

KERN COUNTY SHERIFF'S OFFICE

Detentions Bureau Policies and Procedures

TITLE: VULNERABLE PREA INCARCERATED PEOPLE POPULATION

P-400

| EFFECTIVE: | REVIEWED: | REVISED: | UPDATED: |
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| July 07, 2014 | 04-01-2026 | 07-11-2024 | 07-11-2024 |

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

POLICY

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

DEFINITIONS:

Youthful incarcerated person: Any person under the age of 18.

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

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

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

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

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

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

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

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

Gay: Males who are romantically attracted to other males.

Lesbian: Females who are romantically attracted to other females.

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

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

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

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

Procedure A; Youthful Incarcerated People / Suspected Juveniles

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

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

[This policy cross references DBPPM C-2200]

Procedure B: Incarcerated people with hearing impairments

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

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

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

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

Procedure C: Incarcerated people with limited English proficiency (LEP)

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

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

Procedure D: Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) and Gender Non-Conforming (GNC) Incarcerated People

- LGBTI and GNC incarcerated people will not be housed in dedicated facilities, units, or wings solely on the basis of such identification or status.
- Sexual harassment based on a person's LGBTI, or GNC status, or perceived status will be taken seriously, and violators of this policy will be disciplined.
- All staff will receive training in how to communicate effectively with LGBTI and GNC incarcerated people.
- KCSO has established a Gender Identity Committee to help safeguard transgender or intersex incarcerated people from sexual abuse and harassment during incarceration.

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

Procedure E: Elderly and Disabled Incarcerated People

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

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

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