



**Los Angeles County Sheriff
Civilian Oversight Commission**

AGENDA ITEM: VIII-1

April 18, 2024

DISCUSSION ITEM TITLE:

**Los Angeles County Sheriff Civilian Oversight Commissions' Staff Report Update on
Los Angeles County Sheriff's Department Prison Rape Elimination Act (PREA)
Compliance**

BACKGROUND:

In 2003, the United States Congress enacted the Prison Rape Elimination Act (PREA), establishing a "zero tolerance" policy for sexual abuse within all U.S. prisons, jails, and detention centers. The PREA also created the National Prison Rape Elimination Commission (NPREC) and charged it with drafting standards for eliminating prison rape.¹ In 2009, the NPREC published its standards and turned them over to the Department of Justice (DOJ).² In 2012, the DOJ published the final 43 PREA Standards³, mandating compliance for all detention facilities nationwide to address, prevent, and respond to sexual abuse and harassment of adults and youth in detention.⁴ Every year, about 200,000 individuals are abused sexually in U.S. detention facilities.⁵ Currently, none of Los Angeles County's detention facilities have achieved full compliance with the PREA Standards; however, significant efforts toward compliance have been undertaken.

On July 27, 2017, the Los Angeles County Sheriff Civilian Oversight Commission (Commission) requested a report on PREA Compliance by the Office of Inspector General (OIG) and Los Angeles County Sheriff to be presented at the October 2017 Commission Meeting.⁶ On October 26, 2017, representatives from the OIG, Los Angeles County Sheriff's Department (LASD) and Just Detention International presented before the Commission on PREA.⁷ In November 2017, the Board of Supervisors (Board) then instructed the Commission^{8, 9}, OIG, and

¹ National PREA Resource Center. (2024). Prison Rape Elimination Act. Retrieved from <https://www.prearesourcecenter.org/about/prison-rape-elimination-act>

² Ibid.

³ United States Department of Justice. (2012). Prison and Jail Standards. Retrieved from <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/PREA-Prison-Jail-Standards.pdf>

⁴ Bureau of Justice Statistics. (2022). Annual Governors' Prison Rape Elimination Act Certification and Assurance Submission. Retrieved from <https://bja.ojp.gov/doc/annual-governors-prea-certification-assurance-submission.pdf>

⁵ Just Detention International. (2018). The Very Basics about Sexual Abuse in Detention. Retrieved from <https://justdetention.org/wp-content/uploads/2019/05/Fact-sheet-The-Very-Basics-about-Sexual-Abuse-in-Detention.pdf>

⁶ Los Angeles County Sheriff Civilian Oversight Commission. (2017). Commission Meeting Statement of Proceedings July 27, 2017. Retrieved from [1030486_Item2-AttachmentMinutes092817.pdf \(lacounty.gov\)](https://www.lacounty.gov/files/1030486_Item2-AttachmentMinutes092817.pdf)

⁷ Los Angeles County Sheriff Civilian Oversight Commission. (2017). Commission Meeting Statement of Proceedings October 26, 2017. Retrieved from [1031180_Item2-Minutes102617.pdf \(lacounty.gov\)](https://www.lacounty.gov/files/1031180_Item2-Minutes102617.pdf)

⁸ Los Angeles County Board of Supervisors (Board). (2017). Board Motion Developing a Plan for PREA Compliance. Retrieved from: <https://file.lacounty.gov/SDSInter/bos/supdocs/118230.pdf>

⁹ Commission. (2018). Commission Update Regarding LASD Progress Made on Developing a PREA Plan. Retrieved from <https://assets-us-01.kc-usercontent.com/0234f496-d2b7-00b6-17a4-b43e949b70a2/b3485b3c-08f0-4df7-b2a1-c9ec9d1a80ac/PREAImplementationPlan-90dayProgressReport.pdf>

LASD to provide a report back to the Board within 90 days detailing progress in formulating a plan for PREA compliance. This plan was to include the establishment of a grievance complaint procedure that facilitates the effective and safe reporting of sexual assault incidents within carceral facilities. Pursuant to the Board's directive, the entities met and initiated a dialogue on the status of LASD's development of a strategy plan for PREA compliance.

Subsequently, in 2018, the Board directed County Counsel to coordinate a team comprised of staff from the Chief Executive Office (CEO), LASD and the Probation Department (Probation) to identify the steps necessary to comply with PREA across all adult and youth County detention facilities.¹⁰

The purpose of this team was, and continues to be, to assess the County's progress in implementing PREA¹¹, develop time-based plans for full PREA implementation in all County detention facilities, and to oversee the execution of these plans.

PREA IMPLEMENTATION WITHIN LASD:

In an effort to comply with the Board's 2018 directive, the LASD worked collaboratively with the CEO to create a staffing model for department-wide implementation of PREA.¹² On April 4, 2018, the LASD reported on engaging in a number of activities that included¹³: (1) educating staff on PREA and its application to the County's detention facilities; (2) educating inmates on their rights under PREA; (3) updating public information on PREA, including how to report an incident on behalf of an incarcerated person; and (4) hiring full-time PREA staff.¹⁴ LASD also made progress in areas that include, but are not limited to:

- Appointing a PREA Coordinator and hiring an Administrative Service Manager II, as authorized by the Board on May 29, 2018.¹⁵ This position is designated as the division-wide PREA coordinator who will develop, implement, and oversee the Department's efforts to comply with the PREA standards in all its facilities within the Custody Division.¹⁶
- Hiring an Assistant Director/PREA Coordinator.

¹⁰ Board. (2018). Board Motion: Establish a Prison Rape Elimination Act (PREA) Implementing Team. Retrieved from <https://file.lacounty.gov/SDSInter/bos/supdocs/123169.pdf>

¹¹ LASD. (2018). The LASD Report Back Regarding the PREA Compliance. Retrieved from https://file.lacounty.gov/SDSInter/bos/bc/1036121_TheLosAngelesCountySheriff_sDepartmentReportBackRegardingthePrisonRapeEliminationActCompliance.pdf

¹² Ibid.

¹³ Ibid.

¹⁴ LASD. (2022). Custody Division Manual 3-04/025.00-PREA of 2003 (PREA). Retrieved from <https://pars.lasd.org/Viewer/Manuals/14249/Content/19526?Source=TextSearch&searchQuery=prea%20coordinator>

¹⁵ Board. (2018). Board Motion: Establish a Prison Rape Elimination Act (PREA) Implementation Team REVISED. Retrieved from <https://file.lacounty.gov/SDSInter/bos/supdocs/123265.pdf>

¹⁶ Ibid.

- Actively participating in the PREA working group, which was comprised of the OIG, LASD, Board Deputies, Commission members, and County Counsel. The working group met monthly to discuss LASD's progress on implementing PREA and to receive input from the Commission.
- Updating PREA information on LASD's public PREA webpage and adding instructions on how to file a complaint¹⁷.
- Establishing a centralized LASD PREA email address to receive complaints and disseminate internal notifications.¹⁸
- Convening a Gender Identity Review Board to ensure the proper and safe housing and care for transgender and intersex inmates.¹⁹
- In 2019, updating and publishing nearly 20 department policies related to PREA, with each facility having updated PREA brochures and posters in English and Spanish.
- Incorporating PREA training into the LASD officer academy curriculum and conducting an eight-hour specialized training for LASD's jail investigators as required by PREA.²⁰
- Entering into a memorandum of understanding (MOU) with Strength United and Peace Over Violence²², providing rape crisis counseling services to incarcerated individuals who are victims of sexual abuse or harassment.
- Collecting data to prepare reports related to PREA on a quarterly and annual basis. Recent PREA reports reflect:
 - ✓ Custody Services Division 2023 4th Quarter Report PREA Allegation Alerts for October 1, 2023 through December 31, 2023^{23,24}Allegations of Sexual Abuse
 - 13 allegations (pending investigation) incarcerated person against incarcerated person. One has been substantiated.

¹⁷ LASD. (2019). PREA. Retrieved from <https://lasd.org/custody/#prea>

¹⁸ Ibid.

¹⁹ Los Angeles County Sheriff's Department. (2018). Report Back Regarding the PREA Compliance. Retrieved from https://file.lacounty.gov/SDSInter/bos/bc/1036121_TheLosAngelesCountySheriff_sDepartmentReportBackRegardingthePrisonRapeEliminationActCompliance.pdf

²⁰ National PREA Resource Center. (2024). PREA Standards-§115.31-Employee Training. Retrieved from <https://www.prearesourcecenter.org/standard/115-31>

²¹ Cal-State University Northridge. (2024). About Strength United. Retrieved from <https://www.csun.edu/eisner-education/strength-united/about>

²² Peace Over Violence (2018). Films Over Violence, Summer Series-I AM EVIDENCE. Retrieved from <https://www.peaceoverviolence.org/coming-up/foviame>

²³ LASD. (2023). Custody Services Division 2023 4th Quarter Report PREA Allegation Alerts. Retrieved from https://lasd.org/wp-content/uploads/2024/01/Transparency_Custody_PREA_2023_4th_Quarter.pdf

²⁴ The LASD reports include data related to allegations of sexual abuse and sexual harassment with findings of: (1) unfounded, meaning that the allegation was investigated and the incident was determined not to have occurred; (2) unsubstantiated, meaning that the allegation was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred; and (3) substantiated, meaning that the allegation was investigated and the alleged abuse was determined to have occurred.²⁴ The reports also include data regarding pending investigations.

- 13 allegations (pending investigation) of staff on incarcerated person
- ✓ Allegations of Sexual Harassment
 - 9 allegations (pending investigation) of incarcerated person against incarcerated person. One has been unfounded.
 - 20 allegations (pending investigation) of harassment by staff on incarcerated person
- Custody Services Division 2022 PREA Annual Report Summary²⁵
 - ✓ Refers to Informational PREA posters being located throughout all LASD jails with details about zero tolerance of sexual abuse and sexual harassment and how inmates can report.
 - ✓ In 2022, LASD conducted 15 Sexual Abuse Incident Reviews (SAIR) as dictated in PREA standards for allegations that were substantiated or unsubstantiated. The 15 SAIR's consisted of six (6) from Men's Central Jail and nine (9) from Century Regional Detention Facility (CRDF). Of the 15 SAIR's conducted, zero resulted in recommendations for corrective action.
 - ✓ In 2022 Allegations of Sexual Abuse and Sexual Harassment data reflected:
 - Incarcerated person against Incarcerated person
 - ✓ Sexual Abuse
 - 37 Unfounded
 - 17 Unsubstantiated
 - 0 Substantiated
 - ✓ Sexual Harassment
 - 24 Unfounded
 - 6 Unsubstantiated
 - 2 Substantiated
 - Staff on Incarcerated person
 - ✓ Sexual Abuse
 - 33 Unfounded
 - 3 Unsubstantiated
 - 0 Substantiated
 - ✓ Sexual Harassment

²⁵ LASD. (2023). Custody Services Division Office of PREA Compliance 2022 PREA Annual Report. Retrieved from https://lasd.org/wp-content/uploads/2023/05/LASD_2022_Prea_Annual_Report_053023.pdf

- 27 Unfounded
- 5 Unsubstantiated
- 0 Substantiated

OIG AUDITS

PREA standards require all covered confinement facilities to be audited at least once during every three-year audit cycle.²⁶ The OIG publicly posts PREA Facility Audit Reports conducted at LASD locations. The OIG reports capture key information and data that includes, but is not limited to:

- Name of the Facility
- Facility Type
- Facility Characteristics
- Facility Audit Findings with standards not met (if applicable)

In 2023, the OIG conducted the following LASD Patrol Station PREA audits:

- Lakewood Sheriff's Station (Final Report 5/11/2023)²⁷-lockups with a capacity of 32 and an average daily population of 25. Facility Audit Findings reflect 27 out of 35 PREA standards were unmet.
- Marina del Rey Sheriff's Station (Final Report 6/8/2023)²⁸-lockups with a capacity of 5 and an average daily population of 2. Facility Audit Findings reflect 20 out of 35 PREA standards were unmet.
- Lomita Sheriff's Station (Final Report 7/18/2023)²⁹-lockups with a capacity of 24 and an average daily population of 3. Facility Audit Findings reflect 16 out of 35 PREA standards were unmet.
- East Los Angeles Sheriff Station (Final Report 8/1/2023)³⁰-lockups with a capacity of 33 and an average daily population of 32. Facility Audit Findings reflect 16 out of 35 PREA standards were unmet.

The OIG audit findings reflects that the LASD has fallen far short of achieving full and sustainable PREA compliance.

²⁶ National PREA Resource Center. (2024). What is a PREA Audit? Retrieved from <https://www.prearesourcecenter.org/audit/overview>

²⁷ OIG. (2023). PREA Facility Audit Report LASD Lakewood Station. Retrieved from <https://assets-us-01.kc-usercontent.com/0234f496-d2b7-00b6-17a4-b43e949b70a2/ea57c3b1-40d6-4ca1-a2b0-bab893011502/PREA%20Audit%20Report%20for%20Lakewood%20Sheriff%27s%20Station%20-%20May%202023.pdf>

²⁸ OIG. (2023). PREA Facility Audit Report LASD. Marina del Rey Station. Retrieved from <https://assets-us-01.kc-usercontent.com/0234f496-d2b7-00b6-17a4-b43e949b70a2/72f03df8-3e38-42a8-8bda-afe74b90c8ac/Prison%20Rape%20Elimination%20Act%20Report%20-%20Marina%20del%20Rev%206.8.23.pdf>

²⁹ OIG. (2023). PREA Facility Audit Report LASD Lomita Station. Retrieved from <https://assets-us-01.kc-usercontent.com/0234f496-d2b7-00b6-17a4-b43e949b70a2/22b1c84d-f09a-492e-b912-dcfcc83eb2/PREA%20Facility%20Audit%20Report%20-%20Lomita%20Station.pdf>

³⁰ OIG. (2023). PREA Facility Audit Report LASD East Los Angeles Station. Retrieved from <https://assets-us-01.kc-usercontent.com/0234f496-d2b7-00b6-17a4-b43e949b70a2/d408c9fd-2817-4b1a-992d-49c6e36b437c/PREA%20Facility%20Audit%20Report%20-%20East%20Los%20Angeles%20Station%20-%2008.1.23.pdf>

RECOMMENDATION/CONCLUSION:

The Board’s May 29, 2018, motion provided an opportunity for select County agencies to work collaboratively to ensure that the County is compliant with PREA, audit-ready, and can become a national model. The Commission will continue to collaborate with the various stakeholders to ensure that all facilities are compliant with PREA guidelines. Staff recommends that the Commission adopt a motion with the following recommendations to LASD:

1. Effective by November 1, 2024, that LASD complete the following and provide a written status report back to the Commission within 30 days with:
 - A. Provide a listing of all LASD PREA policies, including revised and new PREA policies and upload them to the LASD public website;
 - B. Provide a listing of all PREA education curricula for incarcerated individuals along with the established procedures for providing the curricula at each jail facility under the Sheriff’s jurisdiction and upload them to the LASD public website;
 - C. Conduct facility self-assessments through facility-specific PREA teams to identify and address PREA-related deficiencies and develop corrective action plans to be provided to the Office of Inspector General (OIG) and Commission within 30 days of development;

2. LASD provide a written report back to the Commission within 120 days with:
 - A. Provide a breakdown of the staff model for the PREA Bureau and an operation plan to fill any vacant PREA positions; and
 - B. Revise all LASD Quarterly and Annual PREA reports and any other related PREA reports from this point moving forward to include general definitions and acronyms for terms commonly used in the document.

Staff will continue to monitor this matter and report back when necessary.

GUEST SPEAKERS:

- John Barkley, LASD Assistant Director, PREA Coordinator
- Linda McFarlane, Executive Director of Just Detention International
- Catharine Wright, Assistant Inspector General, Los Angeles County Office of Inspector General

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