

CALIFORNIA DEPARTMENT OF CORRECTIONS & REHABILITATION Prison Rape Elimination Act (PREA) Annual Report – Calendar Year 2015

The Federal Prison Rape Elimination Act (PREA) of 2003 was established to address the sexual abuse and sexual harassment of offenders in confinement settings. On August 20, 2012, the PREA Standards Final Rule, to help prevent, detect, and respond to sexual violence, staff sexual misconduct, and sexual harassment behind bars was released prompting the revision of the California Department of Corrections and Rehabilitation (CDCR) PREA Policy.

CDCR's PREA policy establishes zero tolerance for sexual abuse, staff sexual misconduct and sexual harassment and provides guidelines for the prevention, detection, response, investigation, and tracking of allegations against CDCR offenders. A further purpose of this policy is to provide guidelines for the successful community re-entry of offenders.

CDCR continues to remain diligent in investigating all allegations of sexual abuse, staff sexual misconduct, and sexual harassment against offenders. Staff and offenders are educated on the departments zero tolerance policy and provided information on the multiple ways to report an allegation, to include third-party reporting.

DEFINITIONS:

Substantiated allegations – 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 not to have occurred

Ongoing Investigation – the investigation was initiated and is on-going

STATISTICS:

The following are statistics of reported allegations within CDCR Adult Institutions, by category:

➤ Inmate on Inmate Nonconsensual Sexual Acts

	2014	2015
Substantiated	1	1
Unsubstantiated	100	146
Unfounded	22	26
On-going Investigation	4	46
Total:	127	219

Nonconsensual sex acts is defined as contact of any person without his or her consent, or by coercion, or contact of a person who is unable to consent or refuse AND contact between the

penis and vagina or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vagina, or anus or penetration of the anal or genital opening of another person by the hand, finger, or other object.

In 2015, the number of allegations for Nonconsensual Sex Acts increased by 92 and equates to an increase of 72%. This increase is attributed to recent and updated education for inmates statewide on the revised PREA policy and additional training for all staff, volunteers, and contractors. This training included signs to watch to assist staff in identifying that an inmate may have been the victim of sexual abuse.

➤ Inmate on Inmate Abusive Sexual Contact

	2014	2015
Substantiated	3	4
Unsubstantiated	41	81
Unfounded	5	12
On-going Investigation	0	6
Total:	49	103

Abusive sexual contact is defined as contact of any person without his or her consent, or by coercion, or contact of a person who is unable to consent or refuse AND intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

In 2015, the number of allegations for Abusive Sexual Contact increased by 54 and equates to an increase of 110%. This is also attributed to enhanced education for the inmate population on CDCR's revised PREA policy and additional training for all staff, volunteers, and contractors.

➤ Inmate on Inmate Sexual Harassment

	2014	2015
Substantiated	0	3
Unsubstantiated	3	30
Unfounded	1	4
On-going Investigation	0	4
Total:	4	41

Inmate on inmate sexual harassment is defined as repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an offender toward another offender.

In 2015, the number of allegations for inmate on inmate sexual harassment was 41 which is an increase of 92%. As mentioned above, in 2015 CDCR revised and reissued its policy on PREA. Training was provided to staff and the inmate population. The increased information being shared and discussed in our institutions allows inmates to feel more confident in reporting allegations.

➤ Staff Sexual Misconduct

	2014	2015
Substantiated	3	1
Unsubstantiated	53	103
Unfounded	39	40
On-going Investigation	6	48
Total:	101	192

In 2015, the number of allegations for staff sexual misconduct was 192 which equates to an increase of 90%. This is attributed to revision and reissuance of the CDCR policy on PREA. It is believed, that the increased information being shared and discussed in our institutions has allowed inmates to feel more confident in reporting allegations.

Staff is inclusive of employees, volunteers, and independent contractors assigned to an institution, community correctional facility, conservation camp, parole, or headquarters. CDCR’s zero tolerance policy holds all staff accountable when it is proven that they have violated the policy. Please remember, the legal concept of “consent” does not exist between staff and offenders; any sexual behavior between them constitutes sexual misconduct and subjects the staff member to disciplinary action and/or to prosecution under the law.

➤ Staff Sexual Harassment

	2014	2015
Substantiated	0	3
Unsubstantiated	15	69
Unfounded	2	22
On-going Investigation	0	20
Total:	17	114

In 2015, the number of allegations for staff sexual harassment was 114, which equates to an increase of 571%. staff sexual harassment towards an offender is defined as repeated verbal comments or gestures of a sexual nature to an offender by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures. This increase in attributed to the reasons mentioned above.

SUMMARY

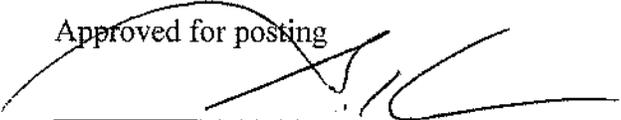
Some of the activities the Department has been involved in during the previous calendar year include:

- Revision to the PREA Policy, Department Operations Manual (DOM) Article 44
- Revision to the California Code of Regulations, various sections
- Revision to PREA Training materials
- Modification of the inmate education materials on sexual abuse
- Establishment of the protection against retaliation process

- Establishment of an institutional level review of all PREA allegations

CDCR continues to progress in addressing sexual abuse by continually monitoring all allegations of sexual abuse, staff sexual misconduct, and sexual harassment. Each allegation is investigated by trained investigators and reviewed by the institution's hiring authority. If any issues or trends are identified they are addressed immediately. This may include modifications to existing policy, procedures, education or training. This also could take into consideration physical plant limitations and the need for video monitoring equipment.

Approved for posting



SCOTT KERNAN, Secretary

7-22-16

Date