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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA (FRESNO DIVISION)**

10 JANINE CHANDLER; KRYSTAL GONZALEZ;
11 TOMIEKIA JOHNSON; NADIA ROMERO,
12 individuals; and WOMAN II WOMAN, a
13 California non-profit corporation,

13 Plaintiffs,

14 v.

14 CALIFORNIA DEPARTMENT OF
15 CORRECTIONS AND REHABILITATION;
16 KATHLEEN ALLISON, Secretary of the
17 California Department of Corrections and
18 Rehabilitation, in her official capacity; MICHAEL
19 PALLARES, Warden, in his official capacity;
20 MONA D. HOUSTON, Warden, in her official
21 capacity; and DOES 1-10, inclusive,

18 Defendants.

Case No. 1:21-cv-01657-JLT-HBK

DECLARATION OF CANDICE JACKSON

Before: Hon. Jennifer L. Thurston
Complaint Filed: 11/17/21
Trial Date: None

20 I, Candice Jackson, hereby declare:

- 1 1. I make this declaration based on my own personal knowledge. I am over the age of 18 and
2 competent to testify. If called to testify, I could and would do so as follows:
- 3 2. I am one of the attorneys representing the Plaintiffs in this case, and I make this
4 declaration in support of Plaintiffs' Opposition to Proposed Intervenors' Motion for Leave
5 to File a Supplemental Reply in Support of Defendants' Motion to Strike Plaintiffs'
6 Declarations.
- 7 3. Attached hereto as Exhibit A is a true and correct copy of the PREA third-party report
8 with portions of its Appendix, that I, along with co-counsel for Plaintiffs Lauren Adams,
9 submitted to CDCR on July 5, 2022. The attached copy includes only that portion of the
10 Appendix to our report that *does not* consist of the declarations previously submitted in
11 this case by Plaintiffs (i.e., ECF Nos. 36-1, 36-2, 36-3, 36-4, 36-5, 36-6, 36-7, 36-8, 36-9,
12 36-11, 36-12), so as not to place into the record here, declarations that are currently
13 subject to challenge by Defendants.

14 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE
15 UNITED STATES THAT THE FOREGOING IS TRUE AND CORRECT.

16 SIGNED IN NOVATO, CALIFORNIA ON JULY 14, 2022.

17 _____
18 /s/Candice Jackson
19 Candice Jackson
20
21
22

EXHIBIT A



Freeman
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July 5, 2022

Central California Women's Facility
(CCWF)

Attn: PREA Coordinator

P.O. Box 1501

Chowchilla, CA 93610-1501

CDCR Office of the Inspector General

Attn: PREA Ombudsperson

Attn: Ombudsman for Sexual Abuse in
Detention Elimination

10111 Old Placerville Road, Suite 110
Sacramento, CA 95827

CDCR Office of Internal Affairs

Northern Region

P.O. Box 3009

Sacramento, CA 95812

Re: THIRD-PARTY PRISON RAPE ELIMINATION ACT (PREA) REPORT

To Whom It May Concern:

We are attorneys who currently represent four women incarcerated in CCWF (Central California Women's Facility) in federal court litigation, and we advocate individually and on behalf of Women's Liberation Front (WoLF, <http://www.womensliberationfront.org>) for the sex-based rights and interests of incarcerated women.

Information has come to our attention from a variety of sources (people currently and formerly in CDCR custody, family members of incarcerated women, advocates for justice-involved women, and others) regarding serious PREA incidents that have occurred, and are ongoing, within CCWF. On behalf of the victims, witnesses, and potential victims of the sexual violence, sexual harassment, and threats of same described herein, we submit this letter as a third-party PREA report pursuant to CDCR (California Department of Corrections and Rehabilitation) policies, in particular CDCR's Department Operating Manual ("DOM"), Ch. 5, Art. 44 (Prison Rape Elimination Policy), Section 54040.7.3 (*Notification via Third Party Reporting of Sexual Violence or Sexual Harassment Against an Offender*).

I. Introduction & Overview of This Third-Party PREA Report

The qualitative and quantitative nature of the PREA incidents detailed in this report derive directly from CDCR's implementation of SB 132 (Cal. Pen. Code Sections 2605, 2606). Since SB 132 took effect on January 1, 2021 CDCR has transferred over 50 male inmates from men's prisons into the only two women's prisons in California, CCWF (Central California Women's Facility) and CIW (California Institution for Women). On information and belief, some of the male inmates placed in women's facilities after January 1, 2021 had previously been denied transfer by CDCR. The inmate perpetrators of the sexual violence and sexual harassment described herein all transferred from men's facilities into CCWF or CIW after SB 132 took effect.

Based on the information available to us, from numerous incarcerated and recently paroled women, PREA incidents of the kind described in this report rarely occurred at all, and never with the frequency now occurring due to SB 132. This is because the few male inmates housed in CCWF and CIW prior to SB 132 were placed there on an individual, case-by-case basis as exceptions to the rule that women's facilities house female inmates. Most importantly, the handful of male inmates in the women's institutions prior to SB 132 had undergone medical transition procedures as treatment for gender dysphoria (including genital surgery).

In other words, prior to SB 132, people with functioning penises were not housed alongside female inmates. Women in CCWF and CIW were therefore not vulnerable to sexual violence or sexual harassment perpetrated and threatened by inmates with penises. Due to SB 132, incarcerated women in California are now at the same risk of sexual misconduct and sexual harassment perpetrated by prison *staff* as they always have been, plus an added type of risk never before present in women's prisons: the risks of sexual victimization, impregnation, and sexual infection transmission posed by *inmates* with penises.

In this report we address PREA incidents of sexual misconduct that constitute serious sexual violations that PREA is designed to prevent and as to which adequate response by CDCR is required. DOM Section 54040.1 (*Policy*) states that "CDCR shall maintain a zero tolerance for sexual violence, staff sexual misconduct and sexual harassment in its institutions." We rely on the definitions provided in DOM Section 54040.3 (*Definitions*) of "sexual violence" including rape, abusive sexual contact, nonconsensual sex acts, and sexual harassment by an offender.

We then provide additional relevant information and context, including explaining that PREA reassessments and prevention measures are not being taken by CDCR. We also analyze why the specific PREA incidents reported herein do not constitute a complete list of sexual violations that have occurred and continue to occur in CCWF since implementation of SB 132 because sexual violations are underreported by female inmates against male inmates. This is in

part due to retaliatory measures taken by CDCR against reporting female inmates. Further, we explain how and why the PREA incidents reported herein are not random or discrete incidents so much as a predictable pattern of sexual misconduct resulting from coed housing of male and female inmates with no physical separation between women and inmates with penises.

We conclude our third-party PREA report with our understanding of the steps and actions we expect CDCR to undertake based on CDCR's PREA policies and federal PREA regulations; our evaluation of the actions necessary for CDCR to prevent and deter further incidents of the kind reported herein; and an invitation to contact the undersigned for further discussion as part of investigations CDCR undertakes with regard to any of the PREA incidents and related information we have provided herein.

Throughout this report we provide as many details regarding each incident as we have available to us, including as specified on the CDCR website (<https://www.cdcr.ca.gov/prea/prea/reporting/>):

- Inmate victim's name and CDCR number
- Perpetrator's name and ID number (if available)
- Facility at which the incident occurred
- When/where the incident occurred (date, time, location – i.e. cell, showers, etc.)
- Incident description
- Your name, contact information and relationship to the inmate/victim

We indicate throughout our descriptions of PREA incidents circumstances where we have been informed that additional witnesses exist but we have not been provided with their names, and we provide herein as much information about how to identify such additional potential witnesses as is available to us.

Our information indicates that many of the incidents we report herein have already been reported by inmates to staff, at least verbally, but have either not been investigated, were investigated inadequately, or otherwise have not been responded to appropriately. Throughout this report we convey to our best knowledge which incidents previously have been reported to prison staff, and which have not been (until submission of this report).

Finally, this report contains an attached Appendix with additional details and context for many of the incidents reported herein. For example, we include copies of declarations filed in court recounting certain incidents and observations by a variety of witnesses (Appendix at Bates Nos. 0001-0081), an inmate's 602 grievance (at Bates Nos. 0082-0083), and data we have obtained from CDCR via Public Records Act request (at Bates No. 0084).

II. PREA Incidents in CCWF

- a. Victim(s): Kelly Vaughn (WA1309); Demetrius “Mimi” Carroll (WF6870); Zaria Vaughan (WF5739); Shawron Banks (WF5908); Cynthia Vasquez (WA8218); Georgina Davis (WE8817); Ariel Burrus (WG1516); Jack Quetta Henderson (WF5629); Mischelle Adkins (WG0727); Cecilia Brooks (WG6893).

Offender: Jonathan Robertson (WB1151)

When/where: 5/20/22 in the morning; Program Office and then outside on B-yard

Incident Description: In the presence of prison officers, male inmate Jonathan Robertson spit at Victim Demetrius Carroll and threatened to rape her and otherwise harm her. Victim Carroll described the incident this way: Offender Robertson got close to her and said “I’m Blood, bitch. Any bitch speak up on my business, I’m gonna break this, I’m gonna break you all jaw, bitch.” Victim Carroll continued: “I was asking, ‘So who are you talking to?’ and so I had to make sure that I got up close on this man because I was not gonna just let him hit me, but I’m not gonna lie. I was scared, but I was gonna defend myself; but then he made it clear that me or my girlfriend better not walk the yard ‘cause he was gonna break our jaws, rape us and all this, uh, foolishness he was talking about. He spit on me and everything.”

Victim Carroll, who has a history of abuse by men, further stated, “I couldn’t understand this was happening to me in prison” and “I had to control myself” but she was so angry and scared in the aftermath of being threatened by Offender Robertson that she smacked a window with her hand (thinking it was plastic, but it was glass) and needed medical attention for that wound. Staff detained them both briefly in the program office.

Later, outdoors on the yard, again in the presence of prison officers who (according to inmate Carroll) were “ready, they had their pepper spray out,” Robertson spit at an entire group of women, and threatened to rape them. One inmate describes: “So he approached us like real aggressively and was making like vulgar, uh, sayin’ things to us, you know, like, like basically, that we was in his bed and he didn’t care about raping people and like...he’d fuck us all up or he’d like rape all us and stuff like that.” Several of the female inmates threatened by Offender Robertson identify as transgender themselves. Victim Carroll and others asked prison staff what was going to be done about these vicious, frightening threats from Offender Robertson and staff kept saying “There’s nothing we can do; they have rights you know” and Victim Carroll and about 25 other women thought “Well what about our rights?”

These violent rape threats by inmate Robertson first to inmate Carroll and then against a group of female inmates occurred the day after several inmates had reported to CDCR staff having found inmate Asia Davis (WF9357) unconscious in the B-yard outdoor port-a-potty, shortly after 3:00pm on 5/19/22, under circumstances that led to reasonable suspicion on the part of numerous inmate witnesses that inmate Davis had sexually assaulted, possibly after being drugged, by Robertson while SB 132-transferred male inmate Michelle Calvin (WB1127) stood watch.

Statements from the above-listed victims, the below-listed witnesses, and from inmate Davis, indicate the following: inmate Davis has spoken differently to different people about what she recalls and what may have occurred sexually between herself and inmate Robertson on May 19; several inmates personally observed events that looked and sounded as though a sexual assault had occurred; and many inmates were frightened by inmate Robertson's rape and violence threats on May 20 and by the circumstances that indicated a reasonable possibility that male-on-female rape had occurred. For instance, three inmates stated that they observed inmate Davis inside the port-a-potty with inmate Robertson leaning over her from behind and heard noises that sounded like him grunting and slamming his body against hers; at least one inmate said that she saw yellow "caution tape" around that port-a-potty shortly after the possible rape had been reported. (Because the purpose of this PREA third-party report is to report information we have received, we do not list inmate Davis as a "victim" in this incident due to her recent statements to various people insisting that nothing sexual occurred between herself and inmate Robertson on May 19.)

These incidents deeply distressed many women in CCWF. For instance, Victim Carroll reported to us that that night, "No exaggeration, not being dramatic or anything, me and my roommates did not even sleep because...it got real for me in that moment, like wow these men are coming over here, they're already very strong...then you're coming over here knowing, with HIV and your penises and all these things and y'all have bad intentions for real, like if you really felt you were a woman and all those things I will respect that but when you come over here manipulating the game...I've seen them jump up and when they see each other they get all happy and start squaring off like two grown ass men; I'm like oh these people are dangerous, for real."

Documentation:

- Security camera video footage exists and should be preserved.
- Witnesses:
 - Trancita Ponce (W89425)
 - Mimi Le (X27330) (including Declaration of Mimi Le, in Appendix hereto at Bates Nos. 0005-0007)
 - Simaima Ohuafi (W71472)
 - Mabelin Torres (W82283) (and another female inmate known to Torres)
 - Mishay Jones (X33390) (and another female inmate known to Jones)
 - Zaria Vaughan (WF5739)
 - Shawron Banks (WF5908)
 - Cynthia Vasquez (WA8218)
 - Georgina Davis (WE8817)
 - Ariel Burrus (WG1516)
 - Jack Quetta Henderson (WF5629)
 - Mischelle Adkins (WG0727)

- Cecilia Brooks (WG6893)
- Officer Martinez
- Officer Murillo
- Sgt. Vang
- Officer Juarez
- Officer Souza
- Captain Padilla
- Response:
 - Inmate Robertson was eventually placed in disciplinary ad seg; our current information indicates that he remains in ad seg. CDCR prison locator records indicated briefly that Robertson had been moved to CIW but he is currently listed as being at CCWF.
 - Women threatened with rape by inmate Robertson were initially told by staff that their only option to protect their safety would be to be taken to ad seg. We have no information that staff attempted to separate the offender, Robertson, from his victim pool, via alternative housing arrangements.
 - To our knowledge, none of the female inmates threatened with rape have been informed as to the status of any investigation or outcome into this sexual misconduct.

b. Victim: Channel Johnson (WG6321)

Offender(s): Jonathan Robertson (WB1151)

When/where: April or early May 2022; B-yard at CCWF

Incident Description: Offender Robertson reportedly sent threatening communications to the Victim and/or her family members, claiming to have given her AIDS, and saying he was going to murder her and her child. Her family reportedly sent these letters to the warden.

Documentation:

- On information and belief, CDCR staff and/or the Victim's family members, do or may have the originals or copies of communications sent by Robertson to the Victim or her family.
- Witnesses:
 - Trancita Ponce (W89425)
 - Officer Chuey (spelling unknown)
 - Lt. Madruga
- Response:
 - The Victim was moved to a different yard (reportedly over her wishes but ostensibly "for her safety") while Robertson was allowed to remain living in B-yard. Victim Johnson is reportedly housed at CIW now.

c. Victim: Ashley Meriwether (WG6279)

Offender(s): Ava Fey (WB1138)

When/where: Late spring 2022; B-yard at CCWF; in Victim's cell

Incident Description: Ava Fey, a male transfer under SB 132, masturbated by touching his penis while fondling cellmate Ashley Meriwether's breasts while she was asleep.

Documentation:

- Witnesses:
 - Other cellmates are potential witnesses (identities unknown to the undersigned)
- Response:
 - Incident reported to sergeant on duty and housing staff; inmate Meriwether says staff made her sign a non-enemy chrono and told her she would be locked up in ad seg if she pursued the complaint.
 - The Offender and Victim are still celled together to this day.

d. Victim: Krystal Gonzalez (WF7560)

Offender: Christian Ramirez (no longer in the system under WB #, an inmate with the same name is listed in High Desert #BR0440)

Date/location: Late spring 2021

Incident Description: Offender Ramirez rubbed penis on Victim's back while in line, asked her if she "liked his ponytail". This incident followed a non-sexualized interaction where Inmate Ramirez shoved Victim hard, to intimidate her.

Response:

- Initially, Victim verbally disclosed to staff, who told Victim she would need to sign an enemy chrono and would have to move.
- Victim filed a 602.
- Eventually, PREA report done due to filing the 602 and mental health services offered to Victim.
- Offender was moved out of unit, reportedly for unrelated reasons.

e. Victims: Cathleen Quinn (X07099), Sagal Sadiq (WF7629)

Offender: Michael Contreras Hernandez (WB1126) (aka Eva Reeves)

Date/location: Various dates spring 2022 (including 2/5/22) - C-yard dayroom (bathroom)

Incident Description: Inmate Contreras/Reeves was observed by multiple inmates several times "peeping" by trying to watch inmate Quinn use the toilet (detailed further in Declaration of Sagal Sadiq in Appendix hereto at Bates Nos. 0001-0004.). Offender also physically assaulted inmate Sadiq, a trans-identified biological female, because Sadiq filed 602s about Offender's voyeurism.

Response:

- Reported to staff by witness Sagal Sadiq (WF7629); the “peeping” by Offender was also reported to C/O Herredia by inmate Tomiekia Johnson (WE4176), who had spoken to the Victim. Our information is that another woman (identity unknown to us but possibly known to Inmate Tomiekia Johnson) also reported to C/O Quintana witnessing Offender using the same bathroom toilet while the “occupied” sign was hidden leaving opportunity for women to walk in.
 - CDCR moved the Victim and two witnesses (inmate Sadiq and inmate Tomiekia Johnson) to ad seg.
 - In ad seg, Inmate Sadiq was told that the prison intended to move Sadiq to a different yard (threatening loss of Sadiq’s residence and job), against Sadiq’s wishes, and CCWF staff returned Sadiq to C-yard only after Sadiq went on a 28 day hunger strike and ended up hospitalized.
 - Johnson was not permitted to return to C-yard for her own safety, but has been placed into gen pop in B-yard.
 - Recently, CDCR charged inmates Johnson and Sadiq and Victim Quinn with rules violations for allegedly “filing false reports” against Offender Contreras/Reeves and accused the reporting inmates of attempting to “harass” the Offender based on the Offender’s “transgender status,” notwithstanding the fact that inmate Sadiq is a transgender-identified female.
- f. Victim(s)/Offender: Offender: Nina Mc Queen (WB1148); Victims: at least one female inmate, identity unknown to the undersigned but may be known to witnesses listed.
Date/location: November or December 2021 in the dayroom of building 513
Incident Description: Inmate Janine Chandler (X17395) reported to the undersigned that there was a “masturbation incident” of sexual exhibitionism perpetrated by inmate Mc Queen.
Response: Witnesses: Officer Rosalinda (unknown spelling), and officer Flores; inmate Janine Chandler (X17395).
- g. Victim: Robinson (possibly “Tracy Ann”) (W93548)
Offender: Steven McCoy, Jr. (P49646)
Date/location: Late December 2021
Incident Description: Inmates Robinson and McCoy were reportedly caught having sex in the bathroom in the dining room shared by A and B Yards and staff had to deploy aerosol spray to stop the sexual activity.
Response:
- CCWF should have an incident report, since this incident involved staff “use-of-force” on inmates.
 - Inmate McCoy has apparently been transferred to California Institution for Men (CIM), though we are not aware of whether this transfer is related to this incident.

- h. Victim: Roommate (cellmate) of Trancita Ponce (W89425)
Offender: Patrick White (WB1140)
Date/location: 12/23/21
Incident Description: “Patrick White the rapist was caught in the restroom raping/having sex with my roommate the cops arrested them and put him and my roommate in lock up this is traumatizing and should have never happened had they not placed a man with a penis in our institution” (statement made to us by witness/inmate Trancita Ponce).
Response: We were told that Victim and Offender were both locked up. We do not have information about how long each was in ad seg or where Victim has now been placed but we have been informed that Offender White has been released back onto B-yard.
- i. Victim: Cyeda Ferrer (WA7555)
Offender: Tremaine Carroll (WB1153)
Date/location: Mid-to-late 2021; B-yard CCWF
Incident Description: Referring to inmate Carroll: “while he’s here in a medical TCU unit he’s having sex with a female...a woman who’s getting over cancer.”
Response: Possible witness to events preceding or following the incident(s): inmate Sonya Bullette (X19057) (quoted above, describing the incident). We have no indication whether this incident/sexual activity was reported to staff.
- j. Victim: Monica Blyleven (X04795) and others (some known to inmate Blyleven)
Offender: Michael Contreras Hernandez (WB1126) (aka Eva Reeves)
Date/location: Spring and summer of 2021, Unit 513 Room 11
Incident Description: Inmate Monica Blyleven described a pattern of sexual harassment directed at her and others housed alongside inmate Blyleven, by inmate Contreras/Reeves after he was assigned to her cell, stating: “He would make us woman [sic] feel uncomfortable, hitting on us and stuff like that. I was raped at 7 years old and threw out [sic] my life abused by men. Physically, mentally, emotionally. So I have issues being locked down in a cell with a man...that still loves woman [sic].” (Statement from inmate Blyleven.)
Response: To our knowledge this pattern of sexual harassment was not reported by Victim Blyleven or other victims. We are informed that Victim Blyleven no longer lives with the Offender.
- k. Victim: Simaima Ohuafi (W71472), others on B-yard
Offender: Patrick White (WB1140) - Building 507 cell 21
Date/location: B-yard, various locations and dates

Incident Description: Offender White is a self-described “serial rapist” who speaks openly about his crimes, which makes many women very uncomfortable and retraumatized since so many female inmates are survivors of male-perpetrated sexual violence themselves.

Response: Not reported, as far as the undersigned know.

l. Victim: Several unknown

Offender: Anthony Lipsey (WB1128)

Date/location: B-yard, C-yard, D-yard

Incident Description: Offender Lipsey has been sexually active with many women since arriving at CCWF. Importantly, he has also spent time in and out of ad seg for “aggressive behavior and acts” including an incident where he punched his female cellmate in the jaw after a verbal argument about cleaning and after she rejected his sexual advances. This raises serious concerns about whether it is possible for Offender Lipsey to obtain meaningful consent for sex, if women are aware that he has physically attacked women before after being denied, and know of his aggression in general.

Response: Potential witnesses include Simaima Oluafi (W71472) and Chanel Grant (WG0796) who may have direct knowledge of Offender Lipsey’s sexual interactions with female inmates. To our information, Offender Lipsey has been placed briefly in ad seg but generally has remained free to pursue sex with women in prison.

m. Victim: unknown

Offender: Steven McCoy Jr. (WB1145)

Date/location: Before 8/26/21

Incident Description: Offender McCoy was known to be having sex with a woman housed with him. Inmate Tomiekia Johnson (WE4176) told us: “A few women asked her why she was having sex with him she responded "I didn't know how to say no." ”

Response: We do not have information about whether this was reported to staff.

n. Victim: Lona Williams (WG3876), and other female inmates known to her

Offender: Michael Contreras Hernandez (WB1126) (aka Eva Reeves)

Date/location: May-June 2021, Victims’ cell

Incident Description: Offender Contreras was voyeuristically “peeping” at women in the shower.

Response: Inmate Monica Blyleven (X04795), a cellmate of Victim, may have additional information. We were informed that Victim was too scared to report this sexual misconduct by Offender Contreras/Reeves.

o. Victim: Ariel Burrus (WG1516), and another female inmate (known to inmate Burrus)

Offender: Jonathan Robertson (WB1151)

Date/location: Mid-May 2022, on B-yard

Incident Description: Offender Robertson said to a friend of Inmate Burrus’ “I like the way you eat your ice cream” in a manner that made her feel uncomfortable and scared. Inmate Burrus told Robertson not to be disrespectful, and Robertson responded by threatening to “knock out” Inmate Burrus, saying (per inmate Burrus’ statement to us) that “he’s a man, he can do what he wants to do, and he’ll knock out Burrus for saying anything to him,” and to “get the fuck out of his face.”

Response: Reported by Victim to housing staff, Officer Juarez, two or three weeks after this incident occurred.

p. Victim: Rochelle LittleJohn (W30950)

Offender: Nina Mc Queen (WB1148)

Date/location: 10/15/21

Incident Description: It was reported to us, second hand, that Victim LittleJohn tried to refuse housing with Offender Mc Queen due to fear over being celled with a man with a penis, and that Victim LittleJohn was told by staff that if she did not accept Offender Mc Queen that staff would remove all the women in the room. The women subsequently complied. Mc Queen started to have a sexual relationship with inmate Phillips; despite being caught by staff in the bed at count time, Offender Mc Queen and inmate Phillips were not separated, and Offender Mc Queen was not taken to ad seg until two days later, where he stayed for 30 days.. In the meantime Victim received a note from Mc Queen with threats of violence.

Response: Inmate LittleJohn turned the threatening notes over to prison staff (her boss), and they may be in the possession of CDCR staff. Other witnesses may include women assigned to Victim’s cell at the time of this incident.

q. Victim: Cellmates of Offender Vinck (identities unknown to the undersigned)

Offender: Michael Vinck (WB1161)

Date/location: Late May or early June 2022; B-yard, cell

Incident Description: Offender Vinck recently transferred into CCWF and reportedly refuses to close the door when he uses the toilet, exposing his genitals to the women in his room.

Response: After being repeatedly asked by the women housed with him to close the door while he is using the toilet, he reportedly filed a 602 grievance accusing the women of harassing him. We are not aware that any of the victims reported Offender Vinck’s sexually inappropriate behavior to staff.

III. Information Relevant To Investigating & Responding To These Reported Incidents

a. PREA Risk Reassessments Are Not Being Conducted

DOM Section 54040.2 affirms that the purpose of CDCR prison rape elimination policy is to “ensure compliance with Public Law 108-79, the Prison Rape Elimination Act of 2003 (PREA), California Assembly Bill 550 (Chapter 303, Statutes of 2005), the Sexual Abuse in Detention Elimination Act, and 28 Code of Federal Regulations, Part 115, National Standards to Prevent, Detect, and Respond to Prison Rape.”

PREA regulations at 28 CFR 115.41 require correctional institutions to screen every inmate for “risk of being sexually abused by other inmates or sexually abusive toward other inmates” upon intake, transfer to another facility, referral or request, a sexual assault incident, and upon receipt of “additional information that bears on the inmate's risk of sexual victimization or abusiveness.” Assessments must be conducted “using an objective screening instrument.” 28 CFR 115.41(c).

Screening for an inmate’s risk of sexual victimization “shall consider, at a minimum, the following criteria”: disability; age; physical build; previous incarceration; exclusively nonviolent criminal history; prior sex offense convictions; status or perceived status as LGBTI or “gender nonconforming”; previous sexual victimization (inside or outside of prison); self-perception of vulnerability; detention solely for immigration purposes. *See id.* Screening for an inmate’s risk of being sexually abusive “shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse.” *See id.*

Within 30 days after arrival at a facility, the facility must reassess an inmate’s risk of victimization or abusiveness “based upon any additional, relevant information received by the facility since the intake screening.” *See id.* “An inmate's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.” *See id.*

CDCR has not been conducting these PREA-mandated risk screenings to properly assess each SB 132-transferred male inmate’s risk of abusiveness toward female inmates, nor to assess each female inmate’s risk of sexual victimization by inmates with penises. Of the dozens of female inmates we have spoken with over the past 15 months, none have described undergoing PREA reassessment triggered by arrival at their women’s facility of groups of male inmates with functioning penises – even after reporting specific incidents to staff or disclosing to staff that women (many of whom have sexual victimization backgrounds) feel extremely unsafe, vulnerable, distressed or fearful about living in the same cells or yards with bepenised inmates.

Nor have women in CCWF been reassessed based upon “additional information” bearing on their victimization risk. There is no “additional information” of greater bearing on women’s risk of victimization than the change in composition from an incarceration environment

surrounded by females (and a handful of male-born inmates who no longer have functioning penises), to a coed prison environment where several dozen men with functioning penises sleep, shower, toilet, eat, recreate, and work alongside incarcerated women 24/7 (in addition to about 300 such men on the “waiting list” seeking to transfer to women’s facilities.) These circumstances substantially alter the “baseline” risk assessment that applied to each female inmate upon her initial, intake PREA screening. Yet none of the women involved in the PREA incidents described herein, as victims or witnesses, have been asked pursuant to a PREA *reassessment* crucial questions such as, “Has your self-perception of your risk of being sexually assaulted or harassed changed since the arrival of inmates with penises?” Incarcerated women who may not have been categorized “high risk” for sexual victimization when the facility was a female-only prison may be high risk for sexual victimization when housed in a coed facility.

It should be equally clear that reassessments are not being performed as to the risk of sexual abusiveness of SB 132-transferred male inmates, even though some were discovered having sex with women within their first 30 days (and beyond) after arrival at CCWF and others have been reported to staff as having committed sexual or physical abuse against female inmates in CCWF. Moreover, a significant number of male inmates transferred under SB 132 (and awaiting transfer) have sexual offenses in their criminal records, which is a PREA-recognized risk factor for sexual abusiveness. (See CDCR Response to Public Records Act Request in Appendix hereto, at Bates No. 0084.) Once again, the switch from living in a men’s facility to a women’s facility is a substantial alteration in these male inmates’ baseline risk for sexual victimization *and* abusiveness— yet there is no indication that PREA reassessments are being conducted in light of relevant additional information that affect these inmates’ risk of victimization and abusiveness.

Disturbingly, CDCR claims that it does not even track sexual assaults “by gender identity” of inmates, implying that it does not consider the sex of inmates or the obvious risks of female inmates of male inmate sexual violence when tracking and investigating PREA incidents. See <https://www.cdcr.ca.gov/prea/sb-132-faqs/> (CDCR’s Frequently Asked Questions webpage about SB 132): “CDCR’s reporting mechanisms do not track assaults by gender identity.” (CDCR changes the statements on this FAQ webpage at its own discretion, without advance notice; the foregoing statement appears on the site as of 7/5/22.)

PREA regulations mandate that CDCR “shall use information from the risk screening...to inform housing, bed, work, education, and program assignments, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.” 28 CFR 115.42(a). Female inmates who have reported feeling unsafe living in cells, or housed on the same yards, as male inmates with penises, have been dismissed, ignored, disciplined, and threatened with punishment with no effort by prison staff to recognize that many women in CDCR have male-perpetrated sexual violence histories and are at high risk of victimization of male sexual violence. Conversely, many SB 132-transferred men are at high risk of being sexually

abusive *toward women* (even if the same inmates were themselves at risk of being sexually victimized *by men* in men's prisons). Both sides of this PREA risk assessment equation should have triggered the prison's obligation to separate women from inmates with functioning penises in order to separate inmates at high risk of victimization from inmates at high risk of abusiveness.

Troublingly, SB 132 constrains CDCR from undertaking meaningful comprehensive risk assessments, since it prohibits considering factors such as anatomy, genitalia, or sex offender status in housing and grants special privileges to male inmates who have declared "transgender" identity over roommate (cell) decisions. The fact that State law erects these barriers to CDCR effectively implementing PREA does not alter the result: CDCR's failure to even conduct proper sexual risk screenings – much less take any action to separate vulnerable women from sexually predatory men – indicates a knowing indifference to the rights of women in its custody to be free from cruel and unusual extrajudicial punishments, as well as punitive consequences imposed based on sex (being female).

b. PREA Prevention Measures Are Being Ignored

DOM Section 54040.4 (*Prevention*) directs CCWF, CIW (and every institution): "Each institution shall enable offenders to shower, perform bodily functions, and change clothing *without non-medical staff of the opposite biological sex viewing their breast, buttocks, or genitalia*, except in exigent circumstances or when such viewing is incidental to routine cell checks." (Emphasis added.)

Understandably, this PREA prevention measure does not directly address the right of female inmates to "shower, perform bodily functions, and change clothing" without *inmates* "of the opposite biological sex" viewing the women's private body parts – because the policy was adopted prior to SB 132, which for the first time forced female inmates to live with inmates "of the opposite biological sex" *who have undergone no medical transition to, e.g., physically/surgically acquire genitalia that approximates female genitalia*.

The purpose of this PREA prevention policy is of course to protect women from feeling and being vulnerable to the gaze and verbal or physical sexual overtures of men while performing daily routine activities (showering, dressing, using the toilet) that require exposure of the female inmate's intimate body parts. Without such protection of women's dignity as a safeguard, the risk of sexual harassment and sexual violence increases. Ensuring that female inmates have physical spaces to shower, dress, or change clothing outside the presence of "opposite biological sex" inmates is a PREA sexual abuse prevention measure, which CCWF (and, on information and belief, CIW) are ignoring, subjecting female inmates to sexual harassment, sexual indignities, and risks of sexual violence.

c. Sexual Violations Perpetrated By SB 132-Transferred Inmates Are Underreported Due To CDCR Retaliation And Failures to Protect

CDCR staff's reactions and responses (and lack thereof) to the PREA incidents that inmate victims, witnesses, and potential victims have reported have caused many female inmates to become reluctant to even report sexual victimization perpetrated by male inmates transferred under SB 132. Specifically, prison staff's reactions have ranged from expressing immediate, outright disbelief of the reporting inmate, to telling the reporting female inmate that her only option is to "go to jail" (ad seg), to threatening (and carrying out) retaliatory punishment against reporting inmates in the form of "don't go through with this report or you'll go to ad seg" and even charging reporting female inmates with "filing false reports."

Inexplicably, CDCR's knowing disregard for the safety and right to petition via administrative grievances extends even to female inmates who themselves are "transgender-identified." For instance, when self-described "transgender man" Sagal Sadiq (WF7629) reported being physically assaulted by a "transgender woman," prison staff did not give the benefit of SB 132's directive to seriously consider the "transgender-identified" inmate's own perception of safety and preference as to alternative cell or housing arrangements to the *female* inmate – seemingly only the *male* inmates who identify as "transgender" receive any SB 132 privileges.

CDCR has failed to protect female inmates in its custody, despite knowing all of the facts that make sexual victimization of these women by the SB-132 transferred male inmates highly probable. Equally as calloused, prison staff have offered reporting victims and witnesses only one solution to protection from *further* incidents: the female victims must agree to lose their "home," their social and emotional support system (fellow inmates), their few creature comforts, and be hauled off to administrative segregation — which under PREA is never permitted to be either a first resort, nor even as a last resort solution for more than 30 days. Yet CDCR has yet to find alternative living situations that actually separate sexually abused or vulnerable women from sexually abusive or threatening male inmates. It is female inmates who bear the brunt of the way in which SB 132 forces CDCR to choose between complying with SB 132, or with PREA (under both federal and State regulations).

The unfairness of this dynamic is demonstrated by realizing that the cruelty of spending time in ad seg (for non-disciplinary reasons) is *precisely a main rationale for why male inmates at high risk of sexual victimization in men's prisons are being moved out of men's facilities*. Enduring sexual victimization, or enduring stints in ad seg "for the inmate's own safety" (because the prison ostensibly cannot protect the inmate any other way) are equally cruel extrajudicial punishments – for men and for women. Yet under SB 132, CDCR is deliberately imposing that Hobson's choice upon women, as a way of removing that unfair conundrum for men.

We have spoken with many female inmates in CCWF who feel hopeless and defeated, dissuaded from even reporting assaults, threats, and reasonable fears to staff because “nothing will be done anyway, except to throw me in jail.” So long as CDCR pretends that male inmates with functioning penises are appropriately housed in women’s prisons, the options for “alternative means” of separating inmates at high risk of sexual victimization from “likely abusers” (*see* 28 CFR 115.43(a)) is quite limited, leaving vulnerable women with little to no hope of serving prison time and trying to rehabilitate without constant threat, fear, and experience of sexual harassment and sexual violence. This state of risk and distress continually increases, as CDCR continues to transfer male inmates with penises into women’s institutions in ever-increasing numbers.

There are only two institutions dedicated to housing female inmates in California; only one of the two (CCWF) is an all-level security institution (CIW is supposed to house only lower-level security offenders). At CCWF, there are four yards (A, B, C, D) all of which house women of all four security levels. Each yard has four units, and each unit has 32 rooms. Each room (cell) is designed to house four women, but the facility is over capacity so often eight women share a cell. Each yard shares common outdoor and facility areas where inmates from all four units congregate and mix. (See Declaration of Amie Ichikawa in Appendix hereto at Bates Nos. 0014-0022). SB 132-transferred male inmates have been placed on each of the four CCWF yards. Thus, even for women who happen not to be forced into the same *cells* as such men, there is physically no place on a yard where women are not in the physical presence of male inmates with penises. No place in CCWF provides safety for female inmates from sexual victimization by male inmates with penises.

While each of the four yards at CCWF are separated only by a fence, through which inmates assigned to different yards can speak to and see each other, at least a dedicated yard for “inmates with penises” would provide female inmates with greatly reduced risk of sexual harassment and sexual violence perpetrated by male inmates. Without any such “alternative means” of separating inmates with vaginas from inmates with penises, women incarcerated in CCWF will remain at high risk of sexual victimization, with no safe place to go.

On information and belief, in the 18 months since SB 132 has been in effect, CDCR may have attempted to transfer some sexually abusive male inmates from CCWF to CIW (and vice versa). While this provides some protection to women in CCWF, from at least some of the sexually abusive male inmates, this “solution” simply transfers that risk onto the women housed at CIW, which is a lower-security facility than CCWF. Further, given that a sexually abusive inmate is likely to commit further sexual offenses in prison, the only option CDCR apparently believes that it has is to play “musical chair” housing with sexually abusive male inmates granted housing preference rights under SB 132, by bouncing them back and forth between CDCR’s only two women’s facilities.

Women are aware of this dynamic; they see it play out within different yards and units of an institution as well as between institutions. It frightens them and dampens their confidence that making reports or filing grievances will result in safer conditions. E.g., a phone call with inmate Michelle Hernandez on 6/25/21: CDCR is “dumping them off in different units, eventually we’re going to get that one here, because they’re going to kick off and dominate this unit, and then the next unit, then the next unit.”); Declaration of Sagal Sadiq in Appendix (at Bates Nos. 0001-0004): “The administration is doing nothing meaningful to protect women from being preyed upon. They play musical beds with the inmates, just moving them from yard to yard with a new set of victims. They even put them in 508, which houses the developmentally disabled inmates.”).

An additional reason why women incarcerated in CCWF reasonably believe that their reports of sexual abuse are not being taken seriously is that to our knowledge, sexual misconduct allegations involving SB 132-transferred male inmates are not being referred to “authorities for possible investigation and prosecution” as directed by 15 CCR 3316. *See also* Cal. Pen. Code 2392(f)(1) (“If the conduct the prisoner is charged with also constitutes a crime, the department may refer to the case to criminal authorities for possible prosecution.” *See also* 28 CFR 115.178(a) (“When there is probable cause to believe that a detainee sexually abused another detainee in a lockup, the agency shall refer the matter to the appropriate prosecuting authority.”) We are aware of at least one incident in which a woman who was physically assaulted by an SB 132-transferred man (and needed medical treatment as a result) filed a 602 specifically asking for her assault to be referred for prosecution, and the prison still failed to do so.

Finally, we have received information that some female inmates who have reported incidents like the ones reported herein, have faced recrimination from CDCR staff including being charged and disciplined for filing “false reports” allegedly motivated by “harassing” SB 132-transferred men “based on their transgender status.” Absurdly, CDCR recently imposed this retaliatory measure *against a transgender man* (born female), inmate Sagal Sadiq (WF7629). CDCR has recently issued a retaliatory rules violation, on a similar pretext, against inmate Tomiekia Johnson (WE4176) and against inmate Cathleen Quinn (X07099), punishing these women for making third-party PREA reports.

Any punitive, disciplinary, or recriminatory measures taken against inmates who report known or reasonably suspected PREA violations would of course potentially violate DOM Section 54040.1 (*Policy*) guaranteeing freedom from retaliation for reporting: “Retaliatory measures against employees or offenders who report incidents of sexual violence, staff sexual misconduct or sexual harassment as well as retaliatory measures 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, or any other activities intended to discourage or prevent a staff or offenders from reporting the incident(s) or cooperating with investigation of an incident(s).” By issuing punitive, retaliatory

rules violation charges, CDCR is effectively criminalizing women's right to inform CDCR staff of their self-perception of sexual victimization risk – a factor that PREA requires be taken into account.

It is one thing for CDCR to consider female inmates' 602 grievances (and/or sworn declarations filed in a federal court lawsuit challenging the constitutionality of SB 132) and find the grievances to be unfounded, or otherwise refuse to take action based on their complaints. It is quite another thing for CDCR to convert 602 grievances and PREA reports (including third-party PREA reports) by female inmates into retaliatory RVR disciplinary charges of "harassing inmates" and "filing false reports" and accusing these women of wrongdoing expressly because these women object to men being housed in women's prison. This sends a clear message that women who report misconduct by SB 132-transferred men or perceptions of threats or lack of safety due to the behaviors of male inmates are targeted for punishment.

Based on information we have received recently from numerous female inmates, including some who are themselves transgender-identified, CDCR is actively seeking to reverse victim/offender status with regard to incidents involving male on female sexual misconduct, physical violence, or women simply raising concerns about their perceptions of safety (their own and/or the safety of other female inmates) being housed with inmates with penises.

As CDCR officials are well aware, it takes only one or two instances of unfair retaliation for "word to spread" that prison staff will make reporting PREA incidents (at least when alleged perpetrators are SB 132-transferred male inmates) incredibly risky for women, opening them up to the possibility of criminal prosecution and disciplinary records that could delay release and force housing changes, loss of job and "honor dorm" status, and carry additional punitive consequences.

d. The PREA Incidents Reported Herein Must Not Be Viewed In Isolation Or Without Regard For the Sex of the Perpetrators and Victims

Under the housing system directed by SB 132, sexual victimization of female inmates by male inmates in CCWF is inevitable, not coincidental or sporadic. It is sex-based, not simply arising from random personality conflicts. A crucial aspect of the PREA incidents reported herein is to realize that these are not all independent, isolated incidents because many of the male inmates transferred under SB 132 "stick together" and "work together" with intentional antagonism toward the female inmates in CCWF. Importantly, this type of collective hostility to female inmates did not exist in CCWF when the only male inmates housed there were post-op transwomen. *See* Declaration of Ayanna Green; Declaration of Michelle Norsworthy; Declaration Sagal Sadiq (contained in Appendix hereto at Bates Nos. 0045-0052, 0028-0044, 0001-0004). An incarceration environment where the majority of female inmates – and post-op transwomen inmates – now experience pervasive, daily fear and intimidation attributable to the physical and criminological

differences between men and women now hinders the ability of most CCWF inmates to pursue rehabilitation.

Many witnesses observe how groups of male inmates with penises “run in packs” and “work together” to threaten and intimidate women in pursuit of getting sex and dominating women. For example, one female inmate (Trancita Ponce W89425) described to us a conversation she overheard early in the process of groups of male inmates with penises arriving at CCWF:

Last year, I overheard several of the men privately discussing SB 132, their new living situation, and speaking in a disturbing way about the women here at CCWF... This group included Kelly Blackwell, Anthony Lipsey (who goes by “Fancy”), and Michelle Calvin. I believe it included other men but I do not recall so I will only name those I am sure about.

This group was discussing that they are here now, that they are here “for a reason,” and there is nothing that the women can do about it. One of the specific things I heard one of them say was “Bitches get passes because they are bitches, but they better watch out” because they are here now, it’s the law, and they “don’t give a fuck about us being mad” and the women can “stay in their fucking lane.”

This experience terrified me, and it also made me feel like my back is against the wall and I want to climb in a hole again. I don’t want to go anywhere by myself because I am scared. Because they weren’t just talking... they are acting out on these feelings. If some of them are known (to us and to each other) to be victimizing women, then we have to assume that the others who shared in the conversation are at least capable of it. The SB 132 transfers spend a lot of time all together, not just on B yard but on all yards.

Similar observations are contained in a number of sworn declarations included in the Appendix as well: Declaration of Ayanna Green (Appendix at Bates Nos. 0045-0052) (“they all refer to themselves as men” and “many have threatened to ‘fight you like a man’ to women inmates”); Declaration of Sagal Sadiq (Appendix at Bates Nos. 0001-0004) (“They wear tight pants clearly showing their genitals (which is against the rules), but women get written up for having panty lines or a bra strap going”); Declaration of Krystal Gonzalez (Appendix at Bates Nos. 0008-0010) (“not a single one looks or acts like women. They wear hats, t-shirts, they are bagging, sagging, everything. When they go see their counselor they will put on a bra and speak more softly, but on the yard they use their normal man voices.”); Declaration of Michelle Norsworthy (Appendix at Bates Nos. 0028-0044) (“I observed all ten of those ‘transgender women’ behaving

in a male-typical manner; most stopped taking hormone therapy (so they could resume physical erections), and right away began to have sex with women”).

Other current and former CCWF inmates recount similar observations about the coordinated, confrontational conduct of male inmates transferred into CCWF under SB 132, directed toward female inmates. Many female inmates have disclosed these sentiments through various channels, including administrative grievance (e.g., 602 of inmate Chanel Grant (WG0796), included in Appendix hereto at Bates Nos. 0082-0083): “[Inmate Lipsey] became mad and very irate saying he is tired of all the women in this prison and their complaints”), informal interview (e.g., a phone call with inmate Michelle Hernandez stating that a male inmate “made a statement saying ‘we’re just going to take over and that’s just a fact...’ what does that mean? Like, take over how?”), and other channels (for an audio excerpt of a recorded phone conversation with a female inmate, see: <https://youtu.be/k0q26czZZqg>). Inmate Demetrius “Mimi” Carroll (WF6870) told us that as to “transgenders...with their privates” there have been “times when I’ve been in ad seg and I’ve heard a few of them say they came over here with intentions to infect us and you know, they were manipulating the system to get over here.”

The foregoing observations from current and former CCWF inmates depict a coordinated, “us-versus-them” mentality and group-wide attitudes and behaviors, of men toward women. In the context of a prison facility, where a high proportion of female inmates have sexual abuse histories, a high proportion of male inmates have sexual offense histories and risk factors predicting sexual abusiveness, and male inmates with penises desire to have penis-in-vagina sex, it is predictable and foreseeable that male criminals will act collectively with disrespect and desire to dominate and sexually abuse (or impregnate) female inmates.

The type of PREA Incidents reported herein, and this atmosphere of subjugation of women, was not present in CCWF when the only male inmates living there were post-op transwomen – individuals who, though born male, committed to lifelong social and medical interventions to physically and psychologically assimilate into a group of women. Similarly, although male prison staff have always presented some risk to female inmates of sexual harassment and sexual assault, most women in CCWF report that they never felt scared or threatened on a daily basis due to the presence of male guards the way they do now being forced to live with male inmates.

e. There Are Serious Concerns That Evidence Relevant To PREA Incidents Is Not Being Preserved By CDCR

Prison staff are required to collect, secure, and preserve evidence relating to a sexual crime. DOM Section 5.4040.8.1. This includes “evidence that may be destroyed if not preserved.” *Id.* Our understanding is that security camera footage, for instance, is routinely retained only for 90 days, yet CDCR often takes longer than 90 days to address reported incidents. Further, at least one

inmate has informed us that her paperwork regarding 602 grievances she had filed disappeared when she was briefly absent from her cell.

IV. Conclusion

The serious incidents of sexual harassment and sexual violence and the numerous descriptions of the impact on women's physical, mental, emotional, and psychological health and safety reported herein, demonstrate that women in CDCR custody are being subjected to horrendous experiences and risks from being forcibly housed with male inmates with functioning penises.

DOM Section 54040.12 (*Investigations*) states that "All allegations of sexual violence...and sexual harassment shall be investigated and the findings documented in writing." DOM Section 54040.12.5 further requires prison staff to inform inmates who reporting being sexually victimized by another offender of whether an investigation resulted in the allegation being "substantiated, unsubstantiated or unfounded." To our knowledge, none of the victims involved in the PREA incidents reported herein have been so informed (with the exception of the three women whose 602 grievances were deemed to constitute "false reports" in retaliatory action by CDCR, as noted *supra*).

In addition to procedural obligations to fairly, promptly investigate PREA incidents, CDCR has an obligation to stand by its "zero tolerance" for inmate-inmate sexual harassment and sexual violence. This must include a commitment to refrain from punishing, retaliating against, or offering reporting victims and witnesses no option but being "locked up in ad seg" or being threatened or charged with collateral offense disciplinary infractions or rules violations for daring even to report PREA incidents or perceptions of being sexually at risk.

The male-perpetration/female-victimization nature of the PREA incidents reported herein demonstrate that in order for CDCR to protect female inmates from known, predictable risks of further victimization, CDCR should (1) take immediate steps to physically separate inmates with penises from inmates with vaginas; (2) conduct proper PREA risk assessments for sexual victimization of women *in the context of being housed with bepenised male inmates* and for sexual abusiveness *of male inmates with penises against female inmates with vaginas*; and (3) cease and desist retaliatory disciplinary actions against reporting female inmates.

The first course of action (physical separation of these inmate populations) feasibly might occur by reserving a yard in CCWF for inmates with penises, by constructing a new yard in CCWF for such a purpose, or by housing inmates with penises whose "gender identity" leads them to prefer not being housed in a men's facility, in a medical or similar special needs facility available throughout the CDCR prison system. The second course of action must include as a sexual

victimization risk factor the capacity to become pregnant, and proper PREA reassessments must be conducted by CCWF staff trained on conducting inmate interviews thoroughly and sensitively, and on completing the PREA screening form within the SOMS system. The third course of action can and should be remedied immediately by dropping RVR charges against inmates Johnson, Sadiq, and Quinn.

Only by stabilizing the sexual victimization risk situation (via physical separation of inmates with penises from inmates with vaginas) and then conducting meaningful PREA assessments, can CDCR deliver on its obligation to protect female inmates from avoidable risks of sexual violence. Every female inmate (and post-op transwoman inmate) currently in CCWF, and every male inmate who desires placement in CCWF due to “gender identity” rather than being female, must be screened using risk assessment tools that meaningfully address the gravamen of PREA’s mandate for correctional institutions to prevent and minimize the risk of prison rape. This must include objectively factoring in the physical and sociological reality that the *sex of a potential perpetrator and victim* matters tremendously in any evaluation of whether a particular inmate is at risk of abuse, or at risk for abusiveness. Proper risk screening must include recognition by CDCR that male inmates whose vulnerability *to sexual abuse by men* are capable of posing serious risk of sexual abusiveness *toward women*.

As advocates for women’s rights, safety, and dignity in all aspects of law and society – and particularly in the context of detention, confinement, and imprisonment – we invite you to contact us for additional information or input as CDCR investigates and takes action to end the predictable yet avoidable pattern of sexual abuse being perpetrated by inmates with penises against female inmates in its custody.

Sincerely,

/s

Candice Jackson

FREEMAN MATHIS & GARY, LLP

/s

Lauren Adams

WOMEN’S LIBERATION FRONT

CC:

Attorney General of California, Hon. Rob Bonta

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STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL
 CDCR 602 (REV. 03/12)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 1

<p style="text-align: center;">IAB USE ONLY</p>	<p>Institution/Parole Region: <u>CCWF</u> Log #: <u>135537</u> Category: _____</p> <p style="text-align: center;"><small>FOR STAFF USE ONLY</small></p>
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You may appeal any California Department of Corrections and Rehabilitation (CDCR) decision, action, condition, policy or regulation that has a material adverse effect upon your welfare and for which there is no other prescribed method of departmental review/remedy available. See California Code of Regulations (CCR), Title 15, Section 3084.1. You must send this appeal and any supporting documents to the Appeals Coordinator (AC) within 30 calendar days of the event that led to the filing of this appeal. If additional space is needed, only one CDCR Form 602-A will be accepted. Refer to CCR 3084 for further guidance with the appeal process. No reprisals will be taken for using the appeal process.

Appeal is subject to rejection if one row of text per line is exceeded. WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First): <u>Grant, Chanel</u>	CDC Number: <u>WG0796</u>	Unit/Cell Number: <u>514-18</u>	Assignment: <u>Kitchen CID</u>
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State briefly the subject of your appeal (Example: damaged TV, job removal, etc.):

Assaulted by an inmate

A. Explain your issue (If you need more space, use Section A of the CDCR 602-A): On May 28th 2021 at approximately 8:30 A.M. in unit 516 cell 24 I was battered by inmate Anthony Lipsy WB1128. At the time of this assault I was at the sink brushing my teeth a conversation started

B. Action requested (If you need more space, use Section B of the CDCR 602-A): I would like to press charges criminal charges against inmate Lipsy WB1128. I would also like to be compensated monetarily for mental anguish, and physical abusive and

Supporting Documents: Refer to CCR 3084.3.

Yes, I have attached supporting documents.

List supporting documents attached (e.g., CDC 1083, Inmate Property Inventory; CDC 128-G, Classification Chrono):

No, I have not attached any supporting documents. Reason: _____

Inmate/Parolee Signature: [Signature] Date Submitted: 6-02-21

By placing my initials in this box, I waive my right to receive an interview.

RECEIVED

JUN 07 2021

CCWF
GREIVANCE OFFICE

STAFF USE ONLY

C. First Level - Staff Use Only

Staff - Check One: Is CDCR 602-A Attached? Yes No

This appeal has been:

- Bypassed at the First Level of Review. Go to Section E.
- Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____
- Cancelled (See attached letter) Date: _____
- Accepted at the First Level of Review.

Assigned to: _____ Title: _____ Date Assigned: _____ Date Due: _____

First Level Responder: Complete a First Level response. Include Interviewer's name, title, interview date, location, and complete the section below.

Date of Interview: _____ Interview Location: _____

Your appeal issue is: Granted Granted in Part Denied Other: _____

See attached letter. If dissatisfied with First Level response, complete Section D.

Interviewer: _____ Title: _____ Signature: _____ Date completed: _____
(Print Name)

Reviewer: _____ Title: _____ Signature: _____
(Print Name)

Date received by AC: _____

AC Use Only
 Date mailed/delivered to appellant ____/____/____

STATE OF CALIFORNIA
 INMATE/PAROLEE APPEAL FORM ATTACHMENT
 CDCR-0602-A (REV. 03/12)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 1

IAB USE ONLY	Institution/Parole Region: CCWF	Log #: 175537	Category:
FOR STAFF USE ONLY			

Attach this form to the CDCR 602, only if more space is needed. Only one CDCR 602-A may be used.
 Appeal is subject to rejection if one row of text per line is exceeded. WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First): Grant Chanel	CDC Number: WG 0796	Unit/Cell Number: 514-18	Assignment: Kitchen CID
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A. Continuation of CDCR 602, Section A only (Explain your issue): in the room about inmate Lipsey walking around with his tennis shoes on while the floor was ~~empty~~ and wet. All I asked him was not to walk on the floor while it was getting mopped, like I have asked ~~me~~ multiple times before. When I asked him that he became mad and very irate saying he is tired of all the women in this prison and ~~thru~~ their complaints, inmate Lipsey did not like the simple fact of ~~some~~ a woman asking him not to do something. He started to yell and curse, then walked up on me very aggressively, while I was still brushing my teeth trying to intimidate me. I turned and stated in not scared of you can you please give me my personal space. He then proceeded to walk away, so I continued to brush my teeth that's when he walked up and punched me closed fist in the side of my ~~face~~ ~~eye~~ directly in my jaw. I turned around why did you hit me, I was then going to wait for the door to open to tell officer, but then continued to try to intimidate me and my roommates. That's when I knocked on the door ~~then~~ ~~me~~ and inmate Lipsey both stated he attacked me.

Inmate/Parolee Signature: _____ Date Submitted: 6-04-21

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 JUN 07 2021
 CCWF
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STAFF USE ONLY

B. Continuation of CDCR 602, Section B only (Action requested): for any other medical expenses that may arrive in the future due to my jaw be fractured

Inmate/Parolee Signature: _____ Date Submitted: _____

California Department of Corrections and Rehabilitation
 Division of Correctional Policy Research and Internal Oversight
 Office of Research
 February 09, 2022

**Number of Offenders Who Identify as Transgender, Intersex, or Non-Binary
 Housed in Male Facilities Seeking Transfer to Female Facilities
 And Percentage Who are Registered Sex Offenders or Convicted of a Sex Offense**

Number of Offenders Who Identify as Transgender, Intersex, or Non-Binary Seeking Transfer to Female Facilities	Percentage Who Are Registered Sex Offenders	Percentage Who Were Convicted of a Sex Offense
287	33.8%	25.8%

PRA #: C003950-122521

Data Source: Strategic Offender Management System. Cohort as of December 19, 2021. Offense and sex registration data as of December 31, 2021.