



CALIFORNIA DEPARTMENT *of* **CORRECTIONS AND REHABILITATION**

Prison Rape Elimination Act Annual Report – Calendar Year 2023

The Federal Prison Rape Elimination Act (PREA) of 2003 was established to address the Sexual Abuse and Sexual Harassment of incarcerated persons in confinement settings. On June 20, 2012, the PREA Standards Final Rule, National Standards to Prevent, Detect, and Respond to Prison Rape were released to Prevent, Detect, and Respond to Sexual Violence, Staff Sexual Misconduct, and Sexual Harassment of incarcerated persons was released, prompting the revision of the California Department of Corrections and Rehabilitation (CDCR) PREA policy. This report is available to the public pursuant to PREA Federal Standards Sections 115.87 and 115.88.

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 involving CDCR incarcerated persons. A further purpose of this policy is to provide guidelines for the successful community re-entry of incarcerated persons.

Staff and incarcerated persons are educated on CDCR’s zero tolerance policy and provided information on the multiple ways to report an allegation, to include third-party reporting. CDCR continues to remain diligent in investigating all allegations of sexual abuse, staff sexual misconduct, and sexual harassment involving incarcerated persons. The following are definitions of allegations by allegation type:

- **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:** an investigation was initiated and is continuous.

STATISTICS:

The following are statistics of reported allegations within CDCR adult institutions, by category:
Incarcerated Person on Incarcerated Person Nonconsensual Sexual Acts

	2018	2019	2020	2021	2022	2023
Substantiated	3	7	8	4	3	5
Unsubstantiated	204	162	137	161	138	124
Unfounded	58	59	71	53	21	29
Ongoing investigation	3	9	6	9	19	85
Total:	268	237	222	227	181	243

Incarcerated Person on Incarcerated Person Nonconsensual Sex Acts is defined as, contact of an incarcerated person by another incarcerated person without their consent, or by coercion, or contact of an incarcerated person 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 2022, the number of allegations for Incarcerated Person on Incarcerated Person Nonconsensual Sex Acts was 181. In 2023, the number of allegations for Incarcerated Person on Incarcerated Person Nonconsensual Sex Acts was 243, which equates to an increase of 34 percent.

Incarcerated Person on Incarcerated Person Abusive Sexual Contact

	2018	2019	2020	2021	2022	2023
Substantiated	8	5	3	4	6	7
Unsubstantiated	131	118	89	131	137	141
Unfounded	39	39	36	20	15	12
Ongoing investigation	1	6	1	6	14	81
Total:	179	168	129	161	172	241

Incarcerated Person on Incarcerated Person Abusive Sexual Contact is defined as, contact of an incarcerated person by another incarcerated person without his or her consent, or by coercion, or contact of an incarcerated 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 2022, the number of allegations for Incarcerated Person on Incarcerated Person Abusive Sexual Contact was 172. In 2023, the number of allegations for Incarcerated Person on Incarcerated Person Abusive Sexual Contact was 241, which equates to an increase of 40 percent.

Incarcerated Person on Incarcerated Person Sexual Harassment

	2018	2019	2020	2021	2022	2023
Substantiated	10	1	6	13	2	12
Unsubstantiated	83	71	91	93	82	66
Unfounded	32	16	23	14	13	7
Ongoing investigation	0	0	2	12	26	72
Total:	125	88	122	132	123	157

Incarcerated Person on Incarcerated Person 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 incarcerated person toward another incarcerated person. This definition was added to CDCR’s PREA policy in response to its inclusion in the PREA Standards.

In 2022, the number of allegations for Incarcerated Person on Incarcerated Person Sexual Harassment was 123. In 2023, the number of allegations for Incarcerated Person on Incarcerated Person Sexual Harassment was 157, which equates to an increase of 28 percent.

Staff on Incarcerated Person Sexual Misconduct

	2018	2019	2020	2021	2022	2023
Substantiated	17	13	11	17	35	6
Unsubstantiated	152	145	158	191	207	142
Unfounded	181	157	135	92	45	47
Ongoing investigation	7	10	11	26	105	607
Total:	357	325	315	326	392	802

Staff on Incarcerated Person Sexual Misconduct is defined as; threatened, coerced, attempted, or completed sexual contact, assault, or battery of an incarcerated person by staff. Staff is inclusive of employees, volunteers, and independent contractors assigned to an institution, community correctional facility, conservation camp, parole, or headquarters. Pursuant to CDCR’s zero tolerance policy, all staff are held accountable for actions in violation of the policy. The legal concept of “consent” does not exist between staff and incarcerated person; any sexual behavior between them constitutes sexual misconduct and subjects the staff member to disciplinary action and/or criminal prosecution.

In 2022, the number of allegations for Staff on Incarcerated Person Sexual Misconduct was 392. In 2023, the number of allegations for Staff on Incarcerated Person Sexual Misconduct was 802, which equates to an increase of 105 percent.

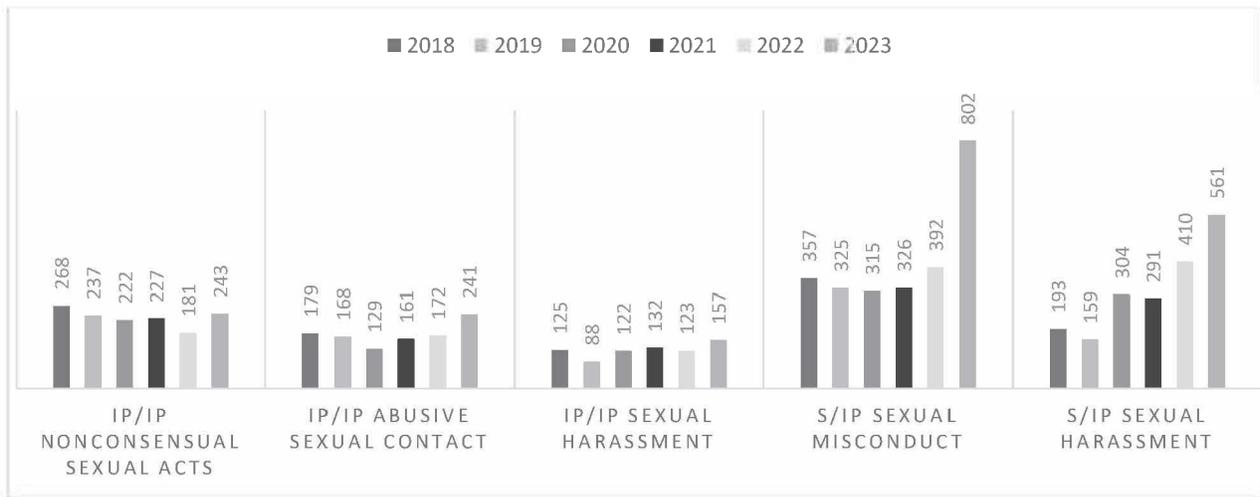
Staff on Incarcerated Person Sexual Harassment

	2018	2019	2020	2021	2022	2023
Substantiated	3	2	2	10	16	3
Unsubstantiated	100	105	165	184	202	131
Unfounded	90	48	134	72	63	24
Ongoing investigation	0	4	3	25	129	403
Total:	193	159	304	291	410	561

Staff on Incarcerated Person 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 incarcerated person by an employee, volunteer, or independent contractor.

In 2022, the number of allegations for Staff on Incarcerated Person Sexual Harassment was 410. In 2023, the number of allegations for Staff on Incarcerated Person Sexual Harassment was 561, which equates to an increase of 37 percent.

Total Number of all PREA Allegations by Year and Type



[IP/IP = Incarcerated Person on Incarcerated Person; S/IP = Staff on Incarcerated Person]

SUMMARY

In 2023, CDCR had a total of 33 substantiated allegations of sexual harassment or misconduct with nine of them involving staff. In 2022 there were 62 substantiated allegations with 51 involving staff.

The total number of combined allegations increased from 1,278 in 2022, to 2,004 in 2023, a total increase of 57 percent. CDCR saw a population decrease of 1,519 incarcerated persons based on population results from December 31, 2022, to December 31, 2023.

Incarcerated Person on Incarcerated Person Sexual Harassment was included in the PREA Federal Standards in 2012 and CDCR provided additional education for both staff and incarcerated persons. 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 34 percent increase of Incarcerated Person-on-Incarcerated Person Nonconsensual Sexual Acts, and the 28 percent Incarcerated Person on Incarcerated Person Sexual Harassment. The 40 percent increase of Incarcerated Person-on-Incarcerated Person Abusive Sexual Contact allegations is also attributed to increased education where incarcerated persons are able to recognize the beginning phase of sexual abuse and are able to report it before it escalates to more violent sexual acts.

The following are contributing factors to the 105 percent increase of Staff on Incarcerated Persons Sexual Misconduct allegations and the 37 percent increase of Staff on Incarcerated Persons Sexual Harassment allegations for 2023. The first contributing factor is a result of the lack of full understanding in the implementation of the Staff-on-Incarcerated Person Allegation process. The new process requires institution staff to forward all potential PREA allegations to Centralized Screening Team (CST) of the Office of Internal Affairs (OIA) for determination if the allegation is a PREA violation. This change resulted in the institution staff's inability to ensure the allegation meets the definition of a PREA violation before a PREA Log number is assigned. To reduce the lack of understanding of this process, training was provided to CST staff as well as institution staff to clarify what exactly constitutes a PREA violation prompting an investigation.

The PREA Compliance Unit continues communication with CST and institution staff to assist in making proper determinations.

The second contributing factor was the result of a lawsuit submitted on behalf of incarcerated and formally incarcerated persons, with allegations spanning over a ten-year period, which included over 100 allegations of Staff Sexual Misconduct and Staff Sexual Harassment.

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

- Updated the Office of Inspector General (OIG) reporting hotline number to a direct dial number that does not require the incarcerated person to enter their Personal Identification Number. Incarcerated Persons may now dial *7732# (*PREA#) to report to the OIG anonymously in compliance with 28 C.F.R. 115.51 (b).
- Updated the PREA Educational DVD to include subtitles on the English version.
- Expanded the Audio Video Surveillance System (AVSS) and Body Worn Camera (BWC) program to additional institutions.

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

Avenal State Prison

- Provided one-hour mandatory PREA training 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 incarcerated persons.

California City Correctional Facility

- California City Correctional Facility closed as of November 2023.

Calipatria State Prison

- Provided one-hour mandatory PREA training 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 incarcerated persons.
- Training was provided to all Correctional Counselor I's on PREA interview responsibilities when conducting the initial Classification pre-committee interview within the 14-days of arrival of an incarcerated person.
- OIG representative will be present during monthly Institutional PREA Review Committees.

California Correctional Institution

- Provided one-hour mandatory PREA training 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 incarcerated persons.
- Training provided to Intake Screeners on how to complete the PREA screening forms.
- Implemented BWC for custody staff.
- Installed fixed cameras facility-wide which will assist in the investigative process when alleged incidents occur.

Centinela State Prison

- Provided one-hour mandatory PREA training 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 incarcerated persons.

California Health Care Facility

- Provided one-hour mandatory PREA training 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 incarcerated persons.

California Institution for Men

- Provided one-hour mandatory PREA training 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 incarcerated persons.
- Issued portable partitions in the Facility A housing unit showers for transgender population.
- Memorandum issued to incarcerated persons housed in cells with perforated steel cell doors to put one state-issued towel on the door when toileting and changing clothing.

California Institution for Women

- Provided one-hour mandatory PREA training 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 incarcerated persons.
- Provided additional PREA education via peer educators in a one-hour orientation group setting.
- Partnership with Just Detention International to ensure the institution remains up to date with PREA education.

California Men's Colony

- Provided one-hour mandatory PREA training 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 incarcerated persons.

California Medical Facility

- Provided one-hour mandatory PREA training 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 incarcerated persons.
- AVSS system activated in mid-November of 2023, and the system will continue to be monitored for effective prevention of sexual abuse.
- Installed fixed cameras facility-wide which will assist in the investigative process of alleged incidents.

California Rehabilitation Center

- Provided one-hour mandatory PREA training 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 incarcerated persons.
- Privacy screens were added to restrooms and showers in areas identified during a PREA audit.
- Privacy screens were lowered in restrooms and showers where they were identified to be too high during a PREA audit.

California State Prison, Corcoran

- Provided one-hour mandatory PREA training 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 incarcerated persons.

California State Prison, Los Angeles County

- Provided one-hour mandatory PREA training 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 incarcerated persons.
- New modesty screens and barriers installed in the outside recreation toilets.

Central California Women's Facility

- Provided one-hour mandatory PREA training 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 incarcerated persons.
- Implemented BWC for custody staff.

Chuckawalla Valley State Prison

- Provided one-hour mandatory PREA training 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 incarcerated persons.

Correctional Training Facility

- Provided one-hour mandatory PREA training 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 incarcerated persons.

Division of Rehabilitative Programs

- Provided one-hour mandatory PREA training 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 incarcerated persons.

Folsom State Prison

- Provided one-hour mandatory PREA training 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 incarcerated persons.

High Desert State Prison

- Provided one-hour mandatory PREA training 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 incarcerated persons.
- Training provided to all Lieutenants relative to PREA screening upon intake.
- PREA Compliance Manager (PCM) received PCM and Locally Designated Investigator (LDI) training.

Ironwood State Prison

- Provided one-hour mandatory PREA training 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 incarcerated persons.

Kern Valley State Prison

- Provided one-hour mandatory PREA training 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 incarcerated persons.

Mule Creek State Prison

- Provided one-hour mandatory PREA training 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 incarcerated persons.
- Installed fixed cameras facility-wide to assist in the investigative process of alleged incidents.

North Kern State Prison

- Provided one-hour mandatory PREA training 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 incarcerated persons.

Pelican Bay State Prison

- Provided one-hour mandatory PREA training 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 incarcerated persons.
- A work order has been submitted to either add a window to a solid door or replace it with a door that has a window to the janitors closet in the Correctional Treatment Center.

Pleasant Valley State Prison

- Provided one-hour mandatory PREA training 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 incarcerated persons.
- Training provided to all custody staff regarding DOM section 54040.4, Education and Prevention. Specifically, instruction that staff of the opposite biological sex shall announce their presence when entering a housing unit, to minimize cross gender viewing.

Richard J. Donovan Correctional Facility

- Provided one-hour mandatory PREA training 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 incarcerated persons.

California State Prison, Sacramento

- Provided one-hour mandatory PREA training 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 incarcerated persons.
- Implemented BWC for custody staff.

Substance Abuse Treatment Facility

- Provided one-hour mandatory PREA training 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 incarcerated persons.

Sierra Conservation Center

- Provided one-hour mandatory PREA training 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 incarcerated persons.

California State Prison, Solano

- Provided one-hour mandatory PREA training 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 incarcerated persons.
- Installed fixed cameras facility-wide to assist in the investigative process of alleged incidents.

Salinas Valley State Prison

- Provided one-hour mandatory PREA training 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 incarcerated persons.
- Implemented BWC for custody staff.
- Installed fixed cameras facility-wide to assist in the investigative process of alleged incidents.

San Quentin Rehabilitation Center (formally San Quentin State Prison)

- Provided one-hour mandatory PREA training 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 incarcerated persons.
- Privacy screens replaced as needed based on wear and tear throughout the institution.
- Updated PREA posters placed throughout the entire institution to educate the incarcerated population on the hotline and numbers to call.
- Training provided to Correctional Counselors regarding PREA Risk Re-Screening responsibilities.
- Installed fixed cameras facility-wide to assist in the investigative process of alleged incidents.

Valley State Prison

- Provided one-hour mandatory PREA training 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 incarcerated persons.
- Verbiage added to the Receiving and Release (R&R) orientation packet to reflect PREA updates.
- Local Operational Procedures updated to reflect changes from “shall not allow” to “recommend not to” as relates to the victim using the restroom and showering.
- Additional TV and DVD player added to R&R to allow all new incarcerated persons to be able to view the PREA DVD during intake.
- Mirrors added to area identified during tours by PCM, Investigative Services Unit and HQ PREA Compliance Unit in canteen, laundry, and other identified areas.
- Prison Industry Authority Laundry removed and modified a privacy screen for the incarcerated persons restroom.

Wasco State Prison

- Provided one-hour mandatory PREA training 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 incarcerated persons.

CDCR continues to progress in addressing sexual abuse by 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. Issues and trends are immediately addressed. This may include modifications to existing policy, procedures, education, or training, consideration to physical plant limitations and the need for video monitoring equipment.

Approved for posting.

<small>DocuSigned by:</small> Jeffrey Macomber <small>5957F5D0C55F473...</small>	<hr/>	7/23/2024 <hr/>
JEFF MACOMBER Secretary		Date