CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION PRISON RAPE ELIMINATION POLICY

RAPE CRISIS COUNSELOR/VICTIM ADVOCATE INFORMATION SHEET

The Prison Rape Elimination Policy for the California Department of Corrections and Rehabilitation (CDCR) is explained on this informational sheet for sexual assault counselors as defined under Cal. Evid. Code § 1035.2.

Historical Information

Both the Congress and State Legislature passed laws, the Federal Prison Rape Elimination Act (PREA) of 2003, the Sexual Abuse in Detention Elimination Act, Chapter 303, Statutes of 2005, and most recently the United States, Department of Justice Final Rule; National Standards of 2012, to help prevent, detect and respond to sexual violence, staff sexual misconduct and sexual harassment behind bars. And while it is recognized that the PREA standards place no requirements on rape crisis centers, CDCR is obligated to notify all volunteers and contractors who have contact with inmates of CDCR’s zero tolerance policy toward sexual abuse and sexual harassment. It is also recognized that Rape Crisis Counselors as defined by Cal. Evid. Code § 1035.2 have a duty to maintain confidentiality of confidential communications between the Counselor and the victim pursuant to Cal. Evid. Code § 1035.4 and 1035.8. PREA requires that “All volunteers and contractors who have contact with inmates shall be informed how to report such incidents [sexual abuse and sexual harassment].” 28 CFR 115.32(b). A Rape Crisis Counselor has a duty to maintain confidential communications between that Counselor and the victim. Counselors will not be required to report information that would be a violation of state and/or federal law.

The CDCR policy is found in Department Operations Manual (DOM), Chapter 5, Article 44. PREA definitions of sexual abuse are found at 28 C.F.R. 115.6 and include sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

CDCR’s policy provides for the following:

* CDCR is committed to continuing to provide a safe, humane, secure environment, free from offender on offender sexual violence, staff sexual misconduct, and sexual harassment.
* CDCR maintains zero tolerance for sexual violence, staff sexual misconduct, and sexual harassment in its institutions, community correctional facilities, conservations camps, and for all offenders within its jurisdiction.
* All sexual violence, staff sexual misconduct, and sexual harassment are strictly prohibited.
* This policy applies to all offenders and persons employed by the CDCR, including volunteers and independent contractors assigned to an institution, community correctional facility, conservation camp, or parole.

Retaliatory measures against employees or offenders who report incidents of sexual violence, staff sexual misconduct, or sexual harassment as well as retaliatory measures taken against those who cooperate with investigations shall not be tolerated and shall result in disciplinary action and/or criminal prosecution.

Retaliatory measures include, but are not limited to:

* Coercion
* Threats of punishment
* Any other activities intended to discourage or prevent staff or offenders from reporting incident(s).

Professional Behavior

Staff, including volunteers and private contractors, are expected to act in a professional manner while on the grounds of a CDCR institution and while interacting with other staff and offenders. Key elements of professional behavior include:

* Treating everyone, staff and offenders alike, with respect
* Speaking without judging, blaming, or being demeaning
* Listening to others with an objective ear and trying to understand their point of view
* Avoiding gossip, name calling, and what may be perceived as offensive or “off-color” humor
* Taking responsibility for your own behavior

Preventative Measures

You can help reduce sexual violence, staff sexual misconduct, and sexual harassment by taking various actions during your performance of your duties as a sexual assault counselor/advocate.

The following are ways in which you can help:

* Be professional at all times
* Inform inmates that no one deserves to be sexually abused/assaulted
* Ensure that inmates are aware of warning signs of abuse/assault and how to access help.
* Provide information and expertise around trauma informed approaches.
* Inform offenders that the use of force in any situation, including repelling sexual advances, could lead to serious safety concerns and other consequences.

Action by Sexual Assault Counselors:

* Pursuant to 28 C.F.R. 115.21 and California Penal Code sections 264.2 and 679.04, Rape Crisis Center agrees that upon notification of Agency, sexual assault counselors will provide emotional support, crisis intervention, information and referrals, as needed.
* Pursuant to 28 C.F.R. 115.53, sexual assault counselors will provide confidential emotional support services.

I have read the information above and understand it.

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Rape Crisis Center (Printed) Date Signed

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Signature of Sexual Assault Counselor/Advocate Current Assignment within Institution

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Contact Telephone Number Supervisor in Current Assignment