



1350 Norris Road
Bakersfield, California 93308-2231

May 5, 2017

RE: Kern County Sheriff's Office 2016 PREA Agency Report

The Prison Rape Elimination Act (PREA) is Federal legislation enacted in 2004 and finalized in 2012 which consists of numerous requirements for all prison, jail and juvenile custodial facilities across the United States. The legislation also contains funding penalties for all facilities under the control of each state that do not become PREA compliant; however, no penalties were assigned to city or county agency facilities.

Although there are no penalties assigned to county facilities, the Kern County Sheriff's Office (KCSO) felt an obligation to the inmates detained in its facilities, as well as their families and the entire community to embrace the PREA legislation and its safety standards. KCSO established a PREA Compliance team led by a detentions lieutenant and two detentions sergeants who, in 2013 and 2014, revised many of KCSO's policies and procedures and established new policies to meet the compliance requirements of PREA.

Implementation began by training our staff. Security staff received training and instruction on the purpose of PREA, their related roles and responsibilities as well as agency goals. The staff learned the methods of prevention and detection of sexual abuse and harassment. They learned about responding to abuse, investigating it, and confidentiality requirements. Staff also learned about specific challenges faced by inmates who identify as lesbian, gay, bisexual, transgender, and intersex (LGBTI) and how to best ensure their safety while they are in our custody.

As an agency of law, KCSO has always responded to and investigated crimes occurring in its facilities. Now, supervisory staff assigned to the facilities have received specialized sexual abuse training in order to conduct investigations of reported sexual abuse within the detentions facilities. The training also included all medical and mental health staff, contractors and volunteers, who received training in their role as "first responders."

Screening procedures were revised to meet PREA standards. Each inmate booked into the facility is asked specific questions during the receiving process to help determine if they are at risk of being sexually abused or being abusive toward other inmates. This information along with other questions helps to determine the best place to house the inmate, and with whom.

The PREA standards require agencies to provide inmates who have experienced sexual abuse at any time in their lives with contact information for Rape Crisis Centers. KCSO contracts with Women's Center High Desert, Inc. to provide access to in-person rape crisis counseling and access to a 24 hour telephone hotline for inmate victims of sexual abuse.

All inmates receive education of their rights under PREA during the intake and booking process. This education includes methods for reporting sexual abuse, ways to avoid sexual abuse and notification of KCSO's zero tolerance policy towards sexual assault, abuse and harassment. This information is disseminated through several methods including informational posters, a brochure handout and a video in both English and Spanish language which is played daily in all facilities.

Audit History

In 2015, KCSO became one of the first California agencies to be certified as PREA compliant. After spending several years implementing the PREA standards, KCSO contracted with a certified Department of Justice auditor to conduct its first triennial audit cycle for each of its facilities.

The audit process began in January 2015 at KCSO's Central Receiving Facility, the Maximum-Medium facility, and its two sub-station jails in Mojave and Ridgecrest. In May 2015, the Pretrial and Minimum facilities began their audits.

The audit process includes the auditor's review of KCSO's policies, procedures, and practices to determine not only if they are in compliance with the requirements of the PREA standards, but to ensure that they also further the goal of preventing, detecting, and responding to sexual abuse in custody facilities.

Built into the audit process is a corrective action period in which the auditor and the PREA team work together to make final changes to policies or procedures in order to ensure best practices are in place to help safeguard inmates during their incarceration.

KCSO's PREA audits resulted in receiving full compliance ratings for each of its facilities. The complete audit report for each facility can be viewed online at kernsheriff.org

KCSO has again contracted with a certified PREA auditor for auditing of its facilities. The audits began in January 2017, and will continue through 2019. KCSO looks forward to once again leading the way among California sheriffs' offices by participating in the PREA audit process, to ensure compliance with PREA and its goals to keep inmates safe from sexual abuse.

Summary of KCSO 2016 Facility Reports

Upon completion of investigation and review, each allegation will be assigned one of the dispositions defined below:

Substantiated allegation – An allegation that was investigated and determined to have occurred.

Unfounded Allegation – An allegation that was investigated and determined not to have occurred.

Unsubstantiated Allegation – An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Central Receiving Facility

The Central Receiving Facility had an increase of reported sexual abuse incidents from 2015 (4 reported) to 2016 (5 reported).

Of the allegations in 2016, 3 were for inmate-on-inmate abuse:

- 1 substantiated report of abusive contact
- 2 unfounded incident of abusive contact

KCSO received two reports against staff at the Central Receiving Facility. Both of these reports were investigated by the KCSO Internal Affairs Unit and Sexual Assault and Abuse Investigation Unit (SAAIU) and were determined to be unfounded.

Mojave and Ridgecrest Substations

In 2016, the Mojave and Ridgecrest facilities did not receive any reports of sexual abuse (The Ridgecrest Facility stopped receiving and housing inmates June 30, 2016).

Lerdo Minimum

The Minimum facility received one unsubstantiated report of inmate on inmate sexual harassment in 2016. There were no other reports about sexual abuse or staff allegations from Minimum.

Lerdo Maximum-Medium

The Maximum-Medium facility had an increase of reported sexual abuse incidents from 2015 (5 reports) to 2016 (8 reports).

Of the allegations in 2016, 8 were for inmate on inmate abuse:

- 1 unsubstantiated report of nonconsensual sexual acts
- 2 unfounded reports of nonconsensual sexual acts
- 1 substantiated report of abusive sexual contact
- 2 unsubstantiated reports of abusive sexual contact
- 1 unfounded report of abusive sexual contact
- 1 unfounded report of sexual harassment

There were no reported allegations of staff sexual misconduct at the Maximum-Medium facility in 2016.

Although a higher number of incidents were reported from the Maximum-Medium facility in 2016, the investigations of all reported incidents show a decrease in substantiated allegations. One of the reasons for an increase in unfounded allegations is that inmates reporting abuse refused to cooperate with investigators. KCSO will be upgrading the camera system in the Maximum-Medium facility this year by adding 28 additional cameras and the ability to record video. This upgrade to the camera system should be a deterrent to filing false reports and increase our ability to investigate reported incidents even without a cooperating victim or witnesses.

Lerdo Pre-Trial

The Pre-Trial facility has seen an increase of reported sexual abuse incidents from 2015 (19 reports) to 2016 (25 reports).

Of the allegations in 2016, 21 were for inmate-on-inmate abuse:

- 1 substantiated report of nonconsensual sexual acts
- 4 unsubstantiated reports of nonconsensual sexual acts
- 5 unfounded reports of nonconsensual sexual acts
- 2 unsubstantiated reports of abusive sexual contact

- 1 unfounded reports of abusive sexual contact
- 2 unsubstantiated reports of sexual harassment
- 2 unfounded reports of sexual harassment
- 4 reports of nonconsensual sexual acts are still under investigation pending DNA evidence results

KCSO received four reports against staff at the Pre-Trial facility. All four reported allegations of staff misconduct have been thoroughly investigated by the KCSO Internal Affairs Unit and SAAIU and have been determined to have been unfounded or unsubstantiated.

Although Pre-Trial has seen an increase in reports, the addition of more cameras and video monitoring have aided investigators with all reports to determine what actually occurred in the facility. Investigators continue to monitor all known suspects and take preventative measures to stop future allegations of any misconduct.

Pre-Trial still has four reports pending further investigation by SAAIU. These reports are still open pending DNA results and other evidence, to determine if the complaints can be submitted to the District Attorney's Office for prosecution.

Conclusion

Review of the 2016 facility report data shows a noticeable increase in allegations of inmate on inmate sexually abusive contact or inappropriate touching. However, in several reports, investigation revealed the reported inappropriate touching was found to have occurred during 'horse playing' and there was no actual criminal intent.

Investigation and review of reported incidents has also revealed a trend of inmates making false allegations in an attempt to manipulate their assigned housing.

In 2015, KCSO received a total of 28 reports. Through investigation, eleven were found to have been substantiated. In 2016, KCSO received a total of 39 reports. Through investigation, only 3 were determined to have been substantiated. While the overall number of reports has increased, the number of reports found to be credible through investigation has decreased significantly. This decrease can be attributed to several factors including additional video monitoring, increased officer presence and improved investigation techniques.

While we have seen improvement in our PREA Compliance program, KCSO continues to look for ways to reduce incidents of sexual assault, abuse and harassment within our detentions facilities. Measures we have taken to improve our program include the implementation of an electronic security check documentation system which will provide real time compliance data to supervisors and increase staff visibility to the inmate population. KCSO is also pursuing expanded use of video technology within our Lerdo facilities which will improve our ability to identify and prosecute offenders.

Inmates have responded positively to our agency's efforts and have demonstrated confidence in our program as evidenced by the increase in reported incidents. One hurdle that still remains is increasing victim and/or witness cooperation in identifying perpetrator(s) so that they can be held accountable for their actions. While we have seen an increase in identifications, there is still room to improve. One goal of our PREA compliance program is to improve cooperation by continued demonstration of our ability to keep victims safe from retaliation through post incident monitoring. If we can convince the inmate victims to identify their abusers, we can increase the safety of all of our jails.

KCSO is committed to maintaining and enforcing the standards we have set for PREA compliance to ensure the safety and welfare of all persons in our custody and will continue to find ways in which we can improve.

Sincerely,

DONNY YOUNGBLOOD, Sheriff-Coroner

A handwritten signature in blue ink, appearing to read 'S. Castaneda', is written over the printed name of Donny Youngblood. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

By: Shelly Castaneda, Chief Deputy
Detentions Bureau