materials in large clusters. We do not expect these delays to continue in 2024.

We greatly appreciate the commitment KCSO and County personnel have shown and look forward to an equally productive 2024.

The Stipulated Judgment

The Stipulated Judgment (SJ) between the California Attorney General, KCSO, and Kern County was filed with the Kern County Superior Court in December 2020.

The agreement stemmed from an investigation of KCSO by the California Attorney General, which found a pattern or practice of unconstitutional conduct, including excessive force and unreasonable stops, searches, and seizures. KCSO and the County agreed to undertake reforms intended to ensure that they protect individuals' statutory and constitutional rights, treat individuals with dignity and respect, and promote public safety in a manner that is fiscally responsible and responsive to community priorities.

The SJ identifies eight key areas of reforms and objectives: Use of Force; Stops, Seizures, and Searches; Responding to and Interacting with People with Behavioral Health Disabilities or in Crisis; Management and Supervisory Oversight; Language Access; Recruitment, Hiring, and Promotions; Community Policing; and Personnel Complaint Review.

The SJ also requires that a professional Monitor be selected to track and assess progress by KCSO and the County in implementing and achieving compliance with the SJ and report on the status of implementation to the Parties (DOJ, KCSO, and the County) and the Court. The Monitors and their team of subject matter experts work with the Parties to address obstacles to achieving compliance and provide technical assistance when requested. This annual report is provided by the Monitors pursuant to SJ paragraph 185.

KCSO provides law enforcement services in the unincorporated areas of Kern County and via contracts with some cities in Kern County. These include some unincorporated areas in the Bakersfield metropolitan area that are not under Bakersfield Police Department jurisdiction. KCSO's headquarters are in Bakersfield, with 13 substations serving outlying areas. The SJ also applies to KCSO activities at the Justice Inmate Reception Center (IRC) and the Lerdo Detention Facilities in Bakersfield.

The Monitoring Team

The selected Monitors, Dr. Angie Wolf and Joseph Brann, have brought together an experienced and motivated team with credentials and skills uniquely suited to the SJ work. In place since February 2021, the two Monitors and eight team members have extensive expertise and experience in monitoring and evaluation work in policing and corrections.

Several members of the Monitoring Team (MT) have served in law enforcement. Some have served in leadership positions in law enforcement or corrections agencies that were being monitored under a settlement agreement or consent decree and therefore are familiar with the unique challenges that large organizations face in those circumstances. Other members are attorneys with extensive experience working with the state or federal justice departments, with law enforcement agencies, and with communities involved in legal actions or otherwise organized to seek improvements in the governmental services provided in their area. The MT includes highly experienced governmental auditors who will conduct professional audits using the standard of due professional care. MT members also have expertise in dealing with the diverse issues addressed in the SJ, such as those related to use of force, training, data collection and analysis, survey methods, and the complexities of community engagement. In addition to having experienced researchers on the MT, the Monitors partner with experts in survey research and criminal justice–related statistical analysis from leading universities when undertaking these activities.

Kern County Monitoring Website

The Monitors created a website that allows Kern County community members to learn more about the SJ, the backgrounds of MT members, and the monitoring activities; be alerted to upcoming events and meetings; access documents related to the SJ and the monitoring work (which will eventually include annual reports, community surveys, MT audits, and MT data analyses); follow links to KCSO's homepage and other relevant websites; and submit questions and comments directly to the MT.

The website's URL is <https://kcsomonitoring.info/>

II. WORK TO DATE

A. USE OF FORCE

The use of force (UOF) by peace officers is an inherently high-risk activity in law enforcement. Consequently, management of the use, investigation, and adjudication of force by peace officers is one of the highest priorities of law enforcement command staff, who must ensure their agency's UOF policies, training, investigations, and review processes are consistent with the profession's best practices. Toward that end:

- Peace officers must be effectively trained in de-escalation techniques and the use of proportional and objectively reasonable force;
- Supervisors must be adequately deployed and trained to ensure they conduct timely and complete UOF investigations; and,
- Managers must objectively and competently review and adjudicate those investigations.

The SJ requires KCSO to continue revising its UOF policies and practices to reflect its obligation and commitment to “upholding the rights secured or protected by the Constitution . . . [a]nd federal and state laws, protecting human life and the dignity of every individual, and maintaining public safety.” As described in more detail in the first annual report, SJ paragraphs 1–59 describe SJ-mandated policies and priorities regarding using and reporting force and require KCSO to enhance deputies’ UOF and de-escalation training; ensure Department members’ uses of force are investigated thoroughly and fairly; and regularly review UOF data to track and address potentially problematic trends.

1. KCSO UOF POLICY REVISIONS

In early 2023, KCSO provided the following draft UOF policies for Monitors’ review.

- F-100: The Use of Force
- F-150: Use of Force, Handcuffs and Restraints
- F-200: Use of Force Reporting
- F-250: Use of Force, Blue Team
- F-300: Use of Force, Control Holds
- F-400: Use of Force, Oleoresin Capsicum
- F-600: Use of Force, Baton
- F-650: Use of Force, Personal Weapons
- F-800: Use of Force, Conducted Electrical Weapon
- F-900: Impact Munitions;
- F-1000: Firearms, Involved Officer Status
- F-1100: Investigation of Critical Incidents
- F-1200: Critical Incident Review Process

Our initial assessments revealed that while these policies reflected progress over previous iterations, more revisions were needed to comply with the SJ. Since then, the MT has met and collaborated with KCSO management numerous times and has provided increased technical assistance associated with the development of the department’s UOF policies as well as a UOF matrix and supervisor review form to facilitate thorough investigations. KCSO has been very receptive to our input and recommendations, and we anticipate that updated draft policies will be formally submitted soon for Monitors’ and DOJ’s compliance review.

2. MT ASSESSMENT OF KCSO UOF PROCESSES

During this reporting period, we conducted a KCSO UOF process assessment. The purpose of this assessment was to evaluate the systems in which KCSO reports, investigates, and adjudicates non-lethal uses of force by its personnel. Information from the assessment will be used to make recommendations to inform UOF-related policies under development and improve UOF-related processes.³

a. Sampling

Since the purpose of the assessment was to explore the processes surrounding use of force, the MT purposefully selected cases that were likely to provide insight into KCSO practices. We reviewed 20 completed and adjudicated UOF investigations from June 2022. Half the cases involved field personnel, and half involved custody personnel.

b. Findings

The MT shared its findings with KCSO and DOJ in June 2023. KCSO was very receptive to the assessment's findings, and for those that require corrective action, the department has responded and implemented many of our recommendations. Key findings included the following.

i. Force Categorization

Paragraph 31 of the SJ requires KCSO to classify its uses of force in three levels, with Level 1 being the lowest level of force and Level 3 being the highest. During the course of the assessment, KCSO's UOF policies and procedures were being revised, and the force classifications had not yet been changed to be consistent with the requirements of SJ paragraph 31; however, the department was in the process of making those corrections, and they are included in the revised policies.

ii. UOF Reporting

SJ paragraph 29 requires KCSO to continue to require deputies, including detentions deputies, to report all uses of force greater than an authorized control hold if they involved overcoming resistance and resulted in complaint of pain or injury. A reportable use of force also includes any use of force involving the use of personal body weapons, chemical agents, impact weapons, extended range impact weapons, vehicle interventions, firearms, and any intentional pointing of a firearm at a subject. SJ paragraph 34 requires KCSO to continue to require deputies who use or observe force to notify their supervisors

³ Lethal use of force by KCSO members are investigated and adjudicated through entirely different processes that are addressed later in this report. Uses of force involving KCSO canines will be the subject of subsequent MT reviews.

immediately after any reportable UOF incident or upon receipt of an allegation of unreasonable or unreported force.

To assess whether current KCSO processes are sufficient to ensure accurate reporting and documentation of each use of force—and ensure all reportable uses of force are reported—we reviewed related documents for indications of use of force including lawsuits, claims for damages, complaints, supervisor and watch commander logs, vehicle and foot pursuits, and reports involving the pointing of a firearm by department members. Our analysis of those documents revealed no indications of unreported force by KCSO members.

iii. Foot and Vehicle Pursuits

Foot and vehicle pursuits are inherently dangerous and extremely high-risk activities that frequently result in a use of force; they require close management scrutiny. Monitors requested the reports associated with any foot pursuits that occurred during the audit time period. We learned that KCSO policy and procedures do not require management review of foot pursuits, and we recommended that this issue be remedied by the department. The MT and KCSO will discuss this issue further in the new reporting period.

During our review of vehicle pursuits and in our conversations with KCSO management, inconsistencies were identified in the documentation of those activities when the use of force or intentional pointing of a firearm was involved. The department has since taken steps to alleviate those issues.

iv. Completeness of Deputy UOF Reports

Generally speaking, deputies' reports included sufficient specificity, were free from canned or boilerplate language, articulated adequate probable cause for the contact, provided adequate rationale for the force used, identified which deputies used what force, and described all injuries and medical treatment provided, all of which are required by the SJ.

v. Timely Submission of UOF Investigations

There is no SJ requirement associated with the timeliness of supervisory UOF investigations. However, KCSO policy requires that those investigations be submitted within 30 days, a generally accepted standard practice. Our analysis showed that patrol sergeants submitted their reports, on average, within nine days of the occurrence, and custody supervisors submitted theirs within 11 days. This is well within the 30 days allowed.

vi. Thorough and Complete UOF Investigations

We reviewed each investigation for completeness and to determine whether the investigation contained sufficient information for management to reach a reliable conclusion. We found several cases

that were overly succinct and fell short of that standard. KCSO was receptive to our findings and is committed to improving the quality of UOF investigations. We will evaluate the effectiveness of KCSO's efforts in our next assessment.

vii. Management Review and Adjudication

KCSO's current policy does not require a Commander to review Level 2 UOF incidents as required by SJ paragraph 43. Level 2 reports are reviewed by lieutenants. The MT and KCSO management have since reached a resolution to this issue, pending policy finalization.

3. INCIDENT REVIEW BOARD

KCSO's policy requires that after an investigation is completed, an Incident Review Board (IRB) shall evaluate all uses of force that (1) result in death; (2) involve a subject of force sustaining serious bodily injury; or (3) involve the use of deadly force, which is consistent with SJ paragraph 37 and best practices. Observing KCSO IRB processes is one of the ways the MT assesses the thoroughness and appropriateness of KCSO's investigation and adjudication of force.

In this reporting period, the MT and DOJ observed four IRB cases. In each case, the investigation was completed and submitted to the IRB within five weeks, which is commendable. The IRB panels asked relevant and appropriate questions associated with law and policy compliance, training standards, and tactics. Each use of force was found by the IRB to be in policy, and the MT agreed in each case.

The MT also agreed with the IRB findings of tactical issues in two cases, regarding shooting from distance. The IRB pointed out documentation issues for two cases, and non-force-related training issues for two cases, regarding constitutional stops and assisting other agencies. For each issue identified, the IRB took appropriate corrective action, usually a training bulletin or training. Each IRB satisfied SJ paragraph 48, which requires that IRB reports provide a detailed rationale for their findings and examine not just the deadly force that was used, but the entirety of the deputy-involved shooting incident, including the tactics used, or not used, leading up to the use of force.

4. ANNUAL REPORT

To comply with SJ paragraph 58, KCSO has decided to include UOF data in its annual statistical report, which is posted on its website and available to the public. For the Annual Report covering 2021 (published in 2023), in addition to various UOF data, the MT noted significant improvements from the 2020 report. These included discussions of the difference between policy and legal requirements and that a UOF incident could be within the confines of the law but still out of policy; a summary of legal standards for force; and less lethal force. We provided recommendations for the next report, including further developed discussions of de-escalation, fair and unbiased policing, and the principle that the sanctity of human life must be the guiding factor in the use of force.

5. NEXT STEPS FOR KCSO

Continued progress toward compliance with the use, investigation, and adjudication of force can only be achieved by KCSO's ongoing and consistent attention to the following activities.

- KCSO must submit all updated UOF-related policies for Monitor and DOJ assessments. (Canine-related policies and other work are addressed in the Canines section.)
- Once the policies and procedures have been revised and approved, KCSO will develop or revise training (in accordance with SJ paragraphs 50–54) on updated policies and provide this to all affected personnel, including deputies and those responsible for investigating and adjudicating UOF and canine apprehensions. Training materials will be submitted to the MT and DOJ for compliance assessment.
- KCSO will continue to conduct and improve upon the annual UOF analysis required in SJ paragraphs 55 and 56 and discuss findings and implications for policy and training with the MT and DOJ.
- KCSO will continue to document the results of these analyses in a public report (SJ paragraphs 58 and 59).
- KCSO will continue to cooperate and assist with the MT's various information requests, reviews, and audits and with the development of compliance metrics.

6. NEXT STEPS FOR THE MT

In addition to our continued work with KCSO and DOJ to establish SJ compliance metrics, the MT will focus on the following.

- The MT will continue to provide technical assistance to KCSO, DOJ, and the CAC in the development of training and policies governing the use, investigation, review, and adjudication of force by KCSO employees.
- The MT will provide technical assistance in the development of the Supervisor's Report on Use of Force.
- The MT will provide technical support in the development of de-escalation training and policies.
- Once policies and related training have been approved and implemented, the MT will verify that the required training is consistently provided to appropriate personnel.
- The MT will continue to attend and assess KCSO's IRB reviews of lethal uses of force.
- The MT will conduct routine reviews of non-lethal UOF incidents and of KCSO's investigation, review, and adjudication of those incidents.
- The MT will conduct a series of reviews or mini-audits to provide KCSO with timely feedback on any process issues and/or risk exposures.
- At a time agreed to by the Parties and the MT, the MT will conduct formal compliance audits to determine KCSO's progress toward achieving SJ compliance with the training, use, investigation, and adjudication of force by KCSO employees.
- The MT will be available to review and provide feedback on KCSO's UOF analysis (paragraphs 55 and 56).

B. USE OF FORCE: CANINES

Much work has been done by the KCSO to bring its canine operations into compliance with the SJ, including updating canine policies to comply with the SJ, conducting quarterly canine audits, and writing and publishing an annual report that includes canine deployment statistics. The MT provided feedback and technical assistance on policy development as well as the audits and reports. While compliance has not yet been achieved, a solid foundation has been laid, and substantial progress is being made.

1. CANINE POLICIES

KCSO is in the process of modifying its canine-related policies and training so that its canines are deployed in a manner consistent with “find and bark” rather than “find and bite” approaches. KCSO’s policy of training and deploying canines shall continue to be based on searching and locating subjects to be apprehended rather than immediately resorting to employing force, except when exigent circumstances or an immediate threat is evident. KCSO will continue to ensure its canine policies and related training are consistent with contemporary police best practices, including a process for conducting and promoting ongoing feedback to promote continuous improvements in policies, training, and practices in the field (SJ paragraph 12).

Specific requirements for canine operations are contained in the other canine provisions (SJ paragraphs 11–28).

Prior to the SJ, most of the Sheriff’s Office canine policies were developed and maintained as a divisional policy within the Canine Unit. More recently, the department has revised those policies and appropriately created a chapter in the Department Manual for canine policies.

KCSO initially submitted 16 draft policies to the Monitors in May 2021 addressing canine activities. The department also presented those policies to the CAC to obtain community input. The MT thoroughly reviewed those policies, and in August 2023 it returned the draft canine policies to KCSO with detailed comments and suggestions for improvement aimed at providing greater clarity and flagging SJ requirements that should be included.

In the draft policies, we identified several sections that would be more appropriately included in a procedures manual rather than a policy, covering topics such as preferred dog breeds, handler qualifications, home kennel specifications, and veterinary information. The Sheriff’s Office agreed and began work to simplify the policies and create a Canine Operations Manual.

In September 2023, the MT met onsite with the entire canine chain of command, from the Chief Deputy to the Canine Sergeant. The Compliance and Standards Division Commander also attended, along with the Professional Standards Section Lieutenant and Professional Standards Unit Sergeant. The MT appreciated KCSO’s including personnel who had expertise with the issues and the ability to make decisions quickly. During the meeting, we had detailed discussions on when canines can be used and the rules governing their deployment.

In October 2023, KCSO submitted new versions of the draft canine policies. The 16 separate sections were consolidated into three policies. The department indicated that the non-policy issues (such as general guidelines or procedural considerations) would be included in a separate Canine Unit Operations Manual.

In November 2023, the MT returned the draft policies with more comments, questions, and suggestions that required further discussion. We supported the shortening and simplifying of the policy but noted that some valuable provisions were removed during the revisions and reductions. For example, included in the original policies but not in the revisions was a clear identification of the distinct duties and responsibilities of the Canine Unit's sergeant and lieutenant, as required by SJ paragraph 11. We also suggested that the department review the SJ requirements related to the use of canines to ensure that all of those requirements are included either in the Department Manual or the Canine Unit Operations Manual.

Since the use of a canine is only one type of force, KCSO also needs to ensure that canine policies align with the UOF policies that are being revised. This will also be important in the training phase that will follow. The MT expects to review new iterations of the UOF and canine policies in the near future.

2. CANINE QUARTERLY AUDITS

KCSO shall establish procedures for auditing canine training, deployment, and administrative documentation, to be performed by the Professional Standards Unit (paragraph 28).

During 2023, the KCSO Professional Standards Unit (PSU) submitted four canine audits to the Monitors and DOJ for review and approval. Each audit has reflected improvements, with each one becoming increasingly clear and thorough. The latest audit did a better job of describing compliance with the various SJ paragraphs. The first three audits focused almost exclusively on canine deployments resulting in a bite while the fourth audit addressed a wider range of cases as required by the SJ. In addition to reporting on canine deployments during the quarter, these audit reports and the supporting documentation allow the MT to gain a better understanding of how canines are being used in the field and the supervisory/management reviews that occur for canine deployments.

As noted earlier in this report, delays within the MT delayed progress in this area. KCSO had been working diligently to ensure these audits complied with the SJ, but the MT was unable to provide timely feedback. The initial audits provided were a good first attempt and once the delays were identified, both parties quickly convened and began making significant progress in a short amount of time.

The MT review of these audits considers both the conduct of KCSO personnel in the field and the methodology and conclusions of the audit itself. In all, about six canine deployments were audited. The MT alerted KCSO to a couple of tactical issues with one of the deployments but generally agreed with KCSO that the deployments were in policy.

The audit methodologies and reporting are improving. Several of the summaries and descriptions of the cases in the audit reports, especially earlier in the year, did not provide enough detail to make a determination regarding the justification of the canine deployment. Accidental bites (of KCSO

personnel) that occurred were given particularly brief treatment. While we were able to find the needed detail by reviewing the supporting material provided by KCSO, the reports should be more thorough. After we expressed this concern in our review, the audits have become more detailed and closer to compliance.

It is important to note that the audits cannot be expected to be sufficient until policies are approved, thus giving KCSO personnel consistent guidelines and instructions to follow. The canine policies should be finalized in this coming reporting period; for now, we have reviewed the audits with consideration given to that circumstance. Also, there are two areas where the Parties need to reach an understanding about precisely what the SJ requires. The first area is the “find and bark” requirement in SJ paragraph 12, and the other is the requirement that a supervisor review each canine deployment, per paragraph 19. The Monitors, DOJ, and KCSO will discuss this in the coming reporting period.

We have recommended that KCSO use the same approach to these audits that is being used for their complaints audits: develop an annual audit plan to ensure that all SJ canine requirements are reviewed over the course of a year. By this method, each quarterly audit would address (1) the core requirements of SJ paragraph 28 (“training, deployment, and administrative documentation”); and (2) a portion of the other SJ canine requirements as delineated by the annual audit plan. This would ensure that every canine requirement would be reviewed at least once a year or more frequently if deficiencies are identified.

KCSO has put consistent effort into reaching compliance in this area since 2021. During this timeframe, the MT was focused on the Recruitment and Hiring and Community Policing sections and on policies for complaints, bias-free policing, RIPA, and behavioral and mental health, all of which were under development. Consequently, the MT did not give the UOF and canine policies and reports the attention they required to help KCSO move closer to compliance. In August 2023, the Monitors reallocated MT staffing resources to address the canine requirements separately from other uses of force so that increased attention can be devoted to this critical area.

3. ANNUAL REPORT

Canine data and analysis shall be included in KCSO's Use of Force Annual Report (paragraph 24).

KCSO has decided to include canine data in its annual statistical report, which is posted on its website and released to the public. For the annual report covering 2021 (published in 2023), the canine section described the unit’s mission, composition (handler/canine), training, and deployments, including its work with other law enforcement agencies. It also provided statistics on the types of incidents in which canines are used, along with the dates and approximate location of each canine apprehension (aka bite).

4. NEXT STEPS FOR KCSO, DOJ, AND THE MT

KCSO, DOJ, and the Monitors will discuss and resolve any remaining questions related to SJ paragraphs 12 and 19 to ensure there is a shared understanding of the requirements.

5. NEXT STEPS FOR KCSO

- KCSO needs to continue its development of canine policies and procedures to address SJ paragraphs 1–26, 28, and 29–39. Policies will be submitted to the MT and DOJ for compliance assessment.
- Working with the MT, KCSO will complete a review of its canine-related data records to ensure activities involving training, deployment, and apprehensions are being routinely assessed for compliance with the SJ and consistent with best practices (paragraph 27).
- Once the policies and procedures have been revised and approved, KCSO will develop or revise training (in accordance with paragraphs 50–54) on updated policies and provide this to all affected personnel, including deputies and those responsible for investigating and adjudicating UOF and canine apprehensions. Training materials will be submitted to the MT and DOJ for compliance assessment.
- KCSO needs to continue refining its quarterly canine audits and audit reports to ensure they are consistently clear and thorough and address all relevant SJ provisions.

6. NEXT STEPS FOR THE MT

- Continue working with KCSO and DOJ to finalize canine policies and procedures.
- Once policies and procedures are finalized, assist KCSO with the development of a training program that reflects the updated policy requirements and then monitor the training provided to supervisors and deputies.
- Assist KCSO with its review of canine-related records to ensure training, deployment, and apprehensions are adequately recorded and assessed.
- Continue to provide PSU with technical assistance on auditing, including review and feedback on the submitted quarterly reports.

C. STOPS, SEIZURES, AND SEARCHES

Paragraph 60 of the SJ summarizes the overall goal for this section.

KCSO will reiterate, train, and emphasize that all investigatory stops, seizures, and searches are conducted in accordance with the rights, privileges, and immunities secured or protected by the Constitution or laws of the State of California and the United States. KCSO will reiterate, train, emphasize and continue to ensure that investigatory stops and searches are part of an effective overall crime prevention strategy, do not contribute to counter-productive divisiveness or tension between KCSO and the community, and are adequately documented for tracking and supervision purposes.

This section details KCSO’s progress on the stops-related work required by the SJ. In this reporting period, KCSO made substantial progress toward SJ compliance, especially with developing required

policies, formalizing the ways supervisors conduct and document their reviews of deputy activities, and staffing for data review and analysis activities.

1. STOPS AND BIAS-FREE POLICING POLICIES

During this reporting period, the Sheriff's Office continued to work on refining its stop-related policies required by the SJ and changes in California statute. KCSO submitted drafts for two key policies: (1) J-2350 Racial and Identity Profiling Act (RIPA); and (2) J-2300 Bias-Free Policing. The development process for these important policies has been extensive, including reviews by the CAC and community members at CAC meetings, and several meetings and exchanges of drafts with the MT.

After the MT gave its initial approval of these policies, KCSO formally submitted them for a final compliance review and approval by the Monitors and DOJ. DOJ provided comments, and the Parties and the MT met to resolve the remaining issues. KCSO was receptive and responsive to the feedback. As this report was being finalized, the two policies were approved by the MT and DOJ, and KCSO subsequently provided them to the employee unions for their input.

The draft RIPA policy (J-2350) describes the specific data that deputies are required to enter for each person subjected to a stop and lays out the requirements for supervisory reviews of stops so as to assess compliance with the SJ, California Racial and Identity Profiling Advisory Board requirements, policy, and law (SJ paragraph 66). The draft policy also codifies the SJ paragraph 82 requirement for analyses of RIPA data.

The draft Bias-Free Policing policy (J-2300) outlines prohibitions against bias in policing consistent with the requirements of the SJ, state law, and contemporary best practices, and it addresses procedural justice requirements, requires regular training on bias-free policing concepts, and requires supervisors to regularly review the work of staff and take appropriate action to address concerning patterns or practices, especially those involving potential bias.

KCSO presented the two proposed policies to the CAC and other community members for their review and comment as required by SJ paragraph 117. To its credit, KCSO has engaged the community and sought public input on several policies that the SJ does not specifically include in this SJ provision. The MT found that the CAC members posed informed and insightful questions, with KCSO staff providing helpful and forthright explanations for the policy language and the related procedures and practices. The CAC provided comments that KCSO considered in the final draft, which was then provided to the MT for review. The Compliance Coordinator has tracked the input from the community and how it was addressed. The MT will conduct a further review on this and other policies, but at this time we have found the level of community input meets the requirements and intentions of the SJ.

2. TRAINING

Once the new and/or revised policies have been finalized, the KCSO Training Section will be tasked with developing and providing the required training to ensure deputies understand the requirements and

how to employ the policies in the field. The SJ requires a variety of trainings to be revised or initiated. (See the MT's second annual report for a list of standard trainings that deputies currently receive.)⁴

The MT notes that KCSO plans to provide all deputies with a four-hour web-based training called "Beyond Bias: Racial & Identity Update." This training was created by the POST Commission, and it meets the California legal requirement to provide bias-free policing training once every five years for all deputies. The Monitors are familiar with this curriculum and have informed KCSO that we approve of its plan to provide this training to deputies. The MT and KCSO will discuss the applicability of the training toward paragraph 75 requirements.

KCSO uses the LEFTA System to deliver web-based training for deputies and staff. Having a web-based platform for training is an important capability for KCSO because staff are deployed across a large geographical area, so attending training sessions at a centralized station is not practical for all training. KCSO also uses LEFTA System's web-based platform to ensure deputies receive, read, and acknowledge receipt of the policies. Finally, LEFTA can be used to provide basic quizzes to test staff knowledge for the retention of the policies and training (SJ paragraph 180). KCSO has reported using the quiz function for some of the documents released for staff review. How KCSO intends to meet the requirements of SJ paragraph 180 will be included in the department's training plan, which is to be discussed in the next reporting period.

Per SJ paragraph 175, the MT and DOJ will need to review and approve each training that is intended to meet SJ requirements. The MT and KCSO will confer on which trainings are meant to address which SJ provisions to ensure these requirements are met. Once SJ-required trainings are implemented, the MT will then verify that the trainings are delivered to all appropriate personnel. The MT notes that, after training is provided, regular and consistent reinforcement of these important policies and trainings must be provided by field training officers, supervisors, and managers because this is essential to achieve and maintain compliance with the SJ and organizational goals.

3. SUPERVISORY REVIEW OF STOPS

a. Supervisory Review of Individual Stops and Stops Documentation

In addition to data analysis across large samples of stops and calls for service, which are discussed in KCSO data analysis below, a key type of departmental review is done primarily by supervisors on a stop-by-stop and deputy-by-deputy basis. Paragraphs 76–81 lay out supervisory and managerial reviews. These are designed to promote and enhance accountability at the level of individual deputies and units as well as to assess and improve overall organizational performance. Supervisors are required to assess whether stops and deputy conduct during stops are legal, within policy, in compliance with the SJ, in

⁴ The training is delivered through a variety of formats: during roll-call sessions, through an automated training system, formally tracked deputy reviews of required policies and documents, online learning, and traditional classroom courses offered by KCSO training staff.

accordance with other departmental priorities and instructions, and are accurately and thoroughly documented.

SJ paragraph 77 requires regular reviews and audits of stops documentation, such as computer-aided dispatch (CAD) and RIPA, in addition to arrest reports and citations. During site visits and ride-alongs, the MT observed KCSO sergeants and senior deputies reviewing RIPA forms, incident reports, and other reports completed by KCSO deputies. Every RIPA entry is currently reviewed by a supervisor before it is submitted to DOJ.

Although the RIPA data entry form consists of required fields that deputies cannot bypass without entering information, the data entered by the deputies may still be insufficient or incorrect. Supervisors review the form to check that the fields are completed according to procedure and that the narratives describing deputy actions are sufficiently thorough and provide legal justification. Supervisors must also ensure that neither personal identifying information (PII) nor restricted officer information appears in any of the open text fields submitted to DOJ. To verify the accuracy of the entries, supervisors will have to use BWC footage, stops, and calls for service documented in CAD, or other available reports. The supervisor can make corrections if the deputy makes an error on the form, such as the wrong length of time for the stop or failing to indicate all the types of law enforcement actions that occurred during the stop.

Also, as part of the nearly finalized policy on Bias-Free Policing and in concurrence with the SJ, KCSO sergeants will conduct a more thorough review of a sample of stops on a weekly basis. They will assess the stops of the deputies under their supervision by reviewing the CAD and RIPA data as well as BWC footage associated with each stop. Supervisors will review an appropriate number of stops in order to determine if each patrol deputy is consistently conducting themselves appropriately.

Depending on the severity of the error or violation, the supervisor will determine what appropriate corrective action may be required, if any. After final approval and publishing of the new stops policies, supervisors will have to be trained on the new policy requirements and *how* to review deputies' work to ensure compliance with the SJ.

b. Holding Supervisors Accountable for Effective Stops Review

Supervisors will be required to document their reviews of stops and any follow-up so that managers can assess the supervisory review process. Managers, in turn, must hold supervisors accountable for sufficient supervisory review, which includes reliably identifying any issues requiring attention and responding appropriately, including taking effective corrective action when necessary.

At the next site visit, the MT will discuss how KCSO tracks any meetings between supervisors and deputies regarding issues with stops or stops documentation (SJ paragraph 78) and the process by which managers assess whether supervisors identified all violations or deficiencies and took appropriate corrective action, and if those measures were effective (Paragraph 79).

Also, according to SJ paragraph 80, the Compliance Coordinator must track several types of occurrences, including repeated violations of policies and procedures by deputies, instances where

supervisors and commanders fail to appropriately and thoroughly review documentation of stops of subordinate staff for whom they are responsible, and any corrective action taken in those cases. The Compliance Coordinator has been using a spreadsheet to track these issues but plans to upgrade that process in the coming reporting period.

c. Body-Worn Camera (BWC) Program

All deputies on patrol were issued a BWC by November 2021. In this reporting period, KCSO purchased 180 more BWCs to deploy with investigators and jail staff. However, as reported in the HR section of this report, KCSO has recently increased hiring of sworn staff to fill open positions and therefore plans to deploy the BWC intended for the jails to newly assigned patrol deputies. KCSO also has provided cameras to all deputies working investigative/detective assignments.

For 2024, KCSO reports it will use a small number of available BWCs in the jail but will need to buy more cameras to fully deploy them to jail personnel. Currently, all deputies assigned to the Justice Inmate Reception Center (IRC) are issued BWCs, and there are numerous fixed-post surveillance cameras situated throughout all facilities. This technology is a critical part of KCSO's accountability and transparency efforts; additional funding is necessary to equip every deputy and jail personnel with a BWC.

d. BWC Unit Audits

Random auditing of BWC videos is an important supervisory and management review process that KCSO has had in place for several years. In this reporting period, KCSO expanded BWC unit staffing and made other important system improvements.

In December 2023, KCSO assigned a full-time sergeant to the BWC unit. The sergeant now oversees the unit and reviews and processes the cases where observed policy violations have been identified. The duties of this position previously were carried out by a sergeant or lieutenant assigned to the PSU. A dedicated full-time unit supervisor will be able to provide more consistent oversight of the staff assigned to the unit and will be more familiar with audit findings in order to identify trends and patterns across the videos reviewed and to recognize particularly high-quality work.

Also, KCSO added two staff members in March 2023, so the unit is now composed of eight sheriff aides who conduct the BWC footage reviews. The basic process remains the same: KCSO provides the sheriff aides with training on pertinent department policy and on topics such as search and seizure. The sheriff aides use a form with questions to guide them through the review, and observations are documented. When the sheriff aides flag possible SJ, policy, or legal concerns, the PSU and, now, the BWC sergeant conduct a further analysis that includes reviewing any associated reports or documents to better understand what took place. The sergeant then forwards the documentation to the deputy's supervisor to assess the case for possible corrective action or, for more serious violations, to Internal Affairs (IA) for a formal investigation. Now that the BWC unit is fully staffed, these audits will be crucial in identifying and rewarding deputies who display exceptional Crisis Intervention Team (CIT) or de-escalation skills as outlined in the department's commendation policy.

The BWC unit reviewed 13,620 videos in 2023, representing 4.2% of the 322,473 videos recorded in that year. The reviews assessed deputies' compliance with policies and requirements of the SJ. One case was sent to IA based on the seriousness of the observed conduct. An additional 193 cases were sent back to supervisors for review. These cases largely related to instances where deputies did not complete the required RIPA information to document a stop as required by policy and state law.

The MT notes that additional videos are reviewed by supervisors as a part of their work in the field, which means the percentage of total videos reviewed by the BWC unit and supervisors is actually larger than 4.2%. The MT encourages KCSO to continue this excellent practice of random reviews of BWC footage for deputies.

In 2023, KCSO generated an expanded list of proposed questions for the unit to use as a checklist to guide the assessment of BWC use and compliance with policy, the level of professionalism displayed by employees, any potential bias, and exemplary conduct worthy of recognition. This list was shared with the MT, and feedback was provided. KCSO subsequently updated and expanded the list to include specific questions related to RIPA form completion. The MT will discuss the use and possible enhancements of the questions with the BWC unit during the next site visit.

In another recent improvement, for the last half of 2023, the BWC unit improved the way it documents its work and findings. In particular, it began to track cases that were sent back to supervisors or referred to IA because of flagged issues. The BWC unit does not receive results of cases referred to supervisors for further action with the exception of being notified when a RIPA form was successfully completed after the unit flagged it as insufficient. The MT will meet with KCSO to discuss the types of information tracked for cases the BWC unit sends to supervisors or IA.

Tracking is important for measuring the effectiveness of the BWC unit. Additionally, tracking plays an important role in identifying patterns or trends in deputy performance that warrant further attention. For example, if a deputy conducted a search that did not appear to have a legal and policy justification, the BWC unit should be (1) notified if the field supervisor agreed with the BWC unit findings; and (2) if so, what corrective action the supervisor took as a result. This type of tracking will help KCSO management understand the effectiveness of the BWC unit and if supervisors in the field are taking action based on BWC unit findings.

In the past year, KCSO reviewed the capabilities of other systems to streamline the review and tracking of BWC videos. At this time, no suitable replacements were identified, but KCSO will consider enhancements as it works to replace its CAD, RMS, UOF, and IA systems.

As new SJ-compliant policies are being instituted in 2024, there may be expanded opportunities to use the reviews to check for compliance with those policies. In the upcoming reporting period, the MT will review the practices of the BWC unit and provide recommendations for enhanced or additional utilization of the unit's work. This might include follow-up on recurring issues found in or conducting additional reviews of certain cases, such as those from outlying areas that might receive less scrutiny by supervisors than those in the Metro Patrol Division.

4. SUPERVISION IN THE METRO PATROL DIVISION AND IN OUTLYING AREAS

KCSO provides services in densely populated areas in and around Bakersfield as well as in the more sparsely populated and geographically remote areas of the county. The SJ does not distinguish between supervision requirements in the two types of service areas, but, in practice, there are notable differences. This section discusses the SJ requirements regarding supervisory review and accountability as they apply countywide while recognizing the distinct challenges faced by KCSO in its efforts to achieve compliance throughout its patrol operations, be that in the metropolitan area surrounding Bakersfield or at the areas served by its remote substations.

To observe KCSO activities across Kern County, the MT conducted site visits, supervisor interviews, and ride-alongs in various areas of the county. We found that KCSO deputies conducted themselves in a professional manner on each of the MT's ride-alongs. The MT also observed deputies' complete CAD entries, incident reports, and RIPA forms when appropriate, and we observed supervisors and senior deputies checking deputy stops documentation and reports for accuracy and thoroughness. These are standard documentation practices for stops in California and under the SJ.

a. Challenges at Metro Division Versus Substations

While visiting the stations across Kern County, the MT had an opportunity to observe deputies interact with community members in the field and observe various challenges faced in their specific patrol areas.

In the Bakersfield metropolitan area, the deputies tend to encounter a higher call volume in this more urban environment. During the ride-alongs at the substations, the MT observed deputies, most often working alone, handle calls requiring a long response time due to distance, with one case requiring a 45-minute drive.

Investigations are handled somewhat differently depending on the area of the county and the resources available or required. Deputies who work in the Bakersfield area write their initial crime reports and then send those reports to a centralized investigations section for any necessary follow-up. Deputies assigned to substations write crime reports and can conduct necessary follow-up misdemeanor investigations as a part of their duties. A senior deputy at the stations will conduct more serious follow-up investigations as necessary. In instances of a homicide, there are centralized investigators who respond throughout the county to assume responsibility for the investigations.

There are also some cities in the outlying areas with their own police departments, and KCSO does not provide regular patrol in those areas, but KCSO deputies do provide assistance to those agencies upon request, and they may conduct follow-up investigations in those cities when requested or as necessary.

b. Roll Call Briefings

A common and consistent practice in law enforcement is for sergeants⁵ to meet with patrol staff, in person, at the beginning of a shift. These briefings are most often referred to as “roll call” or “line-up” briefings, where all available deputies working on that shift gather to receive updates of recent significant crimes, trends from previous shifts, and the most current priorities and instructions from their immediate supervisors and shift manager.

Roll call is also an important opportunity to discuss training topics and can include reminders and refresher training on proper tactics and lessons learned from prior events, including those from other jurisdictions. Roll call briefings are not specifically required by the SJ, but they facilitate several important SJ objectives, including providing daily guidance and reminders about Sheriff’s Office priorities, training refreshers, and consistent messaging for all deputies.

Metro patrol deputies routinely attend roll call sessions prior to deployment in the field. The MT observed several instances where KCSO supervisors provided high-quality briefings at the Metro Division. In one roll call, the MT observed a supervisor showing a brief video of a critical incident that involved another agency and ended in an officer-involved shooting. The supervisor led the group through a discussion of the incident and asked the group to critique the tactics during the event. The deputies critiqued the tactics used in the incident and outlined areas for improvement that could have prevented the officer-involved shooting.

In another roll call session, a supervisor had a tactical team deputy review the principles of searching a room or business. The deputy discussed different scenarios faced in typical searches. There were significant discussions related to safe strategies to search a property when a limited number of deputies are available, or even just one deputy because of the remote locations in Kern County. The supervisor stressed the importance of safety while searching and said a search should be done with at least two deputies whenever possible.

In contrast, roll call briefings are not as routine at the substations. Some of the deputies met with supervisors at the stations to begin their shift, but other deputies began their shifts directly in the field because of the long distances they may have to travel and differing start times among shifts. Deputies at these stations are typically assigned take-home cars and begin their shifts right from home. The MT recognizes that, given the distances involved and remote settings, this may be a more efficient and convenient way to deploy staff, particularly for resident deputies who live and work in the most remote areas of the county.

c. In-Person Supervisor–Deputy Interaction

In addition to the roll call briefings led by sergeants at the start of each shift, it is also a general supervisory practice for sergeants to be regularly present at calls for service and stops so they can directly observe deputies’ work. Sergeants should also be available to respond to certain types of risk

⁵ Typically, the sergeants who conduct the roll call briefings are also supervisors.

management situations, such as those involving complaints and uses of force. Although BWC footage of events and thorough review of reports offer ways for supervisors to evaluate deputies' work, those methods cannot replace firsthand observations of deputies and response to events occurring in the field. The setting and facilities provided by KCSO headquarters is more conducive to these types of in-person supervision than the substations.

The large geographical areas that have to be covered in the outlying areas of the county present unusual challenges that affect KCSO supervisors' ability to routinely provide immediate supervision of staff who work out of the substations. Supervisors do not always make it to those areas to meet with the deputies regularly. In discussion with supervisors, they noted prolonged response times when needing to respond to a scene of a UOF incident, when a person wants to make a complaint, or some other critical incident requiring their presence. It can take 40 minutes to an hour for supervisors to arrive at a location in the field, or longer when supervisors have to provide oversight for more than one substation. By that time, the deputies on the scene usually have already handled the incident. Often, sergeants give directions to field deputies over the phone. In instances incidents involving a use of force, supervisors will respond in person if it involves a serious use of force but may not respond for a lower-level use of force.

In light of these conditions and limitations, the MT interviewed sergeants at the substations to ascertain how they provide supervision to the deputies where there is a lack of routine roll call briefings and with fewer opportunities for in-person interactions. The sergeants meet with the deputies at the beginning of the shifts unless deputies are too far from the stations. There are times when supervisors check in with the deputies only over the phone or while reviewing reports or documents. This presents challenges for the sergeants, but they monitor the radio and respond when necessary. Finally, it must be noted that the SJ requires roll call training so the MT and KCSO will discuss alternatives, if needed, that will ensure all deputies receive the training in an approved manner.

Additionally, per the SJ, it is the responsibility of supervisors to review the activities and conduct of the deputies assigned to them; to take action when necessary; to assess the results or outcomes of the corrective action taken; and to document the entire process, including the reviews, findings, corrective action taken, and outcomes. The sergeants use a computer-based system to review reports and other documents and can do so remotely. This is the primary way that all sergeants regularly review the work of their staff. If no sergeants are available to provide timely review of paperwork, there are senior deputies assigned to the substation to provide the required supervisory review of the documents. At one of the substations the MT visited, a sergeant was assigned to training all week, so a senior deputy provided supervision and report approval for that week.

The MT recognizes and considers the logistical issues and challenges that supervisors must contend with in meeting their oversight responsibilities in these remote areas of the county. While the MT acknowledges that the lack of traditional roll call briefings and less consistent interactions between deputies and supervisors may be unavoidable, it is important that KCSO remain aware of the limitations while also seeking effective solutions to deal with the risks and responsibilities that must be dealt with. The SJ outlines clear requirements for supervision and oversight. The MT will continue to assess whether KCSO's policies and practices provide for adequate supervision of staff in both urban and rural areas of Kern County, and to work with KCSO on ways to ameliorate any shortcomings.

In the new reporting period, the MT recommends that KCSO review watch logs and other documents to conduct an assessment of the issues related to geographical distance and staffing at the substations, including but not limited to the frequency and reasons deputies are not present for roll call, how supervisors communicate with deputies throughout the shift (especially with deputies who are unable to make roll call), how often supervisors are called to a scene in the field, how incidents are handled when they cannot arrive in a timely manner, and how reporting is handled. This assessment will help KCSO better understand how to implement the supervision requirements of the SJ. KCSO may need to better utilize Zoom meetings with the deputies, require attendance of at least one roll call per week, or some other solution for supervisors to have regular contact with staff.

5. KCSO STOPS DATA SYSTEMS

As noted in previous reports, some of the data systems used by KCSO are antiquated and lack necessary interoperability features that are needed for the department to reliably and efficiently meet the recording, tracking, analyzing, and reporting requirements of the SJ. This includes systems containing KCSO stops data as well as other related data such as use of force, canine deployment, complaints, and BWC video.

KCSO recognized this problem and continues to work diligently to obtain funding and explore and implement new systems and practices to address the shortcomings. Current estimates are for KCSO to have a fully integrated data collection and reporting system implemented by 2026. The department is also exploring platforms that would give KCSO managers and supervisors real-time access to CAD and records management system (RMS) data, facilitating timely and data-driven decisions on policing practice, resource allotment, and problem solving. KCSO has made progress on this platform and reports that it may be in place this year. This is a positive and a significant step forward.

Given the number of systems that need an upgrade, there will not be a single technological solution to address all the needs of KCSO or all of the SJ requirements. As it has been doing, KCSO will need to expend resources to identify the best systems for its needs and, in some cases, modify current systems and practices. In the meantime, KCSO continues to produce analyses and reports that can be generated despite the limitations of the existing data systems. The MT continues to provide feedback and technical assistance to assist KCSO in its efforts to improve its analysis and reporting practices.

a. RIPA Data

The RIPA data that KCSO has been collecting for over two years will provide much of the information needed for the various stops analyses and reviews. The RIPA data entry form has been designed to ensure deputies complete the required information for each stop.

There are several instances where a deputy must enter a written summary or narrative of the reasons for an action, allowing the deputy to describe the specific circumstances leading to the action. The extended number of variables and narrative fields on the RIPA form is important because KCSO's current CAD system does not capture all SJ-required information to evaluate the reason for a stop. The RIPA data contains most of the elements of enforcement stops that KCSO needs to track, although it

does not include all information required by the SJ. For instance, there is no specific tracking for when a supervisor provides approval for a home-based consent search, yet approval of the home-based consent searches need to be tracked to demonstrate compliance with SJ paragraph 72.

KCSO uses the LEFTA system to capture RIPA data to ensure compliance with California law for data reporting. The data are recorded in LEFTA Systems software and submitted to DOJ. Supervisors must review each RIPA entry by deputies and approve the forms prior to final submission. The MT has observed supervisors providing review and approval of the forms completed by deputies. Supervisor review and approval of each form is an excellent supervisory practice. A thorough compliance review of those practices will be part of a future MT stops audit.

6. KCSO DATA ANALYSIS

KCSO needs to conduct a variety of data analysis to fulfill SJ requirements. The reports and analysis will play a key role for KCSO commanders who need to determine how their enforcement efforts may be impacting crime and the extent to which they fit into an organized crime prevention strategy, whether their policing strategies and tactics are having the intended (or unintended) effects, whether community expectations are being met, and even how individual deputies' performance compares with their peers and organizational expectations.

a. Staffing for Data Analysis

KCSO has made impressive efforts to expand its capacity for the analysis and review of stops and other types of data. In addition to the sergeant assigned to the BWC unit (described above), KCSO has assigned a senior deputy with unique expertise and formal training in data management to serve as one of the coordinators of the RIPA data for KCSO. The senior deputy serves primarily as a follow-up investigator of crimes but is also called upon to assist with data management and creating reports as necessary. The senior deputy has participated in meetings with the MT and has been responsive to our inquiries and requests.

In March 2023, KCSO filled an analyst position in the Compliance and Standards Division. This new position is filled by a non-sworn staff member with a background in data tabulation and analysis. The analyst is assisting with providing important data tabulation and analysis as required under different SJ provisions, such as those related to providing periodic reports for use of force, stops, language access, and complaints (paragraphs 24, 55, 56, 82, 100, 112, 122, and 157). This additional administrative capacity will help KCSO track, analyze, and report on important risk management or performance data. Both the analyst and the senior deputy will provide assistance, as needed, to the professor from California State University, Bakersfield, in the analysis of RIPA data for stops trends/disparity analysis.

KCSO has contracted with this professor to process KCSO RIPA stops information and produce certain essential reports. KCSO intends to use the California Racial and Identity Profiling Advisory Board's annual report as a model, adapting it as appropriate to reflect the priorities of KCSO and the SJ. The MT is ready to provide technical assistance as needed and expects KCSO to provide regular updates on the progress of the reports.

b. Stops Data Analysis

In addition to assessing the efficacy of crime reduction strategies and of specific law enforcement activities, KCSO must use stops data to investigate and address any potential patterns of bias or other issues in enforcement or enforcement leading to counterproductive relationships with the community or other concerns. SJ provisions that need to be assessed through various types of data analysis as part of KCSO and/or MT reviews and audits include paragraphs 60–63, 65 68–69, 75, 80, and 82, as well as several in other sections of the SJ.

Especially given the limitations of KCSO’s current CAD system, RIPA data is crucial to identifying and addressing any potential bias that could be discerned among deputies, identifying practices resulting in disparate treatment of groups in the community, and providing key information when developing and assessing crime reduction strategies. For instance, as required by SJ paragraph 82, KCSO will use RIPA data to review the specific activities of deputies and understand larger trends of enforcement across the department. The MT’s outcome assessments, as required by SJ paragraph 167, will also use CAD and RIPA data and other KCSO data on areas such as use of force, complaints, and documentation of supervisory and management review.

c. Peer Comparisons

The MT has provided recommendations for examining individual deputy behaviors to identify patterns of potential bias or other issues that warrant further scrutiny by the Sheriff’s Office. For example, following an MT inquiry, the newly assigned KCSO analyst searched the RIPA data and produced a list of the 10 deputies who have been responsible for conducting the most consent searches. Consent searches are highly discretionary and significantly impact the person being searched. This serves as an example of the importance of using the data to stimulate more thought and probing to discern whether the actions taken are achieving the outcomes the department is seeking. Improving the ability to conduct data analysis in a timely manner and address questions that arise as a result of exercising critical thinking is an essential step and something KCSO can be doing routinely to help answer questions about the effectiveness of police practices and their potential impact on the community.

In this review of consent searches, KCSO discovered that, at a scene with multiple deputies present, the deputies with the highest number of stops would often volunteer to complete the RIPA form because they were proficient in making the required stops entry. This was true even if the deputy showed up after the stop was made and did not play a role in the decision making as part of the stop.

To understand the enforcement patterns and efforts of specific deputies, it is important that the deputy with the greatest degree of contact or interaction with the person stopped complete the RIPA forms. As a result, KCSO added a statement to its new RIPA policy and RIPA training document which requires the form to “be completed by the deputy with greatest degree of contact or interaction.” The MT found this to be an excellent example of KCSO using even relatively simple data analysis—such as creating a top 10 list of certain behaviors—to not only identify and address the issues originally under review but to identify other issues that need to be addressed. The MT and KCSO have been discussing more ways to use this data in their reviews of deputy behaviors and performance. With the completion of the two key

policies for stops, which was discussed earlier, and as part of the analysis requirements for paragraph 82, the MT expects KCSO leaders to use the RIPA data in its reviews of deputies' activities.

d. Assessment of Crime Reduction Strategies

The Sheriff's Office continues to work on crime prevention/reduction strategies as required by the SJ. The MT stresses the importance of using stops data in formulating these important strategies. This data should inform the Sheriff's Office leadership of both the positive and potentially negative impacts of KCSO activities on the community.

For example, data analysis can be used to assess the following.

- If deputies are conducting enforcement in one neighborhood without any connection to an organized strategy, this would warrant a review to determine if the deputies were working and being effective in actually addressing the identified crime priorities for KCSO.
- If enforcement efforts were resulting in a disproportionate number of stops among one demographic group versus other groups, this may warrant a further review to determine if there is a reason for this disparity or if a change might be required to ensure fair and unbiased policing principles are being followed.
- Unexpected drops in crime in certain areas, especially where deputies were not engaged in increased enforcement activities, in order to better understand the reasons for the drop and determine if the causes can be replicated elsewhere. The drop could be due to deputies engaging in more focused or targeted crime prevention tactics, such as business watch programs, target-hardening techniques or crime prevention through environmental design efforts, or increased involvement of community-based resources or some other actions by community members. This can also be an opportunity for KCSO to recognize exemplary practices by deputies and community partners.

KCSO will use the SARA problem-solving process as part of its community policing efforts. Examining the number and types of stops and other activities being conducted as part of any effort to address crime is a crucial part of assessing the impact of those efforts on the community. In instances where stops are cited as a key indicator or measure of the department's response to crime, the department can closely monitor the stop activity and the impact on criminal activity in the area. In instances where the stops provide minimal or no impact on the crime, KCSO should identify alternative strategies to address the behavior.

7. KCSO DATA REPORTING

While KCSO is working to implement more modern data systems, its current systems can produce the basic data needed to generate regular reports related to stops based on the RIPA data collected by deputies. The Sheriff's Office produced an annual report in 2022 that discussed programs and data from 2021. The intent of the report was to meet various reporting requirements across several sections of the SJ. The MT provided feedback and technical assistance to KCSO regarding future annual reports. KCSO is currently preparing reports covering the periods of 2022 and 2023.

Transparency is a key feature that is essential to build trust between the police and the community, and it is core to the SJ. An agency must regularly provide important performance information to the community. In this reporting period, KCSO continued to use its Transparency page on its website, which was launched in 2022. The website provides important data and information for the public, such as KCSO's use of force, critical incidents, Monitor reports, crime mapping, and how to file a complaint. Sharing this data and information with the community is a part of transparency efforts by KCSO.

8. NEXT STEPS FOR KCSO

Although these next steps are largely the same as the previous reporting period, the MT notes that KCSO has conducted much of the essential groundwork required to move forward with the training related to the new bias-free policing and stops policies. Once the policies have been implemented and trained, the MT will focus on measuring KCSO's adherence to the policies in the field.

KCSO will continue to cooperate with the MT and assist by responding to the MT's various data and document requests, inquiries, and reviews and with compliance metrics development. The MT also notes KCSO has already begun some of the practices to increase oversight and accountability, such as by conducting random BWC reviews, supervisors' weekly audits of deputy stops, and supervisory review of RIPA forms.

In the next reporting period, the key activities and objectives for KCSO that relate to stops, seizures, and searches include the following.

- KCSO will finalize its bias-free policing and RIPA policies in consultation with the MT and the CAC to ensure that (1) deputies conduct and document their stops, searches, and seizures in accordance with the SJ and the law; and (2) supervisors review and evaluate data associated with investigatory stops and searches (SJ paragraphs 60–75).
- KCSO will develop a search and seizure policy to ensure compliance with SJ paragraph 72, which requires deputies to notify a supervisor when considering a consent-based search of a home.
- After finalization and approval of policies, KCSO will, as needed, develop or revise the associated training curriculum in consultation with the MT. Among other steps, this will include KCSO reviewing its current training related to investigatory stops, searches, and seizures for alignment with the SJ and identifying areas that require enhancement or new policy development (paragraph 75).
- KCSO will continue to pursue data system solutions and, working with the MT, will expand regular data analysis and documentation review to identify and develop responses to potential issues and improve the use of the findings to inform practice and meet SJ requirements (paragraphs 55–58, 68, 80, 82).
- Working with the MT, KCSO will continue to identify and develop plans to address any gaps in current data collection and stops documentation practices. Among other steps, this will include assessing the extent to which the RIPA-related data collection and supervisory reviews comply with SJ requirements, as well as reviewing current BWC auditing processes for possible augmentation to meet other SJ-required supervisor and managerial review and oversight functions (SJ paragraphs 27, 66, 68, 80, 76–82).

- KCSO will provide the professor from California State University, Bakersfield, with the data necessary to conduct the analysis of stops by KCSO deputies.
- In the first half of 2024, the MT will meet with the BWC unit sergeant to discuss the impact of the expanded checklist, progress in documenting the audit findings and outcomes, and trends the BWC unit has identified as a result of its reviews.
- KCSO will revise or develop accountability and supervision practices to ensure that unlawful stops, searches, and seizures are identified and addressed (paragraphs 76–82).

9. NEXT STEPS FOR THE MT

- The MT will work with KCSO and DOJ to schedule in-person or virtual site visits for meetings and to conduct site observations.
- The MT will review proposed policies for compliance with the SJ.
- The MT will review and approve the training curriculum to ensure compliance with the SJ before KCSO delivers the training.
- The MT will review training records to ensure the required persons have been trained in the new policies as required by the SJ.
- The MT will conduct observations, interviews, and ride-alongs at the stations.
- The MT will provide technical assistance to KCSO to assist with the effective use of RIPA data to better understand the impact of enforcement patterns in the Kern County community. These efforts include the completion of the disparity analysis from the outside professor at California State University, Bakersfield. The MT will review the documents and provide feedback to KCSO with areas for further research or suggestions to address disparities identified by the report.
- Per the request from KCSO, the MT will meet with the new sergeant in the BWC unit to review the questions used to evaluate the videos and make recommendations for improvement.
- The MT will meet with the new BWC unit supervisor to review the tracking mechanism for cases referred to IA or field supervisor and related follow-up actions, and to review BWC policies and procedures, as applicable.
- The MT will provide technical assistance as needed for KCSO managers to expand their use of data and other documentation to help identify and respond to potential issues.
- The MT will provide technical assistance to the new KCSO departmental analyst position.
- The MT will discuss and provide recommendations for ways KCSO tracks the meetings between supervisors and deputies in cases where the supervisor observed a deputy failing to meet legal or policy requirements during an enforcement action (paragraph 78) and where corrective actions have not been effective in correcting deputy behaviors (paragraph 79).
- The MT will conduct further field observations and an initial audit of stops conducted by KCSO deputies to assess compliance with these policies and provide feedback to KCSO on what aspects of stops and the supervisory review process are on track for compliance and which need attention.

Supervisory and Managerial Use of Data to Inform Practice

Whenever a deputy stops and detains someone, however briefly, the facts and circumstances leading to that stop and detention and any subsequent action must be rigorously documented and available for review to assess the deputy's decision making, the legality of the deputy's actions, compliance with KCSO policy, and the SJ's terms and conditions.

If any adjustment through supervisory guidance or retraining is called for, data from future stops would be used to measure the impact of any of these corrective measures. Furthermore, it is critical for KCSO to use the aggregate data collected as a means to inform and guide the evolution of its crime prevention and other policing strategies, assess the need for revisions to policies or training, understand where law enforcement resources should be allocated, and assess whether disparities exist in enforcement. In short, data, crime prevention strategies, and other information must be used to inform and drive management decisions within KCSO and assist with the formulation and delivery of fair and equitable law enforcement services in Kern County.

These reviews also must be conducted knowing that stops and calls for service are clearly the most common point of contact for deputies and community members and thus are, in many ways, the linchpin of the community–KCSO relationship, serving as a primary source of information that influences the public's perceptions of the agency.

A key focus of the monitoring activity for this section of the SJ is on various types of data collected by deputies regarding each stop or call for service and on the required written reports that document their daily operations. Deputies record extensive information on nearly every interaction with the public, including each stop or call for service; each search, detention, citation, or arrest during those contacts; and the disposition of each call or stop.

Documentation of even brief stops usually includes short narratives describing what occurred and the deputy's reason or justification for their actions. More involved contacts—such as those that include searches or that lead to arrest—require more detailed written reports. It is essential that all data and documentation are accurate, thorough, and reliable; collectively, they serve as the foundation for most audits, analyses, and reviews conducted by KCSO supervisors and managers and by the MT.

Once data and other forms of documentation are submitted, they are stored in various data systems for later access by supervisors and managers, sometimes with assistance from data specialists. The information accessed may be related to individual stops, such as reviewing a particular arrest report filed by a deputy. Reviews may also contain aggregate data, describing multiple stops and/or calls for service organized by any number of factors, such as time period, location or neighborhood, individual deputy or KCSO unit (e.g., Traffic Enforcement), type of criminal behavior, or type of outcome (e.g., searches, citations, arrests).

Supervisors and managers review the information and make assessments, ranging from evaluations of individual performance to unit or shift performance, to identification of emerging trends or patterns, to examination of the efficacy of policing strategies. The next step and goal of these reviews is to take corrective action to ameliorate any undesirable issues that are identified.

Several different types or combinations of actions may be taken. At the level of the individual employee, corrective action might involve additional supervision or training, or investigations into potential misconduct. At the aggregate level, it could include making adjustments to policing strategies and tactics. Corrective action also may include clearer guidance on areas such as enforcement tactics employed in high-crime (i.e., hot spot) locations, increased surveillance of highly vulnerable locations, or improved use of non-enforcement strategies (e.g., community policing and problem-solving efforts to engage community members in identifying underlying causes and taking appropriate preventive measures). These are part of what are referred to as crime prevention strategies (SJ paragraph 60).

Importantly, at both the individual and aggregate level, diligent managerial attention and a desire to apply critical thinking skills will help ensure any unintended impacts of current practices are avoided, such as a disparate impact on certain demographic groups or results that contribute “to counter-productive divisiveness or tension between KCSO and the community” (paragraph 60). This can best be accomplished by conducting ongoing assessments of the efficacy of enforcement practices to ensure they are achieving the intended law enforcement objectives of reducing criminal behavior without unduly undermining community trust in and cooperation with law enforcement. Should such impacts be identified, it is incumbent upon managers to develop corrective action plans and document the impact of those interventions.

D. RESPONDING TO AND INTERACTING WITH PEOPLE WITH BEHAVIORAL HEALTH DISABILITIES OR IN CRISIS

SJ paragraphs 83–94 require that, for calls involving individuals with behavioral health disabilities or who are in crisis for a variety of reasons, KCSO responds appropriately and, whenever possible, with specially trained clinicians or staff. This requires KCSO to maintain a robust Crisis Intervention Team (CIT) first responder model that is adequately resourced with well-trained personnel. It also requires revisions to dispatch protocols and several policies, including for use of force, with the goal of prioritizing Kern County’s Mobile Evaluation Team (MET) service providers as well as CIT-trained deputies to respond to mental health crises. Also, the SJ requires KCSO to thoroughly document these calls and evaluate the effectiveness of its CIT model, to inform its crisis intervention program, and to identify any policy, training, or implementation issues that may arise.

This section of the SJ has clearly been a priority for KCSO, and it is making significant progress toward compliance. In fact, even though formal compliance metrics are not yet finalized, the MT finds KCSO in compliance with many of the SJ provisions for this section as noted below. In this reporting period, the MT observed and provided feedback on the CIT training and reviewed and provided feedback on KCSO’s Mental Health Crisis Response policy. MT members also conducted ride-alongs to assess a variety of SJ compliance objectives, including evaluating KCSO’s interactions during calls for service or stops that involved individuals experiencing a crisis.

1. POLICIES

SJ paragraph 83 requires KCSO to revise policies to establish a preference for dispatching MET- or CIT-trained deputies when responding to calls involving individuals in crisis and, whenever feasible, to rely upon de-escalation techniques to resolve these situations without having to resort to the use of force.

In 2022, the MT noted that although KCSO does have a number of policies and protocols related to interacting with individuals in crisis, there was not a standalone policy establishing a standardized deputy response to individuals experiencing a mental or behavioral health crisis. Even though the SJ does not specifically require a single policy to address these issues, KCSO recognized the value of that approach and has since taken significant steps to create one based upon recommendations from the MT.

KCSO staff reviewed several model policies and drafted an updated H-550 Mental Health Crisis Response policy to be implemented with KCSO deputies, supervisors, and dispatch. This policy was reviewed by the CAC—again, not as a requirement of the SJ—and its feedback was incorporated into the policy. The MT reviewed the policy and provided feedback. KCSO was receptive to the feedback and made revisions, and the MT recommended approval to DOJ, which had additional requests for revisions. Early in the new reporting period, the MT expects the policy to be approved, which will bring KCSO into compliance with SJ paragraph 83.

The new policy is augmented by other policies KCSO has revised to be in compliance with the SJ, including a policy on virtual MET (see the Monitor’s second annual report, page 21) and an updated commendation policy (see below).

At this time, the Monitors do not find KCSO to be in compliance with all of SJ paragraph 84, which states “KCSO and the County shall provide sufficient resources to staff the MET at a level that is reasonably calculated to make MET services available as often as is feasible. KCSO shall assign and deploy CIT-trained deputies across all shifts and days of the week. KCSO will continue to use virtual MET when it is not feasible to provide in-person services.” However, we do want to acknowledge that in December 2023, MET increased its staff by 10 to support the implementation of 988/Mobile Crisis Response, which provides immediate access to behavioral health, substance abuse, and crisis support services for anyone who contacts them. KCSO has a virtual MET policy and program in place and provides devices and other information to use virtual MET, and deputies continue to use this. To reach compliance with the SJ, KCSO will have to analyze current staffing and call data to determine whether MET services are available as often as feasible and examine any barriers to using virtual MET.

It is notable to mention that the County has identified this as a priority in the eastern area of Kern County and is attempting to address this in the first year of funding from Measure K funds. Approved by voters in the unincorporated areas of Kern County on November 8, 2022, Measure K is a locally controlled 1-cent sales tax that provides an estimated \$56 million in annual revenue for the County of Kern to address top priorities identified by the community. This includes enhancing public safety, reducing homelessness, and bolstering economic development activities. About \$15 million has been allocated to improve sheriff, fire, and 911 response, and about \$1.8 million has been dedicated to helping address mental health and addiction challenges. On February 6, 2024, the County provided an update on mental health efforts to the Measure K Citizens Oversight Committee:

The East Kern Mobile Evaluation Team is intended to provide services to individuals experiencing a behavioral health crisis, substance use crisis or both within the eastern area of the County. Through this Project, individuals in crisis will be able to request mobile crisis response through the crisis line or be dispatched through 988. In order to provide these services, the Behavioral Health and Recovery Services Department issued a request for proposal to find a qualified vendor that could provide the services. However, the proposal issued in July resulted in no awarded vendors. The Department quickly adjusted the proposal to address the barriers identified in the first proposal and re-issued the document with an amended scope of work. It is anticipated that a vendor will be selected before the end of the fiscal year.⁶

2. KCSO'S FIRST RESPONDER PROGRAM

KCSO's leadership has implemented a CIT program that adheres to the goals stated above and continues to communicate these goals through training as well as in ongoing discussions about the related policies and organizational expectations of employees. KCSO has again gone beyond the letter of the SJ by expanding the approach to dispatching calls to include the services of a recovery specialist tasked with handling 911 calls that meet mental health criteria.

The recovery specialist, who will be stationed in the KCSO Communications Center, will provide immediate mental health services to callers and, when appropriate, help resolve the situation without having to involve sworn deputies in the response. This position will be a MET employee of Kern Behavioral Health and Recovery Services with specialized training, but the position is being funded by KCSO in its budget. This position is in the process of being filled and is awaiting completion of the background investigation. Bakersfield Police Department has had success with this model. According to Bakersfield.com, about 76% of calls answered by the recovery specialist in Bakersfield have been resolved with a mental health response rather than relying on sworn law enforcement officers.⁷ We look forward to KCSO implementing this program in 2024.

The Monitors find that KCSO is in compliance with the following provisions:

Paragraph 87: KCSO will continue to use a Crisis Intervention Team Training (CIT) first-responder model of police-based crisis intervention with community, health care, and advocacy partnerships to assist individuals with behavioral health disabilities and individuals who are in crisis.

Paragraph 88: The goals of the CIT program will continue to be to equip deputies with methods to properly interact with persons with behavioral health disabilities or in crisis safely; de-escalate crises and reduce the unnecessary use of force against individuals with behavioral health disabilities or in crisis; minimize arrests; improve the safety of patrol deputies, individuals with behavioral health disabilities or in crisis and their families, and others within the community; refer

⁶ <https://www.kerncounty.com/home/showpublisheddocument/13612/638457497081770000>

⁷ Bakersfield's first-ever 911 dispatcher tasked with providing mental health care

individuals to the County's behavioral health crisis system; and reduce the inappropriate involvement of individuals with behavioral health disabilities with the criminal justice system.

3. TRAINING

The MT observed CIT training during this reporting period. The CIT is co-developed and led by KCSO and the Kern County Behavioral Health and Recovery Services (KCBHRS, the County's mental health department).

In alignment with the national model of CIT, the training includes KCSO and KCBHRS trainers, community members, community service organizations, and other government agencies and covers a variety of topics including identification of and working with vulnerable populations (e.g., individuals with intellectual developmental challenges, individuals in mental health crisis, victims of trafficking, substance use and abuse, at risk for suicide, and understanding differences in cultural and social norms). The training identifies ways to connect individuals with services aimed at addressing the root causes that often lead to law enforcement contact and determining whether more suitable resources can be engaged. The training emphasizes de-escalation and healthy communication between deputies and individuals in crisis.

CIT First Responder Model

As described in previous reports, KCSO continues to use a CIT first responder model of police-based crisis intervention in tandem with robust community partnerships as required by SJ paragraphs 87 and 88. The County's CIT program is largely based on a national model strategy called the Memphis Model, where multiple agencies work together on filling gaps in service.

The primary goal of CIT is to improve safety, thereby reducing injuries to officers, individuals with mental health challenges, family members, and other people present during law enforcement contacts. Safer outcomes are also achieved by reducing the number of such contacts and, when possible, avoiding criminal justice system involvement altogether. This can best be accomplished by developing partnerships between law enforcement and mental health service providers. These include the county's mental health department (KCBHRS), other government agencies, and community organizations that can identify ways to connect individuals with services aimed at addressing the root causes that often lead to law enforcement contact and determining whether more suitable resources can be engaged.

Kern County continues to have a MET program whose workers are county mental health workers, not law enforcement, with extensive specialized training. The goals of the MET program are to increase access to appropriate, needed services and decrease the over-reliance on law enforcement systems to respond to mental health crises. The goals of the SJ and the County are to have MET staff available to assist KCSO deputies when appropriate and as needed.

The training is delivered by knowledgeable and dynamic experts who are passionate about the subject matter and open to discussion and questions, and it includes opportunities for deputies, dispatch, and specialized units to engage in the material. The training included engaging presentations from both service providers as well as individuals with lived experience.

On the final day of the training, participants were provided with an overview of the concepts covered during the week and a detailed description of mental health services available in the county. Then, they were placed into small groups to work through five role-play scenarios, four with live role players and one using virtual reality headsets. Participants had to assess the situation and determine the best response.

For each scenario, there was a debriefing where participants received immediate feedback about their response and handling of the situation. The feedback was done in a constructive manner, and the participants appeared to be engaged throughout the process. The scenarios were well-facilitated by both KCSO deputies and members of the Kern County Mental Health Evaluation Team. This approach is consistent with best practices in law enforcement scenario-based training sessions. In fact, the MT recommends that the training approach used in the CIT course should be the model for other KCSO trainings and should include, in particular, the involvement of community members and those with lived experience, and it should involve the application of adult learning principles with scenarios.

Since all new recruits receive the training as part of the Academy, we noted that they made up a substantial portion of the CIT participants at the training the MT observed. Also in attendance were dispatch personnel and more tenured deputies who had not yet received the training, including members of specialized units. Importantly, the training was well-received by deputies. While there were a few exceptions, the majority of deputies actively engaged in the presented material and participated in the exercises.

The MT was impressed with the training, which addressed all the content required in the SJ, including (1) taking a variety of information into account that may lead a call taker or deputy to suspect that a person is in crisis; and (2) noting the importance of not making assumptions related to an individual's state of crisis or disability. While formal compliance metrics have not been established for this section, in the Monitors' assessment, KCSO is in compliance with many of the behavioral and mental health training provisions in the SJ. Specifically, after observing the training and observing deputies' general response to the training, the MT has determined KCSO is in compliance with the following provisions.

Paragraph 85: Sworn staff, call takers, and dispatch personnel will continue to receive training that emphasizes a person may be suspected of having a behavioral health disability or being in crisis from a number of factors, including self-reporting, information provided by witnesses or informants, KCSO's previous knowledge of the individual, or a deputy's direct observation.

Paragraph 86: Deputies will continue to be trained to not make assumptions regarding the dangerousness of an individual based on that individual's disability.

Additionally, KCSO is in partial compliance with SJ paragraph 90.

KCSO will continue to provide CIT training on responding to individuals in crisis to all of its recruits and will continue working toward training all deputies. KCSO will work with the Monitors to determine the necessary amount of in-service training. The annual training will be adequate for deputies to demonstrate competence in the subject matter and will include specified topics.

All new deputies receive CIT training as part of the Academy, and KCSO continues to work toward training all deputies. In a department that includes so many rural and under-resourced areas and shares MET services with Bakersfield Police Department, it is particularly important that all KCSO personnel are exposed to CIT. The Monitors recognize and applaud KCSO's commitment to this goal. At the time of this report, the following represents the proportion of personnel trained.

- **Patrol deputies.** About 86% of its patrol deputies are CIT-trained. This is a steady improvement from 79% of deputies trained in 2022. The remaining patrol deputies who have not taken the course at this time include 62 out of the 510 sworn, four managers, five sergeants, and 10 senior deputies. KCSO has added a course this year for a total of four opportunities to take the course, and it aims to have 100% of staff trained.
- **Detentions deputies.** Of the 269 detentions-sworn staff, 264 (98%) have completed the initial eight-hour CIT training for detentions; of the five staff who have not completed the initial training, three are new hires, one is on long-term medical leave, and one is an extra-help detentions lieutenant. Also, 182 of 200 eligible detentions deputies have completed the four-hour refresher course (91%); of the 18 staff who have not completed the refresher training, eight are on leave.
- **Dispatchers.** Of the 35 dispatchers, 29 of them have taken the 40-hour CIT course. There is one manager who has yet to take the course, and the remaining new hires will take the course this year.

KCSO and the MT have not determined the necessary amount of in-service training as mandated in SJ paragraph 90 but will work together to use observations and data from audits and supervisory reviews to identify specified topics for annual in-service training.

One issue that the Monitors note is that there were problems with MET response, not only in outlying areas but in or around the City of Bakersfield.⁸ KCSO staff are provided with an iPad that could be used to FaceTime with members of the MET, but this service ultimately depends on reliable cell phone coverage and available MET staff to reply, which is not always available. In ride-alongs, some deputies reported they appreciated having developed good working relationships with MET members, as this has facilitated better communication and connections.

4. CRISIS INTERVENTION COORDINATOR

KCSO continues to have an experienced Crisis Intervention Coordinator who oversees this operation; therefore, KCSO remains in compliance with SJ paragraph 92, which requires that within 180 days of the

⁸ KCSO shares MET with Bakersfield Police Department

SJ's effective date, the Sheriff's Office shall designate a sworn employee at the rank of sergeant or higher to serve as the Crisis Intervention Coordinator. The Crisis Intervention Coordinator holds the rank of a Commander, which demonstrates a strong commitment to the CIT program by senior leadership. KCSO also has a sergeant with significant expertise in crisis intervention who sits on the CIT steering committee and coordinates the training with the Training Section Lieutenant.

5. ANNUAL COMMENDATION

KCSO has an approved policy in place that complies with SJ paragraph 94, which requires KCSO to establish a special award to be given annually to a deputy (or deputies) who demonstrates exceptional skill in employing CIT training in the field. KCSO has also added other commendations, including one for exceptional skill in avoidance or de-escalation of force through skills acquired in CIT training or employing additional resources, such as MET, which is required by SJ paragraph 49. KCSO added a commendation for exceptional skills in CIT training, highlighting the work of a deputy who uses exemplary CIT skills to safely and effectively address the needs of people experiencing a mental health or substance abuse issue by linking them to services and diverting them from justice system involvement. This commendation may also be provided to a deputy for developing partnerships with other agencies to address the root causes of law enforcement contact. These policies were reviewed by the MT, and initial feedback was provided.

KCSO did not award the commendation to anyone in the last reporting period, but it shared with the MT an example of laudable actions by a deputy for the way he handled a call to service. A man was under the influence, irate, and suicidal. The deputy recognized that the individual was in crisis, de-escalated the situation with exceptional kindness and patience, and was able to connect the man to MET services.

KCSO plans to institute an annual CIT award banquet in partnership with the KCBHRS MET team. The banquet is scheduled to occur in September. It is still in the planning stage, and awards will be given to individuals exhibiting exemplary behavior, including for a CIT first responder, dispatcher, a crisis specialist, a presenter/trainer, an advocate, and a community member who is using their lived expertise to improve outcomes for others.

6. NEXT STEPS FOR KCSO AND KERN COUNTY

Over the upcoming year, KCSO will continue to build on the progress in this section and add the assessment of these efforts, as required by paragraphs 84, 91, and 93.

- Continue to emphasize the CIT model throughout the department in order to reach sustained compliance.
- Hire and train a recovery specialist to work in the Communications Center and track the impact of their work.
- Fully implement behavioral and mental health policy once it is approved (SJ paragraph 83).

- Continue to review and enhance training curriculum as needed to ensure the SJ requirements are appropriately addressed in the training, including the identification of suspected mental or behavioral health disability or crisis (paragraphs 85 and 86) and understanding and appropriate use of the CIT model (paragraphs 87 and 88).
- The County will continue to examine whether MET is sufficiently staffed (paragraph 84).
- KCSO will continue to explore improvements to its data collection and analysis capacities.
- Building on the work conducted by the PSU to assess the availability of MET, KCSO will develop a protocol by which the Sheriff's Office will conduct regular assessments of the effectiveness of its mental health–related policies (SJ paragraph 93). This protocol will include:
 - » The collection and analysis of data, including, for instance, the number of deputies and newly promoted supervisors who receive CIT training and refreshers (paragraphs 89 and 90);
 - » Their availability and deployment on every shift; the number and nature of mental health-related calls for services received; and the consistency with which deputies, call takers, and dispatch operators identify individuals with behavioral health disability or who are in crisis (paragraph 85);
 - » Qualitative assessments of the various processes supporting the crisis intervention program, such as the dispatch of MET- and CIT-trained deputies; and
 - » Assessments of the appropriateness of dispatcher's responses to calls for services that involve individuals in crisis (paragraph 91).
- KCSO and the County will continue to cooperate and assist with the MT's various data and document requests and reviews and with the development of compliance metrics.

7. NEXT STEPS FOR THE MT

- In concert with KCSO, County staff, and DOJ, the MT will review, revise, and finalize compliance metrics that will be used to further evaluate progress in this area.
- The MT will provide technical assistance, as needed, to KCSO in expanding its data collection capacities and the development of a protocol for the Sheriff's Office to conduct regular assessments of the effectiveness of its mental health–related policies.
- The MT will continue to work with KCSO as they review training rosters and staffing assignments to evaluate the availability of CIT staff available on shifts.
- The MT will review a selection of calls for service to evaluate whether behavior and mental health crises were appropriately identified and responded to and discern whether any concerning patterns are evident.
- The MT will conduct document reviews and observational reviews (in-person interviews, ride-alongs) of various mental health–related processes and service provisions provided by the County and KCSO.

E. MANAGEMENT AND SUPERVISORY OVERSIGHT

SJ paragraphs 95–98 include several specific requirements that KCSO must meet to ensure supervisory and management policies, training, and practices are in place that will support an organizational culture that values and emphasizes accountability for results at all levels and within every unit of the department.

These particular provisions, in concert with provisions from other SJ sections that address supervisory and managerial requirements, reinforce the expectation that supervisors and managers are responsible for providing proper guidance and effective oversight of their operations and the employees who serve under their command. This includes providing clear guidelines concerning job-related expectations and having measurable criteria in place to assess performance. When fully implemented, these measures will ensure that supervisors and managers can effectively oversee and hold accountable the personnel under their command and that there are adequate systems, techniques, and processes in place to ensure they do so.

Many of the topics and specific requirements reinforced in this section are discussed in more detail in other sections of the SJ; full updates on the progress KCSO has made and activities it is engaged in related to each of those areas are covered in the other sections of this report.

At this time, the work undertaken by KCSO, County HR staff, and the MT has established a foundation for compliance with these provisions. KCSO has demonstrated that it embraces the importance of strong accountability structures and, where they are not already in place, is working with the MT to establish them.

The MT believes that a few elements of these provisions—and their fuller articulation in other SJ sections—are the most crucial to ultimate compliance and successful implementation. We will continue to emphasize these as the work continues.

- This SJ section requires that managers and supervisors are given direction and training on how to conduct necessary investigations and assessments, to properly and accurately evaluate results.
- This section emphasizes the effectiveness of supervisory and management oversight. It is not merely a matter of identifying issues and applying corrective action, but ensuring those actions are appropriate and effective and that they are followed up on to determine whether subsequent performance reflects the intended outcomes.
- This section requires the establishment of specific metrics or criteria to assess the effectiveness of supervision.⁹ This clarity will help ensure that supervisors can fairly and consistently apply these standards across all of their evaluations of deputy performance.

⁹ The term “supervisor” typically refers to a sergeant supervising deputies but, in fact, it includes any supervisory relationship within the rank structure: A lieutenant supervises the sergeants who report to them; a Commander supervises the staff who report to them, etc.

- This section stresses community policing and the need for genuine engagement and collaboration with the community on crime and quality-of-life issues; this engagement provides another layer of accountability.
- This section recognizes and reinforces the importance of having clearly articulated policing strategies in place.

1. COMMUNITY ENGAGEMENT AND COMMUNITY POLICING

As described in the Community Policing section, KCSO continues to demonstrate that it values community engagement. KCSO's active collaboration with the CAC is an example of engagement already being a priority and of value to the department. With the publication of the first annual community survey report, the MT will work with KCSO to assess the findings and develop a plan for using the findings to inform practice in stops, calls for service, community engagement, and other contacts. Kern County and KCSO are also working with the CAC on recruitment materials and events, particularly for broadening outreach regarding a potential career with KCSO in underrepresented communities.

Similarly, KCSO is developing its community policing practices. Along with the community policing strategy and policy under development and the training to be provided, supervisors will be responsible for (1) understanding the Ideal Candidate Profile and Promotional Policy and Plan, both of which place emphasis on the regular and skillful application of community policing and problem-oriented policing principles and practices; and (2) conducting supervisory and performance evaluations duties so as to be consistent with those standards and guidelines.

2. POLICING STRATEGIES

In discussions with the Compliance Bureau staff and with sergeants at Metro Division and in the substations, the MT finds that KCSO personnel understand the importance of having policing strategies in place to guide and coordinate deputies' daily work. This enables managers to better evaluate the effectiveness of their practices and tactics, determine whether they are achieving their intended objectives, and assess their impact (positive or negative) on the community and on department-community relations. Conducting regular performance assessments of policing strategies improves accountability in the management of those operations, which, in turn, will allow the Sheriff's Office to have a continuous improvement loop to ensure consistent and sustainable adherence to the department's values, standards, and expectations (SJ paragraphs 95 and 98).

3. POLICIES AND GUIDELINES

KCSO and the CAC are refining several policies related to UOF, RIPA/stops, canine, stops and bias-free policing practices, behavioral and mental health, community policing, and personnel complaints. Status updates of these policies are provided in other sections of this report.

Most of those policies specifically delineate supervisory and managerial responsibilities as well as supervisory review, data analysis, and auditing processes. For instance, the soon-to-be-implemented RIPA policy has language for KCSO audits of stops data per SJ paragraph 82 and for supervisor and management accountability per paragraphs 79 and 81. Regular reviews of individual stops by supervisors is also addressed, per paragraphs 77–78, to ensure deputies consistently conduct stops in accordance with the Constitution, state law, KCSO policy, and the SJ. De-escalation, also emphasized in this section, will be an important element of the UOF and behavioral and mental health policies, and of the procedural justice requirements included in the bias-free policing policy.

4. TRAINING

The SJ provision requires all supervisors to receive MT- and DOJ-approved training on management skills, contemporary policing practice, and, in particular, de-escalation techniques. When policies are in place, the MT will work with KCSO to update existing training or develop new training, as appropriate, for deputies and supervisors.

Some of these may be incorporated into the Supervisor School already provided while others will require independent training. This will begin early in the new reporting period because several of these policies are on the verge of MT and DOJ approval. For instance, patrol supervisors will receive the CIT refresher training.

The MT will also emphasize that, as upgraded data systems come online, managers will need to be trained so they can make use of those systems' tracking and accountability functions and make data-driven decision making an everyday aspect of supervisory and management oversight.

5. REVIEWS AND AUDITS

The MT has conducted a formal review of KCSO UOF investigations. KCSO managers were open to the MT's findings and recommendations and have already responded to most of those recommendations. The MT has reviewed KCSO audits of canine deployments and has generally agreed with managerial determinations. We have made recommendations on some tactics and on the scope and thoroughness of the audit reporting. When UOF, canine, and complaints policies are finalized and deputy and supervisor training is approved and implemented, full MT audits of UOF and complaints investigations will be conducted. Those will largely focus on the thorough and objective conduct of investigations and the reviews and adjudication of those investigations by managers.

Importantly, in the course of MT audits and MT reviews of KCSO audits, we provide technical assistance and feedback on auditing methods. KCSO personnel thus far have been very open to this feedback and have even sought additional audit training. This sets the stage for KCSO to establish a system of audits, reviews, and feedback loops as required by SJ paragraph 98. Also, in all of our assessments and reviews, the MT compares KCSO's policies, procedures, and practices not only to the SJ, KCSO policy, and the law, but evaluates these in light of standards and best practices in contemporary policing. This is another way the groundwork is being laid for SJ compliance with paragraph 95f.

An annual KCSO audit plan for complaints has been approved. The MT has reviewed four quarters' worth of audits of canine deployments. We are suggesting a similar annual plan for canine deployment so that all SJ provisions related to canines are addressed at least yearly. In addition to larger formal audits, we will institute MT mini-audits and less formal reviews to provide quick and actionable feedback—again, feeding the improvement loop.

MT audits typically are more focused on supervisory and managerial performance than on just the performance of deputies because it is the function of investigations to not only provide accountability, support, and instruction to individual deputies but also to assess the performance of supervisors and managers in carrying out their responsibilities. It is essential that potential issues in KCSO policy, training, tactics, and accountability structures be identified and examined. The actions of supervisors and managers in response to misconduct determine if that behavior will be perpetuated or redirected, not only in the individual deputy but department-wide. The MT will require the same level of scrutiny of managers and supervisors in KCSO audits and reviews.

6. DOCUMENTATION, DATA COLLECTION, AND ANALYSIS

As discussed in the second annual report, much of the documentation, data entry, and data analysis requirements—which are crucial parts of a modern, effective accountability system—will depend on updated data systems. KCSO has contracted for the development of a new CAD system, RMS, and Early Warning System.

The effectiveness of those new systems—and for all of the audits, reviews, and feedback loops required in this section—will depend on thorough and reliable documentation and data collection on not only deputy activities in the field but on the various supervisory and management processes that are used to assess those field activities. To that end, the MT and KCSO have discussed and are beginning to address a variety of documentation and data entry needs.

For instance, we have discussed with the Compliance Bureau the need for adequate data collection on stops and calls for service involving people with limited English proficiency (LEP) in order to facilitate language access audits. We have discussed the need for better data collection regarding calls for service and stops involving individuals with behavioral health issues or in crisis. Regular and thorough audits of those contacts or of the MET functioning are not possible with currently collected data, but the Compliance Bureau and the MT are working to develop greater capacity here.

Finally, the MT has stressed with operations and detentions supervisors the importance of documenting their reviews and any corrective actions taken, from informal counseling through discipline. Doing so will mean their important work can be tracked and evaluated by managers for consistency, thoroughness, and effectiveness so that there is a record of the issues that have arisen for each deputy and how they were redirected and mentored, especially for repeat errors or violations of procedure or policy. Work to follow includes discussing metrics and guidelines for annual evaluations of the effectiveness of the supervision provided to deputies.

F. LANGUAGE ACCESS

This section of the SJ requires KCSO to “effectively communicate with and provide timely and meaningful access to police services to all members of the Kern County community, regardless of their limited ability to speak, read, write, or understand English” (paragraph 99). “Language access” means providing non-English speaking or people with limited English proficiency (LEP) with reasonable access to the same services as English-speaking individuals.¹⁰ The Language Access section (paragraphs 99 and 100) consists of four main components: designation of a language access coordinator; creation of a language access policy in meaningful collaboration with the CAC; training in the language access policy for all KCSO deputies, communication supervisors, call takers, and dispatchers; and development and implementation of a language access policy and audit protocol.¹¹

The Importance of Language to Build Community Relationships

Language access is a critical and urgent component of the SJ and is a key element of providing constitutional and bias-free policing. It is essential that KCSO personnel and members of the public understand one another and have clear and productive communications regarding law enforcement-related issues that are often complicated and emotional.

There are many common circumstances in which the lack of suitable language access becomes an obstacle to providing appropriate services. When a person dials 911, the dispatcher who receives the phone call needs to be able to understand the situation being described. Some searches cannot be legally conducted if the individual does not knowingly provide consent. Some situations may escalate due to language barriers: For example, if an individual fails to comply with a deputy’s instructions because they do not understand, their actions may be misconstrued as willful non-compliance, which can lead to deeper legal consequences and may even lead to otherwise avoidable use of force.

The ability to communicate with all community members is essential for community policing and building community trust, particularly in immigrant communities, which typically are among the most marginalized (paragraph 120).

¹⁰ Migration Policy Institute: Frequently Asked Questions on Legal Requirements to Provide Language Access Services at <https://www.migrationpolicy.org/programs/language%2%A0access-translation-and-interpretation-policies-and-practices/frequently-asked>

¹¹ Other SJ sections also contain paragraphs with language-related requirements, including paragraph 16 (canine handlers must issue clear warnings in Spanish and English if the suspect is reasonably believed to be a Spanish-speaking limited English proficient [LEP] individual), paragraph 123 (KCSO must seek the assistance of CAC and community advocates to disseminate information such as complaints, forms, and brochures in English and Spanish), paragraph 130 (KCSO must provide informational language in appropriate non-English language and/or appropriate translation services to file a complaint about a KCSO deputy or employee), and paragraph 133 (KCSO will make its complaint brochure explaining complaint procedures available in Spanish or any other language that the County must provide to voters during an election). While there is some overlap with the Language Access section, these paragraphs are monitored in each of the relevant sections.

1. KERN COUNTY'S LANGUAGE ACCESS COORDINATOR

In 2021, the County created and filled a new position—Director of Diversity, Equity, and Inclusion (DEI)—in the HR department and designated that individual with the role and responsibilities of the language access coordinator, a position required by SJ paragraph 99(b).¹² KCSO and the County continue to be technically in compliance with the provision; however, the Monitors note that assigning one person with the responsibilities of both a DEI Director and a language access coordinator, as well as other roles, is burdensome and may dilute the critical work of each position.

2. KERN COUNTY'S LANGUAGE ACCESS POLICY

Kern County currently does not have a standardized language access policy or protocol guiding how the various county agencies and departments provide access to services for LEP individuals. Some individual County departments have internal protocols. KCSO does not have a protocol or overarching policy, but it does have policies that address certain specific needs.¹³ The approach KCSO and the County have chosen to follow to meet the policy requirement of SJ paragraph 99a is based on the creation of a countywide language access policy with the County leading the policy development process. KCSO intends to develop a departmental policy to address any areas or unique needs that are not covered by the overarching County policy.

The Monitors support this approach because we believe there is a substantial benefit from having a countywide policy but also note that this is not a requirement of the SJ, which requires that KCSO develop a policy in conjunction with the CAC. As we stressed in the MT's second annual report, to achieve compliance, any countywide policy must be augmented to fit the specific and unique needs related to law enforcement, comply with the SJ, and reflect the counsel of the CAC.

Various draft deadlines for the language access policy have been proposed by the County, the first being the end of March 2023, then August/September 2023. Although the MT believes the County intended to meet these deadlines when they were established, they have gone unmet.¹⁴ Throughout the year, the MT experienced long periods without updates and/or responses to requests to County HR staff, making it difficult for the MT to have a more nuanced understanding of the policy's progress and challenges or to provide assistance.

In the past year, the language access coordinator has continued to work with KCSO and the CAC in drafting the language access policy for the County. One issue HR is working on with KCSO is policy language intended to ensure appropriate language access services are provided when deputies are engaged in law-enforcement activities and other interactions, such as being able to inform a person with LEP why they were pulled over, or having their Miranda rights read in a language the detained person understands. According to the Language Access Coordinator, this content will be integrated into

¹² SJ paragraph 99(b) requires a language access coordinator, not a director of DEI.

¹³ KCSO policies DPPM H-700, Interviewing Deaf Hearing Impaired; and DBPPM G-1210, LanguageLine Solutions.

¹⁴ The Recruitment Plan is required by SJ paragraph 102, which is discussed in more detail in the Recruitment, Hiring, and Promotions section of this report.

the County's policy, with a provision allowing employees to refer to their department-specific policy for comprehensive guidelines. The language specific to law enforcement has been separated to clarify to other county departments that these provisions do not apply to them.

County HR has continued to work with a CAC member who is an expert in language access issues. At the suggestion of this CAC member, the language access coordinator attended a US DOJ Civil Rights Division webinar titled "Overcoming Language Barriers in Policing and Building an Effective Language Access Program," which is a nationwide effort to assist law enforcement agencies in meeting their obligations to provide meaningful language assistance to individuals with LEP.

The latest draft of the policy was shared with the MT in January 2024, and it reflects input from KCSO and a CAC member who is a language access expert. Recent additions to the policy include a section on personnel complaints, a prohibition on using machine translation¹⁵ without qualified human review, training requirements, tracking, and monitoring of language access efforts. These additions strengthen the policy by providing more clarity and better guidance for County personnel. Review of the language access plan and policy was scheduled to be a CAC meeting agenda item in March 2024, but was shifted by KCSO to June 2024.

3. COMMUNITY PARTNERSHIPS

SJ paragraph 99(a) requires that KCSO "work and meaningfully engage with its CAC and community stakeholders to develop and implement a language access policy." As noted in the MT's second annual report, the CAC previously provided valuable feedback to KCSO and the County, including describing some of its own experiences as individuals who speak English as a second language and noting the wide diversity of cultures and languages spoken throughout Kern County. These include but are not limited to English, Spanish, Punjabi, Indigenous languages from Latin America, Tagalog, Korean, Arabic, Vietnamese, and Ilocano.

Since then, the CAC as a whole has not had the opportunity to provide feedback on the policy or issues related to language access. The exception to this is a CAC member who is a CRLA attorney with expertise in this field and who has been working closely with the County and provided feedback on the draft policy. Additional changes have been made to that initial draft, which the County will provide to the three CAC co-chairs after review by KCSO. It is encouraging that in the last reporting period, the language access coordinator became—and remains—an active CAC member who participates in the policy subcommittee and is able to learn about the County's language needs and receive feedback on the language access policy directly from the council. Also, to date, there has not been outreach by the County or KCSO to engage with the broader community beyond the CAC representatives and request input on a language access policy.

¹⁵ Examples of machine translation mentioned in the draft policy include Google Translate and Babble Fish.

4. KCSO'S LANGUAGE ACCESS PROTOCOL AND TRAINING

While KCSO has assisted the County with policy development, a uniform protocol is not in place for KCSO personnel when attempting to communicate with someone with LEP in the field.¹⁶ However, through meetings, conversations with KCSO staff, and ride-alongs, the MT understands there is an unofficial protocol that is often followed in the field.

First, the deputies will either ask a bilingual deputy for assistance or will ask a family member (including minors) or a friend of the subject who is present to interpret for them. If these alternatives are unavailable, deputies may turn to calling on language service providers or online services for assistance.

KCSO currently uses Voiance, Linguistica International, and LanguageLine Solutions—all third-party interpretation providers—to assist with field, station, and detention facility translation services.¹⁷ As an example, these services enable a deputy in the field to call for assistance to facilitate communication between themselves and a person with LEP. Additionally, KCSO contracts with Independent Living Center of Kern County and LIFESIGNS for sign language interpretation. The Communications Center uses the interpretation service provided by Cal OES, which at this time is Cyacom. KCSO phones are TDD capable and have the service of text-to-911. As of December 2023, KCSO Detentions Bureau added a new service to its facilities. This video relay service (VRS), called Purple Communications, allows deaf and hard-of-hearing incarcerated people to communicate using American Sign Language.¹⁸ However, these services are sometimes not available, not sufficiently helpful, or impractical.

KCSO took another step in December 2023 to improve services to individuals with LEP who want to submit a complaint form to the department by creating an online complaint form in English and Spanish on the department website. This electronic fillable form allows a complainant to retain a copy of their complaint via email, download, or print.¹⁹ Additionally, the department is working on converting this form into additional languages.

In January 2024, KCSO informed the MT that the next step is to develop a plan to translate documents identified as vital, in compliance with federal and local mandates. To that end, in the last quarter of 2023, KCSO compiled a list of commonly used forms in the field and identified those that may need to be translated. As of the date of this report, KCSO has yet to identify a vendor for translations, though it notes the County has a list of providers that could be used. Further, KCSO and the County are exploring vendors that can provide their jointly identified specialized language services.

It will be important for KCSO personnel to have a clear understanding of what language access services are required and why this is so critical to the public for an effective relationship with community members and for the delivery of bias-free, constitutional policing services regardless of LEP status. It will

¹⁶ A person with limited English proficiency does not speak English as their primary language and has limited to no ability to speak, read, write, or understand English.

¹⁷ In the absence of a countywide policy, the current practice is that individual county departments each manage their own contracts and vendor lists.

¹⁸ Only English and Spanish are supported by this VRS provider.

¹⁹ The complaint form is located at <https://www.kernsheriff.org/complaints>

also be important to show the usefulness of the policy once deputies are in the field and in contact with their diverse community members. The MT encourages the County and KCSO to include this information when conducting training on the policy once it is finalized.

While the MT acknowledges that deputies who patrol large geographic areas may not have other viable options at their disposal and strive to do the best that they can, an ad hoc approach without sufficient guidelines raises concerns. For instance, civilians at the scene do not tend to be professional interpreters and may not properly or objectively interpret something of legal or material significance, which could lead to undesired consequences. Traumatic events also require particular care with interpreter services, such as with domestic violence cases. These issues represent the type of tailored approach that the KCSO language access policy and training must consider and incorporate.

5. BILINGUAL PAY AND BEST PRACTICE CONSIDERATIONS

As noted in the Monitors’ second annual report, certified bilingual staff should be compensated fairly for their work and that their workload be reduced without consequences based on the time spent interpreting. Table 1 shows the number of certified bilingual staff as of January 2024.

The numbers from the last reporting period were lower except in Detentions, which had 16 for “written and verbal” and 13 for “verbal only.” In the past year, KCSO saw a decline in certified staff due to resignations and some transfers from Detentions to Patrol. KCSO also informed the MT that these counts change over time because when employees get promoted, their bilingual pay automatically drops off their payroll. To maintain the compensation, a new request must be submitted with supporting documentation; they further noted that sometimes staff do not resubmit their request.

In discussions with KCSO personnel, the MT learned that staff members are hesitant to apply for bilingual pay because the incentives are inadequate for what is perceived as more burden on them and interference with their other duties. The pay incentive for verbal skills and for written/verbal skills remain the same as the previous year: \$25 per pay period and \$50 per pay period, respectively. These rates are substantially lower than those offered in nearby California counties and cities. Further, the current KCSO process to get certified is based on taking bilingual testing offered by Bakersfield College. This costs the employee \$59 or \$79, depending on which exam they take. Staff pay out of pocket for these exams and do not get reimbursed. This is a missed opportunity by the County to incentivize staff to take the exam(s), particularly given its low associated incentive pay.

TABLE 1		
KCSO CERTIFIED BILINGUAL PERSONNEL		
	WRITTEN AND VERBAL	VERBAL ONLY
Civilian	24	25
Detentions	9	11
Field	18	22

6. KCSO ANNUAL AUDIT

SJ paragraph 100 requires KCSO—in consultation with the MT, DOJ, and the language access coordinator—to develop an audit protocol and to conduct annual audits to track how KCSO manages language access services, whether these services align with community needs, and how these services compare with similar entities. Upon completion and approval of the language access policy, KCSO and the language access coordinator will develop the audit protocol.

A first step is for KCSO to consider what data on language access are collected and how those requirements and processes need to be revised in order to provide data for an audit. The MT understands that KCSO deputies currently document in CAD or other reports only when interpretation services are used and when they contact dispatch to request these services. Deputies may add notes to the call for service documentation or in other reports when such services are requested, but they do not have a formal protocol that requires them to do so.

The MT has recommended to KCSO that the first language access audit be used to establish a baseline that can be used to inform the development and refinement of the language access policy and training. The MT expects the audit to include public service and/or personnel complaints regarding language access, interviews with stakeholders including KCSO personnel and community groups representing non-English-speaking persons, resources available for community members to engage or communicate with KCSO, and detailed data on the use of language access services by KCSO personnel. As required by the SJ, KCSO will need to report the results of the annual audit to the public on its website (SJ paragraph 100).

7. NEXT STEPS FOR KCSO AND THE COUNTY

The MT notes that implementing a language access policy goes beyond drafting the document, community review, and MT and DOJ approval. It involves contracting with appropriate interpretation and translation services, identifying languages for which the county is legally required to provide these services, training of staff, and identifying infrastructure impediments.

That said, the following steps are expected to be taken during the next reporting period.

- Kern County, in collaboration with KCSO, will complete a draft countywide language access policy and provide it to the CAC, the MT, and DOJ for review and feedback (in that order) by the first half of 2024.
- The County and KCSO will continue to explore and contract with vendors that can provide their jointly identified specialized language services.
- In consultation with the MT, DOJ, and language access coordinator, KCSO will develop the SJ-required audit protocol upon completion and approval of its Language Access plan and policy (paragraph 100).
- After finalization of the policy and in consultation with the MT, DOJ, and KCSO, Kern County will develop a language access training (paragraphs 99 and 100).

- KCSO and the County will continue to cooperate and assist with the MT's various data and document requests, inquiries, and reviews and with the development of compliance metrics.
- The language access coordinator will continue to participate in the CAC to receive direct community feedback and guidance related to drafting the language access policy (paragraph 99) and its eventual implementation.

8. NEXT STEPS FOR THE MT

- The MT and DOJ will continue to review and provide feedback on submitted policies, trainings, and any draft audit plans provided by KCSO and the County and continue to provide recommendations and technical assistance as needed and requested for any of these subject areas.
- The MT will continue to conduct ride-alongs and visit substations with KCSO staff to observe how they interact with the public throughout their workday and assess whether and how new mandated policies, such as language access, might serve both KCSO and community needs.
- Working with KCSO and DOJ, the MT will continue to make site visits to observe relevant training and engagements involving persons with LEP and to interview key community partners, including KCSO personnel and community groups representing persons with LEP.

G. RECRUITMENT, HIRING, AND PROMOTIONS

A specific goal of the SJ is for KCSO and County HR to take necessary steps to realize a KCSO workforce that more closely reflects the demographic makeup of the Kern County community they serve. Moreover, it is critical for KCSO to recruit, hire, promote, and retain individuals who have the life experience, skill sets, and values that will advance the overarching goal of the SJ that KCSO fully embraces and practices constitutional and community-oriented policing. Some of the provisions relating to recruitment, hiring, and promotions described in SJ paragraphs 101–116 are the responsibility of County HR, some are KCSO responsibilities, and others are shared.

1. KCSO OPERATIONS AND DETENTIONS STAFFING

In the second annual report, we reported that about a quarter of KCSO's positions were vacant over the course of 2022, including 21% of sworn operations (or patrol) deputies, 37% of detentions deputies, and 25% of support staff positions unfilled.²⁰ These shortages had been present for some time, and this had repercussions on the delivery of services, staff morale and retention, deputy well-being, and, unfortunately, recruitment. We also discussed other factors that contributed to the staffing problems, but, in short, KCSO was having difficulty recruiting and hiring qualified candidates for operations

²⁰ KCSO personnel include three main types: sworn officer ranks (or Operations staff), those assigned to staff the detention (jail or booking) facilities, and those referred to as support staff (professional and technical employees who to carry out responsibilities that directly support and free up others to provide services in the field and the jails). The SJ focuses mainly on operations deputies and detentions deputies.

deputies, detentions deputies, and support personnel. While some of the reasons for the staff shortages were beyond the County's or KCSO's control, a full review of their recruitment and hiring processes found several areas that needed to be improved.

To KCSO's and the County's credit, several steps have been taken, and their efforts are now appearing to result in progress: KCSO hired 209 new staff in 2023, including 65 deputy sheriff hires (including eight laterals), 68 detentions deputies, and 76 civilian employees. Despite attrition of over 100 employees during that timeframe, KCSO ended the year with a net gain of 97 employees.²¹ As of October 2023, this reduced the vacancy rates to 16% for sworn operations deputies, 26% for detentions deputies, and 23% for support staff positions.

A comprehensive analysis to determine which recruitment and hiring efforts by KCSO and the County yielded the greatest benefits or what other steps should be pursued has not yet been completed, but if the current rates of hiring continue, the department should soon be on track to achieve its staffing goals. The Sheriff's Office did report that it has reviewed its recent recruitment and hiring data but saw no apparent patterns indicating any one strategy was more effective than others. Rather, KCSO reports that the gains appear to be the byproduct of a multi-pronged approach. This might be the case, but the MT has not been provided a thorough report on this review or its findings. This type of review will need to be conducted periodically to track progress along with the other analyses the County and KCSO have begun as part of the Recruitment Plan and other reporting requirements. (See below.) Other analyses should also be conducted, such as hiring and attrition by demographic group, and a deeper look at the attrition numbers could inform County HR and KCSO of any concerning trends regarding which employees are separating and for what reasons.

Because of the long-standing problems associated with hiring freezes, attrition, and staffing shortages, and the severe impact this has made on delivering adequate services to the community, the MT believes the most critical need was for County HR and KCSO to focus their immediate attention on the recruitment and hiring process. Until significant progress could be shown in recruiting and hiring more staff, progress with many other areas of the SJ, especially those involving HR considerations, would only be delayed.

While the recent hiring progress is not yet sufficient to fully resolve the staffing crisis, it is important that the County and KCSO also focus on the diversity of the applicant pool and, crucially, ensure that those who are hired possess the qualities and traits laid out in the newly developed Ideal Candidate Profile (SJ paragraphs 101–103, 110, and 111).

2. ADMINISTRATIVE CHANGES AT COUNTY AND KCSO HUMAN RESOURCES

Our last report described several internal issues that had delayed some of the SJ HR work:

²¹ There was a net gain of 24 deputy sheriffs, 50 detentions deputies, and 38 civilian staff.

Progress has been made but also has been slow for a number of reasons, including insufficient financial and human resources, continuous changes in personnel assigned to work on these issues, and limited knowledge and expertise in human resources that is required to make the necessary changes and produce the plans and results that are required by the SJ.

Since then, this situation has improved for both KCSO and County HR. KCSO had taken the following steps.

- KCSO has hired an administrative coordinator who will assist in recruiting efforts. This addition will allow for greater focus on the recruitment process and how it can be improved to attract a larger number of highly qualified candidates and, specifically, individuals from underrepresented communities.
- KCSO reported that it has created a new classification for a civilian background investigator, and this position was approved by the County Civil Service Commission in October 2023. KCSO expects to have four full-time civilian background investigators hired and working by January 2024.
- The establishment of the Compliance Bureau helps with dedicated staffing and resources, albeit for all SJ-related activities, not just human resources.

The MT has been concerned about whether County HR was adequately staffed to support the SJ-related work while also meeting its other obligations. However, we were very encouraged by recent developments (some of which arose as this report was being finalized) and communications with County HR leadership about the steps being taken and progress shown in several areas.

- County HR has appointed a new Chief HR Officer (CHRO) who most recently served as the former Assistant CHRO. The new CHRO has actively participated in overseeing County HR's response to the SJ, alongside the former CHRO.
- In September 2023, County HR reported that it established a Public Safety Recruitment and Retention Team (PSRRT) dedicated to recruiting for public safety departments. Funded through Measure K, the team consists of six dedicated HR professionals tasked with facilitating recruitment, hiring, and retention for both sworn and civilian positions.
- County HR has shifted the responsibilities of the HR and Language Access sections to the Deputy Chief HR Officer overseeing the PSRRT with continued support from the CHRO. The separation of duties will allow for the appropriate level of attention required to complete all tasks. The Deputy Chief HR Officer assigned to the task has participated in preparing a response to the SJ and is familiar with the project.

3. RECRUITMENT

In the second annual report, we reported progress on recruitment efforts, including more recruitment events, updated promotional and recruitment materials, and the launch of a modern website. The site, which is dedicated to KCSO's recruitment and hiring activities, allows applicants to better understand the type of employees KCSO wants to hire, what the eligibility criteria are, and what to expect in the

application process. In 2023, these activities were continued and expanded,²² and the County and KCSO made more progress in those and other areas.

a. Recruitment Plan

The County completed its Recruitment Plan, which the MT and DOJ found in compliance as of January 2024 (SJ paragraphs 102–104). Approval was granted with the understanding that further refinement of this plan could be required based on progress made and other needs that are still being addressed. In particular, it is expected that collection, presentation, and analysis of all data related to recruitment and hiring will be refined. Also, the plan includes an “annual review with KCSO and HR to re-assess and re-evaluate effectiveness of recruitment processes.” The MT looks forward to reviewing those reports and working with the Parties to ensure the necessary data are collected, analyzed, and acted upon as appropriate.

b. Ideal Candidate Profile

KCSO is close to finalizing its Ideal Candidate Profile, which is not specifically required by the SJ but will provide clarity for all potential hires and staff on the department’s expectations regarding the desired employee traits. These traits align with and reflect the values of inclusivity, and they ensure consideration is given to traits and skills that support the agency’s focus on furthering community policing, problem-solving skills, and constitutional policing practices emphasized in the SJ and reflected in a culture that is supportive of the pillars of 21st-century policing.

The Ideal Candidate Profile also provides guidance on how these traits should be manifested in various aspects of KCSO employment, including potential hires, training, current staff, staff seeking promotions, and, importantly, staff supervising and managing deputies. Initially, the profile was intended to guide KCSO and all other personnel involved in the recruitment and hiring processes. To its credit, KCSO ultimately determined that the scope of the profile should be broadened to include serving as a guide for annual appraisals and promotions of sworn personnel. This is a significant development because it is expected that those who are annually evaluated and those who are seeking promotion should have a record of conducting themselves in a manner consistent with the high standards and expectations that are embodied in the profile.

The next step is to ensure the Ideal Candidate Profile is integrated into KCSO recruitment and hiring materials and processes, and that all personnel who are responsible for recruitment, hiring, and promotional processes are familiar with the profile and apply those expectations while carrying out their HR responsibilities and making decisions about personnel matters.

We take care to note that the Ideal Candidate Profile is not something that is quantifiable—it is not a variable in an analysis like race or gender can be. Nevertheless, KCSO and County analyses and

²² For instance, Kern County HR’s website has a new link on the home page, “Public Safety Jobs,” which contains both civilian and sworn positions. Positions are accessible via the general “Career Opportunities” link as well.

reporting should address the profile, including how it is incorporated into recruitment efforts and serves as an element to be considered in hiring and promotion decisions.

The profile also is an important element of supervision and employee performance evaluations. Presumably, the hiring and promoting of deputies who fit the Ideal Candidate Profile and reflect those traits in their performance will, in turn, impact success in achieving the outcomes sought by the SJ. That success can be evaluated based on outcomes such as having a diverse workforce that reflects the community, robust problem-oriented and community policing practices, and a trusting and collaborative department–community relationship. In fact, success in achieving the objectives and goals in this section will logically build on itself and should result in even greater success as potential candidates will be more inclined to join the KCSO workforce and contribute to achieving the goals since there will be a stronger alignment between their personal goals and values with those of the organization.

c. Recruitment Activities

The number and variety of recruitment efforts expanded in this reporting period.

- KCSO reported that its Recruitment Team continued to conduct extensive outreach efforts, having attended 23 recruitment events just during the fourth quarter of 2023. Events were held at various locations, including the Regional Training Center, libraries, schools, and community events. Overall, in 2023 KCSO was represented at 105 recruiting events across Kern County, in the neighboring Antelope Valley, and in other parts of Los Angeles County. Events held at libraries were produced in partnership with Kern County libraries and County HR. KCSO also participated with the American Job Center, and at one event, more than 70 interested individuals were contacted.
- KCSO reported that it analyzed hiring data from the County to determine areas where recruitment events were lacking. It determined that areas outside metropolitan Bakersfield “were lacking in representation in the hiring process.” In response, KCSO HR partnered with two libraries in Bakersfield and six libraries in outlying areas of the County to hold recruitment events. The County organized two Public Safety Recruitment events, including an event held in Delano intended to connect with underrepresented groups. Both events offered expedited testing. Collaborative efforts between KCSO, County HR, and DHS include providing PELLETB testing at Job Fest events in the outlying areas. Furthermore, partnerships with community agencies, such as KRV Bridge Connection, are being developed to facilitate micro-events.²³
- KCSO reported it has committed to increasing the number of staff who live in outlying areas. It has analyzed home ZIP codes of current employees to identify areas that lack representation. KCSO has also initiated a housing allowance for specified substations to encourage staff to live and work at those locations. The MT notes that KCSO should also consider using ZIP codes or census tracts to

²³ Deputies assigned to outlying areas told the MT that some neighborhoods and areas had no established relationship with KCSO and that holding a recruitment event in those places would not be fruitful until groundwork had been laid by establishing a more common presence, through one-on-one conversations, and very informal interactions. They believed that initially connecting with local community-based organizations would help build enough familiarity and trust such that a recruitment event would likely be successful.

identify areas within the County having a higher concentration of individuals from underrepresented groups and to target those areas for more focused outreach and recruitment efforts.

- Recruitment events are tracked and evaluated via a spreadsheet. The MT recommended adding fields to facilitate more detailed evaluation of the effectiveness of these recruiting events, especially with regard to attracting candidates from underrepresented groups. The County has made changes and understands that the tracker should be further revised as the department continues to refine its data collection and analysis activities.
- Additionally, LinkedIn Recruiter is being leveraged to highlight positions within KCSO. Recruiters engage with passive candidates who have shown interest or initiated the application process. The department reports encouraging indications that this approach is engaging job seekers, as applicants are acknowledging on applications that they became aware of the job through County recruiters connecting with them on LinkedIn.
- KCSO continued its youth cadet program whereby young people interested in learning more about a career in law enforcement received training and exposure to the department.

The MT notes that the Recruitment Team is comprised of KCSO staff who are assigned to the personnel function and others who assist on a part-time or overtime basis. While this is acceptable and can be cost effective, the MT cautions that KCSO should ensure that team members reflect the diversity of the Kern County community. This is especially critical in staffing events that are targeted toward attracting candidates from underrepresented groups.

4. HIRING

Building on the steps taken in 2022—such as more frequent testing, streamlined paperwork, and better communication with applicants via the new website—the County and KCSO have made additional changes with regard to hiring.

- Increases in compensation that began in 2022 through Measure K came to fruition in this reporting period, with hiring and retention bonuses, housing incentives for those working in remote areas, and salaries more commensurate to what potential hires could expect at similar agencies.
- Efforts undertaken in 2022 to make the application process more transparent, accessible/convenient, and speedy were continued and expanded, such as providing more events where immediate screening and testing was available.
- Having candidates complete a questionnaire during recruitment events is another step taken to streamline and shorten the hiring process and focus on candidates who are most likely to be successful. The questionnaire can be used to determine if there might be automatic disqualifying information. Early screening and testing allows the County to devote resources and attention to candidates who are more likely to succeed as they move through the process. This also helps interested candidates learn early in the process whether there are or may be any blocks to their eligibility and what they can do, if anything, to clear those obstacles and reapply later. The MT has indicated that KCSO should monitor this process to ensure that disqualifying criteria are consistently and fairly applied and do not have a disparate impact on any group.
- Additional civilian background investigators were added to help expedite the background check process.

- KCSO established a pre-academy cadet position to help retain desirable candidates who might otherwise be lost to other agencies. Rather than delaying the hiring process until the next Academy begins, KCSO can bring a desirable candidate on board in a civilian role, providing them with immediate employment as well as an opportunity to learn more about the job or even begin training prior to the start of the next scheduled Academy.²⁴
- Also, the County has begun conducting regular exit interviews for staff who choose to leave the department prior to retirement. The MT looks forward to reviewing lessons learned from these interviews and how the department is using the information to inform hiring, promotion, and retention issues.

5. ANALYSIS AND REPORTING

KCSO has established the following series of reports that are produced regularly. The MT provided extensive feedback and recommendation on the first series of reports produced by the County and KCSO regarding their scope, variables included in analyses, level of analysis and of discussion, and format for presentation of tables and charts. We expected each subsequent report to improve, and that has been the case so far.

a. Quarterly Reports

KCSO is providing quarterly reports to the Monitor. The reports give a general update on activities undertaken relative to the SJ requirements, summarize the assessment of progress made, and offer their observations about next steps or actions required.

b. KCSO Annual Report

KCSO's annual report addresses various sections of the SJ, including providing data and information about the status of staffing and projections regarding future needs due to projected vacancies. It includes trend data for vacancies and recent hires disaggregated by race/ethnicity and gender.

c. KCSO Biannual Report

KCSO is producing a biannual report to track progress in achieving a workforce that more closely matches the diversity of Kern County. These reports are broken down for operations and detentions, sworn and civilian classifications, and they include data regarding current staffing, hires, promotions, and separations disaggregated by demographic variables. The MT has received and evaluated two of these reports and has provided feedback to KCSO on how they can be improved to better and more

²⁴ Typically, it takes at least 18 months for sworn personnel to complete the hiring process, academy, and field training programs before they work independently in the field. For civilian personnel, the hiring and training curve involved is shorter.

accurately assess progress that is being made to improve their ability and success in recruiting and hiring individuals from underrepresented groups.

Based on the staffing tables included in the biannual report from June 30, 2023, it appears that American Indian and Alaska Native Alone, Asian Alone, Black or African American, and Hispanic or Latino are underrepresented in the deputy sheriff classification. In the detentions deputy classification, American Indian and Alaska Native, Asian, and Black or African American are underrepresented. Women comprise 48% of Kern County's population, which means they are underrepresented in classifications for deputy sheriff (10.6%) and detentions deputy (34.1%).

The report also provides demographic information on all new hires. For the position of deputy sheriff, a total of 27 hires were made in the first half of 2023. Six, or 22%, of those hired were women. This reflects significant progress in the recruitment and hiring of women for sworn operations positions. For detentions deputy, 20 individuals were hired. Of those, 18 were Hispanic or Latino, one was Asian, and one was Black or African American.

While this information is helpful and provides a snapshot of KCSO's hiring of sworn personnel, the biannual report does not provide data and information for the years preceding 2023.²⁵ To assess the level of progress that has been made in increasing the diversity of KCSO since the entry of the SJ, subsequent biannual reports should include prior years' data and trends in order to provide an accurate baseline of information to better assess KCSO's progress and so that any requiring more attention can be identified and addressed. Inclusion of prior years' data also enhances transparency.

Finally, the biannual report does not include sufficient analysis of the data that are included; this is necessary to determine what steps KCSO might need to take to address the underrepresentation that has been identified and how hiring might be enhanced for each group.

The MT emphasizes that the SJ does not require KCSO to exactly match its workforce with the demographics of Kern County. The SJ certainly does not impose quotas. Rather, it expects KCSO to use the demographics as a guidepost in developing its recruitment and hiring strategies toward the goal of achieving a more diverse sworn workforce. Moreover, identifying underrepresented groups is crucial to the disparate impact analysis (SJ paragraph 105).

d. Recruitment Plan

The Recruitment Plan included a large section on historical recruitment and hiring practices and, albeit limited, data and analysis on hiring success rates and retirements. As mentioned earlier, the plan will be

²⁵ In its recently approved and publicly posted Recruitment Plan they have set forth some demographic applicant data covering the period 2015 to 2021 (Recruitment Plan pp.11). That data identifies underrepresentation in the applicant pool for Deputy Sheriff for Black, Asian/Pacific Islander, and Native/Indigenous groups. Underrepresentation for the position of Detentions Deputy is noted for all of the above groups as well as Hispanic. Females are underrepresented for both positions. This data is not continuous to the current period and is not presented in a manner to be used in conjunction with the Bi-annual Report to adequately change over time.

reassessed each year, providing valuable trend data and updates on the status and outcomes of the delineated action steps and changes or additions to the plan moving forward.

Importantly, the Recruitment Plan's data section described the County and KCSO's earlier efforts to remedy problems found with failure rates among candidate groups. These efforts reflect the type of analysis and subsequent corrective action required by the SJ in the provisions regarding review and revision of the recruitment and hiring program (paragraph 101) and the disparity analysis (paragraph 105). The steps taken as described in the Recruitment Plan reflect the process that will need to be regularly applied to achieve SJ compliance, in which identified concerns are treated as opportunities for revision and improvement.

HR staff must ascertain whether the process should be altered in a way that might increase the success rates overall and for certain groups while still ensuring a high-quality pool of new employees. Some examples in this regard have already been discussed: Recognition that the screening and hiring process took too long, leading to drop-outs of otherwise eligible candidates, led to the implementation of immediate screenings and testing at recruitment events.²⁶ Analysis of ZIP code data led to a greater focus of recruitment efforts in outlying areas of the County. Two further examples follow.

- The Recruitment Plan noted higher failure rates for certain groups at some steps in the recruitment and hiring process. With respect to the POST PELLETB written exam required for the deputy sheriff position, for the period of 2015–21, White applicants passed the test at a rate of 60% while Hispanics and Black applicants passed at rates of 22% and 33%, respectively. Pass rates between genders differed by 5.7%, with males passing at a higher rate. To its credit, KCSO attempted to mitigate the differences in pass rate by administering another form of written exam for a three-month review period. However, results indicated a higher rate of failure than the PELLETB examination, so the new test was dropped. Although unsuccessful in this case, the MT applauds this effort to examine the issue and creatively seek remedies when data analysis and review of information produced concerning findings—and to again apply data analysis to measure the outcome of the trial approach. This approach needs to be consistently applied to reach the SJ goals, and it reflects a level of critical thinking and problem-solving efforts that will benefit KCSO and County HR. When an effort is found to be unsuccessful, try something new—setbacks are all part of the learning process. KCSO and the County are continuing to explore alternatives to the POST PELLETB written exam.
- The Recruitment Plan also reported the failure rates for the physical agility test. Females were noted to fail at a rate 52% higher than males. In response, physical agility testing is now handled differently, with less likelihood that otherwise eligible candidates of either gender will fail out of the process. The test is now given during the Academy, which allows candidates to achieve a conditioning level that improves their ability to pass this test.

The Monitors acknowledge these examples and the continuing efforts of the County and KCSO to improve their collection of all relevant and useful data. This is serving to develop a fuller understanding

²⁶ Notably, in their description of these efforts, the County also pointed out some inherent risks in these processes and how they may be ameliorated.

of the issues involved, then using the analysis and findings to inform discussions that can ultimately lead to formulating solutions to underrepresentation.

6. STEPS TAKEN BY KCSO AND THE COUNTY AFTER THE SECOND ANNUAL REPORT

Below, the MT will summarize the efforts by KCSO and County HR over the past year to address the “Next Steps” set forth in the second annual report’s Recruitment, Hiring, and Promotions section. Much of the work completed was already described earlier.

KCSO and the County will conduct the disparate analysis assessment required by the SJ (paragraph 105) and report findings to the MT. After submitting this report, KCSO and County HR will meet with the MT within 30 days to determine whether corrective actions are needed to mitigate any disparate impacts that may have been identified.

The County and KCSO have not yet completed and drafted the full written assessment addressing any disparate impact and submitted it to the MT. However, as discussed earlier, particularly in the Analysis and Reporting subsection, KCSO and the County have begun some parts of that assessment. They have started to tabulate, track, and report basic demographic statistics on current staff, hires, promotions, and separations. They have been focused on improving their collection of information for each step of the recruitment and hiring process in order to make an informed assessment of whether any disparate impact is present and what steps, if any, can be taken to address such impact. While improvement in the collection of this information and data is noted, more needs to be done with respect to gathering all relevant data in order to meaningfully analyze it for disparate impact and to develop mitigation strategies.

Upon MT approval of the updated Ideal Candidate Profile and MT and DOJ approval of the Recruitment Plan, KCSO and County HR will develop a promotion policy and plan and submit them for MT approval (paragraphs 109–111, 114).

While the SJ requires the development and implementation of a Hiring and Recruitment Plan, KCSO and County HR, with the approval of the MT and DOJ, have chosen to bifurcate the development of the plan. It was determined that the recruitment element would be developed first and submitted for approval. Then, the required hiring part of the plan and the promotion policy and plan would be submitted.

Now that the Recruitment Plan and Ideal Candidate Profile are submitted, development of the hiring plan (SJ paragraphs 105–108) and the promotion policy and plan (SJ paragraphs 109–116) should proceed, be completed, and submitted for MT and DOJ approval. The MT notes that the approved Recruitment Plan included a large amount of hiring data, analysis, and KCSO-related plans, which is to say the County and KCSO did not wait to begin developing the hiring plan until the Recruitment Plan was finalized; in fact, that work has been ongoing for some time. The MT is currently reviewing a draft of the promotion policy.

KCSO and the County will produce quarterly reports that sufficiently articulate progress on compliance with paragraphs 101–116 of the SJ. The MT, KCSO, and the County will discuss a timetable for these reports, such as submission within 15 calendar days of the end of each quarter.

KCSO submitted quarterly reports to the MT on April 14, 2023; July 11, 2023; October 12, 2023; and January 19, 2024. The MT finds them useful and an effective method for keeping the Parties and MT up to date.

KCSO and the County will evaluate the effectiveness of revamped recruiting and hiring processes in successfully hiring qualified candidates from underrepresented populations and reflecting the diversity of the Kern County community. KCSO and the County will develop strategies to address any shortcomings that surface as a result of regular evaluation (paragraphs 101–102).

As described in the progress summary above, the County and KCSO have instituted many improvements over the last two reporting periods, and hiring has increased. While the MT certainly believes there is a connection, it is not entirely clear which improvements contributed most to these positive outcomes because that type of analysis has not been done. As reported earlier, the County and KCSO have conducted the type of evaluations required by SJ paragraph 101 on some steps of the recruitment and hiring process and are poised to do more in the coming reporting period.

KCSO and the County will conduct audits regarding decisions to suspend or not select candidates based on their background and provide findings to the Parties (paragraph 108).

KCSO is in the process of analyzing 2023 hiring data to determine why applicants are being disqualified from the background process. The MT has recommended such action to ensure that disqualification criteria is consistently applied and that such application is free of bias. To further ensure consistency in the background investigation process, KCSO has developed a Background Investigations Unit Operations Manual. This is also a positive development and demonstrates KCSO's commitment to improve the hiring process and make sure that it is free of bias. The MT recommends that all personnel involved in the background process receive training on this manual.

KCSO and the County will involve the CAC in review of future iterations of public-facing recruitment materials and recruitment efforts targeting underrepresented populations (paragraphs 117–118, 122).

In its January 2023 quarterly report, KCSO said it has regularly engaged the CAC during its meetings to generate recruitment leads. KCSO posts recruitment events on the CAC website calendar and seeks out and encourages participation of CAC members during CAC meetings. The MT strongly believes that the CAC's active participation in the recruitment process is a crucial element and a way to help KCSO achieve greater success in improving the diversity of its workforce.

KCSO should engage the CAC in discussions on why members of underrepresented groups might be reluctant to consider a career with KCSO, what they might be able to do to assist on this front, and identify areas where KCSO should focus its recruitment outreach efforts to be more successful in those communities. Outreach and recruitment materials and events should be discussed in detail with the

CAC to identify anything that may unintentionally alienate or fail to engage particular groups and to identify any gaps that may reduce the inclusivity that is intended; for instance, by not “speaking to” or reaching community members in certain geographic areas or cultures.

Ensure that all personnel involved in hiring and promotional activities are trained in and adhere to the new Ideal Candidate Profile and principles of community policing.

On January 19, 2024, KCSO submitted a training bulletin for the Ideal Candidate Profile for the MT’s consideration and comment. While the bulletin can now be finalized, the MT asserts that implementation of the Ideal Candidate Profile requires more than a training bulletin. The profile may require additional efforts beyond the bulletin alone to ensure the profile is institutionalized. Adherence to the profile’s high standards and expectations in recruitment, hiring, performance, and promotions is critical to the transformation of the KCSO as envisioned by the SJ and to KCSO’s successful implementation of the entirety of the SJ. It is the MT’s intention to engage KCSO on this issue.

To meet the purpose and achieve the intended objectives of the Ideal Candidate Profile, including influencing performance assessments and promotion decisions, the profile needs to be consistently emphasized and applied in regular supervisory and managerial activities including roll call briefings, formal and informal counseling, performance reviews, force and complaint investigations, and promotion decisions. The profile should also be incorporated into training on stops, bias-free policing, community policing, and complaints.

KCSO and the County will implement the MT-approved promotions and policy plan (paragraphs 109–112).

During this reporting period, KCSO continued to develop the promotion and policy plan required by the SJ. As noted above, the Parties and the MT agreed that securing approval of the recruitment part of the Hiring and Recruitment Plan would take priority. It was hoped that the approved Recruitment Plan would assist and provide KCSO with a template as to form and substance for both the hiring plan and the promotion policy and plan. As noted above, KCSO submitted an updated draft of the Promotional Policy and has turned its attention to the Promotional Plan.

7. NEXT STEPS FOR KCSO AND THE COUNTY

- KCSO and the County will conduct the disparate impact analysis required by the SJ (paragraph 105) for all steps applicable to recruitment, hiring, and promotions and report their findings to the MT. After submitting this report, KCSO and County HR will meet with the MT within 30 days to determine whether corrective actions are needed to mitigate any disparate impacts that may have been identified (paragraph 105).
- KCSO and the County will complete the hiring part of the Recruitment and Hiring Plan.
- KCSO will continue work to revise the promotion policy and develop a promotion plan required by the SJ (paragraphs 109–111, 114).

- KCSO and the County will continue to submit to the MT quarterly reports that set forth all actions taken by them to further compliance with all HR-related provisions of the SJ. Such reports should supply data, and analysis of that data, sufficient enough to enable the MT to meaningfully assess the level of progress being made to satisfy the requirement that KCSO's workforce more closely reflects the demographic makeup of the Kern County community (paragraphs 101–116).
- KCSO and the County will conduct audits regarding decisions to suspend or not select candidates based on their background and provide findings to the Parties (paragraph 108).
- KCSO will continue to expand and tailor outreach and recruitment activities in order to broaden the applicant pool engaged.
- KCSO will continue to improve data collection and tracking on each stage of recruitment and hiring activities.

8. NEXT STEPS FOR THE MT

- Review and provide feedback on quarterly reports and biannual reports submitted by KCSO and the County within 30 days of submission.
- Review and provide timely feedback to KCSO and the County on drafts of the hiring part of the Recruitment and Hiring Plan and the promotion policy and plan.
- Review data related to candidates being suspended or not being hired based on their backgrounds.
- Evaluate the implementation of the Ideal Candidate Profile.

H. COMMUNITY POLICING

KCSO agrees to enhance, promote, and strengthen partnerships within the community, to engage constructively with the community to ensure collaborative problem-solving and bias-free policing, and to increase transparency and community confidence in KCSO (SJ paragraph 117).

The overall purpose of this section of the SJ is to emphasize the requirement for KCSO to have meaningful engagement with the community, including open dialogue, to build mutual understanding and trust, transparency, and collaborative approaches to address public safety issues. Meaningful engagement requires ongoing public involvement to identify and develop appropriate strategies based on shared responsibilities for resolving public safety issues in the community. Community policing demands continual evaluation of results—again, with community input—to inform and improve police practices moving forward.²⁷ The principles of community policing are integrated throughout the SJ; community engagement is explicitly required.

²⁷ Community policing is a philosophy that promotes organizational strategies supporting the systemic use of partnerships and problem-solving techniques to proactively address conditions that give rise to public safety issues such as crime, social disorder, and fear of crime. Community policing has three key components: community partnerships, organizational transformation, and problem solving. For more information, visit <https://cops.usdoj.gov/RIC/Publications/cops-p157-pub.pdf>.

As will be discussed in this section, KCSO continues to take meaningful steps to advance progress with many of the SJ provisions related to community policing, including requirements to develop a community engagement strategic plan; develop and implement a framework to engage the community in developing revised policies; engage with various, diverse community stakeholders; maintain and participate in the CAC; ensure deputies actively engage with community members at meetings and events on a regular basis; and enhance relationships with groups including youth, LEP individuals, and communities of color (SJ paragraphs 10, 58, 59, 117, 118, and 119).²⁸ KCSO also made staffing changes that have increased productivity.

1. THE KERN COUNTY SHERIFF'S COMMUNITY ADVISORY COUNCIL²⁹

Multiple SJ provisions are directly related to and depend on the CAC and the many roles it plays. Established in October 2020, the mission articulated by the CAC is to “bridge the gap between the County’s diverse communities and the Kern County Sheriff’s Office,” and its stated vision is to “strengthen communication, generate mutual trust, and promote understanding for a more cohesive and safer Kern County” in alignment with the SJ.³⁰

The CAC fulfills several functions that are key to the success of the SJ—in particular, strengthening the relationship and level of trust between the community and KCSO. These include regularly meeting with the Sheriff’s Office, providing input on KCSO policies and procedures and other KCSO activities, helping the department better understand the community’s perspective and vice versa, and representing the interests of diverse Kern County stakeholders. While the SJ also requires KCSO to actively engage with other (non-CAC) community members, the CAC is the primary source of connection between the community and KCSO.

In this reporting period, the CAC continued to perform its essential functions admirably. It is the MT’s impression that both KCSO and CAC members recognize the important mandate represented by the requirements related to the establishment of the CAC and continue to apply themselves to achieving SJ goals.

To more thoroughly meet the expectations laid out in the SJ, the CAC will need to focus more on engaging with and seeking input from diverse community members, ensuring their concerns and input are shared with the Sheriff’s Office, and more regularly have discussions with community members regarding KCSO’s progress toward SJ compliance. As KCSO develops its problem-oriented policing and community policing practices, the CAC will play an increasingly important role in influencing the development of KCSO’s strategies and responses to public safety concerns.

²⁸ These are summaries of the listed SJ paragraphs. See SJ for complete language.

²⁹ The SJ refers to this group of community members as the Community Advisory Panel (CAP, or the Panel), but the group has decided to refer to itself as the Kern County Sheriff’s Community Advisory Council (CAC).

³⁰ As described in the CAC’s website at <https://kerncac.org/about>

a. CAC Membership and Structure

The CAC membership is composed of individuals who reside and/or own a business in Kern County. These members serve as volunteers, with the understanding that being on the Council is a labor- and time-intensive endeavor. However, some have directly shared with the MT that they do so because they love their community and want to be part of the change that they believe will promote a more effective relationship between the public and KCSO.

Pursuant to the CAC's bylaws (discussed below), member eligibility requirements include:

- A minimum of 18 years of age;
- Current resident or business owner in Kern County;
- Member of one of the stakeholder groups named in the SJ;
- Interest in forming innovative solutions to resolve community tension; and
- Submitted application to the CAC at <https://kerncac.org/get-involved>.

As of January 2024, the CAC had 24 active members, including a recent influx of new members having joined since September 2023. The MT was informed by the Council that one of its goals in 2024 is to fill the remaining seven vacancies with members who represent the diverse communities found within the County.³¹

The CAC's organizational structure includes three co-chairs (two community members and one from KCSO) and three subcommittees that focus on different provisions of the SJ, as well as ad hoc committees as needed. The community members who serve as CAC co-chairs run the general meetings and oversee the subcommittees. Each subcommittee is supposed to have at least one chair to serve as lead; as of the date of this report, the Community Policing subcommittee is the only one without a chair. Each subcommittee is composed of CAC members who bring diverse experiences and expertise, along with two or three assigned KCSO personnel who help support the work of the subcommittees. Each subcommittee is led in a collaborative effort by all of the CAC co-chairs, with participation and additional support provided by other community members from the CAC.

b. CAC Bylaws

One of the CAC's most significant accomplishments in 2023 was the Council's action to finalize the adoption of its bylaws by a unanimous vote. Without established bylaws, the roles, responsibilities, and expectations of being part of the CAC were ambiguous and had different meanings for different people. The process of establishing bylaws heightened existing tensions and, in February 2023, three of the founding members resigned from the Council. The KCSO Compliance Coordinator and other CAC members worked diligently to move the Council through the leadership transition.

³¹ The CAC bylaws state the Sheriff, or the CAC co-Chairs will strive to appoint at least one eligible member from each of the organizations listed in SJ paragraph 59 who may not be already represented in the CAC.

While the MT believes more work still needs to be done for the CAC to rebuild its relationships and find a more cohesive voice, much progress in that regard was made through this reporting period. At the same time, the relationships between CAC members and KCSO personnel continue to strengthen.

The finalized bylaws include the following guidelines and expectations to govern the scope and role of the CAC:³²

a) It is desired that CAC members participate in open discussions with each other and with the KCSO regarding local community concerns and priorities on issues of public safety and constitutional policing.

b) CAC members' role will be to review, consider, and provide feedback on the following areas of interest concerning the KCSO's policies, training, and procedures, including but not limited to use of force and related policies; bias-free policing policies; community policing; civilian complaints; and language access policies.

c) CAC members will also assist in improving diversity in recruiting, hiring, promotion, as well as planning community engagement meetings surrounding these topics.

d) It is intended that CAC members will share their experience and role on the CAC within the community to help educate the community about KCSO's functions and programs as well as the terms of the Stipulated Judgment, and the implementation progress.

e) The CAC will collectively represent the voice of the community, and as such, it is expected that CAC members will participate in the furtherance of the greater good for the Kern County community and refrain from promoting personal agendas or motives.

f) The CAC shall not have power or authority to investigate, review or otherwise participate in matters involving specific personnel or specific Sheriff-related incidents. The CAC will not receive, or review complaints initiated against KCSO and/or personnel, nor will be liable for or have any role in any civil or criminal litigation.

c. Role of KCSO in the CAC

KCSO is required to form and maintain the CAC, according to SJ paragraph 117. This includes providing ongoing support to ensure the CAC functions in a manner conducive to achieving the SJ's objectives. KCSO has made noticeable progress in this regard, with the creation of the Compliance Bureau illustrating its commitment to providing additional staffing to help in this work.

Over the past year, KCSO support of and involvement with the CAC has expanded. At the beginning of 2023, KCSO mostly assisted with media and marketing efforts for events and provided information related to department policies and operations. With the creation of the department's new Compliance

³² "Scope and Role" section of the CAC Bylaws (page 3), <https://kerncac.org/about>

Bureau, KCSO has taken on support tasks such as taking meeting notes, scheduling and facilitating Zoom meetings, ensuring meeting agendas are established and shared, and updating and distributing documents related to discussion items.³³ KCSO provides updates on the progress toward SJ compliance in every general meeting.

As noted in our second annual report, it is imperative that others in County government become more aware of the role the CAC is filling and the services it provides. In particular, it would be helpful if the Board of Supervisors is provided with regular updates on the actions underway and overall progress being made by both KCSO and the CAC. For instance, KCSO should consider presenting its annual report at a Board meeting each year and engaging the CAC as a co-presenter to discuss their work on behalf of the community, the issues they are addressing, and the results achieved. In the past year, the MT has not seen evidence of significant Board of Supervisors engagement with the CAC or of efforts to seek information about the status or progress being made in relation to the SJ. That said, the KCSO Compliance Coordinator informed the MT that he has been able to brief Board members on progress.

d. CAC Subcommittee Work

i. Community Policing Subcommittee

The Community Policing subcommittee was established to work with KCSO to identify best practices and policies that KCSO can use to strengthen policing in an increasingly complex and diverse society.

The MT noted in the previous annual report that the CAC and KCSO should develop a clearer understanding of the difference between public relations activities and the purpose of community policing. This would help avoid a pitfall that many law enforcement agencies fall into as a result of emphasizing and prioritizing the creation of a favorable public image over that of engaging the public in meaningful ways to work collaboratively on solving ongoing problems. Public relations activities tend to relegate the community to being little more than a passive recipient of services while community policing requires recognizing the public must become an active participant in both discussions and actions taken, such that they become an important partner and a co-producer of public safety.

Understanding this distinction is important because it helps the CAC and KCSO establish clearer goals and identify solutions that will have the desired effect of reducing violence and crime while also building and maintaining trusting, collaborative community–department relationships.³⁴ (See also the Stops section.)

³³ The agenda for CAC meetings, not including subcommittee agendas, is created by the three co-chairs. The chairs also ask CAC members for agenda items and ideas at the end of their general meetings.

³⁴ To that end, the Community Policing subcommittee developed the following shared definition: “Community policing means to utilize collaborative partnerships between law enforcement, community members, local business, and community-based organizations in order to engage in proactive and creative problem solving.”

ii. Policy & Education Subcommittee

In developing its policies relating to issues such as the use of force, community policing, bias-free policing, language access, and civilian complaints, KCSO is required to meaningfully engage with and receive input from the CAC and other stakeholders within the community (SJ paragraphs 10, 58, 99, and 117). The Policy & Education subcommittee is tasked with those reviews. This group also leads the CAC's efforts to provide the community with updates on the CAC and KCSO's progress on SJ requirements.

In July 2023, the subcommittee reviewed and provided feedback on the department's UOF policies, RIPA policy, and Bias-Free Policing policy. As part of an ongoing process, KCSO shared revised policies as they evolved and allowed for additional CAC feedback after each update. In January 2024, KCSO provided the CAC with its most recent draft Community Policing policy and Community Engagement Strategic Plan, which the Policy & Education subcommittee is currently reviewing in conjunction with the Community Policing subcommittee. After KCSO receives and incorporates the CAC's feedback into its policies, the next step involves review by the MT and DOJ.

iii. Communications & Engagement Subcommittee

The Communications & Engagement subcommittee remains active and continues to oversee the CAC's website (<https://kerncac.org/>) and email account (info@kerncac.org), and it has shared plans to explore more social media presence to help advertise CAC-related meetings and events. KCSO has a presence in this subcommittee, as well as in the other two subcommittees. The department's Public Information Officer is one of the most active members of this subcommittee and uses KCSO's social media platforms to help promote CAC meetings and events; however, some members have expressed concern that KCSO's platforms may not reach some of the underrepresented communities identified in the SJ and, as such, the MT supports the CAC's continuing to explore ways to manage its own social media.

2. COMMUNITY MEETINGS AND EVENTS HOSTED BY KCSO AND THE CAC

The subcommittees have not been meeting or organizing events as often as they did in 2022. At that time, the subcommittees relied heavily on CAC leaders (who have since left the Council) because they were the ones who led and organized efforts like "Bridge the Gap" and community engagement meetings.

However, the new CAC co-chairs reported to the MT and CAC membership that they intend to get back on track and plan to schedule meaningful engagements with different communities throughout the County and ensure that a cross section of residents have opportunities to be informed about policies and policing strategies and to provide their feedback and have their voices heard around what community policing means to them. This section describes most of the meetings and events that were held in this reporting period.

KCSO continued to attend and participate in a variety of meetings and activities during this reporting period, such as:³⁵

- Monthly CAC general meetings;
- CAC subcommittee meetings;
- Community policing community meetings; and
- Internal CAC ad hoc meetings.

There was not a large number of additional community meetings or events hosted by KCSO and the CAC in the past reporting period. In May and October 2023, a previous member of the CAC participated as a guest speaker at a KCSO Academy training relating to community engagement and provided feedback and perceptions from members of the public when interacting with deputies in the field. The MT is aware of the department's Compliance Coordinator inviting the CAC and other community members to Academy classes to offer insights related to community policing. With the assistance of a CAC co-chair, invitations were further extended to the following to explore community partnerships: Kern Executive Business Roundtable; Bakersfield Chamber of Commerce; League of Dreams; and Community Action Partnership of Kern. Also, KCSO worked with the CAC and other community members on a number of deputy recruitment events.

Overall, KCSO needs to be even more proactive in reaching out to more communities and neighborhoods (those not already associated with the CAC) to enhance relationships with particular groups within the community and encourage their participation in the CAC and other KCSO events. KCSO is actively working on a strategic plan to address this.

a. Presentation by the US DOJ Community Relations Service

In the fall of 2023, the DOJ Community Relations Service (CRS) gave a presentation to the Academy to talk to KCSO cadets about its services and the importance of meaningful community engagement on the part of KCSO deputies. The CRS provides cost-free consultation and assistance to help build more trusting and collaborative relationships between law enforcement agencies and the communities they serve. The KCSO Compliance Coordinator found the presentation to be helpful and invited CRS to give a presentation to the CAC.

In January 2024, the CRS gave a presentation to the CAC about different ways it could help, including providing facilitations, mediations, consultations, trainings, and technical assistance in best practices, and evidence-based and informed-based strategies. KCSO and the CAC are currently discussing how best to work with the CRS. The MT appreciates KCSO's proactiveness in sharing resources with the CAC in hopes to facilitate joint goals and efforts. As always, the MT will be ready to assist as requested and appropriate.

³⁵ CAC general meetings and community policing community meetings are open to the public and advertised by the Council and KCSO.

b. KCSO Crime Prevention Unit

The Department's Crime Prevention unit works in conjunction with KCSO sergeants and deputies to give public presentations about community-oriented policing and training around what steps should be taken for an effective neighborhood watch. These presentations are held across the County and different neighborhoods. Some community groups or neighborhoods request the presentations while others are identified by the unit as needing outreach.

The presentations usually include a PowerPoint presentation with information on local crime statistics, emphasizing the importance of reporting possible criminal behavior to the department. The CAC is not involved in organizing these events, but it is invited to attend and speak about the Council. The MT would like to hear more on how these meetings are used to further specific community policing objectives, problem-solving activities, and crime prevention measures.

Community Policing and Problem-Oriented Policing

A community policing program cannot be implemented only in one section of the community, and it will not be effective if just one particular division or unit within a law enforcement agency is responsible for it; it must permeate the entire organization and apply to the whole community. Community policing is a philosophy that requires organizational transformation, which, in turn, supports engaging the community as an equal and meaningfully engaged partner in the co-production of public safety.

Problem solving is a critical component of community policing, and implementing the SARA (Scanning, Analysis, Response and Assessment) model is an important step. KCSO leadership needs to be clear and intentional with its staff that when identifying, prioritizing, and selecting problems to address, it must rely on not just police-source data but, critically, on a broader range of data and information from community sources. Then, the collected data must be used by the Sheriff's Office to inform policies, engagement, and enforcement-related strategies and be assessed and evaluated to determine what impact, if any, those actions had or did not have and how to improve moving forward. The Sheriff's Office also must be transparent about these findings, not only to fulfill SJ requirements but, importantly, to serve as another way to improve its partnership and relationship with community members.

Attending and actively participating in community meetings are important opportunities to gather public input and for relationship- and trust-building between KCSO and the communities they are sworn to serve and protect. Building a relationship and trust with the community will call for a commitment of resources, time, patience, and a sincere desire to promote healing and understanding. The MT has held meetings and conversations with KCSO where we have emphasized the attendance of such convenings to learn about community priorities and perceptions as well as misperceptions that may exist between the community and KCSO.

3. KCSO COMMUNITY POLICING POLICY, STRATEGIC PLAN, AND TRAINING

The Community Policing section addresses the intentions of the SJ with regard to improving trust and establishing a more collaborative and effective relationship between the public and KCSO. SJ paragraphs 10, 59, and 119 require KCSO to develop a plan for strategic engagement with diverse sections of the community.

Paragraph 10: KCSO will agree to develop a strategic plan to meaningfully engage with community stakeholders and work with its newly formed and existing Community Advisory Panel in developing the revised policies described above.

Paragraph 59: KCSO will continue to work with its Community Advisory Panel [CAC]. The [CAC] should continue to engage in a good faith effort to have representatives from various, diverse stakeholder groups, including, but not limited to, the Kern County Public Defender's Office, California Rural Legal Assistance (CRLA), the American Civil Liberties Union (ACLU), United Farm Workers (UFW), the Dolores Huerta Foundation (DHF), the NAACP, Greater Bakersfield Legal Assistance (GBLA), PICO Bakersfield, as well as members of Sikh and LGBTQ+ community groups. The [CAC] will ... meet with Sheriff's Office staff at least quarterly to provide input into policy and procedure, provide insight into the community's concerns, and educate the community about their Sheriff's Office.

Paragraph 119: A variety of sworn personnel shall continue to actively attend community meetings and events. KCSO agrees to develop a plan for such attendance. The plan shall indicate the number and types of events to be attended on a regular basis and take into account the need to enhance relationships with particular groups within the community, including, but not limited to, youth, LEP individuals, and communities of color.

The process of developing effective programs that will sustain ongoing public engagement is complex and can be quite challenging, especially when working with diverse communities and sometimes competing expectations that surface. KCSO took several important steps toward establishing its Community Engagement strategy, plan, policies, and training in this reporting period.

a. Strategy and Policy

Pursuant to SJ paragraphs 59 and 119, KCSO is developing a Community Engagement Strategic Plan (Strategic Plan), which is intended to be included as an appendix to its new Community Policing policy also currently under development. Each of these will be subject to the MT and DOJ review and approval process.

KCSO reached out to the US DOJ Office of Community Oriented Policing Services (COPS) to take advantage of consulting services and technical assistance that is available through its Collaborative Reform Initiative for Technical Assistance Center (CRI-TAC). The technical assistance consultants provided through the CRI-TAC program have been meeting with KCSO staff on a bimonthly basis to assist with the development and refinement of the Strategic Plan. The MT also participated in those meetings and noted significant progress on this front.

KCSO has drafted a plan structured around the policing pillars identified in the *Final Report of the President's Task Force on 21st Century Policing*. Those pillars address topics such as transparency, building a reciprocal relationship with community members, deputy training, outreach to diverse community members, and community engagement activities and events.

The consultant—who is from the firm Strategy Matters and was brought in via CRI-TAC—and the MT have provided KCSO with significant comments and recommendations to the Strategic Plan, such as ensuring the established goals are clear and measurable. This is being done by setting baselines and identifying target numbers, describing what is expected of staff who attend community meetings and events, and being explicit about partnering with the CAC and other community stakeholders.

In January 2024, KCSO provided the CAC with an updated draft of the Strategic Plan for review and feedback. DOJ CRS and the MT will also have more opportunities to review the plan.

During this period and the previous reporting period, the MT shared a number of observations that KCSO needs to consider as it finalizes the community engagement policy and plan. These include the following.

- In the coming year, it is important for KCSO and CAC to broaden and increase the level of participation by members of the CAC and other community members in meetings and events. Also, KCSO should conduct outreach independently of the CAC to engage more with those individuals and groups, such as youth and LEP populations, who are often hesitant or who may be uncomfortable when initially engaging with law enforcement.
- KCSO should establish formalized processes by which it periodically assesses and identifies ways to improve its community engagement and community policing efforts as per SJ paragraph 122.³⁶
- KCSO should expand its organizational capacity by ensuring all employees recognize their responsibilities for supporting and carrying out the agency's problem-oriented and community policing strategies. Community policing requires having all department personnel engaged in this work. It must be recognized as an overall institutional commitment that is rooted in the department's values and expectations of all employees. (See "Community Policing and Problem-Oriented Policing" sidebar above.)
- KCSO should prioritize development and implementation of the training required by SJ paragraph 120 upon finalization and approval of the Community Policing policy and plan. Personnel of every rank need to have a firm understanding of what community policing is and what it truly means to work with the community as co-producers of public safety.
- SJ paragraph 119 requires sworn personnel to actively attend community meetings and events. This requirement is addressed in KCSO's Community Engagement Strategic Plan. The MT acknowledges that KCSO personnel, particularly the involved lieutenants, have attended meetings and have been active participants. It is imperative to ensure continued active participation of personnel at all levels because mere attendance or presence at a meeting or event is not sufficient to meet this obligation; the objective is to strengthen the relationship with the community, strive to address common goals,

³⁶ KCSO's Community Policing policy and Community Engagement plan are in draft form and currently include the required process. However, processes are not deemed established until the policy and plan are finalized and approved.

and, in the course of that, develop stronger bonds and trust among each other. Deputies' attending but not engaging with community members, or at least making themselves available for such discussions, may actually have the opposite effect: It can contribute to a perception that KCSO staff may not truly care about the community's voice or opinions and that they went only to check a box.

b. Training

SJ paragraph 120 requires KCSO to "provide a structured annual in-service training on community policing and problem-oriented policing methods and skills for all deputies, including station supervisors and unit commanders."³⁷ The Academy currently includes courses covering basic concepts here, but the MT has found there is also a need to develop a better understanding of what community policing entails and greater proficiency being exercised in carrying out the attendant objectives.³⁸

In response to KCSO's request for recommendations for community-oriented policing training, the MT connected KCSO with the Arizona State University (ASU) Center for Problem-Oriented Policing (POP). In May 2023, KCSO and another local law enforcement agency attended a joint in-person ASU training session for supervisors and managers. This 2.5-day training covered basic elements of POP, principles and methods of situational crime prevention, SARA problem-solving model, shifting and sharing responsibility for public safety problems, leading and managing POP, and sections to discuss application to local issues.

The MT believes this was a good educational training that was well-attended by KCSO leadership as indicated in attendance sheets submitted to the MT. (The MT observed the same training but during a session where fewer KCSO managers were present.) Although the training was indeed informative and helpful, the MT notes that this training alone will not be sufficient to comply with the SJ requirements. The next step is a training for all personnel that augments the ASU training with materials specific to the SJ, including "leadership, ethics, and interpersonal skills," "problem-oriented policing tactics for both employees and community members," "conflict resolution and verbal de-escalation of conflict," and "cultural awareness and sensitivity training" (SJ paragraph 120 c, e, f, and g).

KCSO is considering an introductory four-hour online training for all deputies. The training would cover the principles and practice of community policing, and it would be provided by the National Center for Policing Innovation (formerly VCPI) and funded by the US DOJ COPS Office. The MT generally believes

³⁷ According to SJ paragraph 120, "training shall include: (a) methods and strategies to improve public safety and crime prevention through community engagement; (b) scenario-based training, including roll call training, that promotes the development of new partnerships between KCSO and community targeting problem solving and prevention; (c) leadership, ethics, and interpersonal skills; (d) community engagement techniques, including how to establish formal partnerships and actively engage community organizations, including youth, immigrant, and LGBTQ+ communities; (e) problem-oriented policing tactics for both employees and community members; (f) conflict resolution and verbal de-escalation of conflict; and, (g) cultural awareness and sensitivity training."

³⁸ As an indication of the need for further training on community policing, the MT reviewed KCSO's COPS Activity logs, which are meant to record problem-oriented policing and community policing-related interactions between KCSO personnel and members of the public. All were positive and even important activities, but the MT found that the majority were not genuine community policing. Also, due to changes in its system, KCSO has been unable to track these activities in several months.

this type of course may be a good first step toward ensuring all staff have the necessary training. We will discuss the specifics early in the new reporting period.

4. PUBLIC REPORTS AND INFORMATION

KCSO is required to conduct an assessment of its community engagement initiative and activities and issue an annual public report (and post it on its website) that includes identification of successes, obstacles, and recommendations for future improvement (SJ paragraph 122). This assessment is important to maintaining transparency and continually improving KCSO–community engagement and partnerships.

The SJ requires KCSO to provide other reports to the public every year, so the department has decided to use one comprehensive annual report to address the different requirements throughout the SJ. KCSO provided the MT and DOJ with an annual report for 2021, and it is available on the Transparency tab of KCSO’s website.³⁹ KCSO also informed the MT that it is currently drafting the annual reports for 2022 and 2023 and will provide these to the MT for review and feedback in the spring of 2024.

Providing information to the community should be done in a variety of ways and in an ongoing manner, such as through annual reports on the department’s website, community meetings, CAC meetings, social media, and other forms of media. In addition to participating in community engagement opportunities, KCSO is required to “create additional easy points of access for community feedback and input” on its website and social media pages (SJ paragraph 118). The KCSO website’s Contact tab lists addresses, telephone numbers, and email addresses that the public can use to contact the Sheriff’s Office, particular units or substations, or individual command staff. Residents may file a complaint by calling or visiting stations, or by accessing complaint forms on a link on the homepage of KCSO’s website. The Community Engagement Strategic Plan currently in development includes an expansion of the ways KCSO communicates with the community.

SJ paragraph 123 requires KCSO to seek the assistance of the CAC and community advocates in “widely disseminating to the public, in English and Spanish” important information such as complaint forms and brochures. KCSO, with the CAC’s input, is currently identifying what other documents should be disseminated. As required by SJ paragraph 99, Kern County created a language access coordinator. That individual has taken the lead in creating a countywide list of vital documents that require translation.⁴⁰ KCSO has appointed a department language access liaison to collaborate with the county’s coordinator and identify law enforcement–related documentation that requires translation.

The SJ mandates that KCSO’s engagement includes broad representation from throughout Kern County, not focused on any one group or segment of the community. No law enforcement agency can accomplish this without establishing effective partnerships with the community or without relying upon other government agencies and service providers focused on these mutual goals. Language and

³⁹ [Transparency](#)

⁴⁰ More details about the Language Access policy are found that section of this report.

cultural barriers must be recognized and appreciated to ensure every person in Kern County is treated fairly and with justice and respect.

Quite often, the public will develop insights and perspective of the Department's culture based on media reports they see or hear. In fact, articles and interviews published in newspapers or other forms of media are another form of KCSO reporting. For instance, Sheriff Youngblood was quoted in an article from the Bakersfield Californian newspaper dated October 22, 2023, that raised concerns for some CAC members which they shared in one of their meetings.

Of particular concern for some CAC members with this article were statements made by the Sheriff such as, "I would be remiss if I didn't tell you George Floyd did not die from a knee in the neck. George Floyd died from a drug overdose that he had done prior to when the police stopped him" and "George Floyd was a thug." His statements regarding a state bill related to concealed weapons also caused concern as he stated, "I can't order my staff not to follow the law, but they think how I think. ... If you do something incredibly stupid, that will be used against you."⁴¹

It is part of the MT's mandate to assess the impact such statements have on different parts of the Kern County community and how KCSO responds to the community's reaction. The MT noted and heard about varying levels of discomfort among CAC members related to this article, ranging from individuals saying they appreciate the Sheriff's straightforwardness about his beliefs, to others stating these types of comments can foster mistrust and sow division among other sectors of the community.

As a result of this discussion, the CAC invited the Sheriff to an ad hoc public meeting to discuss the article and ask questions and share concerns regarding his statements. The Sheriff accepted the invitation and was transparent and honest in his responses, and he clarified that the quotes were not taken out of context, but that he was speaking only as an individual and not for the department as a whole. The CAC was able to share its opinions about an elected leader not being able to do that because he represents the department whenever he speaks to the public in uniform. For his part, the Sheriff listened to why some members were troubled by certain statements he made. At the end, the meeting was an example of open dialogue between the CAC and the Sheriff to discuss a potentially uncomfortable topic.

This dialogue between the Sheriff and the CAC serves as an example of how the CAC can serve as a direct voice of the community and encourage the Sheriff and his staff to remain mindful of how their comments can be perceived and how they impact the community. The MT agrees with the CAC, whose leaders have stated that these are the types of discussions that should continue in order to foster a lasting working partnership between the Council and KCSO.

5. COMMUNITY SURVEY

Paragraphs 124–127 require KCSO to "assist the Monitor in conducting a reliable, comprehensive, and representative biennial survey of members of the Kern County community regarding their experiences

⁴¹ Sheriff Donny Youngblood: 'If you don't have somebody to send, you don't send someone'

with and perceptions of KCSO and of public safety.” As reported in the second annual report, the Monitor retained a research team from the University of California, Los Angeles, to design, conduct, analyze, and produce a report on the annual survey. The CAC provided valuable feedback and recommendations on the survey instrument. The survey measures public satisfaction with policing and perceptions of the quality of police–community encounters. The first survey will serve as a baseline to help determine how these perceptions might change over time.

During this reporting period, the first annual Kern County Community Survey was administered. The survey was launched and made available to the public in November 2022 and closed in November 2023, with just under 1,200 responses tallied. The MT received support and participation from the CAC, various community-based organizations—including the Dolores Huerta Foundation, CSU Bakersfield, and individual community stakeholders—and KCSO to promote and disseminate the survey throughout the county. Each stakeholder group received its own customized survey link to share with its network. The survey was administered online only, with stakeholder groups using their respective websites, social media pages, email communication, and in-person meetings to share the survey.

The survey was translated into several languages prevalent in the Kern County community, with verification conducted to ensure the translations were accurate and accessible. The survey was made available in English, Spanish, Tagalog, Ilocano, and Punjabi. KCSO contracted with a translation service to produce the first round of translations, and the MT contracted with a second translation service to verify the translations.

The full survey results will be made available early in the next reporting period, but some data regarding the demographics of participants have already been provided. Although the Parties strived to obtain a sample that was representative of the demographics of Kern County, the Hispanic/Latino community and Asian community were underrepresented in the first year of the survey. The Parties will strategize with the CAC and other community partners to try to rectify this for the second annual survey and beyond.

Respondents who identified as “multiracial” (over 12% of total respondents) represented a significant portion of respondents and were seemingly overrepresented based on the most recent census data available. While the significant participation of multiracial respondents may have factored into why other communities of color were underrepresented, the Parties will still focus on improving survey participation from underrepresented groups. Other noteworthy demographic trends include 62% of total respondents who identified as female and over 27% of respondents were age 55 or older.

A report that will discuss and summarize the survey findings and provide online data visualizations will be published in early 2024. The visualizations allow the public to choose how the data tables are populated in order to do their own independent analyses and comparisons.

The MT expects KCSO to use the survey results to inform its community policing and engagement strategies. Data from the survey will be used to assess community perceptions of the relationship between KCSO and the Kern County community and to measure how, if at all, the SJ reforms are influencing that relationship. KCSO will be expected to use the survey data to inform how and where to focus its community engagement efforts and glean insights into which communities require greater improvement efforts.

6. NEXT STEPS FOR KCSO AND THE CAC

Some of the important activities and objectives that need to be addressed by KCSO and the CAC regarding community policing, primarily in the next reporting period, include the following.

- KCSO will continue to work on finalizing a department-wide community engagement strategic plan and policy to meaningfully engage with community stakeholders, including considering the recommendations of the CAC, CRS, and the MT (SJ paragraph 10).
- KCSO will begin to develop a structured in-service training on its community policing policy and plan, and problem-oriented policing methods (paragraph 120).
- KCSO will continue to develop a plan for incorporating the *Final Report of the President's Task Force on 21st Century Policing* and its concepts into its organizational strategies and policing philosophy (paragraph 121).
- KCSO will continue efforts to build trust and meaningful positive relationships with the CAC as well as with other community stakeholders (paragraphs 10, 59, 117, 118, and 121).
- KCSO will continue to reach out and engage with groups that are specifically identified in the SJ and other groups that represent traditionally underserved communities (paragraphs 59, 118, and 121).
- KCSO will continue to draft a policy and process related to making public information available regarding deputy-involved shooting incidents, deaths in custody, and other important matters, to include an outreach and community forum component (paragraph 39).
- KCSO and the CAC will continue to increase public outreach regarding the SJ and the associated responsibilities of KCSO and the CAC (paragraphs 118, 122, and 123).
- The CAC will continue to review and provide feedback to KCSO regarding the policies identified in the SJ and within the agreed-upon deadlines and timelines discussed and decided upon in CAC meetings and correspondence. For instance:
 - » Working draft of countywide language access policy within the first half of 2024.⁴²
 - » Community policing strategies and policies within the first half of 2024.
- KCSO will use Community Survey results to inform its community policing and engagement strategies (SJ paragraphs 124–127).
- KCSO will continue to cooperate and assist with the MT's various information requests, inquiries, and reviews and with the development of compliance metrics.

7. NEXT STEPS FOR THE MT

In the next reporting period, the MT will continue to conduct ride-alongs, attend meetings and events, observe station activity, and review KCSO documents to gain insight and provide feedback regarding KCSO's community policing strategies and activities. Other key MT activities will include the following.

- Schedule and plan virtual and in-person site visits in coordination with KCSO, the CAC, and DOJ.

⁴² More discussion is found in the Language Access section of this report.

- Attend community presentations provided by the Department’s Crime Prevention unit.
- In coordination with KCSO and the CAC, present findings of the MT’s third annual report with the community and make itself available for questions, comments, and discussion.
- Work with UCLA and the Parties to finalize and publish the First Annual Community Survey report and online statistical tool for public use.
- Continue to provide reviews and feedback on documents submitted by KCSO and the CAC.
- The Parties and the MT will discuss quantitative and qualitative performance metrics regarding community policing and strategic engagement and how compliance will be measured. Consideration will be given to community expectations.
- Continue to provide technical assistance, as requested and appropriate, to KCSO and the CAC on the development and implementation of a Strategic Plan and the other SJ requirements described above.
- The MT and DOJ will continue to assess submitted plans, policies, and training curricula for compliance and provide feedback to KCSO regarding any changes needed prior to approval and implementation.
- Continue to collaborate with KCSO, the CAC, and other community members to distribute the community survey and launch data collection and analysis.
- Continue to send KCSO appropriate, relevant resources that may be helpful to progress toward SJ compliance (e.g., DOJ publications, articles, studies, and examples from other sources and jurisdictions).

I. PERSONNEL COMPLAINT REVIEW

The SJ requires that KCSO ensure all complaints of misconduct are received and documented, that they are fully and impartially investigated, and that employees are held accountable when they are found to have committed misconduct. In furtherance of those requirements, KCSO is also required to produce certain reports and conduct complaint audits to ensure the department is complying with these standards.

In 2023, KCSO made substantial progress on these requirements. The MT made four site visits this year to discuss the various aspects of the SJ’s requirements for public complaints. Policy revisions are nearly complete, the annual statistical report on public complaints has been approved and published, and an annual audit plan has been developed to meet the SJ’s requirements in that area.

1. PUBLIC INFORMATION ON FILING A COMPLAINT

The complaint brochure that gives the public information on how to file a complaint has been revised to reflect SJ requirements and was approved by the MT in June 2023 (paragraph 133). It has since been translated into Spanish. KCSO is having the brochure translated into the languages Kern County provides to voters during an election (paragraph 133). The website form for filing a complaint can be filled in and submitted electronically, or the user can download and print it for submission. The MT has viewed the form and found it easy to use.

2. POLICIES

The complaint section of the Department Manual has continued to evolve. In April 2023, KCSO submitted revised manual sections for personnel complaints along with other SJ-related documents. The MT reviewed the draft complaint policies and returned them to the department in July 2023 with specific comments and suggested improvements. The draft policies were discussed extensively at the site visit on August 8, 2023.

In October 2023, KCSO resubmitted the revised complaint policies. The MT reviewed them and had a few minor comments on five of the seven sections. Two other sections—D-0200 and D-0300, which contain the core policies for receiving, investigating, and adjudicating public complaints—remained unclear. SJ paragraph 135 requires the policies to be “complete, clear, and consistent.” The drafts also contained information that was more procedural in nature rather than policy.

In January 2024, the MT met with KCSO managers onsite to discuss those two sections. It was decided to separate the policy requirements from the procedural requirements. Once those changes are made, the department will resubmit the policies for approval. We are hopeful this can be finalized early in 2024.

3. STATISTICAL REPORT ON COMPLAINTS

Paragraph 157 requires KCSO to publish an annual public report of personnel complaint data that reflects the categories of complaints received, the final disposition of completed complaints, and the status of pending complaints. The report is to be published by April 1 of each year.

In late March 2023, KCSO submitted its first draft of the annual statistical report for complaints—in this case, for complaints made in 2022. The MT reviewed the report and provided feedback in June. While the data in the draft met SJ requirements, we found some portions confusing or at least unclear. In June 2023, the department submitted a new draft that resolved most of the MT’s earlier concerns. After some minor revisions, the report was recommended for approval in July. The report was then published and is now available on the KCSO website. This format and content will now serve as the template for future annual complaint data reports. KCSO will continue to submit report drafts for MT review prior to publication.

4. KCSO AUDITS OF PUBLIC COMPLAINTS

Paragraph 154 requires KCSO to conduct an annual randomized audit of public complaints, and paragraph 156 requires that the PSU “regularly assess” public complaints.

In April 2023, KCSO submitted its first audit of personnel complaints. The audit reviewed nine completed public complaints and one completed department complaint that was received and

investigated in 2022.⁴³ Five of those complaints were investigated by IA, and five were investigated by the subject employee's division.

The MT held several meetings with KCSO to discuss the audit and clarify what steps or additional work was needed to meet the requirements of paragraphs 154 and 156. It was decided that the requirements of those two SJ paragraphs could best be addressed by having the PSU conduct an audit each quarter, with each audit addressing a designated set of the SJ provisions such that all the provisions are addressed over the course of the four audits in each calendar year. Thus, the audits will review department compliance with all the SJ's complaint requirements each year.

To achieve that goal, the MT identified the SJ areas that would have to be reviewed or audited. Then, the PSU developed an annual audit plan to conduct those reviews/audits. The MT reviewed the plan, and KCSO made a few relatively minor changes. The Monitors and DOJ approved the annual audit plan in January 2024.

Meanwhile, the lieutenant in charge of the PSU and the PSU's Detention Senior Deputy have both attended a course on auditing and inspecting within law enforcement agencies, which was presented by LD Consulting, LLC. That training is intended to help KCSO managers develop and refine auditing skills and practices within the department, with plans now underway to have additional PSU personnel attend this course. The MT supports this effort to seek out external training from national experts.

5. QUARTERLY REPORT OF SUSTAINED COMPLAINTS

Paragraph 155 requires KCSO to submit a quarterly report to the Monitor identifying all complaints that were sustained during that quarter and detailing the steps taken to hold employees accountable for any misconduct. This report is prepared by IA and submitted to the Monitor. The Monitor is then required to submit a report to KCSO and DOJ providing its expert opinion on whether the corrective steps taken were sufficient and identifying improvements, if any, for holding personnel accountable.

During this period, the department submitted its first two quarterly reports of sustained complaints, which addressed the second and third quarters of 2023. (A report for the fourth quarter 2023 is being compiled.) We found that those reports provided information for all case dispositions that were finalized during those particular quarters as well as information on pending complaint investigations. That additional information added depth to the reports and provided a much fuller picture of complaints.

The second- and third-quarter reports that were provided addressed a total of seven sustained complaints, five against deputies and two against civilian employees.

- For four of the cases, the reports were sufficiently clear and thorough, and the MT agreed with the dispositions and corrective steps taken.

⁴³ Public complaints are those filed by members of the community while department complaints are filed by KCSO staff regarding internal issues.

- The report for one of the cases did not provide sufficient information to assess the actions taken. We discussed with KCSO that a report must have sufficient documentation and detail to facilitate a thorough review and provide an accurate assessment. Some cases may require only a few sentences while other more complicated cases, such as the arrest of a deputy, would require more information and explanation. That notwithstanding, after reviewing more extensive documentation surrounding this particular investigation, including court records and orders, the disposition was also judged to have been within reasonable parameters.

SJ paragraph 149 identifies five factors that must be codified and considered to ensure discipline is uniformly applied: (1) impact on the department and its members; (2) work history; (3) acceptance of responsibility; (4) prior disciplinary history; and (5) impact on public trust. Those requirements have been included in the draft policies and, when the policies are published, managers will be trained on their application. At that point, MT reviews will more stringently apply these standards and will expect KCSO to hold their personnel accountable to them.

6. PUBLIC COMPLAINTS MADE TO MONITORS

Recognizing that some community members may not know how to file a complaint or may be reluctant to file a formal complaint directly to KCSO for myriad reasons, the Monitors' website provides links for doing so, and it also has a dedicated hyperlink through which community members can communicate their experiences and concerns directly to the Monitors.

Most of those concerns do not involve alleged misconduct, but when they do and with the reporting party's permission, they are forwarded to the Sheriff's Office for appropriate action. It is only after KCSO's investigation has been completed that the MT conducts a review. Our review is done solely to determine whether the complaint was addressed appropriately and consistent with both the department's policies and all legal requirements.

During this reporting period, five community members brought concerns to the Monitors' attention via our website. KCSO was already aware of four complaints and initiated a review of the fifth incident, which is still ongoing. Three of the four closed cases were handled appropriately and in compliance with the SJ.

In the fourth completed case, KCSO was notified of the incident through another agency. Based on the policy in place at that time and the lack of clarity in the Penal Code, IA determined the complainant did not meet the definition of someone needing to be notified of a complaint disposition. When the MT raised the notification issues, KCSO decided to update its policy and expand the definition of complainant to include someone who reports a crime that generates a personnel investigation. Regarding mandatory reporting to POST, KCSO's understanding of reporting a sustained complaint of "dishonesty" was that the act had to involve the investigation or prosecution of a crime. That would not apply to off-duty behavior or the product of a compelled statement regarding that off-duty incident. Those concerns notwithstanding, KCSO decided to report the sustained complaint, did so within the required time period, and POST determined it was a non-actionable offense.

The Sheriff's Office subsequently notified POST of the complaint disposition and is amending its policy to require disposition notification when a victim calls their local law enforcement agency to report a department employee committing a crime. Those steps notwithstanding, we still believe this complainant should have been notified of the disposition in writing as required by the Penal Code.

7. NEXT STEPS KCSO

- Finalize complaint policies and procedures to reflect the requirements of paragraphs 128–150 and submit them to the Monitors and DOJ for approval.
- Once the policies and procedures have been approved, develop a training program for employees, supervisors, and managers on the intake, investigation, and adjudication of public complaints (paragraphs 151–153) and submit the program to the Monitors and DOJ for approval.
- Once approved, provide complaint training to employees, supervisors, and managers, including any required follow-up training.
- Conduct quarterly audits of public complaints and all of the SJ's complaint requirements (paragraphs 154 and 157).
- Continue to submit quarterly reports on sustained complaints as required by paragraph 155 and according to the approved annual audit plan.
- Produce the annual complaint statistical report required by paragraph 156.
- Work with the Monitors and DOJ to develop compliance metrics for the SJ's complaint requirements.

8. NEXT STEPS FOR THE MT

- Work with KCSO to finalize complaint policies.
- Provide technical assistance, as requested and appropriate, to assist KCSO in developing training materials on public complaints for employees, supervisors, and managers.
- When training material is submitted for compliance review, facilitate approval by the Monitors and DOJ.
- Provide technical assistance, as requested and appropriate, to assist KCSO in developing complaint investigatory summary reports (paragraph 145) and audit methodologies to assess the effectiveness of the complaint processes (paragraph 154).
- Once policies and procedures are in place, training has been provided, and sufficient time has passed to institute the changes, conduct inspections and audits of completed cases to assess KCSO's level of compliance with the SJ requirements. The MT will also verify that the appropriate staff have received the training.
- In addition to reviewing formal audits of public complaints, the MT will review and provide feedback to KCSO on complaints or other allegations of misconduct brought to its attention or discovered while reviewing various other material, such as uses of force and stops.

- The MT will continue tracking complaints received on its website (<https://kcsomonitoring.info>) related to the SJ and assessing whether KCSO processes them according to policy and legal requirements.
- Work with the Parties to develop compliance metrics for the public complaint paragraphs.