

CA Women's Prisons — Sexual Abuse Response and Prevention Working Group

Executive Summary of
Community Report to the Legislature





Executive Summary

This report is a result of efforts by the Sexual Abuse Response and Prevention working group, which was created by the **Budget Act of 2023** (SEC. 176, Item 5225-024-0001). Commenced on August 30, 2023, this group consists of staff from the CA Department of Corrections and Rehabilitation and community-based organizations led by formerly incarcerated people and those advocating for currently incarcerated people. Membership of this working group includes California Coalition for Women Prisoners, Just Detention International, Justice First, Sister Warriors Freedom Coalition, Survived & Punished, and VALOR. Participation from CDCR was primarily provided by the Female Offender Programs and Services (FOPS) office with consultation from the Prison Rape Elimination Act (PREA) Coordinator's office. This group was tasked with submitting a report to the Legislature that includes discussion of 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."

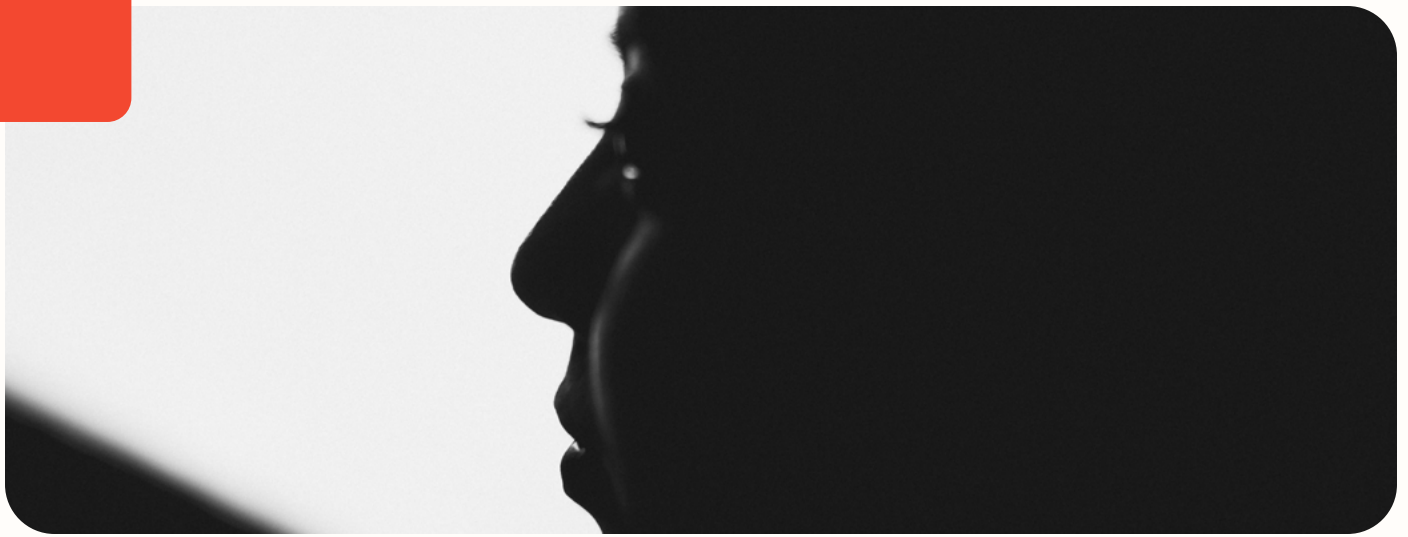
In preparing this report, the working group looked at both the root causes of staff sexual violence in carceral settings as well as more technical issues with the functioning of statutes, regulations, and policies related to the operation of CDCR facilities. For the purposes of this report, we primarily focused on the two state prisons designated for women: Central California Women's Facility (CCWF) and California Institution for Women (CIW).

This report seeks to educate on the core issues that cause, perpetuate, enable, or excuse

staff sexual abuse in CDCR facilities and make recommendations for remedies. Many of these remedies will involve ongoing implementation efforts that will require continued oversight and adjustments. Most of these recommendations can be implemented by CDCR without the need for legislative fixes or statutory changes, and some are already ongoing efforts by CDCR. Please note that though adjustments to the federal PREA standard might be helpful in addressing some of these issues, all recommendations in this report took compliance with federal PREA standards into consideration and considered those federal standards as fixed.

An important framing to this document is that the working group is opposed to any increase in CDCR's budget for the purposes of achieving these recommendations. We support a reprioritization of existing CDCR funding as well as a decrease in prison population. Incarceration is inherently violent, and despite the efforts of many, no carceral system has been able to eliminate staff abuse. As such, we must acknowledge that the only way to truly protect women and trans people of all genders from abuse by prison staff is for them to remain in their community and not enter the prison population. Increased collective investment in incarceration is counter to the elimination of sexual abuse as well as healing for survivors.

To inform this report, the working group solicited feedback from individuals currently incarcerated in the two state prisons designated for women. This feedback was primarily collected in person at town hall meetings inside both CCWF and CIW as well as via confidential legal mail and several small in-person group discussions. We estimate that approximately 700 incarcerated individuals attended the town halls and provided very



meaningful insights that greatly informed the drafting of this report.

We want to uplift and highlight the bravery of the incarcerated people who participated and were willing to share their thoughts and experiences with this working group. Speaking on sexual abuse while incarcerated is always risky, and we know that fears of retaliation are well-founded. The town hall participants demonstrated strength and bravery in being honest and vulnerable with the working group. This report would not be possible without them.

The recommendations in this report fall into five main categories: expedited release of survivors, culture shifting, services for survivors, the investigation and reporting process, and accountability.

A brief summary of those recommendations is as follows:

EXPEDITED RELEASE OF SURVIVORS

To support the safety and well-being of those who

have survived staff abuse, we recommend a system of processes to expedite their release. We received overwhelming feedback from survivors at the community town halls that release to their families and communities is the only path to safety after experiencing sexual violence by CDCR staff. Multiple pathways exist to release survivors, both within the current authority of CDCR and by amending existing law.

CULTURE SHIFTING

CDCR Staff Training and Services: To transform the culture within CDCR that allows and enables sexual harassment and sexual misconduct, we recommend that CDCR overhaul their staff trainings on sexual harassment and misconduct, including by having staff receive training by formerly incarcerated people. We also recommend that CDCR conduct mental health screening for staff to ensure they are able to work with the population in ways that do not further harm people or put them in danger.

CDCR Policies and Practices: The working group recommends that consultants (including formerly incarcerated experts) review all policies/procedures to identify standard activities that are likely to be retraumatizing to people who have experienced sexual, physical, and emotional violence prior to their incarceration. We also recommend specific changes to policies with the potential to trigger individuals or lead to retraumatization (including strip searches and forced housing transfers) to allow for the incarcerated person to exercise self-determination. We also recommend that staff training includes education on the role that these



policies and attitudes play in the (re)traumatization of the incarcerated population and how to reduce these harms.

Community-Building: Currently incarcerated individuals reported animosity and a lack of community between incarcerated individuals, which decreases the likelihood of staff abuse being reported – because witnesses to abuse are less likely to report it, and victims of abuse feel less supported and are thus less safe to report. They also added that animosity between groups or individuals distracts from the greater problem of staff mistreatment and plays a role in retaliation against victims. We recommend a prioritization of community building activities, events, and programming to address this concern.

Staff Leadership Development: In response to rampant sexual abuse at the women’s prisons, more attention is needed on recruitment, training, support, and retention of the wardens and PREA (Prison Rape Elimination Act) staff at CIW and CCWF. We recommend additional training, a selection committee, and succession planning for wardens at CIW and CCWF. We also recommend expanding the roles and responsibilities for the PREA Compliance Managers at those facilities.

SERVICES

Services for Survivors: To ensure that survivors are able to receive the full benefits of Rape Crisis Center (RCC) victim advocates, we recommend best practices for RCC accompaniment to investigatory interviews and increased accountability for facilities to collaborate with RCCs. We also recommended ensuring access to remote emotional support services to increase the availability of services independent of CDCR. We also make recommendations related to CDCR’s Peer Education program to promote mutual peer support for the incarcerated individuals experiencing abuse.

Hotlines and Remote Trauma Services: Phone hotlines to Rape Crisis Centers (RCCs) are a critical support that incarcerated individuals can use to receive confidential emotional support at all times. We make recommendations to ensure universal access to confidential emotional support hotlines in prisons. These recommendations involve ensuring consistency in hotline services, increased ease of access to the hotline, unlimited private and confidential access to the hotline, and education to assure incarcerated individuals that the hotlines are confidential and safe to use.

Increasing Presence of Onsite Crisis Centers: In addition to remote access, it is important that survivors have access to meaningful in-person support from RCC victim advocates. We recommend increased program funding for RCCs to provide more services to incarcerated individuals. We also make recommendations to protect the privacy of survivors while receiving in-person victim advocate support.

Access to Community Resources: Community-based organizations (CBOs) can also be a powerful support for survivors, especially those led by formerly incarcerated individuals or providing supportive services. We make recommendations to ensure access to community-based organizations as a support and prevention measure, empowering incarcerated leaders to identify supportive CBOs, and increasing program funding for community-based organizations to provide more supportive services. We make recommendations to ensure expedited access to legal support for survivors of sexual misconduct and create confidential communication access to RCCs and designated supportive CBOs.

INVESTIGATION/REPORTING PROCESS

Reporting Methods: There are many different factors that make the current reporting process unsafe and inaccessible for individuals who have experienced or witnessed staff misconduct.



Often, the reporting process will immediately open up reporters to retaliation from staff before an investigation can be concluded (or in many cases, even begun). We make recommendations to ensure that the reporting process is adequately accessible, private, anonymous, and confidential so that individuals reporting staff misconduct are less vulnerable to immediate negative attention and retaliation.

Independent Reporting Process: The incarcerated population reported very low confidence in the reporting process, citing that reports are often rejected or ignored and that they have little insight into how their reports are being handled. To increase confidence in reporting and ensure protection of impacted individuals, we recommend providing the option to report via an independent external body as well as an independent regulatory system to track the processing of reports. To bring more transparency to the process, we recommend creating an accessible tracking system and a formal role for external, independent support persons who can oversee individual investigations.

Independent Investigations and Determinations: When considering who should be investigating and making the determination of findings on serious staff misconduct allegations, we need to prioritize agencies that will have the confidence and trust of the incarcerated population. The group recommends the identification or creation of an independent, external investigatory and oversight body to increase confidence in an unbiased, thorough investigation process. As a short-term solution, we recommend strengthening existing policies that increase the impartiality of investigations of staff sexual abuse by taking investigations out of the hands of local prison staff.

ACCOUNTABILITY

Whistleblower Protections: Whistleblower protections should address retaliation by altering policies that are frequently manipulated and

misused for the purpose of retaliation, and by providing adequate oversight. We make specific recommendations related to transfers and strip searches, which are frequently used as retaliation or threatened to discourage reporting. We also make recommendations for updating existing practices for tracking retaliation to ensure that it can be effective in identifying and stopping retaliation.

Body-Worn Cameras: Incarcerated people report that custody staff improperly deactivate their body worn cameras (BWC) frequently, including during assaults by officers or other staff misconduct. We make recommendations to ensure that cameras are not inappropriately deactivated, that incarcerated individuals have adequate access to BWC footage, and that BWC policies are adequate and consistent across all facilities and custody staff roles.

Institutional Accountability: The Office of the Inspector General (OIG) is responsible for providing oversight and transparency through monitoring, reporting, and recommending improvements regarding the policies and procedures of CDCR. Because of a lack of enforcement power, the concerns raised in these reports have not been adequately addressed.

We recommend that some body external to CDCR and OIG be responsible for following up on OIG audits to ensure that CDCR is held accountable for addressing the concerns of this oversight office.

Download the full report at sisterwarriors.org/prison_sexualassault_report.

