

PRISON RAPE ELIMINATION ACT PANEL
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Testimony

Hello, my name is Wendy Still. I would like to thank the panel for the opportunity to provide testimony on the very important issue of in-custody inmate safety and the systemic changes that the CDCR has made to eradicate in-prison sexual violence. In my current assignment, I am the Associate Director for the Female Offender Programs and Services, providing oversight and overall program management for the 11,800 adult women felons housed in four prisons, 3 conservation camps, and one community correctional facility and 5 Mother and Children community correctional programs. I also have the responsibility of being the Executive Project Sponsor for the Prison Rape Elimination Program for the California Department of Corrections and Rehabilitation. This responsibility included developing CDCR's strategy for complying with the 2003 Prison Rape Elimination Act and working with the California legislature related to the development of Assembly Bill 550 Sexual Abuse in Detention Elimination Act and compliance with this new law. As a first step, we created the Prison Rape Elimination Committee which held its first meeting in March 2005. This committee was to included internal stakeholders from the field and headquarters as well as external stakeholders which include Stop Prisoner Rape, Dr. Val Jenness, University of California at Irvine, lead researcher and Dr. Barbara Owen, PREA expert, Fresno State University.

During the initial meeting, tasks for the committee were discussed. Some of the items included:

- Collecting and reviewing all current policies regarding sexual misconduct and utilize those to develop a statewide standard;
- Determining whether the classification system needs to be modified to consider risk factors and detection of predators and victims;
- Ensure inmate accessibility to the hot line for reporting of in-custody sexual assault/rape;
- Housing and programming needs;
- Appeals process;
- Medical/mental health treatment concerns;
- Confidentiality and the reporting process;
- Training and orientation;
- Peer education;

- Intervention and rehabilitation; and
- Prosecution and accountability for violations of policy.

The initial meeting of the CDCR Prison Rape Elimination Committee began the process of promoting collaboration among individuals, organizations and agencies within the prison system and the community. Also during this initial committee meeting, a project manager was assigned.

As we moved through the initial phases of developing the project, we were in contact and received very positive support from the National Institute of Corrections (NIC), specifically Director Morris Thigpen and Dee Halley. The Department submitted several requests for technical assistance to NIC which were all generously approved. The Moss Group and specifically, Andie Moss', assistance was invaluable. The Moss Group provided assistance related to the review of the Department's Prison Rape Elimination Program including the policy and protocols. They put together an expert team to conduct the review and provided written feedback which was incorporated into our policy/procedures.

Additionally, in early 2004 the CDCR applied for and was awarded a federal grant under the 2004 Protecting Inmates and Safeguarding Communities discretionary grant program. These grant funds were used for two projects. The first was to complete a research project assessing violence in prisons with a specific emphasis on sexual assault and/or rape. This project was initially designed to assess the adult male population. Very early in the project, it was determined that the transgender population also needed to be included in the study. A modification to the contract was made to include surveying of the transgender population. This project is close to completion. All data collection and validation has been completed. The data analysis phase has begun. It is expected Dr. Val Jenness, UC-Irvine and lead researcher on the project, will have the written report completed in spring 2007. The second was to provide partial funding for the development of standardized curriculum which will include a Sexual Assault Prevention component of an Inmate Peer Education program.

In January 2006, we assessed our progress on improving offender safety and eliminating in-custody sexual violence. There was an important element missing which was a detection component. Subsequently, in February 2006, CDCR applied for and was awarded a federal grant under the 2006 Protecting Inmates and Safeguarding Communities discretionary grant program. These grant funds have been earmarked to develop a pilot program at three institutions (an adult male institution, an adult female institution and a female juvenile facility). This pilot program will place cameras and recording equipment in one facility in each of the three institutions and require comparisons with the remaining facilities at each respective institution. The cameras will perform dual roles, one is detecting and recording information that will assist us in the prosecution of cases and 2 prevent inappropriate sexual misconduct from occurring within that area because of the camera recording equipment.

Question #2: Which system protocols and policies require examination?

All policies related to the items listed below will require review and adjustment based on the legal requirements of PREA.

- Reception and housing protocols;
- Incident reporting
- Medical processing;

- Transportation;
- Follow-up mental health care;
- Investigation;
- Discipline; and
- Incident data collection

Also, providing information to the inmate population about the policy will be critical. Ensuring all staff are trained and have a clear understanding of their responsibilities will also be essential to the success the program. During the investigatory process, thought should be given to not only completing a thorough investigation, but also analyzing the circumstances of the event to determine if changes in procedures are needed.

Question #5: What are the likely barriers to reporting, accurately investigating and deterring prison rape?

Barriers to Reporting include:

- The victims embarrassment of reporting an incident
- Inmate’s belief that reports will not be taken seriously
- Inmate’s concern that report of an assault will not be kept confidential
- Inmates have expressed a fear of being placed in Administrative Segregation which could include losing their job assignment and property
- Inmates fear of reprisal from staff

Barriers to Accurately Investigating:

In many cases, the investigators have expressed an inability to corroborate the facts related to the incident. Typically, sexual assaults take place without witnesses and in remote or isolated areas. In addition, late reporting by the inmate is typical and evidence is lost due to the delay.

Barriers to Deterring Prison Rape:

- Historical culture, attitudes, and bias related to inmate on inmate sexual misconduct;
- Staff belief that sexual misconduct is not occurring;
- Inmate overcrowding and unconventional housing assignments in areas such as gymnasiums;
- 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;
- Lack of effective investigative, reception and housing protocols; and
- Jurisdictions must have serious legal consequences for incidents of sexual misconduct.

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.