

# KERN COUNTY SHERIFF'S OFFICE

## Detentions Bureau Policies and Procedures

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

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**APPROVED BY:** Detentions Bureau Chief Deputy Cindy Cisneros

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

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### **POLICY**

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

### **DEFINITION(S)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**DIRECTIVE #3: STAFFING PLAN**

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

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

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

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

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

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

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

**DIRECTIVE #5: UNANNOUNCED ROUNDS**

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

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

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

*(See policy DBPPM C-450)*

**DIRECTIVE #6: SCREENING AND CLASSIFICATION OF INCARCERATED PEOPLE**

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

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

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

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

- Whether the incarcerated person has a mental, physical, or developmental disability;
- The age of the incarcerated person;

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

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

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

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

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

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

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

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

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

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

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

#### **Lerdo / CRF:**

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

#### **Lock-ups (Mojave Substation / Ridgecrest Jail):**

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

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

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

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

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

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

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

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