



## KERN COUNTY SHERIFF'S OFFICE JUSTICE ANNUAL PREA FACILITY REVIEW REPORT

This report utilizes definitions of "sexual abuse" and "sexual abuse" by a staff member, contractor, or volunteer as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003).

**NONCONSENSUAL SEXUAL ACTS** – Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

- AND** - Contact between the penis and the vulva or the penis and the anus including penetration, however slight;
- OR** - Contact between the mouth and the penis, vulva, or anus;
- OR** - Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

**ABUSIVE SEXUAL CONTACT** – Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

- AND** - Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person;
- Excluding incidents in which contact incidental to a physical altercation.

**SEXUAL HARASSMENT** - Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

**STAFF SEXUAL MISCONDUCT** – Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative. Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts include;

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse; arouse, or gratify sexual desire;
- OR** - Completed, attempted, threatened, or requested sexual acts;
- OR** - Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

**STAFF SEXUAL HARASSMENT** – Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative include;

- Demeaning references to gender; or sexually suggestive or Derogatory comments about body or clothing;
- OR** - Repeated profane or obscene language or gestures.

In accordance with the Prison Rape Elimination Act of 2003 (PREA) standards below;

**§ 115.87 Data collection.**

- (a) *The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.*
- (b) *The agency shall aggregate the incident-based sexual abuse data at least annually.*
- (c) *The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.*

**§ 115.88 Data review for corrective action.**

- (3) *Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.*
- (b) *Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.*
- (c) *The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.*

**There were no recommended corrective actions to request or include in this report.**

**This report provides information about reported incidents of sexual abuse, assault or harassment of inmates in the custody of the Kern County Sheriff's jail facilities.**

**Facility:** JUSTICE      **Average daily inmates:** 695

**This period:** 1/1/23    to    12/31/23      **Prior period:** 1/1/22    to    12/31/22

**Prior year reported allegations of inmate-on-inmate nonconsensual sexual acts:** 3

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

**Prior year substantiated:** 0

**Prior year unsubstantiated:** 1

**This year substantiated:** 0

**This year unsubstantiated:** 0

The event was investigated and determined to have occurred, based on a preponderance of the evidence.

The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

**Prior year unfounded:** 2

**Prior year investigation ongoing:** 0

**This year Unfounded:** 1

**This year investigation ongoing:** 0

The investigated determined that the event did NOT occur.

Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

**Prior year reported allegations of inmate-on-inmate abusive sexual contact:** 3

**This year reported allegations of inmate-on-inmate ABUSIVE SEXUAL CONTACT:** 0

**Prior year substantiated:** 1

**Prior year unsubstantiated:** 0

**This year substantiated:** 0

**This year unsubstantiated:** 0

**Prior year unfounded:** 2

**Prior year investigation ongoing:** 0

**This year unfounded:** 0

**This year investigation ongoing:** 0

Prior year reported allegations of inmate-on-inmate sexual harassment: 0

**This year reported allegations of inmate-on-inmate SEXUAL HARASSMENT: 2**

Prior year substantiated: 0

Prior year unsubstantiated: 0

**This year substantiated: 0**

**This year unsubstantiated: 2**

Prior year unfounded: 2

Prior year investigation ongoing: 0

**This year unfounded: 0**

**This year investigation ongoing: 0**

Prior year reported allegations of staff sexual misconduct: 3

**This year reported allegations of STAFF SEXUAL MISCONDUCT: 3**

Prior year substantiated: 0

Prior year unsubstantiated: 0

**This year substantiated: 0**

**This year unsubstantiated: 0**

Prior year unfounded: 3

Prior year investigation ongoing: 0

**This year unfounded: 3**

**This year investigation ongoing: 0**

Prior year reported allegations of staff sexual harassment: 0

**This year reported allegations of STAFF SEXUAL HARASSMENT: 2**

Prior year substantiated: 0

Prior year unsubstantiated: 0

**This year substantiated: 0**

**This year unsubstantiated: 0**

Prior year unfounded: 0

Prior year investigation ongoing: 0

**This year unfounded: 2**

**This year investigation ongoing: 0**

## Reported Incident Information – Victim Section

Number of allegations in specific locations		Prior year	This year	Times of specific incidents		Prior year	This year
	Victims' cell:	4	3		Morning (6 a.m. to noon)	1	2
	Perpetrator's cell:	0	0		Afternoon (noon to 6 p.m.)	1	2
	Dorm / multiple cell:	0	0		Evening (6 p.m. to midnight)	2	1
	Common area:	5	4		Overnight (midnight to 6 a.m.)	0	1
	Holding cell:	0	0		Time unknown	5	2
	Program area:	0	0				
	Instructional area:	0	0				
	Recreation area:	0	0				
	Medical area:	0	0				
	Staff area:	0	0				
	Offsite / in transit:	0	0				
	Other:	0	1				

Video monitoring available		Prior year	This year	Abuse victim's gender by allegation		Prior year	This year
	Number of allegations "yes"	8	7		Male:	9	8
	Number of allegations "no"	1	1		Female:	0	0
					LGBTQ:	0	0

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

## Alleged Perpetrator Section

		Prior year	This year			Prior year	This year
Physical injuries reported	Number of allegations "yes"	1	0	Perpetrator's gender by allegation	Male:	6	4
	Number of allegations "no"	8	8		Female	0	0
					LGBTQ:	1	0
					Unknown	2	4

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

Nature of incident	Voluntary sexual contact between inmates:	1	1	Type of force or pressure used by perpetrator on the victim (staff allegations not included)	Persuasion, talked into sexual activity:	0	0
	Sexual harassment:	0	1		Bribery or blackmail:	0	0
	Indecent exposure, masturbation, or voyeurism:	0	1		Sexual harassment, sexual innuendo, verbal comments:	1	2
	Horseplay:	0	0		Threatened w/weapon:	0	0
	Repeated, unwelcome sexual advances, requests for sexual favors:	0	0		Surprised victim w/unwanted touching, grabbing, groping, or victim was asleep:	2	0
	Unwanted touching for sexual gratification or abusive sexual contact:	0	0		Gave victim drugs or alcohol:	0	0
	Pressure, coercion w/o force resulting in a nonconsensual sexual act:	2	0		Offered protection from other inmates:	0	0
	Physical force or threat of force resulting in a nonconsensual sexual act:	1	0		Threatened with physical harm:	0	0
	Other:	2	0		Physically harmed or injured:	0	0

		Physically held victim down or restrained:	1	0
		Other:	2	1

### Staff Section

		Prior year	This year			Prior year	This year
Staff	Allegations against staff	3	5	Staff employment status	Full / part time paid:	1	2
	Male:	2	2		Contract / vendor:	0	0
	Female:	0	0		Volunteer / intern:	0	0
					Other:	0	0

Staff age by allegation	18 – 24:	0	0	Staff ethnicity / race by allegation	White:	1	0
	25 – 29:	0	0		Black:	0	0
	30 – 34:	0	0		Hispanic:	1	2
	35 – 39:	1	0		American Indian:	0	0
	40 – 44:	0	0		Asian:	0	0
	45 – 54:	0	0		Pacific Islander:	0	0
	55 or older:	0	0		Other-specific staff not identified:	2	3
	Unknown-specific staff not identified	2	3				

Nature of allegation or incident involving staff		Prior year	This year	Position of staff for allegation or incident		Prior year	This year
		Physical force resulting in nonconsensual sexual act:	0			Administrator, assistant, other in administrative position:	0
		Pressure or abuse of power resulting in nonconsensual sexual act:	2			Deputy, Detentions Deputy, supervisory staff:	3
		Indecent exposure, invasion of privacy, voyeurism for sexual gratification:	0			Clerical, receptionist, other administrative support staff:	0
		Unwanted touching for sexual gratification:	1			Maintenance, kitchen, drivers, other facility support staff:	0
		Wrote letters, showed pictures, offered gifts	0			Health care staff; doctors, counselors,	0

	or special privileges to inmate:				dentist, psychiatrists, psychologists, nurses:		
	Sexual relationship between inmate and staff that appeared to be consensual:	0	0		Education staff; instructors, teachers, librarians:	0	0
	Other:	0	2		Other staff; Chaplain, volunteers, etc.	0	0

### Sanctions / Corrective Actions

		Prior year	This year			Prior year	This year
Perpetrator sanctions	Transferred to other housing unit or facility:	3	2	Staff / employee sanctions	Sent to training or counseling:	0	0
	Administratively segregated:	1	1		Reprimanded or discipline:	0	0
	Disciplinary isolation, or loss of visits / commissary, :	0	0		Demoted or temporary suspension:	0	0
	Reclassified to higher security level:	0	0		Discharged, contract cancelled or not renewed:	0	0
	Released prior to investigation conclusion:	0	0		Administrative leave, referred for prosecution:	0	0
	No action, victim refused to identify:	0	0		Staff resigned prior to investigation conclusion:	0	0
	No action, victim refused to participate in investigation:	1	3		Convicted, plea deal, or sentenced, employment terminated:	0	0
	Unknown-perpetrator not identified	3	1		No staff sanctions due to unfounded incidents:	3	5
Comments:		The one substantiated incident, the victim refused to cooperate and proceed. When the victims refuse to cooperate in the investigation of their allegations, we cannot impose sanctions in these cases.		Comments:		Allegations against staff were completely investigated. Video evidence and witness testimony prove the allegation did not occur. No corrective actions.	

**Comments:** The Justice Facility opened in May of 2018 and is the most modern facility within the Detentions Bureau. During this operational period, the facility has had a total of 8 reportable PREA incidents. In all of these cases, facility video surveillance has been the biggest asset and preventive measure to improve the safety of all inmates incarcerated in this facility. The Justice PREA Compliance team will continue to evaluate the design of the facility for weaknesses and work to improve any issue that may arise to maintain Kern County Sheriff Office's zero tolerance policy of sexual abuse and harassment.

**Facility changes needed, or reasoning if none**

No changes needed as Justice Facility is the most modern and secure facility in the Kern County Sheriff's Office and the facility contains the latest technology to detect and prevent all forms of sexual assault, abuse, or harassment within the facility.

**Agency changes needed, or reasoning if none**

No changes are needed at this time, see comments above.

**Facility manager:**

Lieutenant L. Madera

*L. Madera*

**Date:** 7/23/24

**PREA Coordinator:**

Lieutenant J. Hernandez

*LT JH*

**Date:** 7-31-24

**Agency head or designee:**

Commander R. Wahl

*R. Wahl*

**Date:** 8/1/2024