



California Department of Corrections and Rehabilitation
Report to the Legislature
Sexual Assault Response and Prevention
March 2024

INTRODUCTION

The [2023-24 Budget Act](#) requires the California Department of Corrections and Rehabilitation (CDCR) to submit a report to the California Legislature by March 1, 2024 regarding the following: (a) Protections for sexual assault and harassment whistleblowers inside prisons or otherwise in the Department's custody, (b) Access to trauma-informed supports for incarcerated survivors, and (c) The process for handling allegations of staff misconduct that specifically involve allegations of sexual assault and harassment.

The 2023-24 Budget Act provided resources to the Department to establish a Sexual Assault Response and Prevention Working Group and an Ambassador Program in partnership with the Sister Warriors Freedom Coalition. The working group consists of leadership and staff from CDCR Female Offender Programs and Services (FOPS), advocacy groups, community-based organizations led by formerly incarcerated people, representatives from the ambassador groups, and individuals who have survived sexual assault in custody.

The CDCR leadership team is fully committed to protecting victims of sexual assault and ensuring avenues are available for both the incarcerated population and staff to safely report misconduct. Sexual abuse and harassment of those under our care is completely unacceptable. CDCR acknowledges there is more work to be done and as such, remains committed to working with all stakeholders to continue to improve our processes and outcomes. This report outlines CDCR's response to recent reports of sexual assault and staff misconduct within the institutions, as well as provides recommendations focused on the long-term safety of the incarcerated population within the women's institutions. It is important to note that the vast majority of women incarcerated in California prisons are victims of past trauma, especially sexual assault. This makes our approach and services extremely important. Therefore, this report provides an overview of ongoing working efforts surrounding protections for sexual assault victims and harassment whistleblowers inside prisons, improving access to trauma-informed support and services for incarcerated survivors, and improving the process for handling allegations of staff misconduct that involve sexual assault and harassment.

PROTECTIONS FOR SEXUAL ASSAULT AND HARRASSMENT WHISTLEBLOWERS INSIDE

Body Worn Cameras and Audio Video Surveillance System

CDCR strives to maintain an overall standard of safety, security, professional and courteous behavior towards all staff, volunteers, incarcerated individuals, and parolees.

CDCR has implemented the use of Body Worn Cameras (BWC) and Audio Video Surveillance Systems (AVSS) in many of CDCR's institutions. Currently, BWCs and AVSS are utilized at both women's institutions. Overall, the use of BWC and AVSS delivers much needed oversight and accountability to improve conditions within our institutions.

Retaliation Headquarters Review

CDCR's policies follow the Federal Prison Rape Elimination Act (PREA) Standards. Allegations of

sexual misconduct and harassment are closely monitored by CDCR staff for a minimum of 90 days following a PREA incident in order to detect and prevent any retaliation against those who file complaints. Incarcerated persons and staff who report sexual abuse as well as cooperators with abuse investigations are considered high-risk populations requiring protection from reprisals for whistleblowing. CDCR staff meticulously track housing and/or transfer decisions, evaluations, and disciplinary records for these vulnerable individuals during the 90-day period. This oversight process serves to both deter retaliation by staff or incarcerated persons and provides recourse mechanisms should concerning patterns emerge.

Furthermore, CDCR affords the incarcerated population multiple ways to report sexual abuse or sexual harassment as well as contacting a victim advocate for emotional support. Throughout the institution, in areas where incarcerated people live, work or congregate, CDCR displays posters from the local Rape Crisis Center with phone numbers and the mailing address to allow them to contact a victim advocate. In these same areas, CDCR displays posters which provide the mailing address and phone numbers for the Office of Internal Affairs (OIA) as well as the PREA Ombudsperson for the Office of the Inspector General (OIG) to report any sexual misconduct. The information is also included in the orientation handbook given to the incarcerated population during their intake process and on the issued tablets.

Technology and Policy Implementations for Body Searches

There have been recent allegations that unclothed body searches have been conducted in a retaliatory manner, and body scanners have been suggested as an alternative to unclothed body searches. The opioid crisis has resulted in overdoses inside CDCR institutions, with several resulting in deaths. Given CDCR's primary objective of protecting the sanctity of life, searches of the population continue to be one of the tools utilized to prevent the introduction of controlled substances and other contraband into our institutions. Adani Low-Dose scanners are used in lieu of unclothed body searches in some areas of the institutions, but there are limitations to the use of these scanners. The current scanners require the incarcerated person to walk through the scanner, those requiring wheelchairs or walkers cannot be scanned. There are times when the use of technology is not feasible to conduct searches, and unclothed body searches are necessary. For many years, only female staff members have searched female incarcerated persons. In January 2021, transgender, non-binary, and intersex persons were permitted to be searched by the gender of their preference. CDCR continually evaluates technological solutions to improve the safety and security of those in our care.

THE PROCESS FOR HANDLING ALLEGATIONS OF STAFF MISCONDUCT THAT

Zero Tolerance Policy

CDCR takes every allegation of sexual misconduct, sexual harassment, and sexual violence seriously and investigates each allegation thoroughly. CDCR enforces a zero-tolerance policy to staff sexual abuse, sexual misconduct, and sexual harassment. The safety of all individuals at California's institutions is paramount. Unfortunately, and despite these policies, the Department continues to have occurrences of sexual misconduct. It is abhorrent, in any case, that a peace officer or non-sworn

staff member would use their position to take advantage of others.

When CDCR receives information on an allegation of staff-related sexual misconduct, CDCR will begin an internal investigation. CDCR's procedures for responding to reports of sexual assault or harassment within our facilities prioritizes the safety and well-being of those affected. These procedures encompass a series of crucial steps, including the immediate separation of the victim and alleged perpetrator, the preservation of potential evidence, thorough medical assessments, obtaining detailed statements, and ensuring access to support services. Internal investigations, conducted by specialized units following established procedures, play a vital role in gathering essential information for informed decision-making and appropriate action. CDCR refers appropriate cases to the local County District Attorneys' Offices for possible felony prosecution.

CDCR continues to monitor and evaluate the staff misconduct process in order to identify gaps and inefficiencies and improve the overall process. As such, CDCR is open to discussion and suggestions that would enhance this process for ensuring the safety and security of our population. It is important to note, portions of the staff misconduct process are set forth in both court order and negotiated agreements with plaintiffs.

Mechanisms to Report Misconduct

Since 2020, CDCR has been reforming its processes for receiving and reviewing documents that may contain an allegation of staff misconduct towards an incarcerated person or paroled person, which include grievances, requests for reasonable accommodation, and third-party complaints (citizen complaints, staff, ombudsman, advocacy letters, etc.). In 2022, CDCR completely overhauled the Staff Misconduct process using a phased implementation to transfer responsibility of review of these documents from institutions and parole operations to the Office of Internal Affairs (OIA) Centralized Screening Team to remove the possibility of local bias in the review process.

The team uses the Allegation Decision Index, a tool which identifies specific actions that qualify as staff misconduct, including allegations involving Use of Force (UOF) and PREA. If the complaint includes an allegation of staff misconduct, the complaint is routed to OIA's Allegation Investigation Unit for investigation. This unit is then responsible for conducting complete, thorough, and unbiased investigations of the allegations in the complaint.

External Monitoring

CDCR works with and complies with the Bureau of Justice Assistance U.S. Department of Justice PREA auditing requirements, Section 115.401, including the frequency and scope of audits as well as Section 115.402, auditor qualifications. Other correctional departments outside of California conduct audits of CDCR's prisons.

CDCR is currently working with the Bureau of Justice Statistics (BJS) to conduct an external PREA Survey in five institutions, to include both women's institutions. This survey, led by BJS, gathers mandated data on the incidences and prevalence of sexual assault in institutions under the *Prison Rape Elimination Act of 2003* (PREA; P.L. 108-79). The data collected directly from incarcerated persons is done in a private setting using audio computer-assisted self-interview technology with a touchscreen laptop and an audio feed to maximize the confidentiality and minimize literacy issues.

Additionally, CDCR's Office of Audits and Court Compliance's External Audits Unit (EAU) coordinates and tracks the activities associated with program reviews, audits and whistleblower investigations conducted by external agencies, such as the OIG, California State Auditor, the State Controller's Office, California Department of Public Health, and the State Personnel Board. Audits and reviews may include those initiated by the Legislature or court mandates as well as reoccurring audits or special reviews conducted by agencies with oversight authority, such as OIG's annual Monitoring the UOF or Monitoring Allegations of Staff Misconduct Process. The OIG receives complaints related to the Sexual Abuse in Detention Elimination Act, PREA, and allegations of mishandled sexual abuse inquiries or investigations within CDCR. As a result of those findings, EAU requests and monitors programmatic corrective action plans to ensure completeness and consistency with CDCR's mission, goals, and policies.

CDCR is open to recommendations from the Legislature to improve the process for handling allegations of staff misconduct, including those that specifically involve allegations of sexual assault and harassment, and currently has a working group evaluating the staff misconduct process.

Restricted Housing Unit Updates

In instances of sexual misconduct that do not involve staff, the alleged perpetrator is placed in the Restricted Housing Unit (RHU) during the investigation. This keeps the suspected perpetrator separated from the alleged victim and provides protection for the rest of the incarcerated population by preventing any further potential sexually abusive behavior from this individual.

All housing options are considered when rehousing the alleged victim, including soliciting input from the victim regarding their housing preference. Based on consultation with the victim, CDCR then determines whether the victim will remain in their housing unit or be relocated. Should the alleged victim state they still have safety concerns that cannot be resolved through a bed move and/or transfer to another facility, RHU placement may be necessary. This RHU placement would be a result of the need for an investigation into safety concerns, not as a punitive measure resulting from the victim reporting sexual abuse.

ACCESS TO TRAUMA-INFORMED SUPPORTS IN WOMEN'S INSTITUTIONS

Increased Communication and Awareness with Incarcerated Population

Over the past year, CDCR has undertaken comprehensive efforts aligned with PREA standards focused on protections and support for incarcerated women. Initiatives have encompassed proactive Inmate Advisory Council (IAC) engagement where CDCR focused on the importance of changing the terminology surrounding the incarcerated women, as well as empowering them to use their voices to promote positive change. In addition, CDCR has promoted internal PREA audits, facility infrastructure evaluations, and policy assessments incorporating input from subject matter experts and the incarcerated population. A specialized workgroup was created, including experienced staff familiar with women's institutions, to conduct program reviews.

The goal is increased communication to create a safe environment to share information about trauma-informed support and to address barriers to communication between staff and the incarcerated population as well as communication barriers among the incarcerated population itself.

CDCR believes the efforts made to strengthen relationships between staff and the incarcerated population will lead to communication improvements over time.

In May 2023, the leadership team at the Central California Women's Facility (CCWF), including the Warden and Chief Deputy Warden, hosted a town hall meeting for staff to discuss plans and reiterate expectations to address concerns within the facility with a “see something, say something” message. The focus was on setting clear expectations on reporting and promoting respect and safety for both staff and incarcerated people. Town hall meetings were coordinated between the Sister Warriors Freedom Coalition and the incarcerated population to provide a forum for open communication at both the California Institution for Women (CIW) and CCWF.

Additionally, in February 2023, quarterly meetings were established with leadership of CDCR’s FOPS, and the IACs at both women’s institutions to enhance safety, provide a forum for solution-oriented dialogue, and obtain feedback from all stakeholders.

In October 2023, the FOPS leadership teams attended the Association of Justice-Involved Females and Organizations (AJFO) conference in Oklahoma. FOPS leaders engaged and trained with internationally recognized experts in gender and trauma responsiveness, organizations and agencies involved with justice-involved women, and women with lived experience. These workshops encompassed information surrounding the fair and equitable treatment for women through ongoing training, communication, and succession development of staff.

In November 2023, the FOPS leadership teams attended a three-day workshop. This workshop focused on the international standards surrounding the treatment of women and incorporating those standards into the pillars of the California Model. The training included topics related to Dynamic Security, Normalization, Peer Support, Becoming a Trauma Informed Organization, as well as expanding definitions of women’s safety.

In January 2024, CCWF hosted the Legislative Women’s Caucus with FOPS leadership onsite. The event included the Women’s IAC and a panel discussion with representatives of the population, moderated by Senator Skinner. This event provided an open forum for the incarcerated population to raise concerns, and have their voices heard in a safe environment.

CDCR’s headquarters staff work diligently to be present on grounds at CDCR’s women’s institutions. Within the last year, the Undersecretary of Healthcare, Undersecretary of Operations, Director of Adult Institutions, Deputy Director of Facility Operations, and the FOPS Associate Director have visited and spoken with the incarcerated population and staff in a commitment to address systemic and pervasive issues. As a result of these visits, the FOPS Associate Director committed to quarterly meetings with CCWF and CIW IACs, establishing a forum for the population to communicate their concerns, make recommendations, and work through issues in a collaborative effort.

CDCR established a resource team within FOPS headquarters and field operations, comprised of individuals with extensive experience working with the female population, to contribute their expertise to the development of programs and services that further the California Model and create a safe environment for the women. The resource team supports the population and staff, at both CIW and CCWF, by focusing on physical and mental health wellness, gender-responsive strategies training, trauma-informed operational practices, safety of the population, and sharing best practices

and experience to improve outcomes for staff and the incarcerated population.

This has led to a peer educators' program for conflict resolution and the reintroduction of a PREA peer educator program. The Department is in the process of establishing a peer educator program for conflict resolution, where residents in the housing area will help resolve disputes to reduce violent incidents and housing changes. In a communal living environment, some level of conflict is inevitable. These conflicts between dorm-mates or cellmates often require either mediation or moving one of the parties to another area.

The PREA Peer Educator program provides women's health educational resources to the incarcerated by offering pamphlets, ensuring educational posters are present in the institution, and meeting with incarcerated persons that have questions. Just Detention International (JDI), in partnership with CDCR agreed to train and certify Peer Health Educators so they are knowledgeable when speaking with the incarcerated persons.

FOPS headquarters' staff continue to assist with on-site monitoring of institutional operations and facilitate monthly meetings with the female institutions' executive teams to discuss team observations and to assist in the development of strategies to ensure a safe environment for all.

Notably, CCWF is a pilot institution for the implementation of the California Model. As a component of the Dynamic Security pillar, initiatives like the Contact Officer Pilot Program (COPP) at CCWF aims to enhance the relationship between staff and the incarcerated population to reduce conflict while fostering an environment of mutual growth and support. The COPP was created to enhance the staff to incarcerated person ratio in one of the most challenging buildings to provide staff with resources to work with the population through coaching and mentoring. The goal is to encourage the incarcerated population to be better versions of themselves, by providing the staff with training and support to change the culture. In addition, CCWF recently hosted a Bridging the Gap event, providing a normalized environment for staff and incarcerated individuals to interact with one another with a full day of activities, including having lunch and playing games together.

CDCR FOPS has established long-standing relationships with stakeholders and recognized experts to develop effective gender-responsive and trauma-informed services.

The Department recognizes that these efforts are laying the foundation to increase and improve the communication between the staff and population, and many of the positive impacts will not occur immediately. CDCR is dedicated to this long-term effort and welcomes input from stakeholders to enhance and improve these efforts moving forward.

Collaboration with Community-Based Organizations

CDCR is actively collaborating with The Moss Group, a Washington, DC-based, certified, woman-owned business and criminal justice and public-safety consulting firm dedicated to helping state, local, federal, and private organizations achieve organizational excellence. After a comprehensive review, the Moss Group provided a series of reports with recommendations specific to the women's institutions and the Transgender, Non-Binary, and intersex population. As a result, CDCR adopted gender-responsive and trauma-informed practices related to education, training, and communication with community-based organizations. Additionally, recommendations from the

Moss Group and subject matter experts (researchers, educators, external stakeholders) are currently under review by FOPS and FOPS leadership continues to work with the Moss Group.

CDCR FOPS is currently working with JDI surrounding staff and incarcerated persons sexual safety, as well as the Office of Ombudsman on PREA reporting and sexual safety in the women's prisons.

CDCR FOPS is also currently collaborating with the Center for Gender & Justice as mentioned above.

CDCR continues to work with stakeholders, subject matter experts, community partners and advocacy organizations, as well as victim services organizations to evaluate and ensure that the incarcerated population receive trauma-informed programming and support.

Health Care Efforts

California Correctional Health Care Services (CCHCS) is committed to ensuring that the population has access to qualified providers of trauma informed OB/GYN services. Both CCWF and CIW meet regularly and work as partners with IACs (CCWF's IAC and Culture Change Council and CIW's Patient Advisory Council), to resolve issues of importance to the population and to create sustainable solutions. CCWF and CIW worked with their respective advisory councils to reduce refusals for routine cervical cancer screenings, and allowing patients to request a female provider for routine cervical cancer screening. At present, at least 50% of the providers are female at both institutions. CCHCS is conducting a continued focused recruitment for qualified providers for this patient population. At present, CCHCS has a new board-certified OBGYN pending hire at CIW and a civil service board-certified OB/GYN provider at CCWF.

Additionally, CCHCS obtains informed consent from patients for any encounter where medical trainees are present. CCWF and CIW ensure compliance with policy, which requires health care staff shall be present during all examinations of patients involving genital, rectal, or breast examinations. Upon patient request, an additional health care staff may be present during other examinations." The Department is fully committed to being trauma-informed and gender responsive for our patients. In 2023, 98% of CCWF and 100% of CIW eligible healthcare staff completed the Working Effectively with Female Offenders training.

Staff Training

In 2024, the statewide staff off-post training includes eight hours of Heroes Active Bystander Training (all institutional staff & headquarters peace officers), two hours Trauma-Informed Organization (all staff), and two hours Professional Engagement (all institutional staff and headquarters peace officers). The Active Bystander Training aims to empower employees to step in effectively to prevent harm, reduce mistakes, and improve employee wellness. Participants will learn how to intervene in various situations, including when they may not feel comfortable doing so, such as when the person they are addressing is of a different rank or program area, or when the situation is escalated. The Trauma-Informed Organization training addresses the occupational health crisis in the correctional environment, recognizing trauma and associated stress as its root cause. Participants learn to recognize the personal and professional impacts of trauma on those who work and live in carceral environments.

CDCR continues to collaborate with international experts to bring training curriculums to the

women’s prisons, such as the 16-hour Working Effectively with Female Offenders (WEFO) training and curriculum which is required for all new staff assigned to the female institutions. WEFO introduces a foundation for work with incarcerated women and begins important discussions of professional boundaries, trauma-informed practice, and de-escalation and communication techniques that are continued into the annual, eight-hour WEFO refresher training. CDCR is currently working to implement the Becoming Trauma Informed (BTI) curriculum as part of the Gender Responsive training that is provided to all staff for eight hours annually after initial WEFO training.

CDCR is working with National Institute of Corrections to implement Safety Matters training for all staff at the female institutions, which started in early February 2024. This training covers managing relationships in women’s facilities to build capacity among correctional practitioners to implement policies and practices that support safe and healthy relationships with and among incarcerated women. The training is based on research and correctional best practices. At the conclusion of the training, participants will be able to use communication skills as a component to effectively manage relationships with incarcerated women respectfully and intervene in unsafe situations. This is an advanced curriculum designed to build upon pre-existing gender-responsive knowledge, motivational interviewing skills, and understanding of PREA standards and strategies to support sexual safety.

Inclusion in CDCR’s California Model

FOPS is actively engaged in CDCR’s California Model initiative to incorporate the United Nations Rules for the Treatment of Women Prisoners (Bangkok Rules) and gender-responsive principles and practice in the women’s prisons. Notably, the initial foundation of Being a Trauma Informed Organization has been embraced by CDCR in the work highlighting trauma informed issues. The following trauma-focused programs are being delivered at CIW and CCWF: *Healing Trauma+: A Brief Intervention for Women and Gender-Diverse People (HT+)*; *Beyond Trauma: A Healing Journey for Women (BT)*; and *Beyond Violence+: A Prevention Program for Women and Gender-Diverse People (BV+)*.

There are additional initiatives in the FOPS Mission demonstrating forward movement, such as quarterly collaborative reentry resource events, established partnerships with the Women’s Justice Institute, National Institute of Corrections, and the Moss Group surrounding gender-responsive training and practices. These efforts align with the vision of the California Model to foster positive cultural transformation within the women’s institutions, revolutionizing communities that are not only trauma informed, but are also trauma responsive.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION PROPOSED

As part of the efforts of the working group established by the 2023-24 Budget Act, the stakeholder organizations involved in the working group developed their own analysis and recommendations for submission to the Legislature. We greatly appreciate the opportunity to collaborate with these experienced and thoughtful individuals. We share their commitment to the elimination of sexual assaults in CDCR facilities and support victims of sexual assault.

CDCR has new leadership in its FOPS unit. These individuals bring expertise and experience in a

number of areas that will help them assemble a strategic plan to address these issues. Among the elements that the department could incorporate in a strategic plan are the following:

- Strengthening existing partnerships with Rape Crisis Centers (RCCs) and considering opportunities for expanding services to victims of sexual assault;
- Expanding trauma-focused programming and services;
- Creating a full-time PREA Compliance Manager at institutions;
- Expanding staff training specific to women’s issues and trauma; and
- Seeking continued dialogue with incarcerated women and stakeholders.

Rape Crisis Centers partnerships. CDCR currently partners with RCCs to provide initial support and counseling to victims of sexual assault. However, the RCCs do not currently provide support to victims beyond the initial response, such as during investigatory interviews. The department believes additional support throughout the process would benefit survivors and will work with RCCs to identify what additional services may be possible within CDCR’s existing budget.

Expanding trauma-informed programming. As noted above, both CIW and CCWF are delivering trauma-informed training programs. Both institutions work with external stakeholders on peer education programs to ensure that certified peer educators are knowledgeable and trained when speaking with other incarcerated individuals. The department will continue to grow these efforts and collaborate with external stakeholders to build on the trauma-informed programs available to the incarcerated population across CIW and CCWF.

Full-time PREA Compliance Managers (PCMs) at CIW and CCWF. PCMs conduct reviews of all PREA allegations, ensure follow-up on open investigations, and conduct reviews of PREA Screening Reassessments. PCM duties are currently incorporated into a correctional administrator’s, or captain’s, other duties. To ensure that these important issues receive the attention warranted, the department will look to redirect existing resources to ensure that there are dedicated PCMs at CIW and CCWF.

Expanded staff training. The department will build on existing staff training with further specialized, gender-responsive, and trauma-informed training for all staff working with incarcerated women.

Ongoing dialogue and collaboration with incarcerated women and stakeholders. CDCR will also ensure incarcerated women have ongoing input through stakeholder meetings, committees, and surveys (i.e., satisfaction, needs, and/or responsiveness) on rehabilitative programming offered within the women’s institutions; this includes, but is not limited to, education pathways, vocational opportunities, substance use disorder treatment, training, and certifications.

CONCLUSION

The Department’s dedication to safeguarding the safety and well-being of all individuals within our institutions is demonstrated through proactive measures designed to prevent sexual violence and offer comprehensive support to survivors. This commitment is underscored by implementing strategies such as increased utilization of body-worn cameras, expansion of trauma-informed

support and trauma-specific services, fostering partnerships with community-based organizations, augmentation of peer mentoring initiatives, and bolstering training initiatives for both staff and incarcerated population. CDCR aims to generate a culture of accountability, transparency, and healing within the institutions.

The OIG has committed to providing increased oversight of the Institution PREA Review Committee to make their level of involvement similar to their attendance at the Institution Executive Review Committee. CDCR has taken comprehensive steps to address the underlying issues and strengthen the safety within its institutions. CDCR staff have worked diligently to implement stringent measures in accordance with the PREA and to enhance the overall well-being of the incarcerated population. These efforts include proactive engagement with the Incarcerated persons (Women's) Advisory Council, fostering open dialogue through consistent staff discussions, organizing town hall meetings, conducting internal PREA audits, interviewing incarcerated individuals, and hosting informative presentations by community organizations such as the Victim Services of Madera County. Recognizing that the prevention of such incidents requires ongoing efforts, CDCR continuously assesses and refines safety protocols. This includes periodic evaluations of our physical infrastructure, security systems, and surveillance technologies to ensure they align with the highest standards of safety and security.

CDCR acknowledges the necessity for improvement and remains committed to assessing processes and cultivating partnerships that foster the safety of incarcerated persons, encompassing education, training, reporting mechanisms, and the implementation of additional technological solutions. CDCR is committed to the gender-responsive principles that have been proven to reduce negative outcomes. Research attests to the effectiveness of trauma-focused staff training and the transformative positive impact of trauma-specific services for the women incarcerated in CDCR. CDCR remains dedicated in its commitment to work collaboratively with internal and external stakeholders, nationally and internationally recognized experts, and those with lived experience. This commitment aims to foster open communication, to effect meaningful change, and to further CDCR's mission of promoting safety, dignity, and rehabilitation for all individuals under our care.