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August 12, 2024

TO: Supervisor Lindsey P. Horvath, Chair
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FROM: Max Huntsman
Inspector General

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:¹

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.²

¹ 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.

² 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,³ 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.⁴ 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 2017.⁵ 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

³ 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.

⁴ 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 \(prearesourcecenter.org\)](#).

⁵ 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.⁶ 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

⁶ 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.⁷

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.⁸

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.

⁷ A facility director holds the title of Captain within the Sheriff's Department.

⁸ 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."⁹

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.

⁹ [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.¹⁰ 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.

¹⁰ 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.¹¹ 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

¹¹ 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, 2024.¹² 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
Pending	1	6	41	147	128	323
Unfounded*	139	136	154	91	30	550
Unsubstantiated**	89	51	42	30	5	217
Substantiated***	2	5	4	4	2	17
Total	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.						

¹² 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.¹³

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

¹³ [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).