

CALIFORNIA DEPARTMENT OF CORRECTIONS & REHABILITATION

Prison Rape Elimination Act (PREA) Annual Report – Calendar Year 2020

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 Department’s zero tolerance policy and provided information on the multiple ways to report an allegation, to include third-party reporting.

DEFINITIONS:

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 not to have occurred

Ongoing investigation: the investigation was initiated and is continuous.

STATISTICS:

The following are statistics of reported allegations within CDCR adult institutions, by category:

- **Inmate on Inmate Nonconsensual Sexual Acts**

	2015	2016	2017	2018	2019	2020
Substantiated	5	4	9	3	7	8
Unsubstantiated	180	159	192	186	155	130
Unfounded	32	64	76	54	59	69
Ongoing investigation	9	44	13	16	16	15
Total:	226	271	290	259	237	222

Inmate on Inmate Nonconsensual Sex Acts is defined as, contact of an offender by another offender without his or her consent, or by coercion, or contact of an offender who is unable to consent or refuse AND contact between the penis and vagina or the penis and 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 2019, the number of allegations for Nonconsensual Sex Acts was 237. In 2020, the number of allegations for Inmate on Inmate Nonconsensual Sex Acts was 222, which equates to a decrease of 6 percent.

- **Inmate on Inmate Abusive Sexual Contact**

	2015	2016	2017	2018	2019	2020
Substantiated	5	5	2	7	5	3
Unsubstantiated	86	94	106	124	116	87
Unfounded	12	27	62	35	39	36
Ongoing investigation	0	8	3	6	8	3
Total:	103	134	179	172	168	129

Inmate on Inmate Abusive Sexual Contact is defined as contact of offender by another offender without his or her consent, or by coercion, or contact of an offender 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 2019, the number of allegations for Inmate on Inmate Abusive Sexual Contact was 168. In 2020, the number of allegations for Abusive Sexual Contact was 129, which equates to a decrease of 23 percent.

- **Inmate on Inmate Sexual Harassment**

	2015	2016	2017	2018	2019	2020
Substantiated	3	6	1	9	1	6
Unsubstantiated	32	66	86	79	71	89
Unfounded	4	26	15	30	16	23
Ongoing investigation	0	5	3	1	0	4
Total:	39	103	105	119	88	122

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. This definition was added to CDCR’s policy in response to its inclusion in the PREA Standards.

In 2019, the number of allegations for Inmate on Inmate Sexual Harassment was 88. In 2020, the number of allegations for Inmate on Inmate Sexual Harassment was 122, which equates to an increase of 38 percent.

▪ **Staff on Inmate Sexual Misconduct**

	2015	2016	2017	2018	2019	2020
Substantiated	5	5	11	11	10	7
Unsubstantiated	126	96	156	132	140	137
Unfounded	48	82	143	166	153	133
Ongoing investigation	11	34	26	28	23	38
Total:	190	217	335	337	326	315

Staff on Inmate Sexual Misconduct is defined as threatened, coerced, attempted, or completed sexual contact, assault or battery of an offender by staff. 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 they have violated the policy. 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.

In 2019, the number of allegations for Staff Sexual Misconduct was 326. In 2020, the number of allegations for Staff Sexual Misconduct was 315, which equates to a decrease of 3 percent.

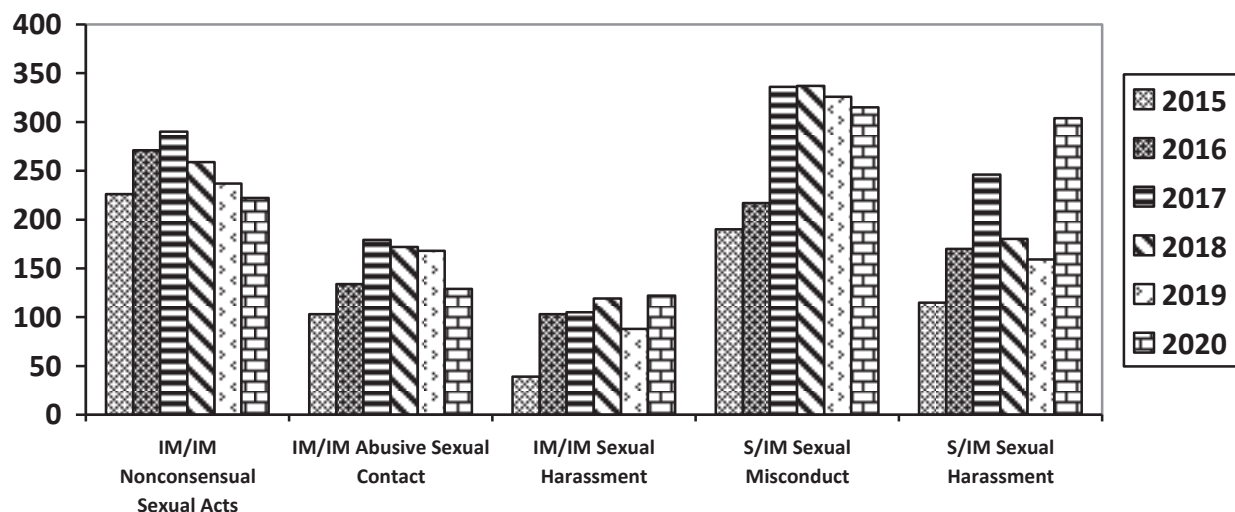
▪ **Staff on Inmate Sexual Harassment**

	2015	2016	2017	2018	2019	2020
Substantiated	5	5	3	3	2	2
Unsubstantiated	84	95	127	90	105	159
Unfounded	25	59	105	83	48	131
Ongoing investigation	1	11	11	4	4	12
Total:	115	170	246	180	159	304

Staff on Inmate Sexual Harassment is defined as, repeated verbal comments or gestures of a sexual nature, including demeaning references to gender, sexually suggestive derogatory comments about body or clothing, or obscene language or gestures to an offender by a staff member, contractor, or volunteer.

In 2019, the number of allegations for Staff Sexual Harassment was 159. In 2020, the number of allegations for Staff Sexual Harassment was 304, which equates to an increase of 91 percent.

Total Number of all PREA Allegations by Year and Type



[IM/IM= Inmate on Inmate; S/IM= Staff on Inmate]

SUMMARY

The total number of combined allegations increased in 2020 from 978 in 2019, to 1092 in 2020, a total increase of 8 percent. CDCR’s saw a population reduction of 25365 inmates based on population results from December 31, 2019 to December 31, 2020. Inmate on inmate sexual harassment was included in the PREA Federal Standards in 2012 and additional education for both staff and inmates were provided. The additional education included awareness of sexual harassment being a grooming mechanism in the sexual abuse continuum for abusers to identify potential victims. This is believed to have led to the decrease of inmate on inmate nonconsensual sexual acts and inmate on inmate abusive sexual contact. The 38% increase of inmate on inmate harassment allegations is also contributed to increased education where inmates are able to recognize the beginning phase of sexual abuse and report it prior to the abuse elevating into sexual violence.

The increase of Staff on Inmate Sexual Harassment allegations by 91% for 2020 is believed to have been from additional education and training for Local Designated Investigators (LDI) in recognizing allegations of sexual harassment. Allegations of inappropriate clothed body searches, misuse of correct gender pronouns, and sexual comments are all included in staff on inmate harassment allegations and require an investigation.

Some of the changes the Department has implemented during the previous calendar year include:

- Newly assigned Staff assigned to conduct sexual abuse investigations received eight hours of specialized training.

- Training for all staff on respect towards the Transgender, Intersex, and Non-Binary inmate population to include proper terminology, general awareness, clothing and personal property and housing allotments, housing and safety concerns, and search procedures.
- California Code of Regulations (CCR) Title 15 Section 3411 was updated and all staff were notified of their mandatory reporting requirements if they had ever been convicted of engaging or attempting to engage in sexual activity in the community by force or implied threats.
- All staff received training on Senate Bill (SB) 132, cited as The Transgender Respect, Agency, and Dignity Act. SB 132 authorized the CDCR to house and search offenders based on their identified gender creating a more safe environment for offenders who identify as transgender, intersex, or non-binary.

Some of the changes each institution has implemented during the previous calendar year also include:

Avenal State Prison (ASP)

- Installed permanent modesty screens to prevent opposite gender viewing in housing units showers and toilet areas. Shower curtains were lengthen to minimize view from Officer Podiums.

Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff.

The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

California City Correctional Facility (CAC)

- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

Calipatria State Prison (CAL)

- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

California Correctional Center (CCC)

- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

California Correctional Institution (CCI)

- Modifications were made to multiple restrooms and shower areas to include privacy barriers and window frosting.
- Additional training was provided for completing of the PREA screening form.
- Training was provided to ISU staff regarding the inclusion in their report of whether staffs' actions or failure to act contributed to the sexual abuse.
- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

Centinela State Prison (CEN)

- Privacy screens have been installed in all housing units in the shower areas and on recreational yard toilet locations.
- Lighting was improved in storage rooms and warehouse.
- Staff removed any barriers from office windows to provide a clear view.
- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

California Health Care Facility (CHCF)

- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

California Institution for Men (CIM)

- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

California Institution for Women (CIW)

- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

California Men's Colony (CMC)

- Staff removed any barriers from office windows to provide a more clear view.

- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

California Medical Facility (CMF)

- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

California Rehabilitation Center (CRC)

- Mirrors placed in CAL fire areas to rectify blind spots.
- Updated training and education for inmates being received into CRC regarding PREA and how to report sexual misconduct.
- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

California State Prison, Corcoran (COR)

- Modesty screens were placed in inmate shower and restrooms to prevent cross gender viewing.
- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

California State Prison, Los Angeles County (LAC)

- Additional staff received specialized training in conducting sexual abuse investigations.
- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

Central California Women's Facility (CCWF)

- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

Chuckawalla Valley State Prison (CVSP)

- Improvements and training regarding cross gender announcements and reporting.
- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

Correctional Training Facility (CTF)

- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

Deuel Vocational Institution (DVI)

- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

Folsom State Prison (FSP)

- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

High Desert State Prison (HDSP)

- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

Ironwood State Prison (ISP)

- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

Kern Valley State Prison (KVSP)

- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

Mule Creek State Prison (MCSP)

- Modesty screens installed around inmate toilets on main recreational yards.
- Modesty screens installed in facility work change areas.
- Inmate restroom windows partially frosted to prevent cross gender viewing.
- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff.
- The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

North Kern State Prison (NKSP)

- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

Pelican Bay State Prison (PBSP)

- Shower curtains raised six inches to comply with PREA standards and allow ground view of shower floors.
- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

Pleasant Valley State Prison (PVSP)

- Provided training on cross gender announcements.
- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

Richard J. Donovan Correctional Facility (RJD)

- Installed partitions in vocational bathrooms.
- Fabricated mesh modesty screens for Administrative Segregation Unit, Small Management Yards.
- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

California State Prison, Sacramento (SAC)

- Updated orientation video and pamphlets containing PREA reporting requirements.
- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

Substance Abuse Treatment Facility and State Prison (SATF)

- Implemented clothing exchange policy for Transgender inmates to exchange their state issued clothing for clothing appropriate to their gender identity.
- Modesty screens installed in shower areas.
- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

Sierra Conservation Center (SCC)

- Privacy screens installed in inmate restrooms to prevent cross gender viewing.
- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

California State Prison, Solano (SOL)

- Inmate grievance boxes were placed in locations more accessible for the entire inmate population.
- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

Salinas Valley State Prison (SVSP)

- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

San Quentin State Prison (SQ)

- Organization of Town Hall meeting for all transgender / Non-binary inmates.
- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

Valley State Prison (VSP)

- Modesty screens installed in inmate restrooms.
- PREA education updated for orientation inmates and new arrivals.
- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

Wasco State Prison (WSP)

- Provided 1 hour mandatory training on Prison Rape Elimination Act (PREA) to all staff. The training refreshed staff in understanding how to prevent, detect, evaluate, respond to, and investigate complaints, threats, or signs of sexual violence, staff sexual misconduct, and sexual harassment against offenders.

CDCR had a total of 26 sustained allegations of harassment or misconduct with 9 of them involving staff in 2020. In 2019 there were 25 sustained allegations with 12 involving staff.

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. Additionally, this could take into consideration physical plant limitations and the need for video monitoring equipment.

Approved for posting.

DocuSigned by:

Kathleen Allison

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Kathleen Allison, Secretary

7/16/2021

Date