

**CALCASA**  
CALIFORNIA COALITION  
AGAINST SEXUAL ASSAULT

May 7, 2010

Robert Hinchman, Senior Counsel  
Office of Legal Policy  
Department of Justice  
950 Pennsylvania Avenue NW, Room 4252  
Washington, DC 20530

RE: Docket No. OAG-131; AG Order No. 3143-2010  
National Standards to Prevent, Detect, and Respond to Prison Rape

Dear Attorney General Holder:

On behalf of the California Coalition Against Sexual Assault (CALCASA), I am submitting these comments in support of the recommended national standards developed by the National Prison Rape Elimination Commission. As California's state coalition against sexual assault, we believe that sexual abuse should never be tolerated and that, regardless of custody status or criminal history, every sexual abuse survivor deserves proper support by a qualified victim service provider and a thorough investigation.

CALCASA provides the unifying vision and voice to all Californians speaking out against sexual violence. CALCASA's leadership at both the state and national level brings support, justice, and hope to victim/survivors of sexual assault, and to those who work to eradicate sexual violence in our communities. In furtherance of its mission, CALCASA has been working closely with the California Department of Corrections and Rehabilitation (CDCR) as a member of its Sex Offender Management Board and as a resource in the CDCR's collaboration with Just Detention International to implement the Commission's standards.

Our comments focus on the positive collaborations between CDCR officials and our member rape crisis centers, in furtherance of the standards. CALCASA also supports the full set of NPREC standards and was proud to sign on to the public comment statement submitted by the National Alliance to End Sexual Violence.

Victimized inmates need and deserve the same quality of care as survivors in the community. The CDCR's efforts to implement the standards have illustrated the tremendous value of collaborations between prison officials and outside service providers. While there is still a lot of work to be done in order to improve safety in CDCR facilities, the steps taken thus far have already made a substantial difference in the lives of California inmates who have been, or are at risk of being sexually assaulted.

#### Standard RP-2: Agreements with outside public entities and service providers

Eighteen of our member rape crisis centers have entered into memoranda of understanding with officials at 31 CDCR prisons<sup>1</sup> and participate in those facilities' Sexual Assault Response Teams (SARTs). SARTs are a "best practice" in the community and have proven to be a highly successful approach in California facilities. When investigators/law enforcement, victim advocates, prison staff, medical and mental health professionals, and prosecutors work together, team members benefit from each others' areas of expertise and can provide a highly professional response to sexual abuse survivors. Prison-based SARTs provide seamless, multidisciplinary services to incarcerated survivors, bringing the level of care for incarcerated survivors close to par with care provided to survivors in the community. The proactive approach of establishing a Memorandum of Understanding (MOU's) has provided California prisons with expertise, training resources, and at times, even forensic exam equipment. For example, the Women's Center – High Desert loaned its colposcope to the California Correctional Institution (CCI), ensuring that proper forensic exams could be conducted and saving CCI significant money.

#### Standards TR-4, TR-5 Specialized training

The partnerships in California between prison officials and community-based rape crisis centers have led to significant cross-training opportunities. Corrections staff and sexual assault advocates have different areas of expertise and must work together to effectively respond to sexual violence in detention. We applaud the Commission's recognition that investigators and medical and mental health staff need specialized training to properly respond to sexual abuse survivors. Because rape crisis agencies work closely with law enforcement and medical/mental health staff in the community, they have a unique understanding of the training that these professionals need to effectively serve sexual assault survivors and are able to provide corrections staff with up-to-date information about community best practices. In addition to providing a low-cost way to provide medical, mental health and investigative staff with useful information tailored to their role in the coordinated response, cross-training has also provided the community crisis centers with concrete information they need regarding prison management and security, in order to successfully participate in the facility SART.

#### Standard RE-3: Inmate access to outside confidential support services

Confidential counseling provides survivors with a safe and trusted way to discuss the sexual assaults, deal with their fears, develop appropriate coping skills, and understand that the abuse was not their fault. It also improves a survivor's ability to fully participate

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<sup>1</sup> Several rape crisis centers have more than one prison in their service area and therefore have entered into multiple memoranda of understanding.

in an investigation of the assault. The MOUs developed under Standard RP-2 provide for crisis intervention services in the aftermath of a sexual assault. Placards are posted throughout each facility with the name, mailing address, and phone number of the local rape crisis center. This low-cost outreach has helped ensure that prison rape survivors who are too afraid to report their abuse are still able to receive some basic support in their healing process.

Two California prisons (the California Corrections Institution (CCI) and the California Institution for Women (CIW)) have entered into MOUs with their local rape crisis centers (Women's Center-High Desert and Riverside Crisis Center, respectively) to provide on-site confidential counseling. While this innovative program goes beyond the requirements in the Commission's standards, it exemplifies the spirit of treating all victims equally and illustrates the positive value that access to confidential counseling has on investigations and institutional security. At the outset of the program, CDCR officials were skeptical of and resistant to the availability of confidential services in their facilities. However, CIW and CCI staff have since learned that by giving inmates access to confidential counselors, many inmates were more willing to ultimately report sexual abuse and participate throughout the investigation. As a result, prison officials have had more information about what is happening in their facilities, can properly investigate sexual violence incidents, and are able to better respond to survivors, increasing overall safety of the facility for inmates and staff alike.

#### Standard MM-2: Access to emergency medical and mental health services

The MOUs with local rape crisis centers, and similar agreements with community forensic examination sites, help ensure that prison rape survivors have timely access to emergency medical treatment and crisis intervention services. An important practice for any jurisdiction, these services are provided free of charge and are not dependent on whether the survivor names the abuser.

#### Standard MM-3: Ongoing medical and mental health care

Medical and mental health care in California prisons is notoriously insufficient, and has been the subject of litigation spanning more than ten years. The MOUs with community rape crisis centers provide for all crisis services in the aftermath of an assault that are on par with treatment in the community. Depending on the capacity of the rape crisis center, some of these MOUs further provide for follow up services. CDCR mental health staff have inordinately high caseloads and often lack relevant training on sexual abuse and related trauma. The involvement of community rape crisis centers can both assist facility counselors and provide incarcerated survivors with services similar to what they would receive in the community.

#### Standard DC-1: Sexual abuse incident reviews

Strong collaboration among multiple disciplines can also assist in the review process. CDCR officials who work closely with rape crisis center staff have engaged counselors in their review of particular cases and have sought advice on how to refine their sexual assault response practices, mirroring best practices in community SARTs. Rape crisis centers are able to help facility staff examine trends, address any problems or concerns

that arise during investigations, and recommend changes to the response so that every report of sexual abuse is handled professionally and effectively.

CALCASA is proud of the leadership that the CDCR and our member rape crisis centers have shown in addressing the serious problem of sexual violence in detention. We strongly urge you to promulgate the Commission's standards without delay.

Thank you for your consideration.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Ellen Yin-Wycoff".

Ellen Yin-Wycoff  
Interim Executive Director  
California Coalition Against Sexual Assault