



Testimony of James E. Tilton, Secretary
California Department of Corrections and Rehabilitation
Review Panel on Prison Rape
Hearings on Sexual Assault and Victimization in Prisons

Thank you for the opportunity to testify before the Review Panel on Prison Rape, Hearings on Sexual Assault and Victimization in Prisons on behalf of the California Department of Corrections and Rehabilitation.

As Secretary of the California Department of Corrections and Rehabilitation (CDCR) my responsibility is to create a safe and secure prison environment for both inmates and staff. In a correctional environment inmate and staff safety is the core responsibility of all correctional staff. My agency has taken a systematic, evidence based, collaborative approach in implementing the requirements of The Prison Rape Elimination Act and the California Sexual Abuse in Detention Elimination Act. Eliminating sexual assault within our facilities, setting a zero tolerance expectation of offender exploitation, and prosecuting those that violate the law is fundamental to creating a correctional culture where sexual assault is not tolerated. CDCR has written and implemented statewide staff and offender training, developed clear policies and procedures, standardized investigative protocols, partnered with researchers to create evidence based strategies, modified operational practices, and sought and received technical assistance from the National Institute of Corrections as part of our efforts to eradicate in prison sexual assault. Clear national standards are necessary to ensure that all correctional agencies have consistent and effective policies and practices to protect those offenders whose safety we are entrusted with.

My agency has a zero-tolerance policy with regards to any sexual misconduct of the CDCR staff at any level. This policy was explicitly communicated to all agency staff in a memorandum issued from the Secretary's office dated November 2, 2006. My expectation to staff specifically states: "It is the policy of the CDCR to provide a safe, humane, secure environment, free from sexual misconduct in its institutions, community correctional facilities, conservation camps, and for all offenders under its jurisdiction. Sexual misconduct between offenders and by staff towards offenders is strictly prohibited."

In addition to the zero-tolerance policy, the CDCR provides 4 hours of mandatory training to all staff members on departmental procedures, protocols, and policies related to preventing sexual assault occurrences. To further protect inmates from sexual victimization while incarcerated, we provide an informational booklet, *Sexual Abuse/Assault: Prevention & Intervention*, to each inmate and continuously show the video, *Speaking Up*, on the inmate television channel. Information regarding reporting of sexual assaults and an inmate's right to be free from assault is posted on bulletin boards in common rooms throughout our correctional facilities and is also addressed in the pamphlet *Sexual Assault Awareness* which is provided to inmates when they arrive at the institution. Posters displayed in inmate-accessible common rooms inform inmates that they may request assistance from the Office of the Sexual Abuse in Detention Elimination Ombudsperson if they feel uncomfortable notifying an employee of the CDCR that they have been sexually assaulted.

An inmate's housing is fundamental to their safety. CDCR has reviewed and revised our operational policies and practices related to assigning living quarters to inmates. The Initial Housing Review, form CDCR1882, is completed during a face-to-face interview and addresses such safety issues as height, weight, race, gang affiliation, commitment offense, and sexual assault history while incarcerated either as a victim or as an assailant. The information obtained in this interview is used to assign an inmate to the safest living

arrangement possible within the parameters of the overall safety and security of the institution. Based on the evidence produced from the research conducted in our California prisons, *Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault* by Dr. Valerie Jenness, we know that establishing housing protocols that consider the offender's size and age is critical to the inmate's safety. A Bureau of Justice Assistance grant provided the funding to conduct this research and the evidence produced from this research has been used by CDCR to revise our operational practices to improve offender safety. CDCR is currently undertaking a second research project with the University of California at Irvine to provide the evidence necessary to improve our operational practices and policies related to transgender inmates which were identified in the first research study as a population at risk of sexual assault.

CDCR has also partnered with the nonprofit agency, Stop Prisoner Rape, to establish memorandums of understanding between individual institutions and the local rape crisis centers to ensure a victim's advocate will be available to support the inmate victim of a sexual assault. This Inmate Outreach program has been put into place at 17 institutions to date. Our goal is to establish a memorandum of understanding at each of our 33 prisons.

Stop Prisoner Rape has implemented a pilot program, Paths To Recovery, at one adult male institution (California Correctional Institution) and one adult female institution (California Institution for Women) to provide extended counseling to inmate victims of sexual assault no matter when the assault occurred. It is my understanding that this is the first program of its kind.

As a system, we are currently implementing a pilot program to support improved detection and protection strategies. California applied for and received a Safeguarding Communities grant August 31, 2006 to provide funding for purchasing cameras for the installation at one adult male institution (California Correctional Institution), one adult female

institution (Valley State Prison for Women), and one juvenile female institution (Ventura Youth Correctional Facility) to assist in prevention, detection, and investigation of sexual assault. Cameras have been purchased and are being installed at this time. CDCR will utilize the evidence that is produced from this pilot to assist in our efforts to continuously improve our operational practices to enhance inmate and staff safety in our California Prisons.

In collaboration with the federal Plata receivership, CDCR is in the process of establishing a system wide inmate peer education program to inform prisoners on how to avoid sexual assault while in our institutions. The program is designed for inmate instructors to educate on a peer basis other inmates on how to maintain personal safety.

Although your request for our testimony resulted from data showing no reported incidents of sexual assault at Ironwood State Prison, I must acknowledge that as Secretary, I have questions and concerns about how comfortable inmates were to report sexual assault in the survey process. An institution with low reported incidents does not necessarily mean sexual assault is any less prevalent than at an institution with high reported incidents. This data could be a response to underreporting resulting from fear or prison culture. Additionally, CDCR has institutions such as Valley State Prison for Women, California Substance Abuse Treatment Facility, Mule Creek State Prison, and Central California Women's Facility which have high numbers of reported incidents which I believe may be the result of over reporting. In order to have an accurate number of reported incidents of sexual assault it is essential to have clear definitions, a standardized reporting process & consistent application of these definitions and standards by correctional professionals to draw sound conclusions. It is my goal to establish an environment at all CDCR facilities where inmates feel safe to report any incident or circumstance that he or she feels is jeopardizing their safety so that immediate action can be taken to protect and support them.

California has applied for Valley State Prison for Women (VSPW) to be one of the 10 pilot institutions to provide assistance to the National Prison Rape Elimination Commission in the development of effective standards.

In closing, my agency is committed to continuing to partner at the national and local level on efforts that will develop evidence, and improve correctional policies, practices, and standards that result in offenders being protected from sexual assault and sexual misconduct of any kind.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON THIS 4TH DAY OF MARCH, 2008.

JAMES E. TILTON, SECRETARY

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION