

REVISED MOTION BY SUPERVISORS SHEILA KUEHL
29, 2018
AND JANICE HAHN

MAY

Establish a Prison Rape Elimination Act (PREA) Implementation Team

In 2003, the United States Congress passed the Prison Rape Elimination Act (PREA) declaring a “zero tolerance” policy on sexual abuse in all U.S. prisons, jails, and detention facilities. The measure was signed into law and, in August of 2012, the U.S. Department of Justice issued a set of PREA Standards designed to prevent, detect, and respond to sexual abuse in adult prisons and jails, community confinement facilities, juvenile facilities, and lockups. These Standards included prevention planning, training and education, reporting, screening for risk of sexual victimization and abusiveness, official response following a report of sexual assault, investigations, discipline, medical and mental health care, data collection and review, and audits.

In November 2017, the Los Angeles County Board of Supervisors (Board) directed the Chief Executive Officer (CEO), in collaboration with the County Sheriff (Sheriff) and the Chief Probation Officer (Probation), to develop funding recommendations and a staffing model for a PREA Compliance Unit in each department. Also, the Sheriff's

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Civilian Oversight Commission (COC) established an ad hoc committee to work with the Sheriff to evaluate and support PREA compliance in the jails. In addition, Sheriff and Probation recently submitted reports on the progress they were making with PREA compliance, and, while both departments have made progress, there still remains much to do.

The development of fully established PREA Compliance Units in both departments requires the support of a dedicated implementation teams to put together detailed compliance plans for each department and to establish protocols to ensure that complaints of sexual assault are appropriately investigated. In evaluating the best mechanisms for independent investigation and PREA support, the implementation team should consider the form and function of the County Equity Oversight Panel, which is responsible for reviewing County equity investigations. During this growth process, the implementation team should work with both Sheriff and Probation to implement reform measures so that compliance is not delayed.

Although CEO has identified the staffing needed to support mature Compliance Units in both departments, the path to establishing these units requires different resources. Sheriff will dedicate staff to join the implementation team, which should include the addition of an Assistant Director, Bureau Operations, and one staff analyst position. County Counsel will dedicate staff, including two attorneys, one senior deputy county counsel and one deputy county counsel, and Probation will dedicate staff, which should include the addition of one Probation Director and one Assistant Probation Director for this implementation team. It is also critical that the County renew its

contract with the PREA consultant who has been advising both departments regarding compliance.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Direct County Counsel to coordinate and lead a PREA Compliance Implementation Team (Team) comprised of staff from CEO, Sheriff, and Probation to identify the steps required to achieve compliance with PREA in all County facilities and provide guidance to the Sheriff and Chief Probation Officer on implementing necessary reforms. This Team shall work collaboratively with County departments and stakeholders, including the Office of Inspector General, Correctional Health Services, Juvenile Correctional Health Services, Juvenile Mental Health Services, the Sheriff's Civilian Oversight Commission and the Probation Oversight Commission (when formed) to leverage County expertise and resources. The Team will take the following actions:
 - a. Create a detailed plan, with a timeline, to achieve compliance with PREA within the Sheriff's Department, including the formation of an internal Sheriff PREA Compliance Unit;
 - b. Create a detailed plan, with a timeline, to achieve compliance with PREA within the Probation Department, including the formation of an internal Probation PREA Compliance Unit;
 - c. Assess the viability of a centralized County PREA Compliance Unit, housed outside of both the Sheriff's Department and the Probation Department, to serve as a resource to both departments and County

Counsel, and to conduct administrative PREA investigations for Sheriff and Probation;

- d. Report back on whether it is feasible and advantageous for the Office of Inspector General to conduct the audits of Sheriff and Probation custody facilities required by PREA;
 - e. Re-evaluate the proposed composition of the teams necessary for each department to achieve and maintain compliance with PREA; and
 - f. Within 120 days, provide an update on progress made to accomplish these tasks.
2. Direct County Counsel and CEO to evaluate the Mental Health Services Act as a possible funding source to support PREA compliance activities.
 3. Direct CEO to give PREA the highest funding priority during the next budget phase for the PREA consultant and other positions specifically identified in this motion.