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# COUNTY OF LOS ANGELES PROBATION DEPARTMENT

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(562) 940-2501



**GUILLERMO VIERA ROSA**

Chief Probation Officer

April 30, 2024

TO: Supervisor Lindsay Horvath, Chair  
Supervisor Hilda L. Solis  
Supervisor Holly J. Mitchell  
Supervisor Janice Hahn  
Supervisor Kathryn Barger

FROM: Guillermo Viera Rosa  
Chief Probation Officer

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**SUBJECT: 60-DAY REPORT BACK - PROBATION DEPARTMENT'S PRISON  
RAPE ELIMINATION ACT (PREA) COMPLIANCE STATUS**

On March 19, 2024, on motion of Supervisor Solis, your Board instructed the Chief Probation Officer to ensure all facilities that hold incarcerated youth are PREA compliant with standards and training and to report back to the Board in 60-days on PREA compliance status.

## **I. FOUNDATION TOWARDS PREA COMPLIANCE**

In the fall of 2018, the Board of Supervisors demonstrated their commitment to this endeavor by engaging in a contract with Just Detention International (JDI) for consulting services on PREA standards and compliance implementation and instructed the Probation Department (Department) to establish an internal PREA unit. As reported by County Counsel in a report back to your Board on January 2, 2019, the Department created a PREA Unit with two approved items as requested (Probation Director and Assistant Director)<sup>1</sup>. The PREA Unit was created to assist the Department in managing the Departments efforts towards implementing the PREA standards and developing and monitoring sustainable efforts towards maintaining such compliance.

JDI is a health and human rights organization that seeks to end sexual abuse in all forms of detention<sup>2</sup>, and one of the foremost experts in PREA compliance. JDI was initially contracted for one year. Throughout the contracted year, JDI offered invaluable insights

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<sup>1</sup> Mary C. Wickham, County Counsel, "PREA Compliance Implementation Team Update" (Los Angeles Board of Supervisors, January 2, 2019), <https://file.lacounty.gov/SDSInter/bos/supdocs/123309.pdf>

<sup>2</sup> Just Detention International (JDI), "Mission" (Just Detention International, April 1, 2024), <https://justdetention.org/>

into the Department's current policies, procedures, and processes, assessing our alignment with PREA standards, and outlining initial steps toward compliance. In anticipation to a conclusion of the one-year contract with JDI, the Department pursued additional resources and were honored to be awarded the 2019 Implementing the PREA Standards, Protecting Inmates, and Safeguarding Communities FY 2019 Competitive Grant (PREA Grant) by The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP) Bureau of Justice Assistance (BJA).

## **II. TRAINING AND EDUCATION**

The grant, secured under the project plan titled "PREA Education Program," facilitated a comprehensive overhaul of the Departments' PREA education and training initiatives. The grant also facilitated ongoing collaboration with JDI, who served as grant coaches responsible for providing continuous technical and training support. This extended partnership with JDI allowed the Department to build upon the implementation strategy developed during the previous contract period, further solidifying efforts towards achieving PREA compliance. In addition to revising existing PREA training courses, the grant project facilitated a continued effort to expand educational programming, introducing specialized training modules and a variety of informational materials supporting PREA education. Prior to the sunset of the grant award in October 2023, the Department has successfully developed, began training, or has a plan to disseminate training through several crucial training courses aimed at enhancing our compliance with the PREA Standards.

Among the trainings developed during this period are:

- PREA Prevention Detection and Response
- PREA Prevention Detection and Response Annual Refresher
- PREA Volunteer and Contractor Training
- PREA Education for Non-Sworn Personnel Working in Juvenile Facilities
- Transportation Division PREA Annual Refresher
- Youth Comprehensive Education
- PREA Education for Personnel of Boards/Commissions/Committees.

Furthermore, the Department identified and leveraged trainings offered by the National Institute of Corrections to provide specialized training for investigators, while continuing to develop self-sustainable training programs that are tailored to the needs of the department and that align with best practices. The Department continues to collaborate closely with our partner agencies, the Department of Mental Health (DMH) and Juvenile Court Health Services (JCHS), to develop specialized trainings tailored to each operation in alignment with PREA standards. The Department remains dedicated to expanding

training and educational opportunities for individuals who have access to its juvenile facilities, beyond those covered by the nine identified trainings/educational curriculums.

In addition to expanding general PREA education training throughout, the Department has developed and/or secured numerous educational resources to publicize PREA and related education across our facilities in an effort to educate a variety of audiences. For instance:

- Youth education is integrated into various resources, including youth handbooks, Zero Tolerance Youth Education posters displayed throughout the facilities, PREA Youth Education pamphlets distributed during intake, and comprehensive youth education provided during facility orientation processes.
- Parent/Guardian/Visitor Education is included in parent/guardian handbooks, available through Parent/Guardian Education Pamphlets, and Zero Tolerance Parent Education Posters posted in facility lobbies and areas that may be utilized for visitation.
- For staff and other personnel working within the facilities:
  - First Responder Education cards are prominently displayed in staff locations within all living units as a reminder of the steps to take when responding to sexual abuse/harassment.
  - Opposite Gender Announcement Alert reminders are posted outside of each living unit to remind personnel of the opposite gender of housed youth to announce themselves when entering units in accordance with training requirements and expanding modesty protections.
  - Non-Sworn education pamphlets have been developed to provide to non-sworn personnel during training.

Additionally, the Department has secured and continues to make additional resource materials such as pamphlets and signage from the Office of Youth and Community Restoration Ombudspersons, as a third-party reporting agency, available to all.

### **III. COMPLIANCE STATUS**

Training and education are specifically addressed in only five of the fifty-one standards required for PREA compliance. The robustness of the Department's education program and continued plans to expand, speaks to the involvement of each of the PREA standards and their intended effect on an organizations culture. In a memorandum from the President of the United States regarding Implementing the Prison Rape Elimination Act, then President George Bush states, "In addition to adopting such standards, the success of PREA in combating sexual abuse in confinement facilities will depend on

effective agency and facility leadership and the development of an agency culture that prioritizes efforts to combat sexual abuse.”<sup>3</sup> The Department has taken great care in ensuring that the processes and procedures developed or adapted to comply with the PREA standards are not only checked for compliance, but continue to be incorporated as part of the Department’s culture of care in addressing sexual abuse and harassment.

Table 1.1 reflects the Department’s cumulative compliance with the PREA standards. The National PREA Resource Center simplifies grouping of standards into 12 categories as reflected in the table. The Department utilizes audit tools provided by the National PREA Resource Center<sup>4</sup> to deduce levels of compliance, with a combination of standards and sub-standards pursuant with current documented proofs of practice. The Department utilizes the same measure of compliance determination in identifying its compliance or non-compliance with each of the standards, as required with official audits. Standards are only found in compliance when all sub-standards have an accountable proof of compliance or have been properly addressed.

Table 1.1

| PREA Standards Category <sup>5</sup>                              | Standards | Sub-Standards | Percentage of Compliance |
|---|-----------|---------------|--------------------------|
| Prevention Planning   | 8         | 50            | 66%                      |
| Responsive Planning   | 2         | 15            | 20%                      |
| Training and Education  | 5         | 36            | 89%                      |
| Screening for Risk of Sexual Victimization and Abusiveness        | 3         | 27            | 100%                     |
| Reporting   | 4         | 29            | 90%                      |
| Official Response Following an Inmate Detainee or Resident Report | 8         | 32            | 87%                      |
| Investigations  | 3         | 29            | 83%                      |
| Discipline  | 3         | 13            | 100%                     |
| Medical and Mental Care   | 3         | 16            | 100%                     |
| Data Collection and Review  | 4         | 28            | 5%                       |
| Audit and State Compliance <sup>6</sup>                           | 6         | 37            | 0%                       |

<sup>3</sup> President of the United States, “Implementing the Prison Rape Elimination Act” (May 17, 2012), Executive Documents,

<https://uscode.house.gov/view.xhtml?path=/prelim@title34/subtitle3/chapter303&edition=prelim>

<sup>4</sup> National PREA Resource Center, “Audit- Core Components” (April 1, 2024),

<https://www.prearesourcecenter.org/audit/instrument/core-components>

<sup>5</sup> National PREA Resource Center, “Implementation- Juvenile Facility Standards” (April 1, 2024),

<https://www.prearesourcecenter.org/implementation/prea-standards/juvenile-facility-standards> | PREA ([prearesourcecenter.org](https://www.prearesourcecenter.org))

<sup>6</sup> The Audit and Corrective Action PREA Standards relate directly to audits by DOJ-Certified PREA Auditors and the Department's corrective action period, and appellate rights after an audit. The Department has not been audited therefore these Standards do not yet apply.

|               |           |            |            |
|---------------|-----------|------------|------------|
| Definitions   | 2         | 2          | 100%       |
| <b>Totals</b> | <b>51</b> | <b>314</b> | <b>70%</b> |

Much of the compliance efforts have directly impacted Department policies and procedures. Over the past several years, the Department has undertaken substantial revisions to department policies to ensure alignment with PREA requirements. These revisions have encompassed various aspects of juvenile probation, including Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex (LGBTQI+) supervision, searches, grievances, reporting, investigating sexual abuse and harassment, and additional safeguards mandated by PREA standards.

The process of revising or developing policies to ensure PREA compliance has been meticulous and comprehensive. It has involved a multi-step approach aimed at integrating PREA standards into our existing department policies and practices while also addressing the unique needs and circumstances of our juvenile probation system.

In collaboration with JDI, the Department conducted a thorough review of the PREA standards to identify areas where our existing policies required revision or development. This involved close collaboration between PREA compliance, County Counsel, various internal Department operations, and other relevant stakeholders to ensure a comprehensive understanding of PREA requirements and their implications for our organization. Since specific policies were identified for revision or development, our department continues to execute a painstaking process of drafting and refining policies to ensure they are PREA compliant. This process involves extensive research, consultation with PREA experts and other jurisdictions, and consideration of best practices in juvenile probation and PREA compliance. The Department has ensured that the revised or developed policies not only met PREA standards but also aligned with our department's overarching policies, practices, and values. This required careful consideration of how PREA requirements could be integrated into our existing framework while maintaining consistency and coherence across all aspects of our department.

A notable portion of the remaining non-compliant standards pertain to the establishment and formalization of relationships with various agencies. For example, the Department has engaged in developing relationships with local rape crisis centers that provide victim support services. Unfortunately, due to the pandemic of 2020 and closures of department facilities, some established agreements and services have been suspended or are pending reengagement. Additional relationships that require formalization include local law enforcement agencies for investigative services and the enhancement of policies alongside the development of coordinated response plans with DMH and JCHS.

Another element of compliance that the Department continues to develop is data collection. Compliance with a core of the PREA standards is required to ensure that proper data collection can be managed. As uniform terminology is required to ensure accurate data points can be collected among all stakeholders involved in every aspect of PREA compliance. It is imperative to properly finalize data collection processes in

alignment with PREA standards. This involves identifying required data points, establishing clear procedures for collection and storage, and developing policies outlining how data will be managed.

Such notable initiatives include but are not limited to:

- The PREA Risk of Sexual Victimization and Abusiveness Screening Tool (RSVAST)- The RSVAST has been integrated into our Probation Electronic Medical Records System to enhance privacy protection. This tool not only aligns with PREA standards but also with the mandates outlined in the Board of State and Community Corrections (BSCC) Title 15 regulations<sup>7</sup>. Developed to evaluate youth upon their arrival at each facility and periodically during their custody, the RSVAST assesses both vulnerability to victimization and propensity for victimizing others. As part of the PREA Grant project, training was developed for this program to ensure that staff know how to interview youth, properly complete the tool, and post actions as a result to outcomes from the tool.
- PREA Unit Facility Monthly/Bi-Monthly Site Inspections - These monthly and bi-monthly inspections have been implemented to ensure that each juvenile facility maintains the compliance efforts implemented by the Department. As site inspections coincide with the DOJ settlement agreement, the department collaborates closely with the Office of Inspector General (OIG) to ensure the accurate execution of the inspection process. Moreover, a transparent reporting process is maintained and communicated with the OIG. For example, the site inspections monitor the following:
  - Zero tolerance sexual abuse/ harassment posters
  - Grievances accessibility and signage
  - Youth phones operability
  - Restroom privacy panels/curtains
  - First responder education cards
  - OYCR Ombudsman signage
- PREA Retaliation Monitoring - The Department has implemented, through the PREA Unit, a retaliation monitoring process pursuant to PREA standards that provided monitoring and periodic checks with youth and staff that report and/or

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<sup>7</sup> Board of State and Community Corrections, "Title 15 Minimum Standards for Juvenile Facilities," (Sacramento: Board of State and Community Corrections, January 1, 2019), section 1350.5, <https://bscc.ca.gov/wp-content/uploads/Juvenile-Title-15-Effective-2019-1-1.pdf>.

are victims of reported incidents of sexual abuse/harassment.

- Incident Accountability Monitoring - The Department monitors reported incidents of sexual abuse and harassment to ensure that incidents are investigated pursuant to department policies. This process also involves an interactive process between the PREA Unit and Internal Affairs to monitor investigative processes.
- PREA Compliance Support - The Department utilizes the PREA Unit as subject matter experts to provide support regarding all PREA related matters to all internal and external stakeholders responsible for PREA measures.

This assessment is based on documentation and does not reflect the significant commitment which it has made to enhance sexual safety within its juvenile facilities. For example, such measures include but are not limited to:

- Elimination of "Shower-Trees" for individual shower stalls in all sites
- Installation of shower and toilet privacy panels / curtains in all multiple use restrooms
- Elimination of double bunking
- Development of Grievance Management System (GMS) (Formerly Juvenile Institutions Grievance System (JIGS)) and Kiosk Systems
- Installation of CCTV systems throughout all juvenile facilities
- Electronic Room Check Safety System

#### **IV. CONCLUSION**

While our department currently stands at 70 percent compliance with PREA standards, it's important to acknowledge that compliance is an ongoing process that requires continuous improvement and dedication. Despite not yet reaching full compliance, we are actively working towards meeting the additional requirements set forth by PREA. The ongoing self-assessments align with the PREA auditing philosophy:

*It is also important to make clear that the audit, including any required corrective action, is not intended to be a "gotcha" process. While corrective action may be perceived as failure by confinement facilities and agencies seeking PREA compliance, DOJ views corrective action as an important opportunity to enhance safety and promote a zero-tolerance culture for sexual abuse and sexual harassment. In fact, the PREA audit was built on the assumption that full compliance with every discrete provision would, in most cases, require corrective action. It is important for auditors to emphasize this message throughout the audit process. By characterizing the audit as an opportunity for positive*



*change, the auditor sets realistic expectations for the initial findings of the audit and frames the process as one that is of value to the facility or agency and will result in positive changes that enable the facility or agency to prevent, detect, and respond to sexual abuse and sexual harassment of persons confined in the facility more effectively.<sup>8</sup>*

Our commitment to compliance goes beyond just meeting the minimum standards; it extends to fostering a culture within our Department that prioritizes the safety, dignity, and well-being of all individuals under our supervision. We recognize that achieving full compliance with PREA involves more than just updating policies and procedures; it requires a shift in organizational culture and mindset.

We remain dedicated to effecting this change by implementing comprehensive training programs, increasing awareness and understanding of PREA standards among staff, and fostering a culture of accountability and transparency. Additionally, we are actively engaging with stakeholders, including community partners, advocacy groups, and PREA experts, to leverage their expertise and support in our compliance efforts.

While compliance may take time, we believe that by approaching it thoughtfully and deliberately, we can create lasting change within our department. With additional time and resources, we are confident that we can achieve full compliance in a manner that is appropriate and sustainable, ultimately enhancing the safety and well-being of those under our care.

## **V. NEXT STEPS**

As we continue towards achieving full compliance with PREA standards, we have identified a series of next steps that will guide us along this path. These next steps represent our commitment to fostering a culture of safety, accountability, and transparency within our organization while upholding the highest standards of professionalism and care for those under our supervision. By following this path, we are confident that we can continue to work towards the goal of full compliance with PREA standards and ensure the well-being of all individuals in our care.

1. Explore committing additional personnel to expand compliance monitoring program. In November 2023 and April 2024, the team welcomed three new staff members, supplementing the initial two budgeted positions. These recruits will aid in overseeing ongoing compliance endeavors and bolster efforts to establish a sustainable compliance program specifically geared towards PREA compliance, such as, but not limited to, education, accountability and dissemination, retaliation monitoring, site compliance and support, and other PREA compliance efforts as needed.

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<sup>8</sup> National PREA Resource Center, "PREA Auditor Handbook" (November 2022), <https://www.prearesourcecenter.org/sites/default/files/library/PREA%20Auditor%20Handbook%20V2.1%20-%20December%202022.pdf>

2. Establish collaborative partnerships with local law enforcement agencies to formulate Memorandums of Agreement/Understanding outlining investigative protocols and procedures for youth in custody.
3. Renew or establish Memorandums of Agreement with local Rape Crisis Centers to ensure the provision of victim support services within juvenile facilities.
4. Continue collaboration with JCHS and DMH to update, create, and enforce policies, processes, and procedures aimed at addressing sexual response and providing ongoing care services.
5. Strengthen operational investigative policies, procedures, and training to ensure timely, comprehensive, and equitable completion of investigations.
6. Develop and implement robust and actionable incident review processes.
7. Finalize Departments data collection processes regarding incidents of sexual abuse and harassment, in preparations for publication.
8. Continue enhancing the quality of current compliance efforts, maintain compliance and foster more comprehensive monitoring practices for accountability.
9. Collaborate with the Office of Inspector General (OIG) to establish common terminology and devise systems aimed at facilitating seamless audits. By fostering collaboration with the OIG, we aim to streamline the audit process.
10. Explore Mock Audit Assessments to assess the Department's compliance with PREA Standards and if needed, address any systemic deficiencies as identified.

If you have any questions, please feel free to contact Chief Deputy Kimberly Epps at (562) 940-2513. We are available to discuss with you any of the items listed in further detail.

GVR:KE:LD:nm

c: Justice Deputies  
Office of Inspector General  
Probation Oversight Commission



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

## HALL OF JUSTICE

ROBERT G. LUNA, SHERIFF



June 12, 2024

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

### **PRISON RAPE ELIMINATION ACT COMPLIANCE STATUS IN THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT COUNTY JAILS**

On March 19, 2024, the Board of Supervisors (Board) directed the Los Angeles County Sheriff's Department (Department) to ensure all facilities that hold incarcerated adults are Prison Rape Elimination Act (PREA) compliant with standards and training; and report back to the Board in writing in 60 days on PREA compliance status. This report summarizes the Department's PREA compliance status and progress toward PREA compliance.

#### **Background**

The PREA was passed in 2003 with unanimous support from both parties in the United States Congress. The purpose of PREA was to provide direction for the analysis of the incidence and effects of prison rape in federal, state, and local institutions. Additionally, this federal act provides information, resources, recommendations, and funding to protect individuals from prison rape. Compliance requires changes in inmate classification practices, reviews of allegations of sexual harassment and sexual abuse, education of staff and inmates, and policy changes. In 2018, the Board committed their support to the Department to become compliant with the PREA standards and sent members of the Los Angeles County Office of the Inspector General (OIG) to become certified United States Department of Justice PREA auditors. In 2019, the Department hired a Certified PREA Auditor to be the Assistant PREA coordinator for the Department.

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To become compliant, the Department must adhere to 45 PREA standards and over 300 provisions within those standards. To attain compliance with PREA, the Department created a zero-tolerance policy toward all forms of sexual abuse and sexual harassment in our jails. The Department enforces all federal, state, and local laws pertaining to incidents of staff and inmate sexual abuse and sexual harassment. All sexual abuse and sexual harassment allegations are investigated promptly, thoroughly, and objectively by the Department. The Department is committed to maintaining an organizational culture of zero-tolerance toward all forms of sexual abuse and sexual harassment through annual training of staff, volunteers, contractors, and inmates.

During the booking process, every inmate is advised they can and should report allegations of sexual abuse or sexual harassment to staff, CrimeStoppers telephone hotline, volunteers, contractors, the American Civil Liberties Union, the OIG, a friend, or a relative who can report on their behalf. Informational PREA posters are located in all inmates' common areas within housing throughout the Department. The informational PREA posters provide information regarding the Department's zero tolerance of sexual abuse and sexual harassment and how inmates can report sexual abuse and sexual harassment. Additionally, during the booking process at the Inmate Reception Center and the Century Regional Detention Facility (CRDF), a PREA video orientation video is shown to inmates to inform them of the Department's zero tolerance policy and how to report sexual abuse and sexual harassment.

### **PREA Allegations of Sexual Abuse and Sexual Harassment**

The Department's Office of PREA Compliance (OPC) diligently investigates all allegations of sexual abuse and sexual harassment involving inmates in the Department's custody. All allegations of sexual abuse and sexual harassment are documented in OPC's PREA Allegation Alert Database. For all substantiated and unsubstantiated allegations of sexual abuse, the Department conducts a Sexual Abuse Incident Review (SAIR) as required per the PREA standard 115.86. Ordinarily, the SAIR occurs within 30 days of the conclusion of the investigation. The incident review is conducted by upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.

The SAIRs are important because they provide the Department with the opportunity to evaluate incidents and address factors that may have contributed to the sexual abuse. The SAIR considers whether the incident or allegation was motivated by race, ethnicity, gender identity, gang affiliation, or other group dynamics of the jail. Additionally, SAIR assesses the presence of physical barriers, the adequacy of staffing levels, and determines whether monitoring technology should be deployed or augmented to supplement supervision by staff.

**Follow-Up to the Department's 2018 Board Report Back**

The Board asked the Department, on April 4, 2018, to report on PREA Compliance. The report identified three priorities to move toward PREA implementation - Facility Analysis, Training, and Data Collection.

Facility Analysis - The OPC inspects all the Department's custody facilities and patrol station jails to evaluate the effectiveness and accuracy of staffing plans, identifies potential blind spots, evaluates inmate privacy, and confirms opposite gender announcements are made. During the Department's PREA site inspections, OPC staff evaluate and determine design flaws that may lead to sexual abuse and sexual harassment. As dictated by PREA standard 115.13, a standardized staffing plan has been created for all patrol stations and must be reviewed annually by the facility captain in consultation with the PREA Coordinator. The OPC regularly meets with the captains of all patrol stations and custody facilities to discuss what is observed during the facility inspections.

The PREA standard 115.41 requires the use of a classification system that identifies potential victims of sexual abuse and potential sexual predators. In September 2019, a PREA Risk Assessment Classification Tool was utilized for the female inmates housed at CRDF. The OPC is in its final stages of development of an agency-wide PREA Risk Assessment Classification Tool. The agency-wide tool will incorporate the lessons learned from the 2019 tool and implement the requirements of PREA standard 115.41 at all the Department's custody facilities. Implementation of the agency-wide PREA Risk Assessment Classification Tool is expected in the fourth quarter of 2024.

The OPC was recently staffed with five custody assistants who monitor and maintain the PREA Allegation Alert Database, PREA Transgender Re-Assessment reports, and the PREA Retaliation Monitoring reports for the entire Department. This data is essential to the leadership of the Department's custody facilities and patrol stations. This data allows the Department's leadership to mitigate trends in reported PREA allegations, the length of time for the investigations, and the outcome of the investigations.

The Department Facility Planning Bureau partnered with the OPC to author a PREA policy. The policy requires the Department PREA coordinator to be included in the review process of all facility upgrades and substantial modifications as dictated in PREA Standard 115.18. The OPC has used this partnership to facilitate the installation of 136 closed-circuit television cameras in the Department's inmate processing and housing areas.

Training - PREA Standards 115.31 and 115.32 require all staff, volunteers, and contractors who have contact with inmates to receive PREA training. At the direction of the OPC, the Department's Custody Training and Standards Bureau provides all new deputies and custody assistants with three hours of PREA training as part of their Academy Jail Operations training. The OPC created and distributed a PREA training video for all volunteers and contractors who have contact with inmates within any Department facility. The OPC created and distributed a training video for the Department's sworn and civilian staff, which is monitored and distributed through the LA County Learning Management System (LMS).

The OPC distributed the Department's PREA education video for inmate workers to all patrol stations as required by PREA Standard 115.33. New PREA signage, inmate pamphlets, and first responder cards were distributed to all custody facilities. The PREA resources were created for inmates with limited English proficiency and inmates who are deaf or visually impaired. The OPC created specialized training for all medical personnel, which was placed on the Department of Health Service's LMS. All investigators from the Internal Affairs Bureau, Internal Criminal Investigation Bureau, and Custody Investigation Services were directed to complete three hours of PREA training for the investigation of sexual abuse in confinement settings.

Due to matriculation, promotion, and frequent transfers throughout the Department, the Department must continuously and aggressively train our transitory staff. To maintain our staff's PREA awareness and improve the sexual safety of the Department's inmates, the Department has initiated an annual PREA refresher training video in the LMS which is available to all Department personnel via their computer. The Department uses the LMS as a tool to attain institutionalization across the Department. Additionally, the LMS allows us to monitor who has received the training for audit compliance. This automated system provides uniformity, tracking, and proof of practice, which is critical to attaining PREA compliance. In response to the corrective action received in the Department's recent PREA audits (detailed below), the OPC is developing LMS training that will institutionalize PREA policy updates. Additionally, once per month, the Department requires all personnel to read the PREA Zero Tolerance Policy as part of their login process to access any Department computer.

Data Collection - The OPC created the Department's PREA Allegation Alert Database to capture and monitor the investigations of all allegations of sexual abuse and sexual harassment. The Department's sergeants and lieutenants are trained to enter all reported allegations of sexual abuse and sexual harassment into this database by the end of their shift. As required by the PREA standards, allegations of sexual abuse and allegations of sexual harassment are divided into 4 categories: Inmate on Inmate Sexual Abuse, Inmate on Inmate Sexual Harassment, Staff on Inmate Sexual Abuse, and Staff on Inmate Sexual Harassment. This data is summarized on a quarterly basis

and published on the publicly available Transparency Webpage. Additionally, this data is published in the Department's PREA Annual report, which is a requirement of PREA standard 115.87.

### Statistical Data

The following tables show the number of sexual abuse and sexual harassment allegations submitted during 2022 and 2023.

As defined in PREA standard 115.6, sexual abuse and sexual harassment investigations can have one of the following outcomes:

- Substantiated Allegation - an allegation that was investigated and determined to have occurred.
- Unsubstantiated Allegation - an allegation that was investigated and insufficient evidence was obtained to determine if the allegation did or did not occur.
- Unfounded Allegation - an allegation that was investigated and proven to not have occurred.

#### **2022 Allegations of Sexual Abuse and Sexual Harassment\***

\*Source: OPC PREA Allegation Database February 28, 2024, Query

| <b>Inmate / Inmate</b> | <b>Sexual Abuse</b> | <b>Sexual Harassment</b> |
|------------------------|---------------------|--------------------------|
| Unfounded              | 37                  | 24                       |
| Unsubstantiated        | 17                  | 6                        |
| Substantiated          | 0                   | 2                        |
| Total                  | 54                  | 32                       |

| <b>Staff / Inmate</b> | <b>Sexual Abuse</b> | <b>Sexual Harassment</b> |
|-----------------------|---------------------|--------------------------|
| Unfounded             | 33                  | 27                       |
| Unsubstantiated       | 3                   | 5                        |
| Substantiated         | 0                   | 0                        |
| Total                 | 36                  | 32                       |



**2023 Allegations of Sexual Abuse and Sexual Harassment\***

\*Source: OPC PREA Allegation Database February 28, 2024, Query

| <b>Inmate / Inmate</b> | <b>Sexual Abuse</b> | <b>Sexual Harassment</b> | <b>Staff / Inmate</b> | <b>Sexual Abuse</b> | <b>Sexual Harassment</b> |
|------------------------|---------------------|--------------------------|-----------------------|---------------------|--------------------------|
| Unfounded              | 16                  | 7                        | Unfounded             | 19                  | 23                       |
| Unsubstantiated        | 18                  | 2                        | Unsubstantiated       | 3                   | 3                        |
| Substantiated          | 3                   | 1                        | Substantiated         | 0                   | 0                        |
| Total                  | 37                  | 10                       | Total                 | 22                  | 26                       |

The total number of combined allegations (sexual harassment and sexual abuse) for calendar year 2023 decreased from 154 allegations to 95 allegations, which is a decrease of 38 percent compared to calendar year 2022.

In 2022, the OPC launched a PREA training campaign for both staff and inmates. The additional training developed awareness of sexual harassment being a grooming mechanism in the sexual abuse continuum. There was a 31 percent decrease of Inmate on Inmate sexual abuse allegations and a 69 percent decrease in Inmate on Inmate Sexual Harassment allegations. The Department's efforts towards the institutionalization of the PREA standards have better equipped staff and inmates to recognize the beginning phase of sexual abuse/harassment. Therefore, the Department promoted early reporting and prevented escalation to more violent sexual acts.

Beginning in June of 2022, the PREA Comprehensive Inmate Education form and PREA Zero Tolerance pamphlet were provided to all inmates who were booked into any Department facility. The Department's policy was created to direct patrol division personnel to provide this information to arrestees. The PREA Comprehensive Inmate Education form and PREA Zero Tolerance pamphlet provided inmates with the knowledge of the Department's zero tolerance for sexual abuse and sexual harassment and provided them with the definitions of sexual abuse and sexual harassment.

In 2023, there was a 39 percent decrease in Staff on Inmate Sexual Abuse and a 19 percent decrease of Staff on Inmate Sexual Harassment allegations for the same year. The addition of five custody assistants to the OPC significantly decreased PREA Allegation Alert Database processing time, facilitated the Department's ongoing training and awareness efforts, and directly improved the sexual safety of the Department's inmate population. The additional staffing allowed the OPC to screen all PREA sexual



abuse and sexual harassment allegations and determine if the allegations were substantiated, unsubstantiated, or unfounded. As evidenced in the table above, the Department is on track to institutionalize the PREA standards and improve sexual safety throughout the Department's custody divisions and patrol divisions.

## **Audits**

In 2022, the Department informed the OIG that the Department was ready to begin audits of the Department's patrol station jails. The Department OPC worked in collaboration with the OIG to prepare for audits. The Department provided the OIG PREA auditors with the materials necessary to facilitate the audit. The OIG's certified PREA auditors were full-time employees with OIG, which afforded the OIG more time to commit to reviewing policies, attending meetings, and interviewing staff and inmates to evaluate if the PREA standards were being met. Nowhere in the United States do PREA auditors have the time to conduct a thorough audit as provided by the OIG. The majority of PREA audits across the country consist of one auditor with limited time. The station jail audits had three certified PREA auditors who provided a thorough examination of each standard. Because the PREA standards demand each jail facility be audited at least every three years, the PREA compliance process requires the Department to have an ongoing commitment.

Beginning in September of 2022, the OPC conducted the Department's first-ever PREA audits. These initial audits were conducted at Lakewood, Marina del Rey, Lomita, and East Los Angeles patrol stations. With each of the four initial audits, the OPC developed methods to meet more standards across the Department.

Many of the 19 PREA standards the Department passed are Department-wide and compliance will be maintained in future PREA audits when policies are institutionalized. Of the 35 PREA standards, Lakewood station passed eight standards. Marina del Rey station passed 15 standards, Lomita station passed 19 standards, and East Los Angeles station passed 19 standards. The Department's growth and improvement are evidenced by the increased number of passed standards. Of the 16 standards, the Department was found to be non-compliant and 14 required policy updates.

According to the Bureau of Justice Assistance, U.S. Department of Justice PREA Auditor Handbook published in March of 2021, "non-compliance and corrective action are normal and expected parts of the PREA audit. Recognizing there are several hundred specific requirements in the PREA standards, it is expected that very few confinement facilities will be in full compliance with all the PREA standards without undergoing some corrective action. For this reason, the auditor's role goes beyond identifying deficiencies in policy, procedure, and practice and includes recommending

corrective actions and serving as a guide to facilities and agencies as they make the changes necessary to become PREA compliant.”

The essential element of any PREA audit is the corrective action period. For all the PREA standards not passed by the Department, a corrective action was developed and approved by the OIG PREA auditors. Over 12 PREA policies were revised. Once signed and approved, these policy revisions will be implemented and institutionalized across the Department.

The Department is dedicated to attaining PREA compliance. Following the four audits, the Department assigned a dedicated sergeant within the OPC to focus on the specialized needs of our patrol station jails and prepare for future audits. The OPC sergeant assigned to patrol oversees on-site PREA inspections and works with the training unit at each patrol station to institutionalize the PREA standards with the Department’s patrol personnel. Additionally, the Department deployed four sergeants to function as full-time PREA Compliance Managers (PCM) who oversee all aspects of PREA compliance at the Department custody facilities. Before these PCMs were put in place, PREA compliance was a collateral duty for a sergeant at the facility. This did not allow that sergeant sufficient time to coordinate the facility’s efforts to comply with the PREA standards. The OPC’s PCMs are responsible for investigating all allegations of sexual abuse and sexual harassment, on-site training, and institutionalizing the PREA standards at their respective facility. These full-time PCMs report directly to the Department PREA Coordinator and are integral in gaining PREA compliance. The presence of a full-time PCM exceeds the requirements of the PREA standards. Note, inmate on inmate criminal investigations of sexual abuse is handled by the Department’s Jail Investigation Unit (JIU).

### **Proposed Next Steps to Achieve and Maintain PREA Compliance**

- The OPC to fill remaining positions approved by the Board - 1 sergeant and 1 operations assistant II. The remaining sergeant will coordinate Gender Identity Review Board meetings (transgender-female movement to female housing meeting), SAIRs, JIU detective investigations, PREA audits, and act as the PCM for PREA allegations in all areas outside of the Departments patrol and custody divisions. The remaining operations assistant II will assist with the coordination, planning, and organization of the annual PREA audits of the Department’s 18 patrol stations and eight custody facilities.
- As of January 6, 2023, 3,659 Department employees, who were hired prior to January 1, 2001, have not been live scanned. To comply with PREA standard 115.17, all Department employees must be live scanned. Therefore, the Department is requesting a one-time allotment of \$260,500 to Livescan Department employees.

- In 2018, Peace Over Violence of Los Angeles (POV) received a five-year grant from the Interpersonal Violence & Underserved Victims Division, California Governor's Office of Emergency Services. The grant provided funding for POV to operate a telephone hotline for CRDF, Twin Tower Towers Correctional Facility, and Men's Central Jail inmates. This hotline connected inmates with a trained sexual trauma counselor. When this grant expired in 2023, POV was not able to provide services for the Department because they did not have their own funding source. POV has provided the Department with a quote to provide this service for one year for \$125,000. The Department is currently looking at ways to fund this project.
- Finalize, implement, and institutionalize policy revisions recommended by the PREA auditors.
- Create a standardized staffing plan to be institutionalized throughout the Department's Custody Division in accordance with PREA Standard 115.13.
- Initiate PCM PREA Inspection Process throughout the Department's Custody Division.

## Summary

The Department is steadfast in our commitment to prevent, detect, respond, and monitor sexual abuse and sexual harassment in our custody facilities. Each allegation is investigated promptly, thoroughly, and objectively by a qualified investigator. If any issues or trends are identified, they are immediately addressed. This may include modifications to existing policies, procedures, education materials, training, and facility upgrades. Special attention is given to physical plant limitations and the need for video monitoring equipment.

The PREA compliance is achieved when a certified PREA auditor completes a thorough audit and finds the facility to be in compliance with all of the PREA standards. This process will continue for each facility once every three years beginning with that facility's first audit. The goal of the Department is to be compliant with all 45-custody facility PREA standards and all 35-patrol station PREA standards. The Department has and will continue to make the institutionalization of the PREA standards a department-wide priority.

Should you have any further questions, please contact Assistant Director John Barkley, Office of PREA Compliance, at (323) 526-5314.

Sincerely,

A handwritten signature in blue ink that reads "R. Luna". The signature is written in a cursive style with a large, stylized "L" and a small "R".

ROBERT G. LUNA  
SHERIFF



# COUNTY OF LOS ANGELES OFFICE OF INSPECTOR GENERAL

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## MEMBERS OF THE BOARD

HILDA L. SOLIS  
HOLLY J. MITCHELL  
LINDSEY P. HORVATH  
JANICE HAHN  
KATHRYN BARGER

MAX HUNTSMAN  
INSPECTOR GENERAL

July 19, 2024

TO: Supervisor Lindsey P. Horvath, Chair  
Supervisor Hilda L. Solis  
Supervisor Holly J. Mitchell  
Supervisor Janice Hahn  
Supervisor Kathryn Barger

FROM: Max Huntsman  
Inspector General

A handwritten signature in black ink, appearing to be "Max Huntsman".

SUBJECT: **REPORT BACK ON THE PROBATION DEPARTMENT'S COMPLIANCE  
WITH THE PRISON RAPE ELIMINATION ACT (PREA)  
(ITEM NO. 10, AGENDA OF MARCH 19, 2024)**

On March 19, 2024, the Board of Supervisors (Board) passed a [motion](#) instructing the Office of Inspector General to review the Probation Department's PREA compliance status report, and report back to the Board in writing within 60 days with recommendations and proposed next steps for the Probation Department to achieve and maintain PREA compliance. The Department provided the Office of Inspector General with its report back dated April 30, 2024, which states that the Department was compliant with 70% of the PREA standards. The Probation Department's compliance determination was based on a self-assessment by the Department and not a California Department of Justice certified PREA auditor. Only a PREA audit can accurately determine compliance with PREA standards. The Probation Department's report back includes 10 recommendations to achieve future compliance.

In the following report, the Office of Inspector General identifies nine recommendations that the Probation Department should prioritize to achieve and maintain PREA compliance. The recommendations highlight potential areas of development rather than proposing specific solutions to achieve compliance, in part due to Office of Inspector General's dual role as an oversight agency and the Department of Justice certified audit team that will audit the Probation Department in the future. By identifying potential issues and risks, the recommendations can assist the Department with taking steps to address deficiencies.

## **Zero Tolerance Policy; PREA Compliance Managers – PREA Standard 115.311<sup>1</sup>**

PREA Standard 115.311(a) requires that “[a]n agency shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency’s approach to preventing, detecting, and responding to such conduct.” The Office of Inspector General reviewed the Probation Department’s written policy mandating zero tolerance toward all forms of sexual abuse, sexual assault, and sexual harassment in facilities it operates.

While Detention Services Bureau Policy-1501 *Introduction to Prison Rape Elimination Act (PREA)* and the introduction to the [Residential Treatment Services Bureau Policy 1600, Prison Rape Elimination Act \(PREA\)](#), contain identical language stating the Probation Department’s zero tolerance of sexual abuse, sexual assault, and sexual harassment, the introductions do not outline the agency’s approach to preventing, detecting, and responding to sexual abuse, sexual assault, and sexual harassment. To ensure sexual safety in day-to-day operations, the Probation Department must create a robust zero tolerance policy to prevent, detect, and respond to sexual abuse and sexual harassment.

**Recommendation 1:** The Office of Inspector General recommends that the Probation Department outline the agency’s approach to preventing, detecting, and responding to sexual abuse and sexual harassment pursuant to PREA Standard 115.311(a).

Subsection (b) of PREA Standard 115.311 requires that “[a]n agency . . . employ or designate an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities.” Subsection (c) requires that “[w]here an agency operates more than one facility, each facility shall designate a PREA compliance manager with sufficient time and authority to coordinate the facility’s efforts to comply with the PREA standards.”

The Probation Department reports that it has designated one agencywide PREA Compliance Manager assigned to headquarters and a PREA Facility Site Manager assigned to each facility. However, the Department’s policies do not expressly address the scope of these positions’ authority nor do they affirm that the positions shall have

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<sup>1</sup> The complete standard language is set forth in the Appendix.



sufficient time to perform their roles, and so do not specify positions that meet the requirements of PREA Standard 115.31 (b) and (c).

**Recommendation 2:** The Office of Inspector General recommends that the Probation Department specify in its policy the PREA coordinator and PREA compliance managers' time and authority pursuant to PREA Standards 115.311(b) and (c) to ensure that the PREA coordinator and PREA compliance managers are designated and have sufficient ability to coordinate the facilities' efforts to comply with the PREA standards.

### **Supervision and Monitoring – Staffing Plans – PREA Standard 115.313**

PREA Standard 115.313(a) requires that “[a]n agency shall ensure that each facility it operates shall develop, implement, and document a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect residents against sexual abuse.” The Probation Department provided the Office of Inspector General with its Staffing Plan policy, but the Department does not currently adhere to its policy, as it currently lacks a staffing plan for any of its facilities. Additionally, as reported by the Probation Department and the Office of Inspector General, the juvenile halls are routinely understaffed.<sup>2</sup>

Staffing plans ensure that the Probation Department provides sufficient staffing levels and video monitoring to prevent sexual abuse by reducing opportunities for private interactions between staff and youth. PREA Standard 115.313(a) requires that in calculating adequate staffing levels and determining the need for video monitoring, the Department shall consider a number of factors, including (1) the physical layout of each facility, (2) the composition of the youth population, (3) the prevalence of substantiated incidents of sexual abuse, (4) the prevalence of unsubstantiated incidents of sexual abuse, and (5) any other relevant factors.

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<sup>2</sup> The Probation Department released information to the Los Angeles Times that on November 4, 2023, the day a juvenile escaped from Los Padrinos Juvenile Hall, 103 probation officers failed to report for work and provided information regarding significant staffing shortages on other days, with Probation Chief Viera Rosa admitting that “there’s a callout culture.” Callouts is the term used by the Department for scheduled employees who did not show up for a scheduled shift. See [As L.A. County juvenile halls become more violent, many officers are skipping work](#) (June 27, 2024). The Office of Inspector General has reported on low staffing levels in its reporting on the Probation Department. See [Report Back on Investigating the November 4, 2023 Escape from Los Padrinos Juvenile Hall and Preventing Future Incidents](#) (March 7, 2024); [Third Report Back on the Phasing Out of Oleoresin Capsicum \(OC\) Spray at Central Juvenile Hall](#) (February 21, 2023); and [Transfer of Youth from Central Juvenile Hall to Barry J. Nidorf Juvenile Hall](#) (December 20, 2022).

**Recommendation 3:** The Office of the Inspector General recommends that the Probation Department consult the PREA Coordinator to develop, implement, and institutionalize a staffing plan for each of its facilities, and, where applicable, evaluate video monitoring, to protect youth against sexual abuse, consistent with PREA Standard 115.313(a) and the Department's own policy.

PREA Standard 115.313(e) further requires that "[e]ach secure facility shall implement a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment." The Probation Department's Staffing Plan policy fails to include the PREA requirement of supervisors conducting unannounced rounds to identify and deter staff sexual abuse and sexual harassment and so is not consistent with the PREA Standard.

**Recommendation 4:** The Office of Inspector General recommends that the Department include in its policy the requirement for supervisors to conduct and document unannounced rounds pursuant to PREA Standard 115.313(e) and that the Department conduct internal audits to verify policy compliance.

### **Hiring and Promotion Decisions – PREA Standard 115.317**

PREA Standard 115.317 provides guidelines and requirements for background checks for applicants and staff seeking promotion. Subsection (f) of that standard requires that the Probation Department ask applicants and employees who may have contact with youth directly three questions about previous misconduct, specifically whether the individual "(1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); (2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; and (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section." The standard requires that the Department ask these three questions in written applications and in interviews for hiring or promotions or self-evaluations conducted as part of reviews, and also requires the Department to impose upon employees a continuing affirmative duty to disclose any such misconduct.

The Probation Department reports it is compliant with 66% of the prevention planning standards but does not identify which standards it complies with and which it does not.<sup>3</sup>

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<sup>3</sup> The Probation Department's report includes a chart listing "Percentage of Compliance" for a list of PREA standards categories. Measuring compliance solely by the percentage of standards that the Department reports it



Further, it is unclear whether the Probation Department is in full compliance with the provisions of the Hiring and Promotion Decisions PREA Standard 115.317. According to the Department, it does not ask the three questions PREA Standard 115.317(f) requires during the hiring or promotion processes. A thorough background check for hiring or promotion that includes these questions is imperative to prevent staff sexual misconduct. This process seeks to prevent the hiring of individuals with a prior history of being sexually abusive for positions where they may have contact with youth. If the agency is aware of any substantiated acts of sexual abuse or sexual harassment perpetrated by existing staff, this practice should prevent the promotion of those staff. Moreover, the Department does not presently have a policy in place with a continuing affirmative duty to disclose misconduct pursuant to PREA Standard 115.317(f).

**Recommendation 5:** The Office of Inspector General recommends the Probation Department implement and institutionalize the requirements of PREA Standard 115.317. Specifically, the Office of Inspector General recommends the Department implement subsection (f) of that section, requiring that the Department ask all applicants and employees seeking a position or a promotion the three questions provided in the Standard, and that that the Department implement an affirmative duty on the part of employees to disclose sexual misconduct.

### **Specialized Training: Investigations – PREA Standard 115.334**

PREA Standard 115.334 requires that the agency provide investigators tasked with conducting sexual abuse investigations with specialized training that meets certain minimum specifications. Subsection (b) specifies that the specialized training must include techniques for interviewing victims of sexual abuse, proper use of [Miranda](#) and [Garrrity](#) warnings when questioning employees, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. It is important for Probation Department investigators who conduct sexual abuse investigations in confinement settings to receive specialized training to ensure they are sensitive to victim needs and adhere to heightened standards of evidence collection.

According to the Probation Department, in 2023, the Department received basic and advanced online training courses offered by the National Institute of Corrections (NIC) to provide specialized trainings to staff tasked on conducting sexual abuse investigations in confinement settings. The Department required these trainings as a pilot for Directors and Supervisors assigned to the Residential Treatment Services

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currently meets is of limited value, because not all standards have equal impacts or are equally easy for the Department to come into compliance with. As mentioned above, compliance with PREA standards can only be assessed accurately with a PREA audit.

Bureau. The Department reports that approximately 30% of sexual abuse investigative staff received training that meets the requirements of PREA's specialized investigation training standard.

The Probation Department reported NIC's training website switched to a new Learning Management System and was unavailable from November 2, 2023, through April 30, 2024. The Probation Department reported they are currently working with their Staff Training Office to relaunch the new NIC training courses required for facility staff for the 2024-2025 fiscal year as a gap measure for compliance to satisfy the investigative requirements for PREA Standard 115.334. The Department reported they have recently applied and received grant funding from the National PREA Resource Center for technical and training assistance to develop their own investigator trainings for operations investigating sexual abuse in confinement settings.

**Recommendation 6:** The Office of Inspector General recommends the Probation Department ensure that all facility staff who conduct sexual abuse investigations for Residential Treatment Services Bureau (camp facilities) and Detention Services Bureau (juvenile hall facilities) receive specialized training for conducting sexual abuse investigations in a confinement setting.

### **Data Collection and Review – Sexual Abuse Incident Reviews – PREA Standard 115.386**

PREA Standard 115.386 outlines requirements for agencies that conduct Sexual Abuse Incident Reviews. The standard includes requirements for collecting sexual abuse and sexual harassment data and reporting the data on the agency's public website. The Probation Department reports that it is compliant with only 5% of the 4 standards, including 28 sub-standards, that are required under the Data Collection and Review category.

The purpose of a Sexual Abuse Incident Review is to identify problems that may have contributed to a sexual abuse incident and propose necessary systemic changes that can enhance facility safety and prevent future sexual victimization. PREA Standard 115.386(b) requires that a facility must conduct a Sexual Abuse Incident Review within 30 days of the conclusion of every investigation unless the investigative outcome is unfounded (the investigation determines that no abuse occurred) and that the review team must include upper-level management. The review must consider multiple factors that may have contributed to the incident or that increased the probability of the incident occurring. The Probation Department must use the findings of the review to develop corrective action and assist in the prevention of future sexual abuse.

PREA Standard 115.5 provides definitions for the PREA Standards and requires investigative outcomes to be either substantiated, unsubstantiated, or unfounded, with specific definitions for each. The Probation Department reports that it does not utilize this framework for investigative outcomes and is currently working towards revising policy to align with the PREA Standards.

**Recommendation 7:** The Office of Inspector General recommends that the Probation Department match its framework and terminology for investigative outcomes with the terminology required by the PREA standards.

**Recommendation 8:** The Office of Inspector General recommends that the Probation Department immediately begin conducting Sexual Abuse Incident Reviews that meet the requirements of PREA Standard 115.386.

## **Culture and Institutionalization**

As the United States Department of Justice recognized in promulgating the PREA standards, institutionalizing the PREA standards within an agencies' facilities is imperative to prevent, detect, and respond to sexual abuse:

The success of the PREA standards in combating sexual abuse in confinement facilities will depend on effective agency and facility leadership, and the development of an agency culture that prioritizes efforts to combat sexual abuse. Effective leadership and culture cannot, of course, be directly mandated by rule. Yet implementation of the standards will help foster a change in culture by institutionalizing policies and practices that bring these concerns to the fore.<sup>4</sup>

Institutionalizing PREA standards in departmental policies and practices will continue to create change within the Probation Department's current reporting culture, which will also ensure that youth and staff know allegations of sexual misconduct will be taken seriously and incidents can be reported without fear of retaliation.

The United States Department of Justice funded the National PREA Resource Center (PRC) to serve as a national source support, training, technical assistance, and research to assist agencies in combating sexual abuse in confinement. The Probation Department reported they recently received grant funding from the PRC for technical and training assistance to develop their own investigation trainings for sexual abuse in confinement settings and that they plan to have the PRC conduct a mock audit to

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<sup>4</sup> [National Standards to Prevent, Detect, and Respond to Prison Rape](#), 77 Fed. Reg. 37,106, at 37,107 (June 20, 2012) (to be codified at 28 C.F.R. pt. 115).

provide an independent assessment of the Department's compliance with the PREA standards.

**Recommendation 9:** The Office of Inspector General recommends the Probation Department continue to utilize the PRC for assistance and research opportunities to have the PRC conduct a mock audit for the Department to gauge and assess its compliance with the PREA standards.

- c: Guillermo Viera Rosa, Chief Probation Officer  
Fesia Davenport, Chief Executive Officer  
Edward Yen, Executive Officer  
Dawyn R. Harrison, County Counsel  
Wendelyn Julien, Executive Director, Probation Oversight Commission

## APPENDIX PREA Standards

| Prevention Planning  |  |
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| <b>§ 115.311 Zero tolerance of sexual abuse and sexual harassment; PREA coordinator.</b> | (a) An agency shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct.  |
|  | (b) An agency shall employ or designate an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities.  |
|  | (c) Where an agency operates more than one facility, each facility shall designate a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.  |
| <b>§ 115.313 Supervision and monitoring.</b>   | (a) The agency shall ensure that each facility it operates shall develop, implement, and document a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect residents against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration: (1) Generally accepted juvenile detention and correctional/secure residential practices; (2) Any judicial findings of inadequacy; (3) Any findings of inadequacy from Federal investigative agencies; (4) Any findings of inadequacy from internal or external oversight bodies; (5) All components of the facility's physical plant (including "blind spots" or areas where staff or residents may be isolated); (6) The composition of the resident population; (7) The number and placement of supervisory staff; (8) Institution programs occurring on a particular shift; (9) Any applicable State or local laws, regulations, or standards; (10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and (11) Any other relevant factors. |
|  | (b) The agency shall comply with the staffing plan except during limited and discrete exigent circumstances and shall fully document deviations from the plan during such circumstances.   |
|  | (c) Each secure juvenile facility shall maintain staff ratios of a minimum of 1:8 during resident waking hours and 1:16 during resident sleeping hours, except during limited and discrete exigent circumstances, which shall be fully documented. Only security staff shall be included in these ratios. Any facility that, as of the date of publication of this final rule, is not already obligated by law, regulation, or judicial consent decree to maintain the staffing ratios set forth in this paragraph shall have until October 1, 2017, to achieve compliance.  |
|  | (d) Whenever necessary, but no less frequently than once each year, for each facility the agency operates, in consultation with the PREA coordinator required by § 115.311, the agency shall assess, determine, and document whether adjustments are needed to: (1) The staffing plan established pursuant to paragraph (a) of this section; (2) Prevailing staffing patterns; (3) The facility's deployment of video monitoring systems and other monitoring technologies; and (4) The resources the facility has available to commit to ensure adherence to the staffing plan.   |
|  | (e) Each secure facility shall implement a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Such policy and practice shall be implemented for night shifts as well as day shifts. Each secure facility shall have a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.   |
|  | (f) The agency shall ensure that each facility it operates shall develop, implement, and document a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Such policy and practice shall be implemented for night shifts as well as day shifts. Each secure facility shall have a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.  |
| <b>§ 115.317 Hiring and promotion decisions.</b>   | (a) The agency shall not hire or promote anyone who may have contact with residents, and shall not enlist the services of any contractor who may have contact with residents, who— (1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); (2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.   |
|  | (b) The agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents.   |
|  | (c) Before hiring new employees who may have contact with residents, the agency shall: (1) Perform a criminal background records check; (2) Consult any child abuse registry maintained by the State or locality in which the employee would work; and (3) Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.  |
|  | (d) The agency shall also perform a criminal background records check, and consult applicable child abuse registries, before enlisting the services of any contractor who may have contact with residents.   |
|  | (e) The agency shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with residents or have in place a system for otherwise capturing such information for current employees.  |

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|--|---|
|  | <p>(f) The agency shall also ask all applicants and employees who may have contact with residents directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.</p> <p>(g) Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.</p> <p>(h) Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.</p>   |
| <b>Training and Education</b>                          |   |
| <b>§ 115.334 Specialized training: Investigations.</b> | <p>(a) In addition to the general training provided to all employees pursuant to § 115.331, the agency shall ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.</p> <p>(b) Specialized training shall include techniques for interviewing juvenile sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.</p> <p>(c) The agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations</p> <p>(d) Any State entity or Department of Justice component that investigates sexual abuse in juvenile confinement settings shall provide such training to its agents and investigators who conduct such investigations.</p>   |
| <b>Data Collection and Review</b>                      |   |
| <b>§ 115.386 Sexual abuse incident reviews.</b>        | <p>(a) The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.</p> <p>(b) Such review shall ordinarily occur within 30 days of the conclusion of the investigation.</p> <p>(c) The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.</p> <p>(d) The review team shall: (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; (2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;(3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; (4) Assess the adequacy of staffing levels in that area during different shifts; (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and (6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.</p> <p>(e) The facility shall implement the recommendations for improvement or shall document its reasons for not doing so.</p> |



# COUNTY OF LOS ANGELES OFFICE OF INSPECTOR GENERAL

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JANICE HAHN  
KATHRYN BARGER

MAX HUNTSMAN  
INSPECTOR GENERAL

August 12, 2024

TO: Supervisor Lindsey P. Horvath, Chair  
Supervisor Hilda L. Solis  
Supervisor Holly J. Mitchell  
Supervisor Janice Hahn  
Supervisor Kathryn Barger

FROM: Max Huntsman  
Inspector General

A handwritten signature in black ink, appearing to be "Max Huntsman", is written over the printed name and title.

SUBJECT: **REPORT BACK ON THE SHERIFF'S DEPARTMENT'S COMPLIANCE  
WITH THE PRISON RAPE ELIMINATION ACT (PREA)  
(ITEM NO. 10, AGENDA OF MARCH 19, 2024)**

On March 19, 2024, the Board of Supervisors (Board) passed a [motion](#) instructing the Office of Inspector General to review the Los Angeles County Sheriff's Department's (Sheriff's Department or Department) Prison Rape Elimination Act (PREA) compliance status report dated June 12, 2024, and report back to the Board in writing within 60 days with recommendations and proposed next steps for the Sheriff's Department to achieve and maintain PREA compliance. The Sheriff's Department report back to the Board includes six proposed next steps to achieve future compliance.

In the following report, the Office of Inspector General identifies 11 recommendations that the Sheriff's Department should prioritize to achieve and maintain PREA compliance. The recommendations highlight potential areas of development rather than proposing specific solutions to achieve compliance, in part due to the Office of Inspector General's dual role as an oversight agency and the Department of Justice Certified PREA Auditors (PREA Auditors) that will audit the Sheriff's Department in the future. By identifying potential issues and risks, the recommendations can assist the Sheriff's Department with taking steps to address deficiencies.

## **BACKGROUND**

In May 2018, the Board directed County Counsel to identify steps to comply with PREA. County Counsel's [memorandum](#) to the Board dated January 2, 2019, provided six goals of implementation, which included (1) staffing, (2) modification and creation of policies and procedures, (3) training and education, (4) data collection and tracking, (5) facility assessments and (6) facility modifications. In October 2018, the Sheriff's Department presented at the Civilian Oversight Commission and provided the Commission with an update on PREA implementation.

Since 2019, the Sheriff's Department has significantly increased staffing for the Office of PREA Compliance. The Office of PREA Compliance includes the Assistant Director, six sergeants, five custody assistants, and two administrative staff. The Sheriff's Department reports that there are two remaining positions that have been approved by the Board but not filled.

On June 12, 2024, the Sheriff's Department provided the Board with a report summarizing PREA compliance efforts and proposed next steps to achieve and maintain PREA compliance. The Sheriff's Department proposed next steps are: (1) for the Office of PREA Compliance to fill remaining positions approved by the Board, (2) to livescan remaining employees, (3) to reinstitute the telephone hotline that provides sexual trauma support counselors at Century Regional Detention Facility, Twin Towers Correctional Facility, and Men's Central Jail; (4) to finalize, implement, and institutionalize PREA policy revisions; (5) to create staffing plans, and, (6) to initiate PREA Compliance Managers (PCM) PREA Inspection process throughout the Sheriff's Department Custody Division. The Office of Inspector General agrees with the Sheriff's Department's proposed next steps. This report addresses additional necessary steps to achieve compliance with the PREA standards.

## **PREA COMPLIANCE**

The PREA Standards require an audit by PREA Auditors at least once every three years for every detention facility. The Office of Inspector General employs three PREA Auditors and two personnel currently in training to become PREA Auditors.

Four station jail lockup audits were completed by the Office of Inspector General in 2023. The audits were conducted at the [Lakewood](#), [Marina del Rey](#), [Lomita](#), and [East](#)



[Los Angeles](#) station jail lockups. There are 35 PREA station jail lockup standards that need to be met in order to achieve full compliance with the standards.

PREA Audit Compliance Findings:<sup>1</sup>

| Station Jail Lockup | Compliant | Not Compliant |
|---------------------|-----------|---------------|
| Lakewood            | 8         | 27            |
| Marina del Rey      | 15        | 20            |
| Lomita              | 19        | 16            |
| East Los Angeles    | 19        | 16            |

During the station jail lockup audits, the Office of Inspector General identified 12 policies that are not compliant with the PREA standards. The Sheriff's Department has reported that it has revised the 12 policies, but that it has yet to finalize, implement, or institutionalize the policies. The Sheriff's Department reported that it is at an impasse with the labor unions regarding two of the policies, Custody Division Manual, 8-03/060.00, "[PREA-Related Grievances](#)" and Custody Division Manual, 3-04/025.15, "[PREA-Criminal and Administrative Investigations](#)," which relate to the handling of PREA-related allegations against staff. The Sheriff's Department could not provide a timeline as to when the policies would be finalized and implemented.

Taking corrective action is a crucial aspect of any PREA audit, which applies when the audited agency fails to meet the PREA standards during the audit. The Sheriff's Department had 180 days to implement recommendations provided by the PREA Auditors. The PREA Auditors provided a corrective action plan to the Sheriff's Department, which included revising policies. Through this process, the Sheriff's Department will need to institutionalize the policies once they are signed and approved to ensure that these policies are consistently upheld across the entire agency.

To track the progress made towards implementing the recommended corrective actions provided in the station jail lockup audits, the Office of Inspector General has regular meetings with the Office of PREA Compliance to receive updates. After the station jail lockup audits were concluded, the Sheriff's Department held future audits in abeyance so that it can work on increasing compliance.<sup>2</sup>

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<sup>1</sup> The compliance findings are based on thorough auditing including, document review, interviews of staff and people in custody, and site inspections. The audit process also included a 180-day corrective action period.

<sup>2</sup> The Sheriff's Department has 14 remaining station jail lockups and eight custody jail facilities left to be audited.

## AREAS FOR IMPROVEMENT

### Prioritize PREA Implementation in Custody Jail Facilities

A facility's compliance is achieved when all the PREA standards are met. The Sheriff's Department has focused compliance efforts on station jail lockups, where the maximum length of stay is 48-72 hours. However, the majority of PREA-related allegations are filed in the custody jail facilities where people are permanently housed. In a dataset provided by the Sheriff's Department,<sup>3</sup> there were 26 allegations of sexual abuse or sexual harassment in station jail lockups from 2020 through 2024, compared to 1,081 allegations of sexual abuse or sexual harassment in custody jail facilities during the same time period.<sup>4</sup> The Department reports that it has recently begun focusing efforts on implementing PREA in custody jail facilities.

**Recommendation 1:** The Office of Inspector General recommends the Sheriff's Department continue to prioritize its PREA implementation efforts in custody jail facilities, where the Sheriff's Department receives a disproportionately higher number of sexual abuse and sexual harassment allegations.

### Complete Corrective Actions from Previous Audits

The Office of Inspector General provided recommendations for corrective action in the four station jail lockup audits completed in 2023. Many of the recommended corrective actions were also identified during a mock audit conducted by the PREA Resource Center at Century Regional Detention Facility in October 2017.<sup>5</sup> Some of the issues identified during the mock audit remain out of compliance.

The Sheriff's Department reported in its report to the Board that it has "created a zero-tolerance policy toward all forms of sexual abuse and sexual harassment." However, the Sheriff's Department Custody Division Manual, 3-04/025.00, "[Prison Rape Elimination Act of 2003](#)" policy is not in alignment with PREA Standard 115.11(a) because it does

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<sup>3</sup> The Sheriff's Department provided the Office of Inspector General with the data contained in its PREA Allegation Alert Database on July 9, 2024. The data included in this report includes allegations that occurred between January 1, 2020, and June 30, 2024.

<sup>4</sup> Although the Office of Inspector General has audited the Sheriff's Department on the lockup PREA standards, the prison and jail PREA standards differ in complexity and quantity. [Standards overview | PREA \(prearesourcecenter.org\)](#).

<sup>5</sup> The results of the mock audit were not made public. However, the Los Angeles Times reported about the audit. <https://www.latimes.com/local/lanow/la-me-lasd-prea-20180401-story.html>.

not address zero tolerance of sexual harassment and the terminology is not defined in the PREA standards.<sup>6</sup> Additionally, the policy does not outline the agency's approach to preventing, detecting, and responding to people in custody who allege sexual abuse and sexual harassment.

**Recommendation 2:** The Office of Inspector General recommends the Sheriff's Department finalize, implement, and institutionalize the PREA-related policies that are outstanding from the corrective action provided during the station jail lockup audits.

#### Agency PREA Coordinator Authority

PREA Standard 115.11(b) further requires that "[a]n agency...employ or designate an upper-level, agency-wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA Standards in all its facilities."

The Sheriff's Department's most recent organizational chart from July 2, 2024, outlines that it is divided into four main operations: Custody Operations, Patrol Operations, Countywide Services, and Financial and Administrative Services. These four operations are overseen by separate Assistant Sheriffs, and Professional Standards Division is overseen by the Undersheriff. Despite the Office of Inspector General's recommendation that the PREA Coordinator be placed on the Department's organizational chart, the Department has not done so.

Since January 6, 2021, the Agency PREA Coordinator has reported to various positions within Custody Operations, including an Assistant Division Director, a Chief, a Commander, and a Lieutenant. During the 2023 station jail lockup audits, the PREA Coordinator reported to the Chief of Custody Services Division Specialized Programs. The Office of Inspector General recommended that the PREA Coordinator report directly to an upper-level executive and has authority over all operations that require efforts to comply with the PREA standards. However, the PREA Coordinator now reports to a Commander of Custody Services Division Specialized Programs and is even further removed from an upper-level executive.

For example, a facility director of a patrol station reports within the chain of command of patrol operations overseen by the Assistant Sheriff of Patrol Operations. Therefore, the

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<sup>6</sup> For example, sexual assault is not defined.

Agency PREA Coordinator is not within the facility director's chain of command and has no authority over patrol station operations.<sup>7</sup>

To maximize the effectiveness and influence of the Agency PREA Coordinator, some agencies have made their PREA Coordinator an executive or placed them in a senior leadership role, which provides the PREA Coordinator with the influence to lead, coordinate, guide, and monitor ongoing implementation of all policies and procedures across all operations and divisions within the agency.

**Recommendation 3:** The Sheriff's Department should ensure that the Agency PREA Coordinator reports to an upper-level executive and has authority over all operations that require efforts to comply with the PREA Standards. The Agency PREA Coordinator should be included on the Sheriff's Department's Organizational Chart and have regular communication with the Sheriff and the support of agency leadership to manage resistance to the institutionalization of both policy and practice.

### PREA Information in Custody Jail Facilities

The Sheriff's Department reported in its report to the Board that "[i]nformational PREA posters are located in all inmates' common areas within housing throughout the Department." In July 2024, Office of Inspector General personnel spot-checked common areas and housing units at Century Regional Detention Facility, Twin Towers Correctional Facility, Men's Central Jail, North County Correctional Facility, and Pitchess Detention Center – North Facility. During the spot-checks, Office of Inspector General personnel did not observe any PREA posters that meet the requirements of the PREA standards, and the posters were not consistently posted in all housing locations or common areas.<sup>8</sup>

The Sheriff's Department also reported that "inmate pamphlets, and first responder cards were distributed to all custody facilities." However, during spot-checks by Office of Inspector General personnel, Sheriff's Department personnel could not locate any PREA pamphlets and only one deputy was in possession of a PREA first responder card.

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<sup>7</sup> A facility director holds the title of Captain within the Sheriff's Department.

<sup>8</sup> For example, several of the PREA posters at custody jail facilities did not state that victims may report staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment pursuant to PREA Standard 115.51.

**Recommendation 4:** The Office of Inspector General recommends that the Sheriff's Department post the PREA posters that meet the requirements of the PREA standards in all custody jail facility housing locations and common areas, provide all facility personnel with PREA first responder cards, and ensure people in custody have access to PREA informational pamphlets.

### Training

PREA Standard 115.34 requires agencies that conduct their own sexual abuse investigations to provide specialized training to their investigators, including training on techniques for interviewing sexual abuse victims and gathering and maintaining evidence required to substantiate a case. The Sheriff's Department policy "[PREA – Employee Training](#)," which is compliant with the PREA Standard, reads: "[i]n addition to the general training provided to all employees, investigating deputies, medical and mental health staff shall receive specialized training."<sup>9</sup>

The Sheriff's Department does not currently adhere to its policy. In January 2024, the Sheriff's Department reported that it deployed four sergeants to function as full-time PCMs who oversee all aspects of PREA compliance at the custody jail facilities, including conducting investigations of all allegations of sexual abuse and sexual harassment involving staff. However, the Sheriff's Department reported that none of the new PCMs received the specialized training required by the PREA Standard, and the Department is therefore not in compliance with its own policy.

Prior to the assigned facility PCM assuming responsibility for the investigation, responding deputies and floor sergeants conduct initial investigations into sexual abuse and sexual harassment allegations. The Department reports that deputies and floor sergeants have not received specialized training to conduct sexual abuse and sexual harassment investigations.

Additionally, the Sheriff's Department report to the Board stated that "PCMs are responsible for investigating all allegations of sexual abuse and sexual harassment" at their respective facilities. However, the Office of Inspector General is aware of instances where the PCM was not notified or consulted regarding an allegation and was therefore not involved with the investigation.

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<sup>9</sup> [Custody Division Manual, 3-04/025.50](#).

**Recommendation 5:** The Office of Inspector General recommends that all staff that conduct PREA investigations receive specialized training required by PREA Standard 115.34.

The Sheriff's Department reports that an Office of PREA Compliance sergeant assigned to station jail lockups is conducting on-site inspections and training to institutionalize PREA standards. The Agency PREA Coordinator advised that training on the above referenced policies has been put on hold until the policies are finalized.

**Recommendation 6:** The Office of Inspector General recommends that the Sheriff's Department provide training on the PREA standards prior to the finalization of the pending policy revisions.

#### Risk Assessment Screening and Housing

There are three PREA Standards related to screening for risk of sexual victimization and abusiveness.<sup>10</sup> These standards require the Sheriff's Department to assess everyone being booked into a custody facility during the intake process in order to make housing determinations taking such risks into account. These standards also outline the considerations that must be made when determining appropriate housing for transgender and intersex individuals. The Sheriff's Department's report to the Board stated that it is in the "final stages of development of an agency-wide PREA Risk Assessment Classification Tool." The Department has not begun using the risk screening tool to make housing determinations or to separate potential victims from potential predators.

**Recommendation 7:** The Office of Inspector General recommends that the Sheriff's Department implement an objective screening instrument pursuant to PREA Standard 115.41 and use the information to make safe housing determinations pursuant to PREA Standard 115.42.

Subsection (f) of PREA Standard 115.42 requires that transgender and intersex people in custody be given an opportunity to shower separately from others. The Sheriff's Department currently houses transgender women in dorms with cisgender men. These dorms have communal showers that do not afford adequate privacy.

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<sup>10</sup> The three PREA Standards are 115.41 – Screening for risk of victimization and abusiveness, 115.42 – Use of screening information, and 115.43 – Protective custody. [Prisons and Jail Standards | PREA \(prearesourcecenter.org\)](https://www.prearesourcecenter.org/).

**Recommendation 8:** The Office of Inspector General recommends that the Sheriff's Department utilize housing that will give transgender and intersex people in custody an opportunity to shower separately from others.

### Data Analysis and Transparency

Subsection (a) of PREA Standard 115.71 states, when the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations including third-party and anonymous reports. After evidence is collected and evaluated, the Sheriff's Department's investigator will conclude that allegations are substantiated, unsubstantiated, or unfounded.<sup>11</sup> During the 2023 station jail lockup audits, PREA Auditors determined that the Sheriff's Department was not in compliance with this standard. PREA Auditors reviewed a random sample of investigations and found that not all allegations are investigated promptly, thoroughly, or objectively. For example, some investigations (1) did not include a written investigative report or were missing initial or supplemental reports, (2) did not include a thorough description of physical and testimonial evidence, (3) did not appear to interview all potential involved persons, and/or (4) did not document preserving and reviewing any available electronic monitoring data.

In the Sheriff's Department's report to the Board, it provided statistical data showing the findings of sexual abuse and sexual harassment investigations completed for 2022 and 2023. The provided data showed that very few allegations were substantiated, which raises concerns about the thoroughness and objectivity of the Department's investigations into these incidents.

In the Sheriff's Department report to the Board, it reported that in 2022 there was a total of 54 inmate on inmate and 36 staff on inmate completed sexual abuse investigations. Of the 90 total completed sexual abuse investigations for 2022, none of the cases were substantiated, 70 of the allegations were unfounded, and 20 were unsubstantiated. The Sheriff's Department attributed the lack of substantiated cases to its staff training and inmate comprehensive education. However, the data suggests that unsubstantiated and

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<sup>11</sup> PREA Standard 115.5 defines unfounded, unsubstantiated and substantiated as, (1) Unfounded allegation means an allegation that was investigated and determined not to have occurred; (2) Unsubstantiated allegation means an allegation that was investigated, and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred; (3) Substantiated allegation means an allegation that was investigated and determined to have occurred.

unfounded investigative findings occur with a degree of regularity that may deter victims of sexual abuse or sexual harassment from reporting in the future.

**Recommendation 9:** The Office of Inspector General recommends that the Sheriff's Department thoroughly investigate and document investigations relating to all instances of sexual abuse and sexual harassment to detect patterns and to help prevent future incidents.

Subsection (b) of PREA Standard 115.87 requires that the agency aggregate incident-based sexual abuse data at least once annually. The Sheriff's Department reported in its report to the Board that "data is summarized on a quarterly basis and published on the publicly available [Transparency Webpage](#)." However, the last published quarterly report was for the [fourth quarter of 2023](#), and many of the allegations from 2023 are still pending.

Data contained within the quarterly report is reported at a single point in time, and most of the allegations contained within the quarterly reports are categorized as pending further investigation. Apart from one [annual report](#) published in 2022, the PREA reports do not publish data showing the outcomes of completed investigations into allegations of sexual abuse and sexual harassment.

The Sheriff's Department provided the Office of Inspector General with the data contained in its PREA Allegation Alert Database on July 9, 2024.<sup>12</sup> The data in the chart below contains all staff on inmate and inmate on inmate sexual abuse and sexual harassment allegations in custody jail facilities and station jail lockups.

|   | 2020 | 2021 | 2022 | 2023 | 2024 | Total |
|---|------|------|------|------|------|-------|
| <b>Pending</b>  | 1    | 6    | 41   | 147  | 128  | 323   |
| <b>Unfounded*</b>   | 139  | 136  | 154  | 91   | 30   | 550   |
| <b>Unsubstantiated**</b>  | 89   | 51   | 42   | 30   | 5    | 217   |
| <b>Substantiated***</b>   | 2    | 5    | 4    | 4    | 2    | 17    |
| <b>Total</b>  | 231  | 198  | 241  | 272  | 165  | 1107  |
| *Investigated and determined not to have occurred.  |      |      |      |      |      |       |
| **The investigation produced insufficient evidence to make a final determination as to whether or not the event occurred. |      |      |      |      |      |       |
| ***Investigated and determined to have occurred.  |      |      |      |      |      |       |

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<sup>12</sup> The data included in this report includes allegations that occurred between January 1, 2020, and June 30, 2024.



**Recommendation 10:** The Office of Inspector General recommends that the Sheriff's Department update the outcomes of previously reported allegations of sexual abuse and sexual harassment to disclose the number of allegations that have been determined to be unfounded, unsubstantiated, or substantiated after the investigation is completed and publish PREA-related data in accordance with its quarterly schedule.

### Culture and Institutionalization

As the United States Department of Justice recognized in promulgating the PREA standards, institutionalizing the PREA standards within an agencies' facilities is imperative to prevent, detect, and respond to sexual abuse:

The success of the PREA standards in combating sexual abuse in confinement facilities will depend on effective agency and facility leadership, and the development of an agency culture that prioritizes efforts to combat sexual abuse. Effective leadership and culture cannot, of course, be directly mandated by rule. Yet implementation of the standards will help foster a change in culture by institutionalizing policies and practices that bring these concerns to the fore.<sup>13</sup>

Institutionalizing PREA standards in departmental policies and practices will create change within the Sheriff's Department's current reporting culture, which will also ensure that people in custody and personnel know allegations of sexual misconduct will be taken seriously and incidents can be reported without fear of retaliation.

**Recommendation 11:** The Sheriff's Department should prioritize institutionalizing policies and practices that promote a culture of preventing, detecting, and responding to allegations of sexual abuse and sexual harassment in accordance with the PREA standards.

- c: Robert G. Luna, Sheriff  
Fesia Davenport, Chief Executive Officer  
Edward Yen, Executive Officer  
Dawyn R. Harrison, County Counsel  
Sharmaine Moseley, Executive Director, Sheriff Civilian Oversight Commission

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<sup>13</sup> [National Standards to Prevent, Detect, and Respond to Prison Rape](#), 77 Fed. Reg. 37,106, at 37,107 (June 20, 2012) (to be codified at 28 C.F.R. pt. 115).



PROBATION  
OVERSIGHT  
COMMISSION  
OF LOS ANGELES COUNTY

WENDELYN JULIEN  
EXECUTIVE DIRECTOR

## COUNTY OF LOS ANGELES PROBATION OVERSIGHT COMMISSION

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### MEMBERS OF THE BOARD

HILDA L. SOLIS  
HOLLY J. MITCHELL  
LINDSEY P. HORVATH  
JANICE HAHN  
KATHRYN BARGER

August 12, 2024

TO: Supervisor Lindsey P. Horvath, Chair  
Supervisor Hilda L. Solis  
Supervisor Holly J. Mitchell  
Supervisor Janice Hahn  
Supervisor Kathryn Barger

FROM: Wendelyn Julien  
Executive Director

A handwritten signature in black ink, appearing to read "Wendelyn Julien".

SUBJECT: REPORT BACK ON BOARD MOTION PROCLAIMING APRIL 2024 AS SEXUAL  
ASSAULT AWARENESS MONTH: BUILDING CONNECTED COMMUNITIES  
AND PRISON RAPE ELIMINATION ACT COMPLIANCE FROM MARCH 19, 2024

On March 19, 2024, in a [motion](#) by Supervisor Solis, the Board of Supervisors (Board) directed the Chief Probation Officer to present to the Probation Oversight Commission (POC) on the contents of the Probation Department's report back to the Board on the status of their compliance with the Prison Rape Elimination Act (PREA), within 30 days of its issuance. The motion further directed the POC to review the PREA compliance status report back and provide the Board with a report back, in writing, within 60 days, with recommendations and proposed next steps for the Probation Department to achieve and maintain PREA compliance. Due to scheduling challenges, the POC was granted an extension for the presentation to occur on July 11, 2024, and the report back due by September 11, 2024. This report completes the POC's requirements under the motion, however the POC will continue to track and report to the Board of Supervisors as necessary on the Department's PREA compliance.

### Feedback on Probation's PREA Compliance Status Report Back

On April 30, 2024, Probation submitted their [report back](#) to the Board and the POC. On July 11, 2024, Probation Director Nathan Martinez gave a verbal report at the POC's regular meeting and provided a [written presentation](#). Commissioners were able to inquire about details of the report, including the quality of services provided.

The POC provides this formal feedback on the report and presentation to the Chief Probation Officer and the Board pursuant to Directive 2 of the motion. In addition, while beyond the scope of the motion, the report also includes serious concerns that arose during review of the Department's report and encourages the Department to take swift action in altering some of its procedures. It should be noted that neither the staff of the POC nor the POC Commissioners are experts on PREA or PREA compliance, and this review was conducted in the role of a civilian

oversight body reviewing the policy<sup>1</sup> and practices for understandability and a sense that youth are protected from harm by the policy. The Office of Inspector General (OIG) also reviewed and commented on the Department's policy and the POC recommends that the Board and the Department refer to OIG's analysis and recommendations for legal insight into this issue<sup>2</sup>. Following are the POC's concerns:

**1. Internal investigators may fail to appropriately respond to allegations of PREA violations.**

Probation reported that each facility utilizes their own staff, including supervisors and directors, to oversee PREA investigations, unless the issue is escalated and sent to Internal Affairs or local law enforcement. Commissioners raised concerns that some investigations may be insufficient, comprised of youth signing a paper saying they had not experienced abuse. Probation reported that developing a training for investigators is a next step for the Department. At least one Commissioner suggested that an external agency, such as the Office of Inspector General, should conduct investigations instead of Probation.

**2. Probation's standards for responding to alleged PREA violations are perfunctory and may be insufficient.**

Probation reported that the current approach to responding to youth who have alleged to have experienced a PREA violation include checking in the alleged victim on a 90-day basis, which in many cases has been increased to a 30-day basis. Probation reported that these discussions focus on whether the reporting individual has experienced retaliation as a result of the allegations and if they feel safe. At intake orientation, all youth are read a script regarding PREA, provided a related notebook, and supporting signage is posted throughout the facility. Commissioners suggested that, at a minimum, more targeted, preventative measures including education on recognizing and reporting grooming, inappropriate behaviors and relationships, and power dynamics should be delivered to all youth and staff on a living unit after critical incidents have occurred or been reported. Commissioners recommend that all trainings and questions posed to youth should use accessible language and the youth's preferred language<sup>3</sup>. This should be integrated into the policy under **Screenings** in addition to already identified circumstances. Adding periodic refreshers on PREA rights could prevent abuses and encourage reporting.

**3. Effectiveness of current PREA policy and trainings are unknown.**

Probation reported that some staff within the Department are specifically trained to investigate potential PREA violations but added that this training does not include training on how to interview potential victims of sexual assault. The quality and effectiveness of the offered training is unknown. Probation's compliance with PREA policy standards within interactions with young people is unknown. Maintenance of robust standards and assessment of the effectiveness of the policy and training is critical for the protection of both youth and Probation officers.

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<sup>1</sup> [DSB Manual 2024 \(lacounty.gov\)](#)

<sup>2</sup> [REPORT BACK ON THE PROBATION DEPARTMENT'S COMPLIANCE WITH THE PRISON RAPE ELIMINATION ACT.pdf \(kc-usercontent.com\)](#)

<sup>3</sup> PREA Juvenile Facility Standards § 115.316 (b) and § 115.333 (d)

**4. Youth are interviewed and participate in investigations without notice to their counsel or legal guardians.**

Young people should be presented the option to have their legal guardian present while being interviewed<sup>4</sup>, which is absent in the current policy. For those youth who do not have a legal guardian, PREA Juvenile Facility Standards indicates that the youth's case carrying social worker should be notified<sup>5</sup>. The POC suggests that the youth should also have the opportunity to have their social worker or a victim's advocate present during any interviews<sup>6</sup>. Young people should have the right to have their counsel notified and present for interviews if they choose. In addition, the policy lacks instructions in the **Notification** section to notify parents or legal guardians when an allegation of sexual abuse is made<sup>7</sup>.

**Conclusion**

The POC appreciates the opportunity to submit constructive feedback on Probation's PREA Compliance Status report back and policy. The POC believes that strengthening Probation's procedures and standards for responding to PREA allegations at its facilities would do much to protect youth, Probation officers, and improve stakeholder and community trust when faced with these critical incidents. The POC will continue to address PREA compliance at our public meetings communicate any further concerns and recommendations directly to the Probation leadership team and the Board.

Please feel free to contact me at [wjulien@poc.lacounty.gov](mailto:wjulien@poc.lacounty.gov) with any questions.

WJ:sg:jog

c: Fesia Davenport, Chief Executive Officer  
Dawyn R. Harrison, County Counsel  
Edward Yen, Executive Officer  
Guillermo Viera Rosa, Chief Probation Officer  
Lisa Garrett, Director of Personnel  
David Carroll, Executive Director, Department of Youth Development  
Justice Deputies, Board of Supervisors

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<sup>4</sup> PREA Juvenile Facility Standards § 115.353 (d)

<sup>5</sup> PREA Juvenile Facility Standards § 115.361 (2)

<sup>6</sup> PREA Juvenile Facility Standards § 115.353 (a)

<sup>7</sup> PREA Juvenile Facility Standards § 115.361 (e) (1)