

# **Kern County Monitors**

## **Second Annual Report**



**January 2023**

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# I. INTRODUCTION

This is the second 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 2022 through January 2023.

In the past year, the Monitoring Team (MT) has worked with the Sheriff's Office and Kern County on a variety of policies, reviewed KCSO's available data, and established shared understandings of several key KCSO processes so that we can begin to audit against those processes. We provided technical assistance (TA) to KCSO on many of the topics outlined in the Stipulated Judgment (SJ) as well as to the Community Advisory Council (CAC) on matters in which it has been engaged. (See Community Policing section for more information regarding the CAC.)

We have found KCSO to be forthcoming and cooperative in responding to all requests for policies, reports, data, and other information related to trainings, use of force (UOF) and complaint investigations, stops, behavioral health process, human resources (HR), and any other documents even tangentially related to the SJ. KCSO has provided all requested materials, to the extent they were available, in a timely manner.

Deputies have been forthcoming during discussions and welcoming during ride-alongs. KCSO executive staff consistently have been receptive to questions and feedback, frank in their assessments of the Sheriff Office's strengths and shortcomings, creative in their problem solving, proactive in their efforts to initiate SJ-related tasks, and, in short, willing to roll up their sleeves to get the work done.

We have seen progress in almost every area of the SJ—most significantly in UOF and complaints policy revisions, recruitment efforts, Crisis Intervention Team (CIT) training for deputies, and work with the CAC. However, KCSO and the County face significant challenges that impact their ability to come into compliance with the SJ in a timely manner. Most pressing among these are unfilled staff positions and data system limitations.

KCSO is struggling with critical staffing shortages in several of its operations, most notably in detentions and patrol, that critically impact their ability to achieve the reforms required of the SJ. This report covers these challenges, and they likely will continue if needs are not addressed by county policymakers, HR staff, and KCSO executive staff.

To be clear, the MT is not suggesting that Kern County simply needs more deputies to continue engaging in a reactive and incident-driven model of policing, or to simply achieve a certain staffing level that may be arbitrarily determined. To be effective, any staffing determinations must be rooted in having and relying on accurate and timely data and a willingness to consider options. Further, data alone is not sufficient to determine the appropriate solutions. The ability to accurately assess the efficacy of existing programs and strategies largely depends on having personnel who are willing to use critical thinking skills and engage in the probing, questioning, and testing of assumptions or beliefs that

have driven current strategies and practices so as to ensure that intended results are identified and actual results are objectively evaluated.

The Monitors strongly believe that many of the social issues that law enforcement agencies are dealing with today, especially in Kern County, can and should be addressed through evolving strategies that have proven to be effective elsewhere. These include expanding efforts to use alternative resources, including civilian staffing programs, which can be cost effective and productive in addressing non-emergency service demands; increased reliance on partnerships with other county departments and various community-based organizations (CBOs); and stronger community engagement activities that engage the public as an active participant and co-producer of public safety.

That said, we are concerned that current staffing levels prevent KCSO from ensuring that essential supervisory oversight responsibilities are fulfilled, such as when dealing with critical incidents or being immediately available to conduct UOF investigations. Adequate supervisory staffing ensures that immediate direction is provided in tactical situations, reinforces the agency's priorities and expectations, and ensures deputy misconduct and risk management trends are identified quickly and corrected before they become more serious issues.

Also, it is important to note the County is understaffed in key areas such as the Mobile Evaluation Team (MET). This team an important resource that directly affects KCSO's ability to safely and effectively deal with situations that can be exceptionally labor intensive and time consuming—not to mention dangerous for both community members and KCSO personnel—but for which MET is better-equipped and designed to handle.

Kern County and KCSO's current data collection capacity is significantly limited. For instance, the County has not been collecting adequate data that would enable it to present a clear picture of the deficiencies that prevent successful recruitment, hiring, and retention of employees, or the long-term impacts if these deficiencies are not corrected. The current computer-aided dispatch (CAD) system does not allow KCSO to alter or add all the variables necessary to achieve compliance with the SJ. The various databases and systems that the Sheriff's Office uses are mostly inflexible and siloed, and they cannot readily produce the information that supervisors and managers need to conduct the data-driven and real-time decision making required of a modern law enforcement agency. KCSO reported it has taken steps toward alleviating these deficits—although some will take years to implement—and in the meantime, it is exploring workarounds.

Another area that needs attention involves KCSO policies that, over the years, have been augmented through memos and bulletins to provide timely updates for guidance to deputies and others. While the effort to ensure timely notice of changes is commendable, numerous policy documents have become disjointed because they evolved in a piecemeal manner, and they are not always readily discernible and helpful to those seeking clarity and guidance. Policies have been organized chronologically, not by topic. In order for deputies to clearly understand what they should and should not do, changes in policies and procedures should be routinely integrated into the actual policy documents and easily referenced.

The MT would like to acknowledge KCSO executives for dedicating significant time to the work required by the SJ, particularly so for the compliance team. Staffing shortages have led to a short bench of individuals who are available for this important work, and we realize everyone involved is wearing multiple hats. We acknowledge and extend our appreciation to the county's Chief Operating Officer for his personal attention to and engagement in dealing with issues that transcend organizational boundaries and require strong collaboration skills when attempting to drive system improvements. The Monitors applaud the essential work of the CAC, especially its leadership and those actively involved in the meetings, events, and committee work. The work of the CAC members—who commit so much of their time, experience, and skills, all on a volunteer basis—is already helping to improve the relationship between the Sheriff's Office and the community and improve law enforcement practice in Kern County. We appreciate everyone's willingness to look for solutions and their openness to undertaking the reforms outlined in the SJ.

### **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 Central Receiving Facility 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 seven 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 management of the use, investigation, and adjudication of force by peace officers is one of the most important and difficult challenges faced by executive management, who must ensure their agency's UOF policies and training are consistent with the profession's best practices. Deputies 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

thorough investigations of UOF incidents; and managers must objectively and competently review and adjudicate UOF investigations. In short, KCSO's policies, training, and practices should reflect the understanding that the use of force by deputies is an inherently high-risk activity that is of utmost community concern.

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 . . . [and] 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,<sup>1</sup> SJ paragraphs 1–59 mandate changes to policies and priorities about using and reporting force and require KCSO to enhance deputies' UOF, de-escalation, and canine apprehension training; ensure uses of force are investigated thoroughly and fairly; and regularly review UOF data to track and address any potentially problematic trends.

## **1. WORK CONDUCTED IN THIS REPORTING PERIOD**

The focus of work thus far continues to be on the development of UOF-related policies by the Sheriff's Office. Once that has been achieved, training will need to be developed in accordance with those policies, and KCSO management and the MT will conduct regular and periodic assessments to ensure the policies and training are effective and consistent with the SJ.

Our initial judgments of KCSO's current UOF processes show that UOF reporting, investigation, adjudication processes, and related data systems require updating and improvement. Of critical importance is KCSO's insufficient supervisory staffing and deployment, which currently does not ensure that a supervisor responds, when necessary and where feasible, to all field uses of force where the subject sustains an injury or alleges deputy misconduct. This is a standard and best practice in policing today.<sup>2</sup> Currently, as a workaround due to their staffing limitations, supervisors direct the investigation remotely when they cannot immediately respond. The Sheriff's Office should ensure its policy prioritizes supervisors responding to significant UOF incidents and allegations of misconduct and work to ensure there are enough supervisors to fulfill this expectation. The lack of adequate supervisory deployment is a long-standing issue that must be addressed by Kern County leadership.

The MT has been working with the Sheriff's Office to conduct an assessment of the current UOF investigation and adjudication processes. We have spent considerable time documenting and developing a mutually agreed-upon understanding of the UOF processes currently in place, with sufficient attention to the details to provide a preliminary assessment of the current UOF investigation and adjudication processes. We recently began assessment of UOF cases and related KCSO database capabilities. The existing UOF investigation process involves the following steps.

- For field operations, a supervisor responds to the scene if they are reasonably close. When a supervisor is unable to respond, the supervisor contacts the involved deputy by phone and obtains a summary of the incident.

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<sup>1</sup> For more information, visit <https://kcsomonitoring.info/documents-and-reports>

<sup>2</sup> For detentions, a supervisor always responds.

- In both cases, the supervisor obtaining the summary does not document that information in writing and may not be the supervisor who reviews the involved deputy's report.
- The involved deputy prepares the crime and/or arrest reports, which must be completed before the end of the shift.
- If the use of force involves an intentional pointing of a firearm, the deputy files a report and makes an entry into KCSO's IA Pro Blue Team database.
- A sergeant then reviews the deputy's report(s), Blue Team entry, body-worn camera (BWC) footage, and any other relevant information.
- The sergeant's review is noted in the Blue Team database, then forwarded to a lieutenant watch commander for operations and custody divisions, or a commander for canine operations.
- For patrol and detention operations, a lieutenant is responsible for conducting the final review of UOF reports unless there are indications of misconduct.

Although our assessments of KCSO's UOF investigation and adjudication processes are still underway, our preliminary recommendations include, but are not limited to, the following.

- KCSO needs to be sufficiently staffed with field supervisors to provide a timely response (by a supervisor) to deputy uses of force, with limited exceptions being made to this requirement.
- KCSO should conduct independent supervisory investigations of uses of force in all cases where the subject of force is injured, including complaints of pain or injuries; or where employee misconduct, including excessive force, is alleged. All such UOF reports should be reviewed by a commander.
- The Blue Team database should be modified to include a specific UOF reporting and investigation form to ensure thorough documentation and consistency are achieved in the reporting, investigation, review, and adjudication of UOF incidents.
- Uses of force involving the intentional pointing of a firearm should be reported, thoroughly documented, and reviewed and adjudicated by management.
- KCSO's UOF reporting databases should be refined so they can be more easily accessed and searched by management.
- KCSO's UOF reporting databases should be integrated with a departmental early warning system (EWS).

While some of these recommendations will require funding and time to fulfill, they should be addressed with a sense of urgency. For now, there are steps KCSO can take immediately to dramatically improve its UOF reporting, investigation, and adjudication processes and reduce the inherent risks associated with the use of force, such as the following.

- Field supervisors who respond to UOF incidents, or those who obtain summaries of those incidents remotely, should be required to document those summaries in a supplemental report.
- Deputies' Blue Team entries that are associated with the pointing of a firearm at a subject should be quantifiable so they can be assessed for trends, and they should include sufficient detail for management to conduct an assessment for policy adherence, tactics, and training.
- The subjects of force should be interviewed by a supervisor or watch commander.



- The supervisor’s summary and UOF subject’s interview should be documented in a stand-alone supervisory UOF review report or supplemental report.

## **2. KCSO POLICY REVISIONS**

The use of force by peace officers is an issue that will always be subject to intense public scrutiny and to modifications of related policies and practices as a result of legislative and court decisions. Accordingly, developing UOF policies is a complicated process with many components that must be considered, such as:

- The sanctity of human life;
- KCSO’s stated core values;
- An affirmative duty to engage in de-escalation;
- Force that must be proportional to the law enforcement objective it is being used to achieve;
- The affirmative duty to intervene in instances of peace officer(s)’ excessive force;
- The affirmative duty to provide medical attention to the subjects of force;
- The categorization of the type of force used;
- The investigation, review, and adjudication of force, based on the level of severity of the force;
- Related training requirements; and,
- Effective databases and EWSs.

UOF policies must be clear and succinct enough to guide deputies during tense and dangerous situations, yet comprehensive enough to clearly convey KCSO’s stated core values and expectation that any use of force must be consistent with Sheriff’s Office policy, and that policy may exceed legal mandates. Toward that end, this process requires a collaborative approach with active involvement and input from the CAC, KCSO executives, and the Sheriff. The MT, DOJ, and County Counsel also will continue to play a substantial role in the development of these policies to ensure they meet SJ mandates. KCSO also has shared draft policies with the CAC and members of the public at community meetings.

During the course of DOJ’s investigation, KCSO began the process of examining its UOF and canine policies with the intent of assessing where improvements were needed and taking timely action in this area. Subsequent to the SJ being filed, MT members met with KCSO staff and regularly interacted with the CAC and attended committee meetings that are intended to assist with developing these policies. We are pleased to report that KCSO and the CAC have been diligent in their efforts to examine and seek improvements in these critical policies. The CAC provides KCSO with ongoing community perspective and input that are influencing the development of policies relating to the use of force and other areas.

After consideration of community input and preliminary approval by the MT and DOJ, KCSO’s updated UOF policies will need to be reviewed by the unions representing KCSO deputies and managers. The overall process requires adequate time for discussion and consideration of revisions to these policies—and, importantly, incorporation of feedback from the community—before it can be determined whether

they comply with the SJ. The MT's initial review of the draft policies has shown promising signs of progress. (See further discussion in the Community Policing section.) Unfortunately, in the meantime, deputies continue to work without the benefit of a revised UOF policy in place and without having received critical associated training that this will require.

### **3. CRITICAL INCIDENT REVIEWS**

KCSO's policy requires that a Critical Incident Review (CIR) shall be conducted after the completion of an investigation into 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. Observing these management reviews is one way the MT assesses the thoroughness and appropriateness of KCSO's processes for the investigation and adjudication of force.

In this reporting period, the MT and DOJ observed two CIRs: one with the purpose of becoming familiar with the process, and another to qualitatively assess that process. In the case we evaluated, the MT found that the CIR panel completed a thorough review of the incident and that the conclusions were appropriate and consistent with KCSO policy, legal requirements, and SJ paragraph 48. The Monitors want to emphasize that compliance with paragraph 48 and with the other UOF provisions will not be based on individual cases but on consistent findings of compliance over time, as evidenced in formal MT audits and multiple case reviews.

### **4. NEXT STEPS FOR KCSO**

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

- Begin implementation of the recommendations cited in Section 1 above.
- KCSO and county executives should develop a plan to assess and ensure adequate supervisory staff are deployed to provide the level of supervision in patrol operations required to appropriately respond to and investigate uses of force involving KCSO employees (SJ paragraphs 3–11).
- KCSO will update and enhance its UOF review process to include a comprehensive Supervisor's Report on the use of force by KCSO employees to capture supervisory investigations and management's review and adjudication of those incidents (paragraph 3).
- KCSO will continue to work with the CAC to refine a process of meaningful engagement with the CAC and other community stakeholders in the development of UOF policies (paragraphs 10 and 58).
- KCSO, in consultation with the MT and input from the CAC and other community stakeholders, will revise its UOF and canine-related 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 alignment with the SJ requirements and 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 the UOF and canine apprehensions. Training materials will be submitted to the MT and DOJ for compliance assessment.
- KCSO will conduct the analysis required in SJ paragraphs 55 and 56 and discuss findings and implications for policy and training with the MT and DOJ.
- KCSO will document the results of this analysis in a public report (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.

## **5. NEXT STEPS FOR THE MT**

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

- As requested and appropriate, the MT will continue to provide technical assistance to the KCSO and CAC in the development of policies and training governing the use, investigation, review, and adjudication of force by KCSO employees. The MT will conduct policy and training compliance assessments when appropriate.
- As requested and appropriate, the MT will provide TA to KCSO in the development of the Supervisor’s Report on the use of force.
- As requested and appropriate, the MT will provide TA and support in the development of UOF de-escalation policies and training and conduct compliance assessments when appropriate.
- As requested and appropriate, the MT will provide TA to KCSO and the CAC in the development of canine apprehension policies and conduct compliance assessments when appropriate.
- 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 conduct routine reviews of UOF incidents and of KCSO’s investigation, review, and adjudication of those incidents and conduct compliance assessments when appropriate.
- As requested and appropriate, the MT will provide consultation and, when appropriate, compliance assessment on KCSO analysis (paragraphs 55 and 56).
- The MT will conduct a UOF process audit, identify process risk exposures, and propose recommendations for KCSO’s plan to achieve SJ compliance.
- Once UOF policies and training have been established, the MT will conduct compliance audits to determine KCSO’s progress toward achieving SJ compliance with the training, use, investigation, and adjudication of force by KCSO employees.

## B. STOPS, SEIZURES, AND SEARCHES

The opening sentences of paragraph 60 of the SJ summarize the overall goal of 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 specific data to be collected, policy requirements, training that must be approved by the MT and DOJ, and reviews that supervisors are required to conduct to ensure SJ accountability and compliance when conducting investigatory stops, seizures, and searches.

As mentioned in the introduction and other sections of this report, KCSO's policies and protocols require attention because they have evolved over time in somewhat of a piecemeal fashion. This makes it difficult for department personnel, or others, to readily identify and locate all relevant policy guidance documents and supporting materials related to a given topic. Similar concerns were identified when the MT attempted to access information related to policies and procedures governing department practices related to conducting stops and accessing data related to this subject.

The MT held a number of meetings with KCSO to identify what could be provided—through software programs and systems used for data collection and analysis—to document stops-related policies and training and understand supervisory review procedures and policy requirements related to things such as BWCs and language access. The MT met in person and in teleconference meetings with KCSO managers to discuss how they address, and/or will address, SJ requirements established in this section, what type of TA might be needed (if any) to meet those requirements, and ultimately help get to a place where performance metrics can be established to assess compliance.

KCSO provided the MT with policies related to stops and bias-free policing, stops-related training materials, sample citation and arrest reports, samples of types of trend analyses, and KCSO data analysts' mapping of crime and calls for service that stations use to guide deputies' field work.

Such discussions have proven to be helpful because they ensure that KCSO and the MT are in agreement about what the current practices and system capabilities are, what data and information will be necessary to move this work forward, and who will be responsible. For example, a discussion took place regarding SJ paragraph 70, which states KCSO deputies will continue to not conduct arbitrary searches. When the Sheriff's Office asked for a clarification of "arbitrary," it was eventually agreed that "arbitrary" in this context means "without lawful justification." These discussions serve to lay the groundwork for the development of compliance metrics that need to be completed in the upcoming reporting period (February 2023 through January 2024).

## 1. POLICIES

The Sheriff's Office has continued to work on refinements to its stops-related policies that are required by the SJ or due to changes in statutes. It is in the process of moving the guidelines related to the Racial and Identity Profiling Act (RIPA) out of J-2300 (Bias Based Policing) and into a separate policy. Policy J-2300<sup>3</sup> will be devoted to addressing bias-free policing expectations, bias by proxy, and additional SJ requirements related to stops, searches, and seizures while RIPA guidelines will be covered in a distinct policy.

The CAC has been involved in the policy revision process (SJ paragraph 117). KCSO received initial input from the CAC regarding its views and expectations surrounding community policing and bias-free policing policies. The CAC has conducted a side-by-side comparison with SJ paragraph 75 and has provided a community perspective to the Sheriff's Office. This feedback was mostly informal, shared in several meetings discussing the policies. The MT has also shared observations and feedback in these meetings.

KCSO and the CAC have agreed to undertake a more formal and comprehensive review early in 2023 based on the most up-to-date versions of the policies, with an intended target completion date of April 2023. This process and timeline will provide an opportunity for newer CAC members to contribute feedback.

The MT and DOJ review of the policies will follow, and it will include working with KCSO on any changes that are required to achieve compliance with the SJ. Upon approval of each policy, KCSO will be required to develop and provide training that will also be reviewed and evaluated by the MT and DOJ for compliance. Once the trainings are found to be compliant with the policies and are being delivered, the MT will verify that all appropriate personnel receive the trainings. After allowing sufficient time for the training to take hold in the field, the MT will begin using audits and other outcome assessments to determine whether the policies are serving their intended purpose and achieving the desired outcomes.

### a. Body-Worn Camera Policy

KCSO is revising its BWC policy to address technological improvements that will enhance the capabilities of this equipment. One example involves a camera auto-activation feature based on CAD status and livestreaming the video so that supervisors can remotely observe scenes.

The Sheriff's Office intends to share this policy with the CAC for their feedback. This positive action demonstrates KCSO's intention to build a more transparent relationship with the CAC as representatives of the public at large.

KCSO began recording stops in 2021 when a portion of deputies were initially issued BWCs. All deputies on patrol were issued a BWC by November 2021. The Metro station was provided BWCs before other units; KCSO metro sergeants shared with the MT that they have heard consistent positive feedback from

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<sup>3</sup> See [www.kernsheriff.org/Policies](http://www.kernsheriff.org/Policies) for more information.

deputies. In 2023, KCSO expects to receive 180 more cameras that will be assigned to detectives and expanded into the jails. Both deputies and community members view BWCs as a source of transparency and accountability.

## 2. TRAINING

KCSO deputies receive training related to conducting stops and handling calls for service in a variety of ways, including during the Academy; in ongoing state-mandated training; or in various roll-call sessions, classes, and simulations that deputies occasionally participate in. State-mandated trainings are required by and approved by the California Commission on Peace Officer Standards & Training (POST), which develops and enforces standards for law enforcement agencies statewide.

The following summarizes the key stops-related trainings KCSO deputies receive.

- Academy, all deputies: More than 950 hours, well over the POST minimum of 664 hours, including constitutional policing, a 26-hour segment called "Principled Policing in the Community," which addresses community policing, community partnerships, and problem-solving, and a 16-hour segment on cultural diversity and racial profiling.
- POST Advanced Officer training, all deputies: A minimum of 24 hours every two years, including eight hours of de-escalation and strategic communication (involving constitutional policing and procedural justice topics, SJ paragraphs 62 and 64).
- RIPA/Bias Based Policing, all deputies, senior deputies, sergeants, and lieutenants: four-hour course, which began in 2020.
- CIT training, all deputies: One-week course.
- As laws and policies change, deputies may take newly established extended trainings. For instance, all deputies received a one-time four-hour UOF training in January 2020 after the passage of AB 392, codified as California Penal Code section 835a.
- Training bulletins are used to routinely inform deputies of minor changes in policies or training, and they inform them about issues that managers want to emphasize and ensure that deputies are aware of, based on recent trends or incidents. In some cases, these bulletins can be used in lieu of more extensive changes to training.

The KCSO Training Section will be responsible for revising and developing new trainings based on SJ-compliant policies relating to stops, searches based on consent, probation and parole, bias-free policing, and Fourth and Fourteenth Amendment issues.

KCSO is now using new software from LEFTA Systems to track the trainings received by each deputy and whether deputies read or viewed required training bulletins and videos. Exams can be included to assess if the material is absorbed.

### **3. KCSO SUPERVISORY REVIEW**

#### **a. RIPA Data Submissions and the Supervisory Review Provisions**

KCSO intends to review use of this data for purposes such as discerning any potentially problematic patterns or disparities, identifying effective policing strategies, and learning about deputies' interactions with the community. The MT will also use this data in its reviews. For example, RIPA data can help the MT and the Parties see who is being searched and what the associated "hit rates" are for finding contraband as a result of these searches.

Having a better understanding of this data can assist the Sheriff's Office with drafting and implementing effective crime prevention strategies and identifying and addressing any concerning trends. KCSO is working on an overall crime prevention strategic plan that will incorporate community policing principles and the SARA (Scanning, Analysis, Response and Assessment) model to support KCSO's problem-solving efforts. Data on stops and calls for service can play a role in those endeavors as well. KCSO will share its plan with the CAC and the MT in the next reporting period.

SJ paragraph 77 requires regular review of deputies' CAD data entry to ensure stops are legally justified and aligned with KCSO policy and the SJ. Paragraphs 77–81 lay out further supervisory and managerial reviews that are established to promote and enhance accountability at those levels and improve overall organizational performance.

The MT has viewed the CAD data available and agrees with KCSO managers that it is insufficiently detailed or descriptive enough to achieve the documentation and level of review which the SJ requires. However, state-required RIPA data entry for detentions does include sufficient detail to meet all those needs.

KCSO supervisors are required to review and approve every RIPA submission to the DOJ. The supervisors review the entry and discuss any mistakes or omissions with the deputy. Most fields in the data-entry interface are required, meaning the software will not allow the deputy to continue through the process if an entry is skipped, but supervisors need to be sure each stop is classified correctly, that the stop indeed qualifies for RIPA submission (certain types of contacts are excluded), and that the short narratives describing the stops are sufficiently thorough and provide appropriate justification for the actions taken. If errors, omissions, or inadequate narratives are found, the supervisor discusses them with the deputy, and they are corrected. This review addresses some of the requirements of the supervisory review in SJ paragraph 77. The MT has discussed with KCSO that the RIPA review process may not address all types of stops or all the factors necessary.

In the upcoming reporting period, the MT and KCSO will discuss how the current CAD and records management system, the RIPA process, and other mechanisms might be used to better address SJ requirements, with particular consideration given to the design and implementation of the proposed new CAD. The MT and KCSO have also discussed the need for KCSO to maintain more thorough documentation of these processes, including tracking any errors or violations and any corrective action taken.

## **b. Tracking Supervisorial and Managerial Reviews**

According to paragraph 80, the Compliance Coordinator must track a number of occurrences including repeated violations of policies and procedures by deputies, instances where supervisors and commanders have not appropriately and thoroughly reviewed documentation of stops of subordinate staff for whom they are responsible, and any corrective action taken in those cases.<sup>4</sup> The MT and KCSO have discussed the nature and scope of this tracking process and will continue work on its development in the upcoming reporting period.

## **c. BWC Unit Audits**

As discussed in the first annual report, since May 2022, KCSO has been identifying potential policy violations through BWC video audits. The Sheriff's Office indicated that in the past year, it processed between 430 and 835 videos per month. For 2022, the BWC unit completed over 8,200 audits, or about 3% of all recorded videos.

The videos are randomly selected from a third-party software called Frontline. All videos are subject to review except those related to critical incidents (e.g., deputy-involved shootings) and Internal Affairs (IA) or Performance Standards Unit (PSU) investigations, which are automatically reviewed through other processes.

When issues are identified by the non-sworn sheriff's aides conducting the reviews, the PSU sergeant or lieutenant runs the related reports, reviews the video, confirms if there is a violation, and, if so, forwards it to the deputy's supervisor for review and any corrective action.

For more serious violations of policy or law, the sheriff's aides are trained to alert the lieutenant or sergeant. In those cases, the lieutenant or sergeant is tasked with reviewing the video, confirming if there is evidence of a violation, and writing a memo for IA or PSU to investigate the case. Time permitting, the lieutenant or sergeant may review other videos of the same deputy in order to identify trends or patterns. Supervisors who are notified of the violation also can review other BWC footage of that deputy to determine the scope of the issue and appropriate corrective action.

As described in the first annual report, the MT has discussed with KCSO the potential to augment this existing mechanism to meet several other SJ-related supervisory and management review goals, such as ensuring that deputies consistently follow the mandates of paragraphs 61, 62, 65, 69, 71, and 73. KCSO has already expanded the areas the BWC unit focuses on, which include several aspects of camera activation and operation, whether appropriate reporting occurred (e.g., detentions requiring RIPA submission, use of force), procedural justice (e.g., deputy courteousness and professionalism), prohibited bias, policy violations, and commendable conduct. As the monitoring work continues and as SJ-compliant policies, training, and supervisory review processes are established, the MT will review the

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<sup>4</sup> In a discussion with DOJ, KCSO, and the Monitors, it was determined that SJ paragraph 80 applies not just to stops but to the other SJ sections as well. Compliance as it relates to other areas will be addressed in those sections.



processes used and determine whether the unit's mission might be expanded to address other SJ supervisory review requirements.

The MT is concerned that KCSO does not have a supervisor assigned to the BWC unit; the position is authorized but remains vacant. Instead, it is staffed by non-sworn personnel who report to the PSU sergeant and/or lieutenant, depending on their schedule. The MT agrees with KCSO managers that filling this position would allow for better guidance and supervision of the non-sworn staff, quicker identification of issues in the BWC audits, and more immediate feedback to deputies and their supervisors. A full-time supervisor also would allow for recognition of particularly high-quality work, which is not currently a priority of the unit due to time constraints and lack of patrol experience on the part of the sheriff's aides. Having these duties added to the workload of supervisors in other units also reduces their ability to focus on the requirements of those other duties.

#### **4. KCSO DATA COLLECTION AND ANALYSIS**

In addition to supervisory review of individual deputy performance, several SJ provisions require managers to conduct broader analyses of stops data for the purpose of identifying potential problems (SJ paragraphs 68, 80, and 82).

##### **a. Data Systems**

The MT met with training and data systems personnel over the past year to get a complete picture of the many data systems used to record, track, and analyze data and other required documentation regarding KCSO activities. The pure number of data systems and the fact that many of them are antiquated and/or do not have the capacity to link to one another makes some of the SJ-envisioned analytics and early warning capabilities exceedingly difficult to institute. The MT has continued to support KCSO's ongoing efforts to address data system challenges and to explore solutions that include more unified and modernized system capabilities.

In December 2022, the County signed a new agreement with one of its major data processing vendors with the goal of increasing KCSO's internal capacity to analyze stops and RIPA data. Also, this software will be integrated with a new CAD and report-writing system. According to KCSO leadership, this system is expected to go live in 2026; until then, the current systems will continue to be used.

Despite the limitations of the existing systems, the MT will continue to work with KCSO to review the data management and analysis and related supervisory review processes required by the SJ. The goal is to identify and rectify gaps in the collection, analysis, and review of data and to explore needed enhancements to enable KCSO to achieve compliance with the SJ requirements and improve law enforcement services in the county.

## **b. Analyst Position**

For over a year, KCSO was unable to fill a position for a departmental analyst in the Compliance and Standards Division. The position is now filled, with the analyst beginning work in February 2023. This new position will assist with providing important data tabulation and analysis as required throughout different SJ provisions such as that to be included in periodic reports for UOF, stops, language access, and complaints (see paragraphs 24, 55, 82, 100, 157).

## **c. RIPA Data**

Paragraph 82 requires KCSO to analyze the stops data it collects under RIPA. The data are recorded in LEFTA Systems software and submitted to DOJ. KCSO began collecting this information for the first time in 2021.

In this reporting period, KCSO realized that LEFTA has a limitation that makes it complicated for the department to extract RIPA data for use by its Crime Analysis Unit. Since then, KCSO has developed a process for doing this and has begun tabulating and analyzing the data. The MT will review those analyses and provide feedback and recommendations for revisions to KCSO's policies and training.

KCSO is in the process of conducting an audit of the data collected as of January 2023. For the first version of its RIPA data analysis and reporting, KCSO intends to use the California RIPA Board's Annual Report as a model, adapting it as appropriate to reflect the priorities of KCSO and the SJ.<sup>5</sup> The MT and KCSO have agreed this is a good starting place and that after reviewing the draft report, we will discuss any additional analyses and inquiries that may be needed to meet SJ requirements.

## **d. KCSO Reporting**

The Sheriff's Office has decided to produce a single annual data report that is intended to meet the various analysis and reporting requirements across the SJ, including those related to use of force, use of canines, stops, etc. The MT will provide TA regarding these efforts and will review the draft report and provide feedback.

There is no doubt that KCSO's current data systems limit the extent to which the data and analysis can be produced in a manner required by the SJ. That said, KCSO should be able to produce some data while establishing expectations and building habits for using it regularly to guide decisions about any number of issues (e.g., deployment, identification of trends that need intervention, training refreshers, evaluation of KCSO initiatives).

Also, the MT is encouraged by KCSO's decision to add a "Transparency Page" to its website and provide more information to the community, though this has not been finalized at time this report was written. Currently, the transparency section includes a link to the MT's community survey as well as links that

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<sup>5</sup> DOJ RIPA reports can be found at <https://oag.ca.gov/ab953/board/reports>

allow the public to learn about important issues and community concerns, such as statistics on deputy-involved shootings between 2019 and 2023; critical incident videos; related links and resources, including the SJ; frequently asked questions; annual reports, including Monitors' and grand jury reports; information regarding in-custody deaths pursuant to AB 2761/Penal Code section 10008; and publishing law enforcement agency's use of kinetic energy projectile or chemical agent pursuant to AB 48/Penal Code section 13652.1. As of January 2023, KCSO stated it was in the process of completing the final details needed before actively promoting and sharing this with the public.

## 5. NEXT STEPS FOR KCSO

In the next reporting period, the key activities and objectives for KCSO to focus on regarding stops, seizures, and searches include the following.

- KCSO will continue to develop and will implement policies in consultation with the MT and the CAC to ensure that (1) deputies conduct and document 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. KCSO will also conduct outreach to other community members apart from the CAC, so they too have the opportunity to provide input on the policies (SJ paragraphs 60–75). KCSO will continue to collaborate with the CAC to hold community meetings to share policies and obtain feedback.
- After finalization and approval of policies, KCSO will develop or revise the associated training curriculum in consultation with the Monitor. 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 requiring enhancement or new policy development (paragraph 75).
- KCSO will revise or develop accountability and supervision practices to ensure that unlawful stops, searches, and seizures are identified and addressed (paragraphs 76–82).
- 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 continue to pursue data system solutions and enhance the ability to access and analyze data 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 expand regular data analysis and documentation review to identify and develop responses to potential issues.
- KCSO will continue to cooperate with the MT and assist in the MT's various data and document requests, inquiries, and reviews and with compliance metrics development.

## 6. NEXT STEPS FOR THE MT

- With KCSO and DOJ, the MT will ensure we have a shared understanding of SJ requirements regarding stops documentation and data collection, supervisory review, tracking trends, guiding deputy priorities and tactics in the field, training, and supervisor and manager use of data to inform practice and work towards establishing compliance metrics.
- The MT will continue to evaluate KCSO's internal reviews of its data collection and analysis processes and provide feedback as needed, with the goal of identifying areas requiring further development or enhancement to meet SJ requirements.
- As requested and appropriate, the MT will continue to provide consultation and TA regarding consolidation and modernization of data systems, especially about EWS capabilities and access/extraction of data and documents for purposes of SJ-related supervisory and managerial review and data analysis.
- The MT and DOJ will review submitted policies and training curricula and provide feedback to KCSO regarding any changes needed prior to implementation.
- The MT will continue to provide consultation and TA, as requested and appropriate, for KCSO managers to expand their use of data and other documentation to identify and respond to potential issues.
- The MT will develop, schedule, and conduct an initial baseline audit based on a small sample of stops data and related arrest reports and other documentation.
- Working with KCSO and DOJ, the MT will schedule and plan virtual and in-person site visits.
- As requested and appropriate, the MT will provide consultation and TA to the new KCSO departmental analyst position and any other position hired for SJ-related purposes.

### **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.

## **C. RESPONDING TO AND INTERACTING WITH PEOPLE WITH BEHAVIORAL HEALTH DISABILITIES OR IN CRISIS**

Broadly speaking, the section of the SJ addressing interaction with those with disabilities or in crisis (paragraphs 83–94) requires that KCSO respond to mental health, substance use, and related calls appropriately and, whenever possible, with specially trained clinicians or staff. This requires KCSO to maintain a robust Crisis Intervention Team (CIT) first responder model with adequate staffing and ongoing training provided. It also requires revisions to dispatch protocols and several policies, including 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 use a variety of data sources to evaluate the effectiveness of its CIT model and use that data to help inform its crisis intervention program as it is brought into compliance with the SJ and to identify any policy, training, or implementation issues that may arise.

As reported in the first annual report, Kern County’s CIT first responder model and MET, as well as KCSO’s provision of CIT training to its deputies, all began before the SJ was established. The Sheriff also set a goal of 100% of deputies receiving this training. As will be further discussed in this section, those impressive efforts continued in this reporting period.

In this reporting period, the MT continued to meet with KCSO, the Crisis Intervention Coordinator, and the MET supervisor and team members to better assess KCSO’s compliance with the SJ and related service provision to the Kern County community. The MT observed ongoing meetings with KCSO personnel and MET staff to assess training demands and the coordinated response. Along with members of the CAC, the MT observed a Crisis Intervention Team Stakeholder Meeting.

A number of policies and data reports were also reviewed by the MT. We conducted ride-alongs throughout the year for the purpose of evaluating KCSO’s interactions to calls for service or stops that involved individuals experiencing a crisis. Compliance metrics for this section have been drafted by the MT with input from KCSO; discussions will continue until finalization. The Monitors believed it was important to provide an example of our expectations regarding compliance metrics ahead of continuing work to develop metrics for other sections. The MT also worked with KCSO to develop methods by which stops and calls for service involving behavioral health issues can be statistically analyzed in the various ways required by the SJ. The current CAD system is not conducive to these types of analyses. In all of these matters, we have found the KCSO to be cooperative and collaborative in seeking successful resolutions.

### **1. POLICIES**

SJ paragraph 83 requires KCSO to revise policies to establish a preference for dispatching MET- or CIT-trained deputies when responding to individuals in crisis and to use de-escalation techniques whenever possible to avoid uses of force.

KCSO has submitted the Detention of Gravely Disabled Persons Policy for MT review. This policy requires deputies to request a MET member to respond to scenes where a person is suspected of being

a danger to themselves or to others. While this policy does specify a requirement to attempt to engage the MET, it is too narrow in scope and needs additional refinement to clearly articulate the preference for CIT deputies to respond to behavioral and mental health (BMH) crises, for employing de-escalation techniques, and for the use of virtual MET when appropriate.

KCSO also submitted related documents that provide guidance on KCSO's approach to dealing with individuals in BMH crisis, including the Virtual MET Program Policy. Like KCSO, MET is also understaffed, with a limited number of staff responsible for providing services across a large geographic territory, thus making it challenging to have MET available during all incidents. As reported in the first annual report, County HR and KCSO have attempted to overcome some of these obstacles by developing a supplemental program that guides the virtual delivery of MET services from MET staff who can use an Apple iPad to directly engage with subjects via Zoom and comply with privacy protections and laws. This program began before the SJ was established and continues currently.

KCSO shared with the MT a number of documents that existed prior to the SJ, including training bulletins that provide direction to deputies and establish on-scene protocols for when MET is called, when deputies must accompany MET, what deputies need to do before transferring custody to MET, general information on which deputies are expected to gather and brief MET staff, and affirm that MET must always be called when a person is suspected of being a danger to themselves or others. This training bulletin resulted from discussions between MET and KCSO staff to improve shared expectations between deputies and MET personnel.

KCSO also shared internal memos that outline potential policy language requiring a preference for MET or the Joint Evaluation Team (JET)—county mental health personnel partnered with a KCSO deputy—to respond to calls for service where an individual is a threat to themselves or others. These documents address some components or considerations, such as when and how deputies should respond to crises, but they do not yet sufficiently establish a clear preference for using CIT deputies if MET or JET is unavailable.

While it may be possible to revise existing policies and update memos and training bulletins to achieve the specific requirements of the SJ to establish a clear preference for using MET or deputies with CIT training, a policy to guide KCSO in how to respond to individuals with various kinds of BMH conditions is still needed. The Monitors understand that the PSU noted that KCSO currently has no policies addressing a standardized deputy response to individuals experiencing a mental health crisis and is currently reviewing the BMH policies from other police and sheriff departments across the state.

The MT strongly recommends the development of an overarching policy, reinforced by training, that communicates an explicit objective to ensure that people who are experiencing a BMH crisis are treated humanely, with dignity, and consistent with the law. KCSO and the County have invested efforts and resources into CIT and MET, and the Sheriff is clearly committed to it, as demonstrated by his directive that all deputies be CIT-trained. An overarching policy would provide the uniform guidance and priorities needed to ensure all of those resources and efforts are effectively and efficiently used.

## 2. CIT FIRST RESPONDER MODEL

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. As described in the MT's first annual report, Kern's CIT program is largely based upon a national model strategy, known as the Memphis Model, where multiple agencies work together on filling gaps in service.

CIT programs have evolved over time and are now designed to incorporate and rely upon community-based solutions to public mental health crises that include crisis intervention-trained law enforcement, but they do not rely on law enforcement exclusively. CIT is a collaborative model that focuses on safely and effectively addressing the needs of people with mental health or substance abuse issues by linking them to appropriate services and diverting them away from the criminal justice system whenever appropriate.

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 Kern County Behavioral Health and Recovery Services (KCBHRS; the county's mental health department), 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.

Recently, the county was able to reinstitute in-person Crisis Intervention Team Stakeholder Meetings. These meetings were not held during the pandemic. They are led by the county's MET with support from the CIT co-chairs, including MET supervisors, KCSO, the Bakersfield Police Department (BPD), and the National Alliance on Mental Illness (NAMI). The goals of these meetings are to guide the CIT model, share information with the community, and get feedback on community needs. The MT and several CAC members attended the most recent meeting.

KCSO is also interested in adapting the dispatch center model used by BPD and KCBHRS. They are piloting a new approach to improve the efficacy of these services by placing behavioral health triage staff alongside dispatch personnel in order to better identify and handle behavioral health calls that may not require a law enforcement response.



### 3. STAFF AVAILABILITY AND DATA ANALYSIS

The SJ requires that the “county provide sufficient resources to staff MET at a level that is reasonably calculated to make MET services available as often as is feasible” (paragraph 84). In this reporting period, the PSU conducted an audit to identify patrol resources involved in responding to mental health crisis and conducting welfare checks that are not criminal in nature, and it began to internally assess compliance with the SJ. This was the PSU’s first audit on this topic.

The PSU’s audit found that in 2021, 7% of KCSO’s calls for service involved a mental health crisis and were non-law enforcement in nature, and that MET responded in 16.8% of those calls. The audit was limited to examining events coded as “involving known mental health patients as the reporting party and requests for a response related to information with no criminal component associated to it (mostly Check the Welfare situations).” Even given this significant limitation, it is clear that MET resources are insufficiently available.

The scope of this audit was relatively narrow and excludes, for instance, calls for service and stops where there is a known behavioral health issue and suspicion of a crime. Several members of the MT conducted ride-alongs over the course of the year and noted that many calls for service for suspected crime also involved individuals experiencing a BMH issue. Most, but not all, of the deputies interviewed during ride-alongs had received CIT training, and all deputies acknowledged that the prevalence of BMH issues was extremely high and lamented that MET was not available more regularly.

It should be noted that neither KCSO nor the MT has been able to determine how prevalent these types of calls are because KCSO’s current CAD system does not allow for automated classification of events that involve a mental or behavioral health issue. KCSO leadership has recognized this situation and is exploring solutions. KCSO has held discussions with its technology provider, but the provider was not amenable to adding variables that would allow appropriate classification of these events. KCSO is in the process of procuring a data collection system that will allow for more in-depth data collection and improved analyses such as those required by paragraphs 85, 89, and 90.

In the meantime, the MT is working with KCSO to provide an interim solution. KCSO has done some preliminary analysis by shift to determine what days of the week and times of day would be most appropriate to focus MET resources. As KCSO refines its data collection and analysis capacity, trends related to any number of factors (prevalence of types of behavioral crises, deputies assigned to specific units, role of dispatch, geography, etc.) may be identified.

We reported in the first annual report that Kern County intended to add six more MET staff over the next two fiscal years, with four dedicated solely to answering calls from KCSO. During the past year, the County has added four MET positions to the county budget and has filled one of those positions. Even with these additions, MET will likely remain understaffed relative to the needs of Kern County, and this significantly increases the importance of having CIT-trained deputies available, particularly during times where data indicate the need is the most prevalent.

#### **4. TRAINING**

KCSO continues to make progress to ensure that CIT-trained deputies are available when needed, strives to provide all patrol deputies with a 40-hour CIT training, continues to use CIT training for first responders, and ensures that corrections deputies continue to receive modified CIT training specific to correctional settings as is required by SJ paragraph 89. The SJ requires that sworn staff, call takers, and dispatch personnel continue to receive training that “emphasizes how to identify whether someone is in crisis, [and to] not make assumptions about the dangerousness of individuals based on their perceived disability” as required by paragraph 86.

KCSO has been providing deputies with the 40-hour CIT training since 2011. The training has been submitted to the MT for review, but due to scheduling conflicts, no team member has yet been able to observe the training. We are optimistic that will happen early in the upcoming reporting period. Meanwhile, KCSO reported that approximately 79% of its patrol deputies are CIT trained. As of May 2022, approximately 89 out of the 491 sworn staff had not taken the course, including eight managers, nine sergeants, and seven senior deputies. KCSO identified this issue and added trainings during the remainder of the year to support the Sheriff’s stated goal of providing CIT training for all patrol deputies. The MT commends this effort.

KCSO provided detentions deputies with an eight-hour CIT course in addition to the 21 hours required in the academy since 2018. At present, all 318 detentions deputies have completed the course. They will also receive a four-hour refresher class during their Advanced Officer Training cycle in 2023.

Also, 33 of 41 dispatchers have completed a CIT course. Dispatcher CIT training can range from 16 hours to 40 hours for the initial class. The remaining dispatchers will be scheduled to be trained during fiscal year 2023–24.

The MT agrees with the Sheriff’s Office that deputies who received the training several years ago will require refresher training. Recognizing this as an issue, the Training Section has developed a four-hour CIT refresher course for newly promoted sworn staff and has submitted it to POST for approval. We encourage KCSO to provide multiple methods for ongoing refresher CIT training for all deputies and to examine performance trends to identify any deputies who may need additional guidance or retraining.

#### **5. CRISIS INTERVENTION COORDINATOR**

KCSO continues to have an experienced commander in the role of Crisis Intervention Coordinator and remains in compliance with SJ paragraph 92, which requires that within 180 days of the SJ’s effective date, the Sheriff’s Office designate a sworn employee at the rank of sergeant or above to serve as the crisis intervention coordinator to better facilitate communication between KCSO and members of the behavioral health community and increase the effectiveness of KCSO’s crisis intervention program. KCSO reports they also have a training lieutenant who sits on the CIT Steering committee and coordinates the training.

## 6. ANNUAL COMMENDATION

KCSO responded to 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 also added other commendations, including one for exceptional skill in the avoidance or de-escalation of force through skills acquired in CIT training or employing additional resources, such as MET, which is required by SJ 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.

## 7. NEXT STEPS FOR KCSO AND KERN COUNTY

- KCSO should consider developing a policy that communicates an explicit purpose to ensure people who are experiencing BMH crises are treated humanely, with dignity, and consistently with the law, including emphasis and prioritization of dispatching deputies trained to handle BMH crises, to use de-escalation techniques, and the preference for using MET to handle these incidents (SJ paragraph 83).
- The County will continue to examine whether MET is sufficiently staffed (paragraph 84).
- The CAC and community members will have a chance to provide input on the policies. Policies will be submitted to the MT and DOJ for compliance assessment.
- KCSO will continue to review and enhance its 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).
- 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 (paragraph 93). This protocol will necessarily 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); and
  - » Qualitative assessments of the various processes supporting the crisis intervention program, such as the dispatch of MET and CIT-trained deputies.
- KCSO will continue to explore improvements to its data collection and analysis capacities.
- 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.

- KCSO will share policies and training with CAC members and other stakeholders (e.g., National Alliance on Mental Illness) to solicit feedback.

## **8. NEXT STEPS FOR MT**

- In concert with KCSO, county staff, and DOJ, the MT will review, revise, and finalize compliance metrics that will be used to evaluate progress in this area.
- The MT will continue to provide consultation and TA, as requested and appropriate, to KCSO in its review and development of policies and training. The MT will work with the PSU to identify exemplar policies from other departments.
- The MT and DOJ will continue to review submitted policies and training curriculum and provide feedback to KCSO regarding any changes needed prior to implementation.
- The MT will provide consultation and TA, as requested and appropriate, to KCSO in its 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 BMH 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.

## **D. MANAGEMENT AND SUPERVISORY OVERSIGHT**

As the MT noted in the first annual report, the provisions discussed in this section of the SJ (paragraphs 95–98) focus on reinforcing the requirements for and the importance of KCSO's leadership to ensure that effective organizational systems and management practices are in place that foster and support the objective of increased organizational and individual accountability throughout the ranks, while displaying a high level of transparency and engagement with the public. These objectives rest at the heart of the SJ, with managers and supervisors being those who are most directly responsible for achieving those outcomes.

More specifically, SJ paragraph 95 requires KCSO to have policies, protocols, and trainings to ensure all supervisors are conducting thorough investigations on matters related to SJ and are held accountable for meeting agency expectations. It further requires community engagement and consideration of public input when crafting certain policies and practices, particularly with regard to contemporary policing strategies and initiatives.

As mentioned in other sections of this report, the MT has been working with KCSO and the CAC on refining several policies related to use of force, stops and bias-free policing practices, behavioral health, community policing, and personnel complaints. Status updates of these policies are provided in other

sections of this report. Once these policies are approved, KCSO will move to the training components outlined in SJ paragraph 96.

KCSO and the MT have not yet begun developing metrics for evaluating the effectiveness of the supervision of its deputies, per SJ paragraph 97. Although the MT is not yet in a position to assess whether approved policies are effective and the internal feedback loops are in place (SJ paragraph 98), KCSO and the MT note that the data systems and information technology currently in place require more attention. Data and data systems play a major role in determining whether managers and supervisors have sufficient and timely data that enable them to evaluate individual performance as well as the effectiveness of policy and training. They are crucial to KCSO meeting the various analysis and reporting requirements of the SJ. And they need to play a crucial role in KCSO managers fully understanding factors that contributed to the patterns identified in the DOJ investigation and, importantly, developing any corrective action necessary to ensure the patterns do not continue.

KCSO recognizes the importance of this and is willing to engage in efforts to prioritize and address some of the department's more immediate data system needs. Those needs include technology upgrades or improvements to analysis and reporting capabilities related to areas such as the following.

- **Records management system/CAD:** The primary data system used to record, prioritize, and dispatch calls for service to first responders and to document deputy activities in the field; it provides both real-time and historical data that help guide staffing and deployment decisions.
- **Early Warning System (EWS):** A personnel management system intended to help identify individual or group performance problems at the earliest possible stage so that intervention can be made to improve work performance and minimize risk exposure.
- **LEFTA Systems:** A software program used for tracking all training records, including Academy, field training, and in-service training.
- **IAPro and Blue Team:** A software program used by KCSO to track uses of force, personnel complaints, and other information.
- **RIPA data system:** This is data required of all California law enforcement agencies to be annually reported to the Attorney General on all stops conducted; the purpose is to eliminate racial and identity profiling and to improve diversity and promote racial and identity sensitivity in law enforcement. (This a LEFTA PASS system).

The Monitors are pleased that the Sheriff's Office reported it has signed contracts for new data systems addressing and modernizing some of this needed functionality. The ability to accurately assess the efficacy of any programs or practices is not limited to the data processing limitations of a particular system; it is also tied to the skills that are needed to conduct the analysis. The SJ requirements necessitate KCSO having (1) technology for data collection, processing, analysis and reporting; (2) expertise among staff to operate those systems and conduct analyses; and (3) supervisors and managers who actively use the findings to assess operations and inform practice.

The gaps that have been identified by both county and KCSO staff involve more than mere data collection and timely processing; it includes having staff engaged in analyses who display strong critical thinking skills and who will eagerly engage in probing, questioning, and testing of assumptions or beliefs that are driving the strategies undertaken.

The MT has found that KCSO has been consistently forthcoming and cooperative in responding to our requests for any data or other information we require. Until the new data systems are implemented, KCSO is seeking workarounds. However, as the work related to the implementation of the SJ progresses, it will be increasingly important for KCSO to be able to provide information and analyses that are intended to support the development of policing strategies and tactics reflective of contemporary best practices and consistent with the outcomes required in these particular provisions.

## **E. 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).

The Language Access section (paragraphs 99 and 100) consists of four main components: (1) creation of a language access policy in meaningful collaboration with the CAC; (2) training in the language access policy for all KCSO deputies, communication supervisors, call takers, and dispatchers; (3) designation of a Language Access Coordinator; and (4) development and implementation of a language access audit protocol.<sup>6</sup>

### **1. 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.

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<sup>6</sup> 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.

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).

## **2. KERN COUNTY CURRENT LANGUAGE ACCESS PROTOCOL**

In 2021, the County created and filled a new position for its first-ever Director of Diversity, Equity, and Inclusion (DEI).<sup>7</sup> It also designated that individual with the roles and responsibilities of the Language Access Coordinator, a position required by SJ paragraph 99b.

KCSO and the County are technically in compliance with the provision; however, the Monitors note that assigning one person with the responsibilities of both the DEI Director and Language Access Coordinator is overburdensome and may dilute the critical work of each position. That said, with the designation of this role, the County immediately started demonstrating progress toward the language access goals of the SJ. It even went beyond the explicit requirements of the SJ by working to develop a policy and to improve language access practices not just for KCSO alone but countywide.

However, in June 2022, the individual hired for these roles separated employment with the county Human Resources Division (HR) and was replaced in July 2022 by another HR employee. Unfortunately, this transition stalled the work for several months. In the next reporting period, the MT hopes to see improved communication between Kern County HR, the CAC, and KCSO as there appears to have been misunderstandings and breakdowns in information flow. After the new Language Access Coordinator was appointed, several months passed before KCSO or the CAC learned that the position was filled. She and County HR subsequently told the MT they had no knowledge or record of the previous work that was completed.

More recently, HR resumed taking more active and concrete steps toward compliance. In October 2022, the Language Access Coordinator and another senior-level HR employee met with a member of the MT to jointly review the previous work done related to this section and the next steps that should be taken. At this meeting, HR shared with the MT member that HR was unable to find most of the work conducted by the previous Language Access Coordinator; ultimately, the current Language Access Coordinator said she was essentially starting from scratch in terms of learning the needs of the role as well as the previous work done.

Recognizing that County HR does not currently have expertise in the area of language access, the Language Access Coordinator reached out to a CAC member who is also an attorney with California Rural Legal Assistance (CRLA) and is highly knowledgeable and experienced in language access issues. This CAC member has been a tremendous resource and has provided guidance on best practices. For instance, she has encouraged the County to consider consolidating all the various interpreter contracts held by county departments to increase their buying power and receive premium services with cost savings. The MT appreciates County HR's proactive engagement of the CAC as an earnest way to build a foundation of understanding and be better positioned to support development and implementation of

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<sup>7</sup> SJ requires a language access coordinator, not a director of DEI.

KCSO's SJ-mandated language access policy as well as meet the stated goal of developing a countywide policy.

The Language Access Coordinator also expressed interest in the MT's recommendation that she join the CAC Policy Committee to get firsthand insight of community feedback and to assist in community events involving people who are impacted by language access issues.

The County has gathered information regarding what language services are currently available, as well as what is needed. In December 2022, County HR conducted a survey of departments to gather information on interpreter services offered to the public.<sup>8</sup> According to the survey results, many county departments use LanguageLine Solutions for translation services and rely on bilingual staff (mostly Spanish speaking).<sup>9</sup> On the other hand, some departments do not have formal processes in this area. As part of the survey, County HR asked each department to assign a single point of contact to coordinate the development of a countywide language access policy and training. As of January 2023, most county departments have responded and identified a point of contact.

The Language Access Coordinator is committed to follow up with departments that use staff as interpreters and assess how that process is working, determine which languages are being requested in the field and which vital documents are translated, and identify potential gaps in the system. This analysis will also identify what data are (and should be) collected and tracked regarding language services.

The Monitors believe there is a substantial benefit from having a countywide policy on language access but also notes that this is not a requirement of the SJ, which requires that KCSO, in conjunction with the CAC, develop a policy (paragraph 99a). 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.

The MT appreciates the advantages of developing a countywide policy, not only for the purposes of cost saving but because it will provide a uniform and sustainable process for all county workers. We also recognize that a countywide approach may be more time consuming and therefore encourages KCSO to move forward with its own improvements when appropriate.

### **3. KCSO'S CURRENT LANGUAGE ACCESS PROTOCOL**

KCSO currently uses Voiance, Linguistica International, and LanguageLine Solutions—all third-party interpretation providers—to assist with field, station, and detention facility translation services. As an example, these services enable a deputy in the field to call for assistance to facilitate communication

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<sup>8</sup> This is not the County's first attempt to gather information regarding language services available to the public. In the MT's first annual report, we noted that that in January 2022, County HR began collecting information from all County departments to catalog the language services they use. The first coordinator's work in language access appeared to be lost during the transition to the subsequent coordinator; as a result, the current Language Access Coordinator conducted another survey in December 2022.

<sup>9</sup> According to HR's Language Access Survey from December 2022, some but not all of these staff are certified bilingual.



between themselves and a person with limited English proficiency (LEP).<sup>10</sup> Additionally, KCSO contracts with Independent Living Center of Kern County and LIFESIGNS for sign language interpretation.

However, this does not resolve all challenges, such as when a deputy cannot discern the language with which a person needs interpretation assistance, or when the person speaks an Indigenous language that is not commonly provided by the general interpretation service. Deputies need clear guidance in the form of policy and training, and an array of service options, to confidently navigate these encounters.

Through meetings and conversations with KCSO staff, as well as direct observations during ride-alongs, the MT learned that deputies have an unofficial on-the-ground protocol when speaking with someone whose first language is not English. First, the deputies will either ask for a bilingual deputy for assistance or sometimes 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 will use language service providers or online services, which sometimes are not available, not sufficiently helpful, or impractical.

The lack of a uniform protocol is concerning and must be addressed by an appropriate language access policy. While the MT acknowledges that deputies who patrol large geographic areas may not have other viable options at their disposal and are doing the best that they can, this raises potential concerns because 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. Again, these issues represent the type of tailored approach that the KCSO language access policy and training must consider and incorporate.

#### **4. COMMUNITY PARTNERSHIPS AND TRAINING**

The CAC provided the previous Language Access Coordinator with feedback and contributed in different ways, such as sharing personal experiences as individuals who speak English as a second language, providing legal expertise regarding language access, and describing past situations where language has been an issue with county departments (including KCSO). The CAC provided valuable feedback to KCSO and the County, in particular by noting the wide diversity of cultures and languages spoken throughout Kern County, including but not limited to English, Spanish, Punjabi, Indigenous languages from Latin America, Tagalog, Korean, Arabic, Vietnamese, and Ilocano.

The CAC previously received training on the legal requirements of a language access policy from CRLA. Among other things, the training covered federal and state regulations related to language access mandates for law enforcement, including Title VI,<sup>11</sup> relevant California Government Code sections, and guidance for recipients of governmental funding. The new Language Access Coordinator has been

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<sup>10</sup> 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.

<sup>11</sup> Title VI of the Civil Rights Act of 1964, 42 USC 2000d et seq. (<https://www.justice.gov/crt/fcs/TitleVI-Overview>)

provided with a PowerPoint presentation of this comprehensive training and additional literature with guidance on best practices when working with diverse populations.

One of the best practices identified in the training included incorporating into any language access policy that interpreter staff be compensated fairly for their work and that their workload is reduced without consequences based on the time spent interpreting. Staff are currently paid \$25 per pay period for having either written or verbal fluency, and \$50 per pay period if they are proficient in both.

Based on employee feedback and data from other agencies, this compensation level has been shown to be an insufficient incentive for staff to get certified and provide these needed services. Some deputies reported that the current incentives are not worth the extra work and time needed to be an interpreter even though they are capable of being certified as bilingual. Many of those individuals and their peers have confided that the additional workload that bilingual personnel are called on to assume places more burdens on them and interferes with their other duties. The Monitors support KCSO’s efforts in raising compensation to a level that is at least comparable to that of other law enforcement agencies dealing with similar needs.

Table 1 shows the number of certified bilingual staff as of January 2023.<sup>12</sup> While the MT is aware of the county’s staffing issues, KCSO should strive to work with the County to incentivize staff who are sufficiently proficient in another language to become certified. It is the MT’s understanding that KCSO currently does not require translation or interpreter training for deputies who interact in the field with individuals who have LEP; this is another possible component to consider adding to the language access policy and training.

<b>TABLE 1</b>		
<b>KCSO CERTIFIED BILINGUAL PERSONNEL</b>		
	<b>WRITTEN AND VERBAL</b>	<b>VERBAL ONLY</b>
<b>Civilian</b>	19	12
<b>Detention</b>	16	13
<b>Field</b>	15	10

Again, it is the MT’s hope that the new Language Access Coordinator joins the CAC and receives direct community input as it is critical and necessary.

## **5. KCSO ANNUAL AUDIT**

SJ paragraph 100 requires KCSO—in consultation with the MT, DOJ, and DEI Director—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 other similar entities. KCSO’s development of

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<sup>12</sup> The numbers from last reporting period were lower in the “written and verbal” column, but higher in the “verbal only” column.

an audit protocol is ongoing. KCSO will need to submit an audit plan to the MT for review and comment.

The methods used in County HR's departmental survey and the follow-up being conducted by the Language Access Coordinator may inform these annual KCSO audits. The first such audit should be used to establish a baseline that can be used to inform the development and refinement of the language access policy and training. Other factors the MT expects to be considered in the audit 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).

## **6. NEXT STEPS FOR KCSO AND THE COUNTY**

It is important to note that implementing a language access policy goes beyond drafting, community review, and MT and DOJ approval. It involves contracting with appropriate interpretation and translations services, identifying languages that the county is legally required to provide these services, training of staff, and identifying infrastructure impediments. That said, it is anticipated that the following steps will be taken during the next reporting period.

- Kern County will draft a countywide language access policy and provide it to the CAC for review and feedback. It will continue to work with the CAC and KCSO to tailor this policy to the special needs of the Sheriff's Office and will govern access services for individuals who have limited ability to speak, read, write, or understand English (paragraph 99).
- The County and KCSO will explore vendors that can provide these highly specialized language services.
- In consultation with the MT, DOJ, and DEI Director, KCSO will develop the SJ-required audit protocol and begin the first audit (paragraph 100).
- 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 join the CAC to receive direct community feedback and guidance related to drafting the language access policy (paragraph 99).

## **7. NEXT STEPS FOR THE MT**

- With KCSO and DOJ, the MT will ensure we have a shared understanding of SJ requirements for the language access section and work towards establishing compliance metrics.

- The MT and DOJ will review submitted policies, trainings, and any draft audit plans provided by KCSO and continue to provide recommendations and TA as needed and requested for any of these subject areas.
- The MT will continue to attend CAC general meetings and committee meetings; the MT will attend community events to the extent possible.
- The MT will conduct ride-alongs with KCSO staff to continue to observe how they interact with the public throughout their workday and assess whether 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 LEP persons and to interview community stakeholders, including KCSO personnel and community groups representing LEP persons.

## **F. RECRUITMENT, HIRING, AND PROMOTIONS**

The MT's first annual report set forth next steps that KCSO and County HR staff should complete to further their compliance with the SJ provisions that address recruitment, hiring, promotional, and retention needs. These tasks and recommendations focus on the need to undertake changes and bring about improvements in the entire multistep recruitment and hiring process, including the development and submission of both a recruitment and hiring plan and a promotions policy and plan as required by the SJ.

This section of the annual report describes the progress made by KCSO and County HR with implementing those steps and offers additional recommendations to achieve full compliance with the related SJ requirements.

The primary goal of the recruitment, hiring, and promotions provisions of the SJ is to ensure the KCSO workforce will ultimately become more representative of and reflect the demographic makeup of the community it serves. In striving to achieve such a workforce, it is equally important that another goal of the SJ is recognized and addressed: to ensure that KCSO can recruit, hire, promote, and retain a highly qualified workforce that is more likely to embrace and successfully implement all the reforms envisioned by the SJ.

As described in the first annual report, the recruitment and hiring process involves many steps. Some steps are the primary responsibility of KCSO while others are the exclusive responsibility of the County. However, they are jointly responsible for complying with all provisions of the SJ, to which they are both Parties.

### **1. OVERALL PROGRESS IN THIS REPORTING PERIOD**

As required by the SJ, the Monitor, in concert with KCSO and County HR, conducted a review of the entire recruitment and hiring process. The review, reported in the first annual report, found the process to be antiquated and substantially ineffective in recruiting and hiring a sufficient number of highly qualified applicants to meet KCSO's staffing needs. Various aspects or elements of the existing

process(es) were found to be impediments not only to attracting and retaining sufficient qualified applicants but also to improving the diversity of the KCSO workforce.

It was the hope and intentions of all involved that efforts to modernize and improve this process would be substantially completed within the first two years of the SJ. However, this endeavor has proven to be a far more complex and difficult undertaking than previously imagined by KCSO, County HR, and the Monitor.

The key steps requiring attention include the recruitment of applicants, submission and evaluation of applications, written examinations, background investigations, physical agility tests, academy training, and, ultimately, the final hiring decision. 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. (This will be more fully explained later in this section.) In the past, less than ideal coordination between KCSO and County HR—along with imperfect communication among KCSO, County HR, and the MT—also have contributed to less-than-anticipated progress. But, according to recent comments, KCSO indicates there have been signs of improvements in the working relationship.

While the required recruitment and hiring plan and the promotions policy and plan have not yet been completed, recent efforts are more promising, as was expected by the MT in the first annual report and which are described in more detail below. A draft recruitment plan has been submitted for review, and it is expected to be completed early in the second quarter of the next reporting period.

It has been the MT's view that the most important consideration at this time with regard to the SJ is for County HR and KCSO to focus their immediate attention on the recruitment and hiring process because of the severity of the staffing shortages and their the impact on delivering adequate services to the community. Until significant progress is shown in recruiting and hiring staff, progress with many other areas of the SJ will be delayed. Any ongoing inability or failure to remedy this will not only have immediate, adverse consequences for achieving the hiring goals and needs, it will also greatly impair KCSO's ability to meet many of the other requirements of the SJ and to provide the Kern County community with public safety services in a manner that is consistent with and reflective of contemporary and constitutional policing practices.

It is important to recognize that even when the necessary changes have been implemented, there will still be a significant delay before the organization and community see direct benefits. Typically, it will require a minimum of about 18 months for sworn personnel to complete the hiring process, academy, and field training programs before they are functioning independently in the field. For civilian personnel, the hiring and training curve involved is shorter.

The MT believes that in order to succeed here, the County, which is a Party to the SJ, must more actively engage with both KCSO and its HR department to assess what additional financial and human resources need to be committed to these tasks if they are to achieve compliance with the SJ. Without the provision of all necessary resources and ongoing attention being devoted to the needs that have been identified, achieving compliance with the SJ will take longer, and this will ultimately prove to be more costly to the County and its residents who rely on KCSO to keep them safe and secure.

## 2. STAFFING SHORTAGES

KCSO's staffing challenges are not simply a result of recent factors that have been affecting law enforcement staffing across the country, as agencies struggle to replenish diminishing human resources within their ranks. It is true that recent national trends are having a compounding effect on recruitment efforts, but KCSO's severe decline in staffing has occurred over many years, even as the county's population and demands on law enforcement services increase. More recently, the Sheriff's Office has been engaged in a concerted effort to avoid having to shut down essential operations, which would result in having to stop providing some fundamental services.

The three major categories into which KCSO employees can be grouped are the sworn officer ranks (or Operations staff), those assigned to staff the detention (jail) 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 vacancy rates in all three categories have been alarmingly low for an extended time. Over the past year, the vacancy rate in the sworn ranks has consistently been around 21%; the level of vacancies in detentions has been extremely low, hovering around 37%; and support staff are operating with about 25% of those positions unfilled.

In total, over 26% (or about one out of four) of the department's positions are vacant, and this has a direct effect on delivering services. The consequences are even greater when you realize that certain positions must, by legal mandate, be staffed, and those services cannot be discontinued. This results in redeploying staff from other assignments, shutting down some operations, limiting service hours, and heavily relying on mandatory overtime, which, in turn, adds to fatigue, burnout, and resignations. Together, these things have exacerbated Kern County's hiring challenges. (See Introduction for further discussion.)

## 3. STATUS OF 2022 PRIORITIES

In the MT's first annual report, the following 11 key priorities (shown below in italics) were identified to complete if compliance is to be achieved in this area of the SJ. This section provides status updates for each area and the Monitors' recommendations for achieving additional progress.

***Implement the technology, systems, and process improvements necessary to ensure that proper data collection and analyses become standard business practices and support the vision, mission, and values of the agency (KCSO and County HR).***

### a. Recruitment and Testing

The information now appearing in job bulletins includes detailed information regarding compensation packages and benefits. Prior to recent updates, bulletins would lack helpful compensation information such as incentive pays (POST certificates, collateral assignments, or bilingual pay) or recruitment and retention bonuses. Other benefits, including the provision of a personal patrol vehicle, health insurance, uniform allowances, shift schedules, and the like were not mentioned in past bulletins. The lack of

information communicated a non-competitive and inaccurate portrayal of what the County could offer to potential candidates, making it even more difficult for the agency to be successful in a historically challenging labor market.

Along with the job bulletins being more thorough, KCSO has undertaken an educational and transparent approach to providing potential and existing candidates with more detail about the entire application and testing process. Such explanations can now be found on the recruiting website and various recruiting materials. In addition, links to helpful tools and resources are available to assist candidates with preparation for different stages of the process. Taking the mystery out of a complicated hiring process and striving to improve success rates among the applicants may help to achieve more diverse candidate pools.

Reducing the time period between application and hire date was another area of focus. Working together in October 2022, KCSO and County HR proposed seven strategies (consistent with many of the MT's recommendations) to streamline this process.

1. Increase the frequency of the testing schedule from a monthly cycle to a biweekly cycle.
2. Disclose lists of required supplemental materials earlier in the process (in the job bulletin and application).
3. Administer electronic background pre-screening questionnaire to identify potential disqualifiers earlier in the process.
4. Eliminate unnecessary internal forms.
5. Change Pellet B score acceptance period from one year to two years.
6. Create a recruitment website dedicated to the Sheriff's Office.
7. Employ a third-party polygraph vendor.

All of these new strategies have been implemented. Although more work needs to be completed, the updated strategies better position the County to be more competitive in the labor market. With a dedicated digital presence, more efficient processes, and improvements to the candidate experience, KCSO will strengthen its ability to attract a more diverse and qualified pool of candidates compared with previous efforts.

While in-person recruiting activities were suspended during the pandemic, KCSO is now actively re-engaged in recruiting events, having participated in about 37 during the past calendar year. The Sheriff's Office and County HR have become more proactive in partnering with other stakeholders, such as the Kern County Detentions Officer Association, to host such events. As broader and more frequent recruitment events move forward, more attention should be devoted to conducting these activities in ways that are more apt to engage with the ethnic, racial, and other populations from which KCSO is seeking to recruit.

The MT urges KCSO to begin ongoing assessments of the return on investment in various resource-intensive recruitment and screening efforts so as to determine which endeavors are proving to be most effective and cost efficient in attracting sufficient numbers of successful candidates from the targeted demographic groups. To that end, the MT encourages the County and KCSO to use the CAC as a

consulting partner to provide input and help problem-solve around the challenges associated with attracting interest and facilitating the success of underrepresented candidates.

## **b. New Technology**

Several technological enhancements have improved the agency's ability to attract candidates and help them remain engaged and informed throughout the testing and selection process. For instance, the digital recruiting platform InterviewNow was implemented in July 2022. InterviewNow is a robust tool for advertising to targeted audiences and interacting with potential candidates, as well as fostering better communications with candidates who are already engaged in various stages of the testing and selection process. InterviewNow includes a mobile application that provides KCSO with greater access to the various audiences being targeted given that, increasingly, more of today's job seekers are exploring job opportunities on mobile devices.

Through the adoption of new software, KCSO has been able to streamline the coordination and management of pre-employment background investigations. The objective in implementing eSOPH cloud-based software is to reduce the time it takes to process in-depth pre-employment background investigations, which can then facilitate the hiring of applicants more quickly compared with traditional approaches. Given the extremely competitive nature of today's labor market for law enforcement professionals, speed and efficiency in the hiring process is critical to an agency's chances for success.

## **c. Compensation**

As emphasized in the first annual report, for a number of years, the lack of competitive compensation was one of the key hinderances to the County's ability to attract and retain sworn personnel, especially detentions deputies. In fact, staffing levels within the Detentions Bureau fell to alarmingly low levels in 2022 and remain so today.

According to KCSO's analysis, this trend had been tied to a combination of factors such as retirements, staff leaving KCSO to go to other agencies, and weak results in recruitments to fill vacancies. However, some improvements to salaries and compensation packages have recently been made. On January 10, 2023, the Board of Supervisors approved a significant increase of 22 percent to the salaries of detentions deputies. KCSO also now offers hiring and retention bonuses to both detentions deputies and deputy sheriffs, including trainees and lateral transfer applicants.

In addition, the agency now offers a housing incentive for deputy sheriffs, senior deputy sheriffs, and sergeants assigned to patrol in specific remote areas. While not an instant fix, more competitive salaries—combined with better messaging regarding compensation and benefit packages and full transparency regarding the application and testing process—position KCSO to have a greater chance of success in its recruitment efforts.



#### **d. Data Collection and Analysis**

With the implementation of the potentially transformative changes KCSO is undertaking to modernize its approach to recruitment and hiring, the opportunity and likelihood of achieving its hiring goals will be enhanced. What remains uncertain is whether County HR and KCSO have the technological infrastructure in place to provide for the ongoing seamless collection of data so that performance and effectiveness can be measured.

Of note, KCSO began generating quarterly reports to evaluate changes in workforce diversity (involving things such as gender, race, ethnicity, and job classification). Even though this raw data is now being captured, no formal analyses have been conducted yet. This is not attributed to a lack of desire or willingness; rather, it results from a lack of resources.

In the first annual report and in the MT's interaction with County HR and KCSO, we have continually stressed the importance of meaningful data collection and analyses. In the first report, several key data points were mentioned to assist with identifying any disparate impact on applicants so that any deficiencies or vulnerabilities could be addressed. Such specifics included tracking and assessing by race/ethnicity and gender and other relevant factors such as:

- Why applicants fail to meet minimum requirements;
- Why there is a high rate of failure on written exams; and
- Reasons for background check failures.

As of the 2022 reporting period, the MT had not yet been provided such analyses. We continue to highlight the risks that stem from a persistent underinvestment in analytical capacity and expertise and, therefore, encourage both entities to work together to correct these deficiencies. The shortcomings impact numerous sections of the SJ and will continue to impede compliance if unaddressed.

***Update ideal candidate profiles and job descriptions to reflect organizational values and compliance with Penal Code § 13651. Recruitment and hiring materials also must be modified accordingly (KCSO and County HR; SJ paragraph 103e)***

KCSO submitted an initial draft of an ideal candidate profile in April 2022 and made subsequent revisions, but the MT has not found that the profile adequately describes the desired employee traits that will align with and reflect the values of inclusivity and the focus on furthering community policing, problem-solving skills, and constitutional policing practices emphasized in the SJ. The Parties and the MT had several discussions during which the MT gave feedback, but due to some miscommunication and technical difficulties, as well as County HR staff changes, the process has taken longer than expected.

The MT expects to review another version of the profile in the first quarter of 2023. The creation and adoption of a more contemporary profile is paramount to successfully recruit and promote the type of candidates who can carry out the intent of the SJ and influence a culture that is supportive of the pillars of 21st-century policing.

***Establish a new digital presence that reflects a contemporary vision for KCSO and supports the SJ's goals. Redesigned recruitment pages on the agency's website must provide transparency about each stage of the hiring process and provide resources that help capture a potential candidate's interest and maximize chances for success (KCSO and County HR).***

There may be no area where KCSO and County HR have made more progress in 2022 than in addressing the previous weaknesses associated with KCSO's digital presence. KCSO is successfully undergoing a digital transformation by creating and unveiling of a new website, producing recruitment videos, and improving its social media presence with strategic messaging designed to attract attention to numerous career opportunities within the organization.

KCSO's specially designed website dedicated to recruiting was launched November 15, 2022 (<https://kcsojobs.org/>). Following the MT's guidance around exploring the work of other law enforcement agencies on this topic, the department developed a new digital identity that reflects its values and ambitions and highlights the variety of career options available.

The new website provides transparency regarding the required qualifications, presents helpful explanations regarding each step of the hiring process, and provides access to resources to help potential candidates further explore their interests, along with tools to assist with their success in the process should they decide to apply. In addition, there are features to simplify connecting with a recruiter and getting questions answered on both desktop and mobile versions of the site.

Supporting the dedicated website are four new recruiting videos that are also stand-alone products that help to amplify KCSO's continuous recruiting efforts in different ways. These videos are accessible via the recruiting website and YouTube. This exponentially increases KCSO's visibility and ability to promote job opportunities.

The videos describe a spectrum of assignments, roles, and geographies one can experience in a career with KCSO; however, they do not underscore the significance of strengthening community partnerships and promoting direct public engagement in contemporary policing. The MT recommends that future recruitment materials and videos emphasize the importance of those relationships and building trust so as to better support and promote the "guardian" model of policing.

KCSO's refreshed digital recruiting brand includes the agency's improved presence on all social media channels. The Sheriff's Office is using these communication tools to describe a wide array of job opportunities, putting human faces on the jobs, and promoting resources to help potential applicants explore KCSO as a career option and presenting tips to get through the application process.

The new KCSO recruiting website and corresponding videos are attentive to the demographics of the County and convey a far more welcoming and helpful image than the previous recruitment pages. The agency is also to be applauded for using its social media in strategic and creative ways that support recruitment efforts. Again, going forward, the MT recommends that footage of KCSO representatives working in partnership with the community be included in updates to all existing and new video productions to strengthen its messaging regarding the commitment to 21st century policing practices.

Further, it is recommended that the CAC and other community resources be engaged at critical stages of such projects to provide helpful feedback that could improve future deliverables and outcomes. In addition, members of the CAC could serve as recruiting ambassadors for the agency if empowered and given the appropriate tools and resources. This could be advantageous in recruiting candidates from underrepresented populations as well as offering other opportunities to attract new recruiting partners to the mission.

***Establish an exit interview practice where feedback is regularly sought, assessed, and used in ways that can strengthen the organization's culture and its ability to attract and retain a competent and diverse workforce (KCSO and County HR).***

In 2022, KCSO followed through on a MT recommendation to establish a routine practice of seeking to interview employees who are departing the organization and created a central repository for the feedback. The review and analysis of this information had not been completed by January 31, 2023; this is something the MT is looking forward to reviewing soon.

The need to routinely examine available exit data for the purpose of recognizing trends and gaining insights into areas requiring management attention is another area where KCSO and County HR are hindered by a lack of analytical capacity. Without sufficient resources to analyze such valuable data, KCSO and County HR are missing an opportunity to be informed about changes in the organizational culture and how to improve their ability to attract and retain employees.

***Develop and implement a recruitment plan that must be approved by the MT and DOJ prior to implementation (County HR and KCSO; SJ paragraphs 102–104).***

The MT received the recruitment plan for compliance assessment on January 31, 2023, and is reviewing the submission. The MT expects completion early in the next reporting period.

***Develop and implement a promotion policy and plan that must be approved by the MT and DOJ prior to implementation (KCSO and County HR; SJ paragraphs 109–111).***

KCSO submitted a proposed promotion policy to the MT in April 2022. Ever since the SJ was implemented, the MT has stressed the importance of finalizing a new ideal candidate profile and completing the recruitment plan before addressing the promotion plan and policy. The ideal candidate profile is essential for providing a consistent understanding and foundational guide for all those who are engaged in carrying out the recruitment, hiring, and promotional activities. Because it directly affects both recruitments and promotions, it is crucial that this profile be developed in advance of the plans required by the SJ. Once the recruitment plan and updated candidate profile have been approved, the MT expects KCSO and County HR will turn their attention to completing the promotion policy and plan.

***Continue to improve the relationship between KCSO and County HR so that clarity and agreement are achieved surrounding roles and expectations and so that productive collaboration and timely processing of the respective HR responsibilities in each agency become the norms.***

The MT has observed some recent improvements in the communications and working relationship between KCSO and County HR. However, staffing and assignment changes and inadequate resources have inhibited timely progress toward compliance. In 2022, the most notable setbacks were related to the departure of the county's first Director of Diversity, Equity and Inclusion, who had made progress on many of the HR-related initiatives and who attempted to compile essential data required for assessing both deficiencies and progress. There is a need for dedication of consistent and sufficient resources coupled with enhanced analytical capacity that will be critical for further advancement toward compliance.

***KCSO 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.***

KCSO has been very cooperative and responsive to the MT's request for data and general inquiries. Unfortunately, much of the data that will help the agency monitor its progress with respect to diversity hiring and promotion is still generated manually. The Monitor will continue to stress the importance of implementing the appropriate technologies that will enable the agency to readily generate essential data and reports that are required, thereby increasing the likelihood that continuous performance measurement will be sustained as a regular business practice. Tabulating the raw data is only the first step. It then requires analysis by County HR and KCSO, a determination of whether gaps or weaknesses are revealed, what the trends have been, and what actions need to be taken to bring about improvements.

The following action steps relate to the promotion policy and plan, all of which will be addressed in the next annual report.

***Provide annual public reports on promotional activities and outcomes (KCSO; SJ paragraph 112).***

***Identify and publish the eligibility criteria and knowledge, skills, and abilities required of all supervisory positions (KCSO and County HR; SJ paragraph 115).***

***Develop strategies to increase transparency and awareness related to the promotions processes involved for the ranks (KCSO and County HR; SJ paragraph 116).***

#### 4. NEXT STEPS FOR KCSO AND THE COUNTY

- 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.
- Upon MT approval of the updated ideal candidate profile and MT and DOJ approval of the recruitment plan, KCSO and County HR will develop the promotion policy and plan and submit them to the MT for approval (paragraphs 109–111, 114).
- 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 County will discuss a timetable for these reports, such as submittal within 15 calendar days of the end of each quarter.
- 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 and 102).
- KCSO and the County will conduct audits regarding decisions to suspend or not select candidates based on their background and provide findings to Parties (paragraph 108).
- KCSO and the County will involve the CAC in the review of future iterations of public-facing recruitment materials and recruitment efforts targeting underrepresented populations (paragraphs 117–118, 122).
- KCSO and the County will implement the MT-approved promotion policy and plan (paragraphs 109–112, 114).
- 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 (paragraph 121).

#### 5. NEXT STEPS FOR THE MT

- Review the recruitment plan submitted January 27, 2023, and provide feedback to KCSO and County HR or approve no later than March 31, 2023.
- Provide technical guidance on the drafting of the promotion policy and plan, as requested and appropriate.
- Review data related to candidates being suspended or not being hired based on their backgrounds and provide feedback to KCSO.
- Evaluate quarterly and semiannual reports and provide feedback within 30 days of submissions.

## G. 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 principles of community policing are integrated throughout the SJ; community engagement is explicitly required. The overall purpose of this section is to stress the requirement for KCSO to have meaningful engagement with the community, including collaborative approaches to identifying and solving public safety issues. Meaningful engagement includes public involvement in identifying and developing appropriate strategies for public safety issues in the community, with objectives established through the lens of both law enforcement and community expectations. Community policing also demands, in addition to KCSO’s own evaluation, the public being engaged in the evaluation of results.<sup>13</sup>

As will be discussed in this section, KCSO has taken steps to advance progress with many of the provisions—including paragraphs 10, 58, 59, 117, 118, and 119—but more concrete steps toward compliance must be completed in the next reporting period.

Engaging productively with the community and the CAC and staying on top of the various provisions throughout the SJ is a time- and resource-intensive endeavor. The MT applauds the strenuous efforts demonstrated by the KCSO compliance team in leading this effort; however, given the substantive administrative work that is required, KCSO should provide more resources and staff to carry out the tasks that are essential for effective community engagement and to help ensure timely and successful completion of the activities that will bring about compliance with this section of the SJ.

## **6. THE KERN COUNTY SHERIFF’S COMMUNITY ADVISORY COUNCIL<sup>14</sup>**

Multiple SJ provisions are directly related to and dependent upon the CAC, including effectively engaging with and relying upon CAC input. The CAC is expected to contribute and participate in achieving the desired outcomes of KCSO’s required community engagement activities by helping strengthen the relationship and level of trust between the community and KCSO. The CAC’s core responsibilities include “meeting 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” (SJ paragraph 59).

The CAC was established in October 2020 (prior to the filing of the SJ) to serve in the role of “concerned Kern County residents working to improve the relationship between the community and the Kern County Sheriff’s Office (KCSO).” Its stated mission 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.<sup>15</sup>

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<sup>13</sup> 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>.

<sup>14</sup> 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).

<sup>15</sup> As described in the CAC’s website at <https://kerncac.org/about>

The importance of creating a sustainable mechanism for the community and KCSO to effectively collaborate as true partners in public safety cannot be overstated because this body plays a crucial role in the ultimate success of KCSO achieving the outcomes intended by the SJ. The SJ recognizes the CAC as a foundational element that should continue after KCSO reaches SJ compliance and the monitoring is discontinued (SJ paragraphs 10 and 119).

### **a. CAC Membership**

The current CAC members are Kern County residents who serve as volunteers in addition to managing their regular busy lives with jobs, family, and friends, and they are engaged in providing other services to the community. Prior to joining the CAC, most members did not have much, if any, experience collaborating with law enforcement, especially on important topics such as the ones included in the SJ.

In its first year of existence, the CAC had as many as 35 members; however, the numbers have dwindled since then. As of January 2023, the CAC was composed of about 22 members from different areas throughout the county.<sup>16</sup> It continues to represent a variety of stakeholders and interest groups with varying degrees of participation. Other than internal ad hoc meetings, all CAC meetings are open to the public, who are encouraged to attend.

In this reporting period, a lot of time was appropriately dedicated to relationship building and setting overarching goals toward compliance. However, as stated by CAC members in recent meetings, the coming year should focus on more strategic action and building upon the initial foundational work created by the CAC members in collaboration with KCSO.

Most of the CAC's work is completed by a small group of dedicated individuals who put an impressive amount of time into directly engaging with the community and/or into the CAC's other most time-consuming task in these early years: reviewing and providing feedback on complex and lengthy KCSO policies. This has shown to be one of the CAC's growing pains, as it has created tension within the council about having a relatively high number of members, but only a little more than a handful doing the work.

CAC members are serious about their role of providing KCSO with meaningful community input and constructive criticisms, and, in turn, KCSO is engaging meaningfully as well. Together, they have been dealing with a wide range of topics such as de-escalation, use of force, and associated legal authorities on which the policies are based. When the CAC asked for "real life" examples of what some of these issues look like on the ground, KCSO leadership created PowerPoint presentations and charts to make some of the concepts more practical and easier to understand, not just for the CAC but for presentations that can be provided to the general public. CAC members also generated PowerPoint presentations to ensure that KCSO understood their perspectives. The MT is encouraged by the meaningful and constructive exchange of ideas taking place between the CAC and KCSO and the

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<sup>16</sup> The number of members was confirmed by KCSO personnel who were tasked with contacting everyone on the CAC's member list to verify they were still able and willing to be part of the CAC.

respectful dialogue that has ensued between individuals who might not otherwise have an opportunity to work together in such a capacity.

Recently, the CAC faced another challenge with the resignation of some of its key founding leaders. This turn of events had an immediate effect on the CAC's efforts. These resignations made a big impact on the CAC's current leadership structure because the members who resigned were integral to the CAC's overall functioning and played an important role in actively interfacing between the public and KCSO to obtain community feedback related to KCSO policies identified in the SJ.

The full significance and consequences of these resignations are yet to be fully grasped. Yet, this work must be carried out. KCSO staff have shown they are committed to working with the CAC to do that, and the MT will continue to work closely with both the CAC and KCSO to ensure solutions are found.

### **b. Role of KCSO in the CAC**

In general, the MT finds that KCSO leadership is embracing the SJ and views the CAC as an opportunity to improve upon its engagement with the community and work more closely with those they serve. In this reporting period, the relationships between CAC members and KCSO personnel appear to be evolving, and a certain amount of trust has become more evident in the way they are able to have free and honest conversations that are an integral part of community policing.

The Compliance Coordinator, who holds an executive rank within KCSO, is also one of the most active members engaged with the CAC. This sends a clear message that greater community engagement is essential and that the CAC is a critical and valued partner in community policing endeavors. During this reporting period, the KCSO Compliance Coordinator appointed additional department staff, both sworn and non-sworn, to join the CAC and work in partnership with its members. These staff attend and actively participate in monthly CAC general meetings, various committee meetings (that occur once or twice a month), and ad hoc meetings regarding internal CAC discussions.

KCSO is required to form and maintain the CAC, according to SJ paragraph 117. Part of that role includes providing support to ensure the CAC functions in a manner that achieves the requirements of the SJ. However, the scope of that support is something that has been, and continues to be, a matter of discussion among CAC leadership and KCSO. Both the CAC and KCSO have asked the MT to provide TA on this issue—particularly around best practices used in similar instances in other jurisdictions—and provide guidance relating to financial and administrative assistance. As part of our response to this request, the MT held a meeting during a site visit in May 2022 with KCSO and CAC leadership co-chairs to discuss bylaws, CAC structure, and financial assistance for CAC activities.

### **c. CAC Structure and Bylaws**

The CAC's organizational structure includes two co-chairs and three committees that focus on different provisions of the SJ. As will be discussed in more detail below, the committees are (1) Community



Policing & Engagement; (2) Policy & Education; and (3) Communications.<sup>17</sup> Each committee is led by one or two co-chairs and includes CAC members with diverse experiences and expertise, as well as two or three KCSO personnel.

In this reporting period, the CAC put more effort into establishing bylaws. Having bylaws will assist the CAC to clarify roles, responsibilities, and expectations of members and potential members. The bylaws will include sections on membership, officers, removal of officers/members, meetings, and special events. They should provide clarification of membership eligibility and responsibilities, of decision-making and planning authority within the CAC, and of how meetings and collaborative tasks will be conducted.

Being a CAC member requires a significant commitment of time and attention, so it is important that members, and those who consider joining, have a clear understanding of the commitment they will be making. Bylaws can help establish a structure that can be maintained and allow for growth in a way that is sustainable beyond the monitoring period. However, the bylaws continue to be in draft form and have not yet been reviewed or adopted by the full CAC.

In collaboration with KCSO, the CAC has expressed an interest in establishing yearly strategic planning meetings, which is a positive development in the effort to achieve organizational stability. This is particularly important if the CAC is to continue functioning as an ongoing partner and once the SJ is no longer in place.

#### **d. CAC Committee Work**

The CAC is working toward meeting the SJ's goals of promoting greater transparency regarding KCSO's policies and practices. One of the ways it has strengthened this goal is through the work of its committees. They have done a particularly good job of reaching out across the county to engage with different communities to ensure they are engaging with a cross section of county residents and providing opportunities for their voices to be heard when dealing with policies and policing strategies.

##### *i. Community Policing & Engagement Committee*

This committee consists of community members, including representatives from non-profits with expertise in engagement and policy development, and three KCSO-sworn personnel. A focus of the committee is the need to engage and partner with communities throughout Kern County and to identify the ways that different parts of the county may require different approaches to implementing community policing depending on community needs and perspectives.

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<sup>17</sup> In early 2023, KCSO reported the CAC changed the committee names and functions slightly, to (1) Community Policing; (2) Policy and Education; and (3) Communications and Engagement. The CAC also established a bylaws subcommittee and enacted temporary bylaws.

One of the first tasks identified by the committee was to draft a shared definition of “community policing.” The goal is to use the shared definition to determine if a KCSO-sponsored event falls under the COP definition or whether it may be more of a public relations activity, such as Coffee With a Cop.<sup>18</sup> Both events are positive and should continue; however, moving forward, it will be important for the CAC and KCSO to clearly establish and understand the differences between public relations and meaningful community engagement, which is critical in implementing community and problem-oriented policing. Public relations activities are important because they allow the public to interact with deputies in positive and non-law enforcement–related scenarios whereas community policing is about collaborating with the public as co-producers of public safety.

## *ii. Policy & Education Committee*

In developing its policies for 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). KCSO has submitted those policies for review, and the CAC has addressed them to varying degrees. (The specific work for each policy is described in the relevant SJ section in this report.)

In this reporting period, the CAC gained more active participants who are knowledgeable of such policies and the impact they may have in communities. As such, they have been able to provide more nuanced comments and engage in more detailed and informative discussions with KCSO, as well as conduct more meaningful community engagement to obtain feedback from the general public.

The CAC has provided written feedback to KCSO, but the current structure for providing feedback remains mostly informal, with most of the work being done in committee meetings involving CAC and KCSO representatives. As KCSO develops more finalized versions of the policies, the MT expects a more formalized process to ensure the CAC and community stakeholders can provide their comments in a consistent manner that ensures their input is considered (SJ paragraphs 10 and 58).

As of late 2022, the committee made a decision to hold its community policing meetings separate from Bridge the Gap forums in order to clarify for the public what they may expect in terms of participation. Bridge the Gap events provide information about the SJ in general and the roles of the Parties and Monitors in SJ implementation and eventual compliance by KCSO and Kern County. Meetings organized by the Policy & Education Committee are meant to focus exclusively on presenting KCSO policies for the purpose of receiving community feedback on those policies and share it with KCSO.

The committee and KCSO work collaboratively to establish deadlines for the submission of the CAC’s feedback to KCSO. Since there are different views among CAC members on the committee related to how many community meetings and how much time for review would be appropriate to satisfy the

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<sup>18</sup> The Community Policing & Engagement Committee’s shared definition follows: “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.” This definition is similar to the DOJ COPS office definition of community policing, which is stated earlier in the report.

need and requirement for community feedback, that issue of a timeframe for feedback to KCSO remains unresolved. The MT notes that SJ paragraph 58 indicates that this process should proceed according to “a specifically delineated framework to meaningfully engage with community.”

In a mid-January 2023 policy committee meeting, it was agreed by the members, including KCSO, that the following would be reviewed in 2023: remaining UOF policies, a countywide language access policy, community complaint policies, community policing policy, and bias-free policing policy.

As KCSO receives and incorporates the CAC’s feedback into its policies, the next step involves the MT and DOJ review. Only after the policies are fully approved can KCSO implement and train on the revised policies.

### *iii. Communications Committee*

The Communications Committee oversees the CAC’s website, email, and social media as well as the advertising of all CAC-related meetings and events. It is also charged with conducting the Bridge the Gap forums, which are meant to inform and educate the community about the requirements of the SJ, the role of the Parties, the CAC, and the MT.

Through this committee, the CAC made progress in increasing community engagement by elevating its visibility via the launch of its website (<https://kerncac.org>) in the fall of 2022, and by creating a CAC email address ([info@kerncac.org](mailto:info@kerncac.org)) for interested community members to learn how to get involved. The committee also created “contact cards” to give out at events and meetings.

The CAC has also had discussions about engaging in social media like Facebook and Twitter. These require a lot of work to manage, so members have reached out to the local university and are exploring the possibility of finding volunteers to help. The process remains ongoing. It serves as another example of the amount of administrative support and assistance needed by the CAC. KCSO personnel on this committee can use KCSO’s social media platforms to help promote CAC meetings and events; however, some members have expressed concern that this may not reach some of the underrepresented communities identified in the SJ and, as such, the CAC should manage its own social media.

### **e. CAC Resources Needed**

About two years since the CAC was formed, it has become clear that the time and work commitment for its members is more than what some people were able to give. In addition to policy review feedback and community engagement, there is also ongoing administrative work associated with the CAC, such as scheduling meetings, drafting agendas, recording, and maintaining minutes.

The CAC continues to seek funds to help pay for things associated with community meetings, which can include everything from water, coffee, and refreshments to childcare and activities for kids. All of these are considered best practices to facilitate community members to attend and so they can engage in meetings and discussions. The Monitors support this aim and encourage further consideration of seeking a continuing source of such funding.

The CAC has also noted the severe KCSO staffing issues are an obstacle to holding more community events in collaboration with KCSO. For instance, KCSO is unable to attend and help plan as many meetings as it and the CAC deem to be important.

KCSO is required by the SJ to maintain the CAC. Currently, KCSO supports the CAC with media and marketing efforts for events, as well as drafting templates of presentations, presenting on policies, etc. The CAC argues that to do SJ-related work effectively, KCSO and the County must provide more resources. The MT agrees that more resources should be provided, such as administrative assistance for the Compliance Coordinator to support the numerous tasks and activities associated with working with the CAC and the community in general.

At the May 2022 site visit, CAC leadership raised the possibility of making the CAC a nonprofit. The MT was asked to provide guidance. In response to this request for assistance, the MT shared that there are two main types of nonprofits: 501(c)(3) and 501(c)(4). In a written communication, the MT provided information about the main similarities and differences between the two types of nonprofits. We further suggested that the CAC have further discussions to decide what kind of group it wants to be, particularly during the implementation and compliance phase of the SJ, as the CAC may look and/or wish to be different after KCSO reaches completion of the SJ requirements.

The issue of the CAC's interest in seeking financial assistance was raised to the MT again in January 2023; we will continue to provide input on this issue. This is an important issue to flesh out, given the growing understanding of the expectations and responsibilities that must be met to reach compliance.

In October 2022, there were discussions within the CAC about expanding its reach to include keeping the County Board of Supervisors informed of the CAC's work, as well as potentially receiving more support and engagement from the Supervisors. Currently, some of the Supervisors have been involved in an ancillary manner (e.g., assisting with waiving fees for venues where the CAC and KCSO have held community meetings and providing welcoming remarks at the top of the meeting). The MT believes this could be a good fit for the CAC; however, given the massive undertaking the CAC already has, it would be helpful if KCSO were to take a more proactive role in working with its county colleagues and ensure the Board is provided with regular updates on the actions underway and overall progress being made by both KCSO and the CAC. For instance, KCSO and CAC should consider presenting the Community Engagement Annual Report at a Board meeting each year.

## **7. KCSO ENGAGEMENT WITH THE CAC AND OTHER COMMUNITY STAKEHOLDERS**

Paragraph 59 of the SJ requires KCSO to engage intentionally and strategically with the community.

*KCSO will continue to work with its Community Advisory Panel (CAP or Panel). The Panel 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. During the first year of the Panel's existence, it will meet at least bimonthly. The Panel will thereafter 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.*

The process of community engagement is complex, difficult, and time consuming, particularly if done right. A population as diverse as the one in Kern County requires understanding of how best to approach, collaborate with, and learn from different communities.

Language and cultural barriers must be recognized and appreciated to ensure every person in Kern County is treated fairly and with justice and respect. The SJ mandates that KCSO's engagement include broad representation of 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.

While substantial efforts have been made by KCSO— such as presentations and activities at local schools, Sheriff's Activities League events, Chamber of Commerce and City Council meetings, and Neighborhood Watch meetings—the Sheriff's Office will need to be even more proactive in reaching out to more communities or neighborhoods (those not already associated with the CAC) to enhance relationships with particular groups within the community. The MT has stressed the importance of KCSO leading the effort to engage with groups specifically identified in the SJ, as well as others. These groups include, but are not limited to, youth, LEP individuals, and communities of color.<sup>19</sup> The MT expects to see even more community outreach conducted by KCSO, with assistance from the CAC, including engaging more with those who may initially feel uncomfortable engaging with law enforcement, such as youth or LEP populations. Importantly, KCSO should also periodically assess and identify ways to improve its efforts per SJ paragraph 122.

It is certainly the case that KCSO is making efforts in this regard. The MT acknowledges there have been good-faith efforts by the CAC and KCSO to do outreach to other organizations listed in the SJ to inform them about CAC membership. For instance, in order to obtain direct feedback on policies from non-CAC community members, KCSO has indicated it plans to share draft policies with the community at large via its website and during other community meetings. With the same purpose in mind, the CAC plans to schedule its meetings in a strategic fashion to ensure countywide representation and voices. The MT will have further discussions in the next reporting period about ways KCSO can engage community members who are not part of the CAC.

In addition to participating in community engagement opportunities, KCSO is specifically required to "create additional easy points of access for community feedback and input" on its website and social media pages (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. (See "Personnel Complaint Review" section of this report for further discussion of the complaints process.)

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<sup>19</sup> SJ paragraph 119.

In this reporting period, KCSO added a “transparency” section to its website, and although it is a step in the right direction, it should be more user friendly. The MT has shared the observation that the section should provide additional data and include links for submitting comments online. Ideally, the website can serve as a readily accessible forum for soliciting and responding to community input. KCSO generally agreed with our observations and assured us that the page remained a work in progress. KCSO also agreed with our recommendation to advertise this page with the community and ensure its accessibility.

## **8. COMMUNITY MEETINGS AND EVENTS JOINTLY HOSTED BY KCSO AND THE CAC**

Paragraph 119 of the SJ requires KCSO to regularly attend and actively participate in community meetings and events. A specific objective of this requirement is “to enhance relationships with particular groups within the community, including, but not limited to, youth, LEP individuals, and communities of color” (paragraph 119). KCSO must develop a plan to ensure personnel actively attend a variety of events that may include, but are not limited to, CAC meetings. (The MT will provide example engagement plans from other jurisdictions.)

Attendance at such events provides opportunities for law enforcement and community members alike to interact in a neutral location and capacity; this is a necessary step in initiating and fostering effective working relationships. During this reporting period, some of the complaints shared at community events (at places like Lamont, Rosamond, and Boron) included concerns about rising crime, lack of KCSO staffing/presence, and response time. Other issues that arose were related to community members’ understanding of how and where to file complaints about KCSO personnel or services.

KCSO has attended and intends to continue participating in the following meetings and activities during the next reporting period.

- Monthly CAC general meetings, which started in March 2021
- CAC committee meetings
- Community policing community meetings
- Bridge the Gap forums
- Internal CAC ad hoc meetings

### **a. Bridge the Gap**

Bridge the Gap forums were designed to be a venue for constructive exchange between KCSO and the community about topics of interest in a comfortable, conversational setting. The forums are also meant to provide the community with information about the SJ’s existence and the purpose and kind of beneficial impact it is designed to have for all county residents. The forums are also intended to provide updates on what KCSO and the CAC do in relation to the SJ provisions, focusing mostly on those directly affecting the community, such the creation and implementation of new KCSO policies on UOF incidents, resident complaints, and language access. One Bridge the Gap meeting was held during this

reporting period, and it was conducted in Spanish. The CAC and KCSO intend to make this forum an ongoing series of meetings to take place across the county.

## **b. Community Policing Committee Meetings in Boron and Lamont**

Two Community Policing Committee meetings were conducted during this reporting period, one in Boron and the other in Lamont. The “pilot” community policing meeting was held in Boron, in east Kern County. The CAC’s intention with these meetings is to talk with different communities throughout the county; understand and respect that each community is unique with different needs, challenges, and opportunities; and develop community policing actions based on community feedback and dialogue. The decision to host an event at that locality came from the KCSO personnel on the committee, who were already planning a community meeting for September. The KCSO personnel and members of the CAC chose this event to meet with the community and address the community policing topic.

The purpose of the Boron meeting—to hear concerns, thoughts, and ideas on how they can all work together—was shared ahead of time on social media. A concern expressed in that meeting focused on the perception of a lack of policing in their community, and some felt ignored and left to fend for themselves, as evidenced by the closure of a substation over 20 years ago. (The closest is the Mojave substation, 20 miles away). Others expressed a desire to know more about things such as KCSO’s budget and how to create a network of concerned citizens to work with KCSO.

CAC members have noted that attendance of community members has not been as high as they hoped, but those who do show up come with good ideas and are prepared to have conversations and provide feedback. For example, during the Lamont meeting, community members asked deputies to explain policies to them in more plain language and clarify concepts like de-escalation and continuum of force. As a direct result of this suggestion, KCSO has agreed to be more creative in its communications and in the next reporting period, it will discuss the recommendation of creating a video explaining de-escalation and include working with CAC members and others to be more culturally relevant in its de-escalation tactics.

Community feedback at this meeting also stressed the importance of KCSO’s reviewing of legal language and authority related to UOF in more “layperson” terminology, particularly legal standards like “reasonable officer” and “totality of the circumstances.” Other comments shared from the community included requests to “treat us the same way you do in a wealthier neighborhood” and use the “same process and service wealthy people get” and concerns about the tone of some deputies being “aggressive, condescending, inappropriate, or the lack of professionalism when interacting in low-income, Black and Brown neighborhoods.”<sup>20</sup> KCSO received the feedback and highlighted the complaint form online, adding that it may help identify recurrent, unwarranted stops taking place. This is the type of meaningful and productive dialogue that is necessary to build relationships and trust.

In many cases across the country, the monitoring of law enforcement agencies is in place because some communities feel they are being over-policed, policed with unconstitutional practices, or policed with

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<sup>20</sup> Quotes from meeting minutes drafted by CAC members who attended the meetings.

bias. However, it is important to understand and appreciate that there are some communities and neighborhoods where people believe they are suffering from inadequate policing, or they do not have timely access to policing services. In this community, their focus was on establishing a relationship with KCSO, not improving or rebuilding a relationship. The communities in Boron, Lamont, and the City of Bakersfield each have a different set of problems and will likely require a different level or form of community engagement and a community policing strategy designed around those needs and expectations.

### **c. Policy Committee Meeting in Bakersfield**

A public policy committee meeting was hosted by the CAC in collaboration with KCSO to educate the community about the opportunity to discuss and provide feedback on KCSO's UOF policies. According to CAC members at this meeting, there was good dialogue and the residents, although few in number, appeared to be engaged.

The main issues raised and shared with KCSO were the desire for more transparency regarding uses of force and questions relating to de-escalation and what the department's policy was if stopped individuals do not comply. This discussion led to a suggestion for KCSO to create a video or graphic regarding what escalation and de-escalation may look like.

According to KCSO personnel who attended the meeting, the discussion was helpful, and since a relatively small number of people were present, it allowed for more intimate discussions among law enforcement members and residents. This venue allowed for mobility during the meeting, which made it seem more informal and going up to converse easier; this setting made deputies more accessible.

The MT discussed with KCSO that it must continue to support the CAC by helping to spread the word about these opportunities and sharing the dates, times, and locations of meetings with sufficient time to potentially increase attendance moving forward.



## **Community Policing and Problem-Oriented Policing**

A community policing program cannot be implemented only in one part of town or be the responsibility of just one particular unit in a law enforcement agency—it is a philosophy that must permeate the entire organization and apply to the whole community. It is a philosophy that promotes organizational transformation within the agency to work in partnership with the community it serves to ensure they are co-producers 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. In the next reporting period, KCSO will need 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, data and information from community sources. The collected data then must be used by the Sheriff's Office to inform policies, engagement, and enforcement-related strategies and be assessed and evaluated to determine what, if any, impact 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.

## **9. KCSO COMMUNITY POLICING STRATEGY, POLICY, AND TRAINING**

### **a. Strategy and Policy**

In February 2022, KCSO provided an outline of a draft for a community policing policy to the CAC, which agreed to provide some draft language for KCSO's consideration. In the summer of 2022, KCSO provided the CAC with more documents (from the COPS office and Lexipol) that were meant to provide context from which KCSO had written its draft policy. Like with the earlier policy submissions, these were provided to give the CAC an initial overview.<sup>21</sup>

According to a lieutenant who helps lead KCSO's community policing efforts, the Sheriff's Office reached out to the Collaborative Reform Initiative Technical Assistance Center (CRI-TAC) and met with them in December 2022. CRI-TAC is a program in the US DOJ Community Oriented Policing Services (COPS), which provides TA resources to law enforcement agencies on a variety of topics.

KCSO reached out specifically to receive assistance in developing and supplementing a community-oriented policing strategic plan and policy. As of the writing of this report, KCSO is waiting

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<sup>21</sup> KCSO reported that, as of January 2023, the following UOF policies have been updated to reflect changes required by statute: F-100 and F-900. See <https://www.kernsheriff.org/Policies>.

to hear back from COPS and expects to complete these requirements in the next reporting period. In conversations with KCSO leadership, the MT was told that the CAC would be part of the development of these policies and plans by providing feedback to KCSO.

In conversations with the KCSO Compliance Coordinator, the MT highlighted the need for KCSO to incorporate into its organizational strategies and policing philosophy the *Final Report of the President's Task Force on 21st Century Policing*, as required by SJ paragraph 121. KCSO agreed and is expected to work on this with CRI-TAC and with CAC input in the next reporting period.

## **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.”<sup>22</sup> In response to KCSO’s request for recommendations for community-oriented policing training, the MT connected KCSO with the Arizona State University Center for Problem-Oriented Policing. KCSO has since established a relationship with the center and scheduled training, including two in-person sessions (two to three days each) geared toward department managers. According to KCSO, this course will cover some of the training requirements stated in SJ paragraph 120, specifically to include methods and strategies to improve public safety and crime prevention through community engagement (SJ paragraph 120a); leadership, ethics, and interpersonal skills (paragraph 120c); and problem-oriented policing tactics for both employees and community members (paragraph 120e). The training is tentatively scheduled for late May 2023. While this initial training is only for managers and not intended to address all the SJ requirements, KCSO and the MT expect that this experience will inform KCSO’s efforts to develop a training for all personnel once the community policing strategy and policy are finalized.

## **10. PUBLIC REPORTS AND INFORMATION**

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. The Parties met in the fall of 2021 and clarified that English and Spanish are the minimum; more languages can be added to reach the community in different languages. In the last reporting period, County HR stated that it plans to have each county department make a list of vital documents to be translated in different languages; this has yet to be accomplished. The MT hopes to see this accomplished in the next reporting period.

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<sup>22</sup> 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.”

KCSO is required to issue an annual public report (and post it on its website) that assesses the impact of its community engagement initiatives (SJ paragraph 122). KCSO reported that in the upcoming reporting period, it will be working on a draft report to address 2023 engagement. This report will represent an important step forward and offers a venue to continually improve police–community partnerships; it is meant to capture KCSO’s community engagement efforts and identify successes, obstacles, and recommendations for improvement. The MT provided an example report from another jurisdiction.

Importantly, KCSO is also required to make public information about deputy-involved shootings, deaths in custody, or other significant matters as deemed by KCSO. Per SJ paragraph 39, KCSO must develop a policy and process that includes an outreach and community forum component. Publicly sharing this type of information is perhaps even more critical to help KCSO continue trying to build community trust. As described in the Stops section, KCSO’s website added a “transparency” tab in the last reporting period. In this section, there is a page titled “Officer-Involved Shooting (OIS) Incidents” that shows incidents spanning 2019–2023.<sup>23</sup> The MT acknowledges this as a step forward; however, as of January 2023, KCSO remains outstanding in the outreach and community forum component as required by SJ paragraph 39.<sup>24</sup>

## 11. 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 with and perceptions of KCSO and of public safety.” The Monitor has retained a research team from the University of California, Los Angeles (UCLA) to design, conduct, and analyze a baseline survey, and any subsequent surveys, that will be based on a representative sample of Kern County residents. It will measure public satisfaction with policing and perceptions of the quality of police–community encounters. The first survey will serve as a baseline to aid in determining how these perceptions might change over time.

During this reporting period, the MT and the research team continued the process of engaging KCSO, community stakeholders including the CAC and various CBOs, and DOJ in the development of the community survey. The MT met with the Parties and community stakeholders and received written feedback on a draft survey instrument from them.

During this reporting period, the extensive and iterative process required to design and refine the survey was completed, and a final survey instrument was agreed upon. Each stakeholder group that has provided survey instrument feedback and input made significant contributions to improve the survey’s content. The UCLA research team reviewed survey feedback from numerous stakeholders and

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<sup>23</sup> Visit <https://www.kernsheriff.org/Transparency/OfficerInvolvedShootings>

<sup>24</sup> SJ paragraph 39 will be assessed for compliance in the UOF section, but since transparency is important to many areas, paragraph 39 will also sometimes be discussed in relation to stops and to community policing.

incorporated many of the suggestions while also ensuring the questionnaire meets the standards of reliable survey research.

After the survey content was finalized, the Parties engaged in an extensive process to translate the survey into different languages that are prevalent in the Kern County community and then verify that the translations are accurate and accessible. The survey is currently 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.

In November 2022, the community survey was launched and made available to the public. The MT has received support and participation from the CAC, various CBOs including the Dolores Huerta Foundation, CSU Bakersfield, 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 their network.

The survey is being administered online only, with stakeholder groups using their respective websites, social media pages, email communication, and in-person meetings to share the survey within their networks. The research team and the MT are open to providing paper surveys upon request from interested community members or groups. At the time of this report, the survey has not yet gathered the 2,000 survey responses needed to meet the threshold of a representative sample, and it will remain open until that goal is reached. The Parties and the research team seek to achieve participation from among the general public as well as the population of those who were previously arrested by KCSO deputies to facilitate reliable interpretation of results and establish a participant sample that is representative of the general Kern County population with regard to gender, age, and race/ethnicity.

When the survey is complete and the report is published, to achieve full compliance with the SJ, the MT will expect 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 can use survey data to better understand how and where to focus its community engagement efforts and glean insights into which communities require greater improvement efforts. In the next reporting period, the MT also will discuss with the Parties some as-yet unaddressed elements of SJ paragraphs 125–126, including a possible survey of KCSO personnel and focus groups.

## **12. 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 develop a strategic plan to meaningfully engage with community stakeholders (SJ paragraph 10).
- KCSO will continue to draft a written, more formalized process of receiving community feedback so that future members and community stakeholders can provide their comments consistently, ensuring that KCSO obtains necessary public input (paragraphs 117 and 118).

- KCSO will finish developing a plan for sworn personnel to attend community events on a regular basis to enhance relationships with groups such as youth, LEP individuals, and communities of color (paragraph 119).
- KCSO will begin to develop a structured in-service training on community policing 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 reaching out to groups that are specifically identified in the SJ and other groups that represent traditionally underserved communities (paragraphs 59, 118, and 121).
- KCSO will begin to assess and report on the impact of its community engagement initiatives and issue an annual public report and post it on its website (paragraph 122).
- KCSO will continue to draft a policy and process relating to making public information regarding deputy-involved shooting incidents that 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 mentioned below and in the corresponding timelines. Timelines for policy feedback follow.
  - » UOF 900 due January/February 2023
  - » UOF policies 200-800 due March 2023
  - » Initial draft of countywide Language Access policy due May 31, 2023<sup>25</sup>
  - » Bias-free policing in April 2023
  - » Community policing policy TBD
- KCSO will continue to collaborate with the MT in implementing a community survey and will use 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.

### 13. 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,<sup>26</sup> and review KCSO documentation to gain insight and provide feedback

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<sup>25</sup> More discussion is found in the Language Access section of this report.

<sup>26</sup> The MT visited Kern County in May 2022 and November 2022 and held and participated in meetings with the CAC, County, and KCSO via virtual platforms.

regarding KCSO's community policing strategies and activities. Other key MT activities will include the following.

- Beginning in the second quarter of 2023, the Parties and the MT will discuss quantitative and qualitative performance metrics regarding community policing and how compliance will be measured. Consideration will be given to community expectations.
- Working with KCSO, the CAC and DOJ, the MT will schedule and plan virtual and in-person site visits.
- The MT will continue to provide consultation and TA, 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 assess submitted plans, policies, and training curricula for compliance and provide feedback to KCSO regarding any changes needed prior to approval and implementation.
- The MT will continue to collaborate with KCSO, the CAC, and other community members to distribute the community survey and launch data collection and analysis.

## H. PERSONNEL COMPLAINT REVIEW

The SJ requires KCSO to ensure that all complaints of misconduct are received and documented, that they are fully and impartially investigated, and that employees are held accountable if they are found to have committed misconduct pursuant to a disciplinary system that is fair and consistent. As described in more detail in the first annual report, SJ paragraphs 128 through 157 also require KCSO to conduct annual complaints audits to ensure the above mandates are met and to publish an annual complaints data report.

### 1. MAPPING THE COMPLAINT PROCESS—COMPLAINTS BY INCARCERATED PERSONS

In the first annual report, we discussed our preparation of a "process map" to identify and document how the Sheriff's Office receives, investigates, and adjudicates public complaints. That document was shared with and approved by the Parties.

During this reporting period, the MT created a similar document mapping how grievances by people who are incarcerated are investigated and processed. While grievances per se (e.g., complaints about conditions of confinement) are not public personnel complaints, our experience has shown that some personnel complaints may be brought to an agency's attention through the grievance process. Therefore, the policies governing grievances by incarcerated people need to clearly distinguish between a grievance and personnel complaint.

That process map was developed in consultation with Sheriff's Office experts and then provided to KCSO managers for review. The managers concurred that it accurately reflected the way in which grievances are to be handled. Rather than create a separate document, the process maps for grievances and complaints were integrated into a single document. That document created a common understanding of the complaint process and provided a structure to address the SJ reforms.

## 2. CLARIFICATION OF COMPLAINT REQUIREMENTS

In a series of discussions beginning in November 2022, the Parties and the MT worked to establish a common understanding of exactly what each of the SJ's complaint paragraphs (128 through 157) was required for KCSO to reach compliance. In this reporting period, it was determined that some paragraphs required more clarification. Per those discussions, the status of those issues are as follows.

- **Paragraph 131.** SJ paragraph 131 prohibits using language on the complaint intake form that could be construed as discouraging the filing of a complaint, but Section 148.6 of the Penal Code requires that complaint intake forms contain an admonishment to inform a complainant that they can be prosecuted for knowingly making a false complaint. Without adequate explanation and a complete understanding of this legal requirement, this could have the inadvertent effect of discouraging filing a complaint if a complainant feared prosecution for an inadvertent error. The Sheriff agrees this can be detrimental to efforts to ensure that public complaints are received and fully investigated, and he does not like having this admonition on the complaint intake form but believes he may be legally compelled to do so. DOJ resolved this issue by determining that the Sheriff's Office does not need to include the admonition on the intake form.
- **Paragraph 140.** The KCSO Policies and Procedures Manual allows an employee to accept a Pre-Disposition Settlement Agreement (PDSA) if they agree to "forego a full investigation and agree to all conditions." However, paragraph 140 requires that investigations be "as thorough as necessary to reach reliable and complete findings." The Sheriff's Office has assured everyone there is always a full investigation, often as a result of a related criminal case, and that a division commander cannot use a PDSA unless specifically authorized by a chief deputy. A PDSA may be authorized only if, after reviewing the investigative materials, both the commander and chief deputy concur, all investigative leads have been addressed, and it falls within the parameters set forth in department policy. The Monitors and DOJ have decided to accept that representation and assume it is accurate, but this is to be verified during the MT's audit of completed personnel complaints.
- **Paragraphs 146 and 147.** These paragraphs require that the commanding officer review and adjudicate complaints. The MT and Parties will have further discussions about this requirement in the upcoming reporting period.
- **Paragraph 149.** This paragraph requires that the Sheriff's Office codify disciplinary recommendations to ensure uniform application, which takes into consideration a sustained allegation's seriousness, the impact it will have on the Sheriff's Office and employees, their work history, acceptance of responsibility, disciplinary history, and the impact this has on public trust. To achieve this goal, some agencies have adopted a "disciplinary guide" or matrix that identifies various types of personnel complaints and provides a disciplinary range for a sustained allegation. The Sheriff's Office interpreted this paragraph as requiring them to adopt a written format that requires any disciplinary recommendation to address the disciplinary factors enumerated in this paragraph. The Monitors and DOJ concluded that KCSO's approach satisfies the requirements in paragraph 149.

The Monitors and KCSO reached agreement on the lingering issues regarding complaint-related requirements for these paragraphs at the February 2023 onsite visit.

### **3. POLICY REVIEW**

The MT has worked with the Sheriff's Office to refine the Employee Discipline chapter of the Department Manual (D-Employee Discipline). Also, the Inmate Grievance section of the Detentions Bureau Policies and Procedures Manual (I-200) was reviewed for consistency with the SJ. All of the Department Manual sections related to public complaints have now been edited to reflect SJ requirements, and the policies have been submitted to the CAC to get input (SJ paragraph 59).

Once CAC input has been received and KCSO has made associated adjustments, the revised manual sections will be presented to the Monitors and DOJ for review. When the policies have been determined to be in SJ compliance, KCSO will confer with its employee bargaining units, and the MT and DOJ will review any subsequent changes. Once the manual sections are finally approved, KCSO will then develop any associated training and, when approved by the MT and DOJ, provide that training to employees, including supervisors who are responsible for investigating public complaints and the managers who adjudicate these matters. After a few months have passed for these changes to take hold, the MT will begin the process of auditing public complaints to assess compliance with the SJ.

### **4. MONITORING COMPLAINTS**

While the MT continued working on aligning KCSO policies with the SJ, several complaints were brought to our attention via the Monitor's website. We recognized early on that some community members may not know how to file a complaint or may be reluctant to file a formal complaint for myriad reasons, usually due to fear of retaliation, a lack of trust in the current system, or just not wanting to be involved with law enforcement in any way. In light of those considerations, the Monitor's website has a dedicated hyperlink allowing community members to communicate their experiences and concerns directly to the Monitors. With the reporting party's permission, messages from the public that involve allegations of personnel misconduct are passed on to the Sheriff's Office for appropriate action; however, the MT reviews those investigations once they have been completed to assess if they were properly and thoroughly investigated and dealt with. It should be noted that the Monitors do not conduct independent investigations of these matters; instead, their role is to ensure KCSO is following the law and fulfilling its responsibilities according to both the SJ and established policies.

During this reporting period, seven community members submitted complaint-related inquiries via the Monitor's website. In four of those cases, the Sheriff's Office had already initiated an investigation into the incident. In the other three matters, the Sheriff's Office was previously unaware of the complaint and, with the reporting person's permission, the complaint was forwarded to the Sheriff's Office to launch an investigation. One case we received turned out to be an internal HR issue, not a public personnel complaint, and KCSO was already aware of it. The MT has monitored the investigation into all seven public-source cases and either has or will follow up with the reporting person when the complaint investigations are completed. In the cases that have been completed, we found the Sheriff's Office investigations to be thorough and complete.

Complaints can also be brought to our attention through a third party such as the ACLU or other CBOs. Valuable input can be, and has been, received from CAC members, who are serving as an important link with and voice for the community. If the complainant insists on remaining anonymous, the information



can be used only as anecdotal information (i.e., unverified information). While that input is important in assessing community satisfaction with KCSO's complaint process, the MT's primary tool for assessing compliance with the SJ's public complaint provisions continues to be our evaluation of completed personnel investigations.

Finally, public perception of how the Sheriff's Office responds to community complaints can be evaluated through our annual community survey that will assess personal experiences and perceptions of KCSO and its delivery of public safety services. That process will also provide the public with an opportunity to convey any individual concerns without needing to go through a formal complaint process.

## **5. NEXT STEPS KCSO**

- After obtaining input from the CAC, KCSO will finalize its complaint policies and procedures for those that stem from field operations and those that stem from custodial operations to reflect requirements for the SJ's complaint paragraphs (128–150). This will include revising the Sheriff's Office's brochure explaining the complaint process to the public and making complaint forms available on KCSO's website and other locations (paragraph 133).
- KCSO will submit the complaint policies, brochure, and website to the Monitor and DOJ for approval.
- Once the policies and procedures have been approved, KCSO will develop a training program for employees and for supervisors and managers who are responsible for investigating and adjudicating public complaints (SJ paragraphs 151–153). The training program needs to be approved by the Monitor and DOJ.
- In consultation with the MT, KCSO will also develop a protocol and schedule for conducting internal complaints audits (paragraphs 154–157).
- In consultation with the MT, KCSO will develop a format and begin producing its annual public report of personnel complaint data (paragraph 157).

## **6. NEXT STEPS MT**

In addition to working with the Parties and County Counsel to develop compliance metrics, key MT activities will include the following.

- The MT will work with KCSO to finalize its complaint policies for the field and jails (paragraphs 132, 133, and 135).
- The MT will work with KCSO to develop training materials for deputies, supervisors, and managers and facilitate approval of that material by the Monitors and DOJ (paragraphs 151, 152, and 153).
- The MT will provide consultation and TA, as requested and appropriate, to assist KCSO with developing complaint investigatory summary reports (paragraph 145) and its audit protocol to assess the effectiveness of its complaint processes (paragraph 154).

- Once policies and procedures are in place, the training has been provided, and sufficient time has passed to institutionalize the changes, the MT will conduct inspections and audits of completed cases to assess KCSO's level of compliance with the SJ requirements. (This is unlikely to occur in the next reporting period.)
- In addition to formal audits of public complaints, the MT will review 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 and responding to complaints received on its website (<https://kcsomonitoring.info>) related to the SJ.

### III. CONCLUSION

In the upcoming year, KCSO is well-positioned to complete several policy improvements, submit them for review and approval, and then move to the training and implementation phases. We expect KCSO will continue its critical partnership with the CAC to develop policies and build community policing strategies.

CAC members are all volunteers who dedicate their time and efforts to represent the community and improve relationships between KCSO and the public. Members of this body have expressed a desire for some dedicated administrative support to help them meet a crucial goal they have been asked to fulfill: to serve as a bridge between the Sheriff's Office and the community. This is a reasonable request that the MT believes would be a prudent investment and would help reduce turnover in the CAC.

We want to acknowledge the work of the former and inaugural members of the CAC for their diligence in helping to establish a solid foundation for this body over the past couple of years. We also appreciate the ongoing work and commitment of individuals who have dedicated themselves to carrying out the invaluable work of the CAC, and we look forward to continuing to engage with CAC members as they strive to advance the goals of the SJ.

As mentioned throughout this report, KCSO and the County face significant challenges that affect their ability to achieve compliance with the SJ within the established timeframes. The most notable challenges we have attempted to underscore in this report involve KCSO's ongoing struggles with severe staffing shortages in several of its operations and analytical limitations stemming from the County and KCSO's lack of adequate data to enable them to identify barriers to SJ implementation and potential solutions. These two challenges in particular, as well as others discussed in this report, will require ongoing attention and improved communication between county agencies and officials to ameliorate.

We look forward to a productive 2023.