

**PRISON RAPE ELIMINATION ACT PANEL
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Testimony

Hello, my name is John Dovey. I appreciate the opportunity to testify before your panel related to this important issue, sexual violence in prison. I am the Director of the Division of Adult Institutions for the California Department of Corrections and Rehabilitation (CDCR). As such, I have responsibility for providing oversight for 33 adult institutions, 42 camps, and 13 community correctional facilities housing approximately 173,500 inmates which includes 161,700 men and 11,800 women.

Protecting inmates from sexual violence has been, and continues to be, one of the Department's fundamental responsibilities. Upon assuming one of my previous assignments, Warden of the California Institution for Women, I quickly identified that one of the most critical issues facing the institution was a systemic problem of staff and offender sexual misconduct. A significant number of staff were under investigation related to allegations of staff sexual misconduct. At the time, the department only had an administrative code available to address this type of inappropriate and illicit behavior. One serious impediment to holding staff accountable and changing the culture was the lack of a penal code section that made it illegal for staff to engage in sexual acts with inmates. The highest penalty level available for this type of illicit behavior was administrative in nature with the most serious consequences being termination from civil service.

In 1995, the State of California made its first attempt to address sexual violence against incarcerated individuals by codifying penal code Section 289.6 which makes a sexual act between a staff person and an offender a felony punishable by imprisonment and a fine. As the Warden, one of my top priorities was to complete the open investigations and refer them to the District Attorney for prosecution. However, the District Attorney continued to decline prosecution of the cases. The lack of prosecutorial support gravely concerned me. The District Attorney's Office played a key role in the resolution of this very serious issue. I met with the District Attorney's Office to seek their assistance and educate them as to the gravity of the issue and the scope of the change in the Penal Code. This resulted in the District Attorney's acceptance of cases for prosecution and a significant change in staff behavior. I have reviewed the questions provided by the panel and my staff, Wendy Still, Associate Director, and Nancy Hardy, Correctional Administrator and I will respond to the panel's specific questions:

Question #1: What factors and environments are and are not conducive to deterrence of sexual assault in prison?

The items that are conducive to deterrence of in custody sexual assault include:

- Creation of a law making sexual acts between staff and offenders a felony

- The development of comprehensive programs designed to support inmate safety. Important components of the program include:
 - Staff and offender training and an awareness campaign;
 - Creating an environment where the victim feels safe to come forward and report sexual assaults;
 - Swift and thorough investigations of alleged assaults;
 - Referral of assaults to the district attorney for prosecution;
 - Providing support and external counseling services for the victim;
 - Creating processes and protocols that do not inadvertently re-victimize the victim (i.e., not automatically moving the victim to a higher level of custody unless the offenders safety is determined to be in jeopardy),
 - Identifying and segregating inmate sexual predators from the general population to increase the safety of all inmates; and
 - Creating partnerships with outside stakeholders such as the National Institute of Corrections, District Attorney's Office, local law enforcement, local rape crisis centers, and other operational experts and researchers to continually assess and improve operating policies and practices related to in- custody inmate safety.

We have identified that factors and environments not conducive to deterrence of sexual assault in prison include:

- Inmate overcrowding and unconventional housing assignments in areas such as gymnasiums;
- Historical culture, attitudes, and bias related to inmate on inmate sexual misconduct;
- Physical plant limitations creating a lack of visibility;
- Lack of a comprehensive education and awareness program;
- Lack of cameras to assist with prevention and detection of offender assaults; and
- Lack of effective investigative and housing protocols;
- Lack of a classification system that appropriately identifies and separates inmate sexual predators from the General Population inmates.

Question #4: How to scrutinize the training of correctional officers and medical staff on prison rape?

Scrutinizing the training of Correctional Officers and medical staff on prison rape should begin with the collection of existing training materials related to this subject area. In addition to that, any policies that are revised or newly created will need to be incorporated into the revised training curriculum. A policy review and training curriculum committee should be created to ensure continuity between the new policy and the revised curriculum. Training lesson plans should be well defined and clearly outline expectations for compliance with the policy. This training should be provided at least annually in the classroom setting. It should be further enhanced and enforced via on-the-job training in the work units by the area supervisory staff.

Management must make training a priority as it will help to change institutional culture. Management must also hold staff and inmates accountable for any violation of policy which will further support the training and reinforce behavior expectations.

This concludes my written testimony, does the panel have any additional questions. Thank you again for giving me the opportunity to provide input on this very serious issue.